#6580.

Presented
by
John Shuster
to his wife.
Isabella Shuster
1886

Sketched by W. Beattie. W.H.Mc. Farlane, Lith. Edin.

DUMFRIES IN 1867.
from Kirkland Field, Craig.

History of Dumfries

SEAL OF DEVORGILLA

by

William Mc. Dowall.

EDINBURGH,
ADAM & CHARLES BLACK.

HISTORY

OF THE

BURGH OF DUMFRIES,

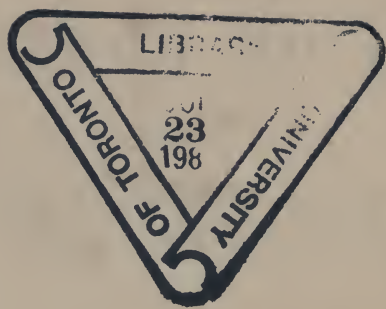
WITH NOTICES OF NITHSDALE, ANNANDALE,
AND THE WESTERN BORDER.

BY

WILLIAM McDOWALL,

AUTHOR OF "THE MAN OF THE WOODS, AND OTHER POEMS;"
"THE VISITOR'S GUIDE TO DUMFRIES," ETC.

EDINBURGH:
ADAM AND CHARLES BLACK.
1867.



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PREFACE.

When this work was commenced by the author, he did not intend it to be of more extent than seven hundred and fifty pages; but, as he proceeded with his task, materials for it accumulated on his hands. Even since the early chapters were sent to press, he has been under the necessity of introducing new matter, that has swelled the volume to its present size; and he fears that faults of omission, as well as of commission, may still be laid to his charge.

Numerous Dumfriesshire "notices" have been introduced, but only when they were required to make the general narrative intelligible, or to illustrate in some way the annals of its principal town: in no sense, therefore, does the work profess to be a County history. Two volumes as portly as the present one, however well composed, could scarcely do justice to such a prolific theme.

The thanks of the author are due to Mr. David Laing, of the Signet Library, and the Curators of the Advocates' Library, for the obliging manner in which they facilitated his researches. All the local custodiers of documents which the author required to consult were not less considerate: and to them his grateful acknowledgments are also tendered. The numerous stores of

information that are under the care of Mr. Martin, the town clerk of Dumfries, were laid freely open; Mr. Simpson, clerk to the Commissioners of Supply, gave ready access to the County records; and those of the Custom-house were also placed within the author's reach by Mr. Millar, the collector.

Many valuable manuscripts written by the late Mr. W. F. H. Arundell of Barjarg, were in the most handsome manner lent by that gentleman's son, Mr. W. F. Hunter Arundell, to the author, with liberty to use them, and were found to be of great service as regards the genealogy of County families. He has also had the advantage of receiving valuable materials and advice from Mr. Robert Carruthers of Inverness; and he begs also to acknowledge the services rendered in various ways to the work by the Rev. James Dodds of Dunbar, the Rev. Wm. Bennet of Moffat, Mr. James Starke of Troqueer Holm, Mr. James H. M'Gowan, town chamberlain, Dumfries, Mr. Robert K. Walker, town clerk, Maxwelltown, and Mr. Joseph Irving of Dumbarton, author of an excellent "History of Dumbartonshire." The long, deadly feud that raged between the Maxwells of Nithsdale and the Johnstones of Annandale, and which sometimes deeply involved the Burgh of Dumfries, has never hitherto been fully narrated; and if the author has succeeded in clearing up some mysterious passages of the quarrel, his success is due in some measure to information received by him from Mr. Charles Stewart of Hillside, and the late Mr. Francis Maxwell of Breoch. Regarding the common lands of the Burgh, no one in Dumfries, we believe, knows so much as Mr. Robert Paterson, V. S.; and the author feels that, without his aid, which was cordially given, he could not have presented so much reliable information upon the subject as he has done in these pages.

For a photograph of the Lady Devorgilla's seal, as appended to her deed endowing Balliol College, Oxford, the author owes his thanks to the Master of that College, Dr. Robert Scott. Correctly copied on stone, the effigy and arms of this illustrious woman constitute, it is hoped, an acceptable vignette for a work relating to the Burgh of which she was a munificent patroness. The view of Dumfries in 1777 is taken from an etching presented to the author by Mr. David Laing.

To the preparation of this History the precarious leisure snatched from five years of a somewhat busy life has been devoted. The author, in surveying the result, sees much that might have been improved; but he trustfully commends it, with all its defects, to the generous consideration of his fellow-townsmen, and Dumfries readers everywhere, on whose verdict its failure or success must mainly depend.

KINGHOLMBANK, DUMFRIES,
October, 1867.

SUMMARY OF CONTENTS.

ERRATA.

Page 648, line 23, for "£200" read "£2,000."
" 688, " 5, for "Cowheath" read "Conheath."
" 770, " 2, for "1,002" read "1,200."
" 866, " 5, see Appendix N.

HISTORY OF DUMFRIES.

CHAPTER I.

BRIEF GENERAL SKETCH OF DUMFRIESSHIRE—PHYSICAL ASPECTS OF NITHSDALE, ANNANDALE, ESKDALE, AND THE BURGH OF DUMFRIES—INQUIRY INTO THE ORIGIN OF THE TOWN—ROMAN OCCUPATION OF THE DISTRICT—THE SELGOVÆ, THE SCOTO-IRISH, THE SAXON AND NORMAN SETTLERS IN NITHSDALE—DEFEAT AND EXODUS OF THE BRITISH INHABITANTS OF DUMFRIESSHIRE.

DUMFRIESSHIRE, about whose chief town this work is principally written, lies in an elliptical form on the north side of the Solway Frith, its greater diameter extending about fifty miles, from the mountain of Corsincon in Ayrshire to Liddel Moat in Roxburghshire; and its smaller diameter stretching from Loch Craig, on the confines of Peeblesshire, to Carlaverock Castle, on the Solway—a distance of about thirty-two miles. It has a sea shore of fully twenty-one miles, running from the mouth of the river Nith to that of the river Sark; and its total circumference is one hundred and seventy-four miles, not including the estuaries of the Nith, the Lochar, the Annan, and the Sark:* its whole surface measuring 1,098 square miles.

The County is separated from Kircudbrightshire for several miles, on the south-west, by the water of Cairn, or Cluden; and from the point where that stream ceases to become its boundary line it is cinctured by a high mountain range, which breaks away westward from Cumberland into the south of Scotland—the only exception being an open part of Liddesdale, that slopes smoothly into the neighbouring shire of Roxburgh. At this exceptional point a frontier is supplied by the Liddel, and afterwards by the Liddel in conjunction with the Esk, till the

* Singer's Survey of Dumfriesshire, p. 2.

line, coming overland westward, touches the Sark, runs with that stream to the sea, then follows the devious margin of the Solway till it terminates at the estuary of the Nith; the Sark becoming in its course not simply the fringe of the County in that direction, but the small, faint border-line which divides England from Scotland. Dumfriesshire comprehends the districts of Nithsdale, Annandale, and Eskdale: which natural divisions nearly agree with the ancient jurisdictions that prevailed; the first having been governed as a sheriffship, the second as a stewartry, and the third as a regality. Its population, which was 39,788 in 1755, had risen to 75,878 in 1861. There are fifty-three parishes in the Synod of Dumfries, ten of which are in the stewartry of Kirkcudbright; these ten, with seven that are in the County, making up the Presbytery of Dumfries. The Parish of Dumfries has an area of fifteen square miles: its population a hundred years ago was about 5,500; at the beginning of the current century it was little more than 7,000; it is now double that amount.

The Nith is the chief river of the County. Coming from its cradle among the mountains east of Dalmellington, in Ayrshire, it describes a south-westerly course, watering by the way the Royal Burgh of Sanquhar, at the head of the dale, and further down the ducal village of Thornhill, around which the country opens well up—spacious plains, claiming with success ample room and verge from the highlands, that seem at points further north as if they wished to shut up the valley altogether. From an eminence westward of Thornhill the enormous mass of Drumlanrig Castle is seen, says Robert Chambers, looking down "with its innumerable windows upon the plain, like a great presiding idol"*—the embodied genius of feudalism. One of the barrier ridges northward is pierced by the narrow gloomy pass of Enterkin, through which the sister vales of Nith and Clyde keep up precarious intercourse. Lower down, at Auldgirth Bridge, near Blackwood, the mountain ranges that environ the dale approach each other more closely, then recede, till round and below Dumfries a spacious plain, like that of "Lombardy in miniature," is formed; differing chiefly from its beautiful Italian type in having a larger proportion of upland compared

* Picture of Scotland, p. 235.

to its champaign country.* The Nith is swelled by numerous brooks at various stages of its course—its latest and greatest acquisition being the Cluden, a mile above Dumfries; and about eight miles below the Burgh the river falls into the Solway Frith: its entire course being forty-five miles.

An upland spot, where the counties of Lanark, Peebles, and Dumfries confront each other, gives birth to three streams, according to the popular rhyme,

> "Annan, Tweed, and Clyde,
> All arise from one hill-side."

The Annan, after a headlong rush from its highland home, five miles above the pretty watering-place of Moffat, is joined two miles below that town by several tributaries; it then proceeds more leisurely in a southerly direction down the dale to which it gives a name, and which, narrowed at first by rocks or ridges, expands into a wide fertile basin called the Howe of Annandale, studded with villages and spangled by the nine lakes of Lochmaben; Bruce's ancient burgh and the town of Lockerbie occupying conspicuous situations on its western and eastern sides. Other rivulets, including the Dryfe, give increased volume to the stream below Lochmaben; the valley narrowing again as the waters grow wider and deeper. When little more than a mile from its bourne in the sea, it waters the second town in Dumfriesshire, the Royal Burgh of Annan; the entire course of the river measuring nearly forty miles. The ancient stewartry of Annandale had a wider range than the valley of the Annan, as it comprised the tracts of country that lie eastward to the Sark, and westward along the Solway towards the Lochar.

Dumfriesshire is separated from England for fully a mile in extent by the Esk, which river, starting from the frontiers of Selkirkshire, takes a southern route, sweeps past the baronial town of Langholm, and after being a Scottish stream to the extent of thirty miles, it enters Cumberland, passes by Longtown, then takes a westward turn, and falls like its two sister rivers into the Solway. The length of the Esk is nearly forty miles: part of its lower waters, meandering through the Debatable Land, constitutes a portion of the Western Border; and

* Fullarton & Co.'s Gazetteer of Scotland, vol. i., p. 425.

often, as we shall have to notice, its waves ran red with blood to the sea, owing to its boundary position between two hostile nations.

Having given these brief sketches of Nithsdale, Annandale, and Eskdale, let us point out with a little more detail the position and aspect of the County town. Snugly built on the left bank of the river, eight miles above where it loses itself in the Solway, stands the Royal Burgh of Dumfries. When viewed from the neighbouring heights, especially those on the opposite Galloway side, the town with its environments forms a charming picture. The old Burgh is seen lying nestled in the plain below, bosomed in umbrageous woods, while gentle acclivities or bolder elevations rise like the seats of an amphitheatre on every side. Hill and dale contrast finely with each other; country and town seem linked in kindly fellowship—the handicraft creations of man mingling without harshness or abrupt transition with the inimitable works of nature; while here and there may be noticed a barren track or rugged peak, varying without impairing the attractiveness of the landscape. Nithsdale, with its queenly capital, looks indeed beautiful when seen at summer tide from such a "coign of vantage"—the sight suggesting the appreciative words of Burns:—

> "How lovely, Nith, thy fruitful vales!
> Where spreading hawthorns gaily bloom;
> How sweetly wind thy sloping dales!
> Where lambkins wanton through the broom."

A range of hills far to the north, or left, is cleft by the river; and one of the separated portions, passing eastward, terminates in the heights of Mouswald; while the other, taking a western sweep, culminates in Criffel. Within the enclosure thus formed lies the oval-shaped strath itself; and after marking its fertile fields, its "lown," sunny nooks, and its smiling groves, the eye rests with human interest on the spires and pinnacles, the tall chimneys and clustering domiciles, just below, where a "link" of the Nith is seen lying like a miniature lake—all telling that a hive of industry, busy though small, has its homestead in these vernal bowers.*

* Visitor's Guide to Dumfries, p. 3.

The Burgh, thus pleasantly situated, lies in the latitude of 55 degrees, 8 minutes, and 30 seconds, north; its longitude being 3 degrees, 36 minutes, west. Its population at the date of the last census, in 1861, was 12,360. Maxwelltown, separated from it by the river, joins with it to form a Parliamentary Burgh. The Burghal constituency numbers 536, and the Parliamentary constituency 651. The population of the Royalty has rapidly increased since 1861, and may now be reckoned at about 13,500.

Such, in brief, are the aspect and size of the Burgh in 1866; and after this preliminary glance at it, and the district with which it is associated, we must withdraw from the picture for a long while. Going far back into the misty depths of the past —the distant days of other years—we must endeavour to ascertain the origin of the town—see how it looked in its embryo state, when its first rude buildings threw shadows on the rising beach, or were mirrored in the river's bosom; then follow its varying fortunes—mark its growth and periods of temporary decadence—till we can reproduce the sketch just laid aside, of Dumfries as it now is, and fill in a few details to render the likeness more complete.

No positive information has been obtained of the era and circumstances in which the town of Dumfries was founded. There are distinct traces of its existence as far back as the eleventh century; and it may be fairly inferred that it had its origin at a period much more remote—though we fear those writers who hold that it flourished as a place of distinction during the Roman occupation of North Britain, would experience great difficulty in establishing their hypothesis. It is not unlikely that the Selgovæ, who inhabited Nithsdale and neighbouring districts at that time, and who, by means of their rude but strong forts, long resisted the legions of Agricola, may have raised some military works of a defensive nature on or near the site of Dumfries; and it is more than probable that a castle of some kind formed the nucleus of the town. This is inferred from the etymology of the name, which, according to the learned Chalmers, is resolvable into two Gaelic terms signifying a castle in the copse or brushwood.*

* Caledonia, vol. iii., p. 44.

According to another theory, the name is a corruption of two words which mean the Friars' Hill; those who favour this idea alleging that St. Ninian, by planting a religious house near the head of what is now the Friars' Vennel, at the close of the fourth century, became the virtual founder of the Burgh;* but Ninian, so far as is known, did not originate any monastic establishments in Nithsdale or elsewhere, and was simply a missionary or evangelist on a great scale. In the list of British towns given by the ancient historian Nennius, the name Caer Peris occurs, which some modern antiquarians—without any sufficient warrant, we think—suppose to have been transmuted, by a change of dialect, into Dumfries.† Others, again, fancy that Bede alludes to the town when he states that St. Wilfred, a zealous North of England Bishop of the seventh century, held a Synod "juxta fluvium Nidd."‡ But, if so, it is singular that so careful a chronicler as Bede did not denote the town in more specific terms. Most likely the Nidd he speaks of is the river of that name in Yorkshire.

In connection with this question there is yet another hypothesis. When, in 1069, Malcolm Canmore and William the Conqueror held a conference respecting the claims of Edward Atheling to the English Crown, they met at Abernithi—a term which in the old British tongue means a port at the mouth of the Nith.§ Surely, it has been argued, the town thus characterized must have been Dumfries; and therefore it must have existed as a port in the Kingdom of Strathclyde, if not in the older Province of Valentia. Unfortunately for this assumption, the town is situated eight or nine miles distant from the sea; and we cannot suppose that the estuary of the river was higher up in the eleventh century than it now is, whatever it may have been in the pre-historic ages. Some forgotten village called Abernithi may have, long since, looked out on the waters of the Solway; but that name could scarcely have been borne by the Burgh of whose origin we are in search.

In the earliest charter to the town, still extant—that of

* MS. Lecture by Rev. H. Small, Dumfries.

† Paper read by Mr. Skene before the Society of Antiquaries of Scotland, on the Early Frisian Settlements in Scotland.

‡ Bede, Eccles. Hist., lib. v., cap. 20. § Redpath's Border History, p. 63.

Robert III., dated 28th April, 1395—the appellation given is "Burgi de Drumfreiss," a form of spelling which, with one "s" omitted, continued in vogue till about 1780. During the reign of Alexander III. and the long interregnum which followed, the form nearly resembled that of the present day—the prefix being generally Dun or Dum, rather than Drum: thus, in a contemporary representation made to the English Government respecting the slaughter of John Comyn in 1305, the locality is described as "en l'eglise de Freres meneours de la ville de Dunfres;"* and, thirty years afterwards, we read of the appointment of an official as "Vice Comitatus de Dumfres."† Such uncouth spellings of the name as Dunfreisch, Droonfreisch, and Drumfriesche, occasionally occur in old documents; but the variations are never so great as to leave any doubt as to the town that is meant; and nearly all more or less embody the idea of a "castle in the shrubbery,"‡ according to the etymology of Chalmers, which we accept as preferable to any other that has been suggested."§

Whilst we are unable to identify Dumfries with any organized community of Britons during the Roman period, there can be no doubt that the district in which it lies was for several centuries ruled over and deemed of much importance by the invading Romans. Apart from the written testimony on the subject, many traces of their presence in Dumfriesshire are still to be found; coins, weapons, sepulchral remains, military earthworks, and roads being among the relics left by that conquering and civilizing race of their lengthened sojourn in this part of Scotland. An interesting inquiry it would be to consider how far they intermingled with the aboriginal population, and left the

* Sir Francis Palgrave's Documents and Records Illustrative of the History of Scotland, p. 335.

† Rotuli Scotiæ, vol. i., p. 271.

‡ The only exception we have met with occurs in a Papal Bull issued against Bruce in 1320 for the homicide of Comyn, which is stated to have been perpetrated in the Minorite Church of "Dynifes."

§ Chalmers's words are: "This celebrated prefix *Dun* must necessarily have been appropriated to some fortlet, or strength, according to the secondary signification of that ancient word. The *phrys* of the British speech, and the kindred *phreas* of the Scoto, signify shrubs: and the Dun-fres must consequently mean the castle among the shrubberies, or copsewood."—*Caledonia*, vol. iii., p. 45.

impress of their genius on its living tide as well as on the material soil; and we may fairly hazard the supposition, that though the Romans visited the territory of the Selgovæ as enemies, they in course of time became in numerous instances friends and relatives by marriage, as well as conquerors. Thus, not only could the Dumfriesians of a later date speak of their Celtic, Cimbrian, British, Saxon, and Norman ancestors, but they might, in common with those of some other Scottish districts, have claimed blood-relationship with the masters of the world. The apostle Paul claimed rank and privilege as a Roman citizen on account of his birth at Tarsus; and it is a curious fact that the Caledonian tribes in the south of Scotland were invested with the same rights by an edict of Antoninus Pius.

In all, twenty-one British tribes occupied North Britain during the first century of the Christian era, and remained for ages afterwards the chief occupiers of the soil. Five of them, including the Selgovæ, subdued by the arms and civilized by the arts of Rome, occupied the extensive range of country which stretched from the rampart of Severus to the wall of Antonine, and was called the Province of Valentia by Theodosius, in honour of his imperial colleague Valens. These Romanized Britons of Dumfriesshire, Galloway, and the land further north, to the Frith of Forth on the east and the Frith of Clyde on the west, received freedom as well as civilization from their Italian conquerors. That the subjugated people were treated generously, is proved by the circumstance that they were, as we have said, made citizens of the Empire; and, as further evidence of the same fact, they were permitted to choose their own chief governor, or pendragon—whose rule, however, was often challenged by the district chiefs, though rarely interfered with by the Roman Emperors—that is to say, we suppose, when the tribute due by the province was promptly paid.

Late in the fourth century, the masterful race who had exercised a beneficial influence on Valentia took farewell of the country. The Empire, undermined by luxury, and harassed by barbarous hordes from the north of Europe, was falling to pieces; and its ruler Constantine, who for a time resided in Britain, left its shores, taking with him the flower of his army —all the forces belonging to Rome, in various parts of the

world, being needed for its defence. Then the Britons of Valentia, whom the Romans had helped to protect when assailed by the Scots from Ireland and their Caledonian neighbours in the North, found themselves in an unenviable predicament. The sixteen aboriginal tribes who had never acknowledged the Roman yoke, and remained as barbarous as they were brave, did not relish the idea of being shut out of the rich district that lay south of the Rampart of Severus. Impelled by acquisitiveness and a love of adventure, a portion of them, under the name of Picts, sailed down the Frith of Forth in their canoes and curraghs; whilst others of them, still more resolute, scaled the interposing wall; and soon the Britons found, to their dismay, that their hitherto happy district was overrun by painted savages, carrying with them fire and sword.

The Picts repeatedly ravaged Valentia in all its borders, and doubtless the Nith was often stained by the blood they shed; and if, at this early period, as some of our chroniclers assert, the drum or acclivity on which Dumfries now stands was occupied by a fortress, there would, we may suppose, be many a fierce struggle for its possession.

The Valentians were unable to shut out the invaders from their territory; and the latter, though powerful enough to plunder and slay, were not sufficiently organized to take complete possession of the land. They were wild marauding clans, held together by common instincts rather than by a regular form of government, or even the asserted supremacy of a ruling chief. It is probably owing to this circumstance that the Britons of the far north, the un-Romanized Caledonians or Picts (for these are probably the same people under different names*), did not conquer the south of Scotland. Had they done so, and established their authority over the whole country, the tide of its civilization would have been rolled centuries backwards, and Scotland could scarcely ever, in the nature of things, have occupied a high position in the scale of nations. The brave defence made by the Selgovæ and their allies, combined with the disorganization of the Picts, kept Valentia from being thrown back into barbarism, and saved the sceptre of the future

* Caledonia, vol. ii., p. 6.

kingdom for better hands—those of the Scots, a people of the same Celtic origin as the Britons, who had long been settled in Ireland, had frequently sent over to Galloway and other parts of Britain shoals of adventurers, and who eventually, after subduing their Pictish rivals, conquered the Britons also, and gave their rule and name to the entire country, from the Promontory of Orcas to the Wall of Antonine.

We must, however, confine our attention at present to the fortunes of the primitive inhabitants of Dumfriesshire. Two of the tribes with whom they were associated, the Ottadini and Gadeni, though able to hold their own against the Picts, were subdued by the Saxons from Northumbria, who, after defeating them at the battle of Cattraeth, occupied their territory, which lay between the Tweed and Forth. Thus Valentia came to be restricted to Teviotdale, Dumfriesshire, Galloway, Ayrshire, Renfrewshire, Strathclyde, and parts of Stirlingshire and Dumbartonshire. This district, still a very extensive one, was called *Regnum Cambrense*, the Kingdom of Cumbria, and sometimes the Kingdom of Strathcluyd, its metropolis being Alcluyd, which the Scoto-Irish subsequently called Dunbritton, the fortress of the Britons—hence the modern name of the town, Dumbarton. For at least a century after the Scots had established their supremacy over the rest of the country, the Strathcluyd Britons maintained their independence. The Saxons and Danes sometimes invaded their territory; and the former appear to have subdued a portion of it at the close of the seventh century, and to have partially colonized Dumfriesshire, or, as Chalmers says, to have scattered over it "a very thin settlement."*

A century later, however, we find members of their royal family intermarrying with those of the Scottish monarch—a proof that the Selgovæ and their kinsmen were still a powerful race. Gradually, however, their strength became reduced, and their dominions circumscribed. The nuptial alliances made with the neighbouring sovereigns proved a new source of weakness to the dispirited Britons, as they were the means of introducing amongst them so many Scots that they could scarcely call the place their own. The strangers settled in great numbers throughout Galloway, and not a few of them passed from that

* Caledonia, vol. iii., p. 61.

province to the left bank of the Nith, till all the southern portion of Strathcluyd seemed to be on the verge of a peaceful social revolution.

The Cumbrians were almost subdued by the new comers before they fairly realized their danger; and, thoroughly jostled out of the territory which their race had colonized and occupied for many centuries before the Christian era, they arranged with Gregory, King of Scots, to leave it and seek an asylum from their British countrymen in Wales. Whilst on their sorrowful journey southward, they were seized with home sickness—repented that they had tamely yielded up their rich heritage, and resolved to win it back or perish, rather than pine in exile. A report reached them that the King of Scots had, after their departure, disbanded his army, and was therefore defenceless—which news either originated or confirmed their determination to retrace their steps.

Our historians do not exactly agree in their account of subsequent events; but they concur in stating that after the expatriated Britons had re-entered their territory, and plundered the new settlers to a large extent, they heard with alarm that Gregory had collected a considerable force, and was hastening to overtake them. The tidings proved to be correct. The infuriated monarch fell upon them at the place now occupied as Lochmaben: a brief but sanguinary struggle ensued, which ended in the utter rout of the Britons, Constantine their king falling among heaps of slain. His followers who escaped the battle were slaughtered in the pursuit, few of them being spared to tell the tale; but the huge *tumuli*, still visible at the scene of the contest,* tell of the terrible carnage in which the vengeance of Gregory was slaked, and the Kingdom of Cumbria annihilated.† After this decisive engagement, which took place in the year 890, the Britons existed no more as a separate people in Scotland; and the government of that country began to be consolidated and directed by a single sovereign.

It is not to be supposed, however, that the British element was, by this memorable exodus and overthrow, entirely blotted

* Statistical Account, vol. iii., p. 241.

† Buchanan's History of Scotland, book vi., chap. xi.; and Chalmers's Caledonia, vol. iii., p. 61.

from the population of Dumfriesshire. Many of the Cumbrians formed matrimonial alliances with the dominant Scots, and many others would probably remain in the district while the great body of their countrymen went on their forlorn expedition to Wales. We think there is every reason to believe that the people who lived in it for eleven centuries at least, and were the first to settle in it, of which history takes notice, became nearly as much as either the Scoto-Irish or the Saxons the progenitors of the existing race; and if they are thus in one sense continuing to occupy a part of the soil, which they long exclusively held, we know that their language still survives in the names of rivers, streams, mountains, and headlands, most of which in Dumfriesshire and Galloway are British: the nomenclature of the first colonists thus remaining unchanged by the conflicts of race or the flight of ages.

CHAPTER II.

FICTITIOUS CELTIC GENEALOGIES OF NITHSDALE—SUPREMACY OF THE SAXONS —INTRODUCTION OF CHRISTIANITY—GLIMPSES OF THE "CASTLE IN THE BRUSHWOOD" AND ITS NEIGHBOURING CABINS, THE NUCLEUS OF THE FUTURE TOWN—DUNEGAL, LORD OF STRANITH—ALAN, LORD OF GALLOWAY; HIS CONNECTION WITH DUMFRIES — DEVORGILLA — SETTLEMENT OF OTHER FAMILIES IN THE DISTRICT: THE CARRUTHERSES, THE MAXWELLS, THE DOUGLASSES, THE SCOTTS, THE CRICHTONS, THE FERGUSSONS, THE GRIERSONS, THE MURRAYS, THE RIDDELS, THE CHARTERISES, THE DINNISTOUNS, THE DE MANDEVILLES, THE HERISES, THE DE MOREVILLES, THE MAITLANDS, THE HUNTERS, THE DE ROSINDALES, THE BRUCES, THE BALIOLS, THE COMYNS, THE KIRKPATRICKS, THE CARLYLES, THE JARDINES, AND THE JOHNSTONES.

FAINT notices—not very reliable, we fear—are given by pedigree-makers respecting some Nithsdale families of this early time. Nuath, son of Coel Godhebog, a Cumbrian prince who flourished before 300, owned lands in Annandale and Clydesdale, it is said, which were named, after him, Caer-nuath or Carnwath. If this statement could be relied upon, it would be no very bold hypothesis to say that the river Nith also owes its name to the son of Godhebog. One of Nuath's descendants of the fourth generation, Loth, a Pictish king, formed a strong encampment along the base of the Tynwald hills, which bore the appellation of Barloth. The second son, Gwallon, built a chain of forts extending from Dryfesdale to the vicinity of Lochmaben, the designation of which is still preserved in the existing farm of Galloberry. Gwallon's sister, Thenelis, was the mother of the celebrated Kentigern, or St. Mungo, whose name is retained by a Dumfriesshire parish. Marken, or Marcus, brother of Loth, had a son named Kinder: to him belonged the district which now forms the parish of Newabbey, and which was at first called after him Loch-Kinder. A son of Kinder's, Yrein or Yrvin, owned lands in Eskdale, which bore his name; and to him, it is said, the prolific family of the Irvings, who ages

afterwards flourished in Annandale, and often held civic rule in Dumfries, owe their origin.*

The long mythical line of Coel Godhebog, now brought down till the sixth century, had already yielded saints as well as princes. In or about 560 it produced a rival to Ossian, in the person of Lywarch-Hen, called by the genealogists "a great poet."† He, like Moore's young minstrel, bore both lyre and brand. He wrote poems and built fortresses, none of which survive, though the names of the latter, Castle Lywar in Eskdale and Caer Laurie in the Lothians, still linger on the tongue of tradition. Better than all, perhaps, he founded a wide-spread family, who inherit his name in its modern form, Laurie, which is still a common one in Dumfriesshire. This warrior-bard left two sons, one of whom, Lywarch-Ogg, is said to have settled down on the north shore of the Solway, within the region termed Carbantorigum by Ptolemy, and there, early in the seventh century, originated the greatest of the Nithsdale fortresses, Caer-Lywarch-Ogg, named after himself, and historically famous as the Castle of Caerlaverock.‡

About eighty years after the era of this potentate, the Scoto-Irish begin to exercise a complete ascendency. They have gone far to absorb both Picts and Britons, and are seen overspreading all the land south of the Forth and Clyde. "As a result," says Chalmers, "the whole of Galloway and Carrick becomes full of Scoto-Irish names of places, all imposed by the Irish colonists who settled in these countries at the end of the eighth century, and who in subsequent times gradually overspread Kyle, the upper part of Strathclyde, and even pushed into Nithsdale and Eskdale." Our Dumfries progenitors of the eighth century spoke in the old British tongue, best represented by the modern

* Barjarg Manuscripts.

† The alleged poems of Lywarch-Hen have been investigated lately by Mr. Thomas Wright and others. These critics reject them all as spurious save one—"A Lament for Urien"—the rest being considered by them as Welsh inventions of the twelfth century.

‡ Grose seems half disposed to accredit this statement. His words are: "The castle [of Caerlaverock] is said to have been originally founded in the sixth century by Lewarch-Ogg, son of Lewarch-Hen, a famous British poet, and after him to have been called Caer-Lewarch-Ogg, which in the Gaelic signified the city or fortress of Lewarch-Ogg."—*Antiquities*, vol. i., p. 159.

Welsh; but in the ninth century, and for a long period afterwards, their language was Gaelic, similar to that which is now used in the Highlands and some parts of Ireland.

As yet the boundary line between Scotland and England was undefined. For centuries before the reign of Alexander II., a large portion of Saxon Cumberland—six manors, it is said—formed an integral part of the former kingdom, except for a short period, when William the Conqueror dispossessed its Scottish occupants and divided it among his followers, assigning large lands on the eastern side of the Esk to a knight named De Estonville, from whom they descended by marriage to the De Wakes. If this circumstance led to frequent wars, it also facilitated the intercourse of the two peoples. Dumfriesshire had not become, as yet, a border country; there was no broad line of demarcation between its Celtic inhabitants and the Anglo-Saxons further south: as a consequence, these races would exercise an influence on each other; and when Malcolm Canmore married an English princess, in 1069, this reciprocal influence was greatly enhanced. The Queen of Scots was followed to her new home by numerous relatives and domestics; and the Norman Conquest of England, about the same period, drove thousands more of expatriated Saxons into North Britain, where they settled, and soon became a felt power in the country.

Some of the Norman chiefs followed them, as we shall see, at a later period; and the races who were at fierce antagonism in England, manifested no such feeling towards each other when they met further north. Many families who subsequently played a distinguished part in Scottish public life, were founded by these Saxon or Norman settlers, and some by a union of both. Especially was this the case in that portion of the kingdom to which this history relates.

As a result of the immigration, a new speech was heard everywhere on the banks of the Nith, and many parts of southern Scotland. Before the end of the twelfth century, the Anglo-Saxon, or rather the Scoto-Saxon, mother of our modern Doric, became the ruling language: it silenced the Gaelic, or banished it beyond the Forth, just as the Gaelic had previously subdued the original tongue. About this time we begin to get a dim view of Dumfries; but, before we endeavour to describe how,

at this early period, it looked, glimmering in the mist of the ancient chroniclers, an additional word or two must be said as to its probable origin and fortunes in pre-historic times.

We have seen how the Britons of Nithsdale were harassed by the Picts or Caledonians; and it is not unlikely that the latter, some time before the exodus under Constantine, may have planted down a rude fort of some kind on the site now occupied by Dumfries, with the view of securing a permanent footing in the district. They, however, never seem to have acquired a regular settlement on the left bank of the Nith; and to their kinsmen of a later period, the Scoto-Irish, the credit must be given of having built the castle which originated the town. Our forefathers of that early time did not erect many castles of stone and lime; and the defensive structure which, from its situation, conferred a name on the town that gradually grew up around it, was doubtless formed of oak, hewn down in some neighbouring forest—for there was nothing but brushwood on the somewhat barren and exposed hill which received the Castle for its crest.

The existence of such a fortress at a very early period is beyond the reach of doubt. A charter by William the Lion, witnessed by David his brother and others, describes a toft or tenement at Dumfries as being between the Castle and the Church; and another charter from the same monarch confers a piece of land similarly situated on Jocelyne, Bishop of Glasgow —the words used in the latter instance, "inter vetus Castellum et Ecclesiam," indicating that the Castle, even at that period (about 1180), was an ancient building. Supposing it to have been at the date of the grant a hundred and eighty years old, this would carry us back to 1000 as the year when this particular castle was erected; but long before that date a Selgovian fortlet on the same site may have been planted down and become the germ of the Burgh.

In considering a question of this kind, natural influences, in the absence of written documents, may sometimes be profitably consulted; and in the case before us there are two which especially claim attention: the first, a defile or pass in the mountain range overlooking the town on the west, through which the Scoto-Irish from Galloway would proceed when

entering Nithsdale; and the second is the circumstance that it was not till near the site of the town that the river Nith would become fordable by persons crossing it in an opposite way from Cumberland.* That under such conditions as these, a small colony of Scoto-Irish should, in the ninth or tenth century, have been planted down on the left bank of the river, is highly probable; and a few of the settlers may even have tenanted their rude cabins some time before a fortress rose to give a name and protection to their humble village.

We can easily fancy to ourselves a band of adventurous Celts taking possession of this favourable site, in spite of any opposition that may have been made to them by previous occupants. Crossing the Nith in their curraghs, or wading it at the fords, they would occupy at first only the drum or low shrub-covered hill-side—up which the oldest street of the Burgh runs—in order to maintain close communication with their friends in Galloway. Eventually growing more confident, they would, we suppose, creep a little north and south, thus giving a cross-like form to their colony, and by-and-by build for their defence a peel-house, the progenitor of several future fortresses, at the top of the acclivity. Friars' Vennel, the street first referred to, is unquestionably the most ancient portion of the town; and we are inclined to think that it and a small part of High Street, with a few adjoining outskirts, formed the Dumfries of the eleventh century. Soon afterwards, on being constituted a royal burgh, it must have expanded rapidly: the main thoroughfare running down nearly half a mile to the Church of St. Michael's, houses rising up in Lochmabengate, and all around the Castle, at the head of High Street; and forming, as a whole, no inconsiderable town.

During the long epoch which preceded the reign of Malcolm Canmore, the district watered by the Nith had experienced many changes. The Britons, rude and idolatrous, were its primitive occupants. Then we find them comparatively civilized by their Roman conquerors, though still left by them in all the moral darkness of their original heathenism. The burrows, cairns, and remains of stone temples still to be seen in the district, tell of a time when Druidism was the prevailing religion,

* Dr. Burnside's MS. History of Dumfries.

and Christianity unknown. Before the Romans retired from Valentia, more potent civilizers than they appeared in it, and originated a beneficent influence that proved to be enduring. Ninian passing through Nithsdale bearing the Gospel lamp, and irradiating the moral darkness of the district, is the finest picture we can think of in these early times. He it was who first denounced the Druidical rites and superstition of its people, and called upon them to abandon their idolatrous groves and their altars, crimsoned at times with human blood, and embrace the new faith. This devoted apostle of the Selgovæ made many disciples, who had to endure the fires of persecution; but the pure doctrines which he preached made steady progress in spite of all opposition. Ninian commenced his labours about the year 400; and before another century had elapsed, nearly all the people of Valentia had been baptised. He founded a college at Whithorn, in Galloway; and Bede records that the first stone church in Britain was built by him at the same place, and appropriately called Candida Casa. The Scoto-Irish invaders of Valentia in the ninth century also professed Christianity, having been converted long before through the instrumentality of the Culdees under Columbia; and their intermixture with the Selgovæ, and ultimate ascendency over them, were on the whole fruitful of good results.

When the Saxons came in thousands, and the Normans in hundreds, to the south of Scotland, as encouraged to do by Malcolm Canmore and succeeding sovereigns, another powerful impulse was given to the civilization of the kingdom.

In the eleventh century we find the heterogeneous elements of the population so fused together that the inhabitants are not so much Britons, Picts, Scoto-Irish, or Saxons, but Scots, forming a nation, united under one common head, and their country taking a not unimportant position among the States of Europe. It is under such interesting circumstances as these that we get our first faint glimpses of Dumfries and Nithsdale—that we see the "castle" towering through the "brushwood," the cabins beginning to cluster round it, and the neighbourhood occupied by chiefs making some little figure in history, for which they were taken notice of by contemporary annalists or the eye of tradition.

Even down till the death of David I., which took place in 1153, Nithsdale was still for the most part Celtic in its people and institutions. Its lord or chief, Dunegal, one of the Dougalls or M'Dowalls of Galloway,* ruled over the valley in patriarchal style—the feudal system not yet having forced its way into this portion of Scotland. All the land on which the town of Dumfries now stands, and many a fair rood besides, were, under the name of Stranith, held by Dunegal as their legal superior; the inhabitants being recognized as the tenants of the soil, according to their real or supposed relationship to him as head of the clan. As a matter of course, the Castle of Dumfries belonged to him: he did not reside there, however, but at another stronghold situated fifteen miles further up the Nith—the Castle of Morton†—the hoary ruins of which still remain, carrying the beholder eight centuries back to an epoch and a people which present a striking contrast to those of the present day.

Dunegal of Stranid appears as witness of the grant made by David I. to Robert Brus of Strathannand, or Annandale, about 1124. When Dunegal died, his extensive possessions were divided among four sons left by him, only two of whom, Randolph (or Rodolph) and Duvenal, are specially noticed by the chroniclers of the time.‡ Randolph, the eldest, who inherited the largest share of Stranith, lived like his sire in the style of a petty king, at the patrimonial castle, till the reign of William the Lion. This, the second territorial magnate of Nithsdale, mentioned in history, acquired additional opulence by his marriage with the Lady Bethoc, who brought him Bethoc-rule, Bugh-chester, and other manors in Teviotdale; and from them sprang many illustrious descendants, the chief of whom was the celebrated Thomas Randolph, created Earl of Moray by Bruce, as a reward for his patriotic services during the war of independence.§

Dunegal's eldest son was no doubt superior of Dumfries: as such, he granted a portion of land lying near the town to the

* Tytler's History of Scotland, vol. i., p. 270. Other Gael

† Grose's Antiquities, vol. i., p. 148.

‡ Douglas's Peerage, p. 498. § Caledonia, vol. iii., p. 72.

Abbey of Jedburgh in 1147. Randolph had three sons, Duncan, Gillespie (or Gillipatrick), and Dovenald—the last of whom received from his father Sanchar, Ellioc, Dunscore, and other lands in the district, and was slain while quite a youth at the "Battle of the Standard." One of Dovenald's sons, Edgar, who lived in the reigns of William the Lion and Alexander II., gave the church of Morton to the Monastery of Kelso, and the churches of Dalgarnock and Dunscore to the Monastery of Holywood, or Darcongall, which stood at a distance of three miles from Dumfries. The children of this chief adopted the name Edgar for the family—one of the earliest recorded instances of the use of surnames in Nithsdale. His daughter, Affrica Edgar, who inherited the parish of Dunscore, gave the fourth part of it to Melrose Abbey;* one of his sons, Richard, owned the Castle and half of the barony of Sanquhar; and a grandson, Donald, acquired from David II. the captainship of the MacGowans, a numerous clan then located in the district. Edgar is still a common name in Dumfriesshire: one or two families who bear it have been settled in the parish of Carlaverock, on the Solway, for seven centuries; the common progenitor of all the Edgars having been the son of Dovenald the Scoto-Irish chief.

While the Dunegal dynasty was becoming less powerful, but before its influence finally disappeared, another Celtic family, the M'Dowalls, Lords of Galloway, from whom it originally sprang, became land-holders in Nithsdale, and closely associated with its hamlet-capital. In the reign of David I., the lordship of Galloway was held by Fergus. Distinguished for his warlike achievements, he was still better known as a patron of such learning as the age produced, and as a promoter of religion. To him the Monasteries of Tongland, Whithorn, and Soulseat, the Priory of St. Mary's Isle, and the Abbey of Dundrennan, owed their origin;† and it is believed that the revival in 1154 of the Bishopric of Candida Casa, which included part of Dumfriesshire, was due to his munificence.‡

Fergus left two sons, Uchtred and Gilbert, and one daughter,

* There is a farm in Dunscore called Edgarstown: so named, perhaps, from having been the residence of Affrica.

† Spottiswood's Religious Houses, chap. v., sect. 1.

‡ Murray's Literary History of Galloway.

bearing, like the descendant of Dunegal previously mentioned, the singular name of Affrica, who, marrying Olave, King of Man, became the progenitor of all its succeeding sovereigns of the Norwegian line. The two sons of Fergus inherited his dominions between them: they were broad enough for both; but Gilbert, a fierce, unscrupulous savage, wishing to be lord of the entire province, levied war upon his brother, surprised his Castle of Loch Fergus, near Kirkcudbright, and put him to death under circumstances of the most revolting cruelty. The unfortunate Uchtred founded the beautiful Abbey of Lincluden, near the confluence of the Cluden with the Nith, about a mile above Dumfries:* according to tradition, it eventually furnished a resting place for his mutilated remains; and its grey ruins still help to keep his memory green. Gilbert closed a life of turbulence eleven years after the fratricidal deed; and Roland, son of the murdered Uchtred, claimed a right to succeed him, which he enforced by the sword.

At Roland's death his eldest son, Alan, became undisputed ruler of Galloway. He was the last, and one of the best of its lords. By his marriage with Margaret, daughter of David, Earl of Huntingdon, and niece of William the Lion, he acquired a large addition to his territorial wealth. His position in Scotland was second only to that of the King; and so extensive were his possessions in England, that the Scoto-Irish chief was recognized as an equal by the proudest of its Norman chivalry. When, in 1211, King John invaded Ireland, Lord Alan assisted him with both men and arms: for which service he received from that monarch a grant of the Island of Ruglin and lands in Ulster. A few years afterwards we find him arrayed against his English sovereign, combining with other barons to extort from John the world-famous Magna Charta. Alexander II. seems to have at first been jealous of his powerful subject, and to have disapproved of his proceedings in the sister country; but when John temporarily overcame the leaguers of the Charter, and Alan fled northwards for protection, he was graciously received at the Scottish Court, and made Chancellor of the kingdom. It is a curious circumstance that in the royal charter which confers upon him this office, he is called, not Prince or Lord of

* Spottiswood, chap. xviii., sect. 2.

Galloway, but simply "Alan of Dunfres;"*—a clear proof that he had a large proprietary interest in the town,† and favouring the belief that he resided in it occasionally, fraternizing with his near kinsmen, the descendants of Dunegal, some of whom still bore rule in the district; the most prominent being Thomas, son of Rodolph, who died in 1261, and who was father of Thomas Randolph of Stranid, and brother-in-law to King Robert Bruce. Alan was three times married: by his first wife he had an only child, married to Roger de Quincy, a Norman baron; by his second wife he had a son, who died without issue, and two daughters, one of whom, Christian, wedded to William de Fortibus, left no offspring; the other was the far-famed Devorgilla, born in 1213, of whom we shall have much to say in a subsequent chapter.

Respecting the other territorial lords of Celtic lineage who flourished at an early period in Dumfriesshire, little is known. Probably some of them, by acquiring French-looking surnames, according to the courtly fashion which David I. encouraged, have been lost sight of, and figure in history as Norman barons. Some genealogists, as we have seen, find trace of a Nithsdale potentate in the name Carlaverock; but the reputed builder of the great Border fortress has a somewhat shadowy aspect, like Ossian's heroes.

Not so Ruther, a genuine patriarch of the old Gaelic stock, who, dying in the reign of David I., left his name to the parish lands he possessed, Caer-Ruther, corrupted to Carruthers—a parish so called, now annexed to that of Middlebie, and signifying the town of Ruther.‡ Thomas, son of Robert Carruthers, received from David II. a grant of Musfold (Mousewald); and his son is witness to a charter in 1363. In 1426, Roger Carruthers received a charter from Archibald, Earl of Douglas, of Holmains, Little Dalton, and other contiguous lands; and from

* Calendars of Ancient Charters referred to in Nicholson's History of Galloway, vol. i., p. 179.

† The volume of the Transactions of the Dumfriesshire and Galloway Natural History and Antiquarian Society for 1864–5, contains an ingenious and interesting paper on the connection of Alan, Lord of Galloway, with Dumfries, by Mr. James Starke, F.S.A., Scot.

‡ Barjarg Manuscripts.

him are descended the Carrutherses of Holmains, Warmanbie, and Dormont.

Here we may fittingly introduce the name of a great family with whose fortunes Nithsdale and Dumfries were most closely associated for centuries—the Maxwells: of a Scoto-Irish stock, according to some authorities; cradled in Normandy, the nursery-land of heroes, say others. David, Earl of Cumberland, afterwards King of Scots, gave lands on the Tweed, near Kelso, to Maccus: a Celtic-sounding name, though his father, Unwyn, it is stated, claimed a Norman lineage. The estate—called, after its proprietor, Maccusville—gave a name to the family, which in course of years became modified to Maxwell. We read of Ewen de Maccuswell being at the siege of Alnwick in 1093; and, not many years afterwards, of Eugene de Maccuswell marrying the daughter of Roland, Lord of Galloway, by which alliance the connection of the house with Dumfries was increased, if not originated. At a very remote period, they acquired possessions on the Solway; and if Lywarch-Ogg were a real personage—of which we entertain a lingering doubt—he might, with some degree of plausibility, be set down as the progenitor of the Maxwells, since the fortress which is said to bear his name first became historical in their hands. By whomsoever the Castle of Carlaverock was built, it belonged to them as far back as the days of Malcolm Canmore.

With the Maxwells are associated the old Celtic family of the Kirkconnells, who settled near the estuary of the Nith, on the Galloway side, in the days of Malcolm Canmore; taking their name from the lands they occupied, as was customary at that early period. John, Dominus de Kirkconnell, founded the Abbey of Holywood some time in the twelfth century;* and, about 1200, his supposed grandson, William Fitzmichael, granted a portion of the family patrimony to the monks of Holm-cultram. As Carlaverock Castle, on the opposite shore of the Solway, was within sight of Kirkconnell Tower, their owners were near neighbours; and what more natural than that their families should intermarry? Accordingly, in course of time Aymer, nephew of the first Lord Maxwell, espoused Janet, the heiress of the Kirkconnells, and the name of the latter

* Dugdale's Monasticon, vol. ii., p. 1057.

became merged in that of Maxwell. No fewer than five baronetcies were held by cadets of the Nithsdale Maxwells, namely, Springkell in Dumfriesshire, Cardoness and Monreith in Galloway, Calderwood in Lanarkshire, and Pollok in Renfrewshire.

For two centuries or more, no name was so much identified with the County as the illustrious one of Douglas:—

> "Hosts have been known at that dread sound to yield;
> And Douglas dead, his name has won the field."

"Sholto Dhu-glass!—Behold the dark man!" said the squire of Solvathius, King of Scots, on presenting to that monarch a swarthy stranger who had saved the royal life at a battle in the Western Isles. "'Dhu-glass' shall he be called," rejoined the grateful king; "and for his gallant service this day he shall receive broad lands in Lanarkshire as a reward." If this tradition is to be relied upon, the saviour of Solvathius was the ancestor of the Douglasses; but their historian, Hume of Godscroft, looking upon it as a fable, says: "We do not know them in the fountain, but in the stream; not in the root, but in the stem: for we know not who was the first mean man that did raise himself above the vulgar." William of Dufglass, the first of the name on record, witnessed a charter by Joceline, Bishop of Glasgow, to the monks of Kelso, some time between 1170 and 1190.* Passing over three generations, we reach the first of the name who was associated with Dumfries—Sir William Douglas, the friend of Wallace, and father of the good Sir James Douglas, the hero of Otterburn.

The origin of the Scotts, like that of the Douglasses, is so remote, that it cannot be traced with certainty. "Uchtredus filius Scoti," are words which occur in a deed of inquisition regarding the church of Glasgow in the days of Alexander I., and which seem to denote a Scoto-Irish knight residing in a district chiefly occupied by people who were not Celts. Uchtred's son, Richard le Scot, was witness to the foundation-charter of the Priory of St. Andrew's some time before 1158.† Richard is said to have had two sons, one called after himself, who occupied the lands of Murdochstone, or Murdieston, in Clydesdale, from

* Douglas's Peerage, vol. i., p. 419. † Ibid, vol. i., p. 245.

whom are descended the Scotts of Buccleuch; the other, Michael, who gave rise to the Scotts of Balwearie. It was not till several centuries afterwards that the noble family, who have now an yearly rental in Dumfriesshire of £79,000,* possessed a rood of land in the County; their first acquisition there having been when Sir Walter Scot of Kirkcup, who had some time before bartered Murdieston for Branxholm in Roxburghshire, received a grant of part of the barony of Langholm from King James II., in 1459.

A Celtic chief who possessed the lands of Crichton in Mid-Lothian in the reign of Malcolm Canmore, borrowed his surname from them; and some of his descendants are traceable in Upper Nithsdale about two centuries later. Thomas, supposed son of Thurstanus de Crichton, swore fealty to Edward I. William, his second son, acquired, by marriage with Isobel, daughter of Robert de Ross (related to the Lord of the Isles), half of the barony of Sanquhar. The other half having been purchased by his successors, it became the chief title of the family. In 1633, the direct descendant of the Mid-Lothian baron was created Viscount of Ayr and Earl of Dumfries.

The Fergussons, another Celtic family, existed very early in Dumfriesshire; but whether they belonged to a sept of that name which had its chief seat to the north of Dunkeld, or were descended from some earlier settlers in the south, is not known. Early in the fourteenth century, John of Crauford, son of the Laird of Dalgarnock, granted a charter of lands in the parish of Glencairn to his cousin, John Fergusson, "Dominus de Craigdarroch;" and it is believed that the estate so called—which is owned by them till this day—had been at that date in their possession for several generations.† A branch of the family, the Fergussons of Isle, resided for many centuries in

* Valuation Roll of the County of Dumfries.

† Not a few members of the Craigdarroch family acquired distinction as soldiers and lawyers: one of them in recent times figured as the hero of Burns's ballad, "The Whistle;" on gaining which trophy he was thus addressed by the bard:—

"Thy line, that have struggled for freedom with Bruce,
Shall heroes and patriots ever produce:
So thine be the laurel, and mine be the bay;
The field thou hast won, by yon bright god of day."

the neighbouring parish of Kirkmahoe: their house, a fine specimen of a Scottish gentleman's domicile during the middle ages, is still to be seen entire, though untenanted, overlooking the patrimonial acres, and other ground full of historical and poetical interest—Dalswinton, Friars' Carse, the lands of Lag and Ellisland—on which we must not pause to dilate.

The Fergussons are literally "the sons of Fergus:" and, in like manner, another ancient Dumfriesshire family, the Griersons, are "the sons of Gregor;" those of them who settled in Lag tracing their descent from Gilbert, second son of Malcolm, Dominus de MacGregor, who died in 1374.

Many Flemings were attracted to Scotland during the twelfth century: one of them, named Freskin, obtained the lands of Strathbrock in Linlithgowshire, now termed Broxburn, as a reward for his valour against an insurgent band in Morayshire. Some time about 1130 he received a grant of land in that county; and his descendants, settling there, assumed the name of De Moray or Moravia. Such is the account given of the origin of the Murrays, who, in various branches, acquired a high position in Scotland. The Moryquhat, or Murraythwaite branch, flourished in Dumfriesshire in the thirteenth century. Sir William Murray of Cockpule, who lived in the reign of Alexander III., married Isobel, sister of Thomas Randolph, Earl of Moray. Their son, William, received a charter of the barony of Comlongan* and Ryvil, from his uncle Randolph. The family were ennobled about 1623, in the person of Sir John Murray of Lochmaben, created Earl of Annandale.

The boyhood of David I. was spent at the English court. As Earl of Cumberland he was brought into familiar intercourse with the Norman barons; and when he was called to succeed Alexander I., in 1124, many of them accompanied or followed him to Scotland. One of these was Gervase, son of Geoffrey, Lord of Ridel, who received from the King estates in Roxburghshire. His descendant, Sir Walter Riddel (the second baronet), left five sons, the eldest of whom acquired lands in Glencairn, which he named Glenriddel, thus giving rise to a well known Dumfriesshire family.

* According to Pennant, the great Lord Mansfield, a descendant of Murray of Cockpule, was born in Comlongan Castle.

Charteris is the surname of a very old Scottish family. Their origin is traced to William, son of the Earl of Charteris in France, who went to England with the Norman conqueror. A son or grandson of William migrated northward in the reign of David I. Robert de Charteris acquired the lands of Amisfield or Hempisfield, in Tinwald, prior to 1175. His son, Walter, and grandson, Thomas, are mentioned in a donation to the Monastery of Kelso. Robert, the son of Thomas, granted the same monastery the patronage of two churches in Dumfriesshire, by a charter in which his name appears in its Latinized form as Robert de Cornoto Miles. The manor-house of Amisfield, a quaint memorial of the olden time, is yet to be seen, situated about four miles north-east of Dumfries;* and the family had a residence in the Burgh, which also, in a sadly altered form, survives.

Long before Walter the Steward ascended the Scottish throne, in virtue of his marriage with Bruce's daughter Marjory, several members of the same family acquired lands in various parts of Scotland; and when he took the surname of Stewart, they followed his example. One branch of the Stewarts settled in Nithsdale before the death of Alexander III. Soon afterwards we read of Sir Walter Stewart of Dalswinton: he acquired the lands of Garlies in Kirkcudbrightshire. His direct descendant in the seventeenth century, Sir Alexander Stewart, was ennobled under the title of Earl of Galloway. According to Pinkerton, the first of the Stewarts was a Norman knight named Alan, who obtained from William the Conqueror the barony of Oswestry, in Shropshire.

Ronaldus de Dinnistoun witnessed the inquisition made by David, when Prince of Cumberland, in 1116. One of his female descendants shared the throne of Robert II. (the first of the Stewarts), and gave birth to a line of sovereigns: hence the family saying, "Kings came of us, not we of kings." They obtained the barony of Glencairn from that monarch: and a daughter of the house having married Sir William Cunningham

* Robert Chambers, in his Picture of Scotland, p. 228, says: "[Amisfield Tower] is not large, and not in the least degree imposing; but yet it is, without exception, the most curious specimen of the baronial tower now existing in Scotland."

of Kilmaurs, the descendant of a north of England family, he acquired with her the barony; and their grandson, Alexander, became Earl of Glencairn—the first who wore the title.*

Roger de Mandeville, whose ancestor crossed from Normandy with its irresistible Duke, married Affrica, natural daughter of William the Lion; obtaining with her the barony of Tynwald and the temple-lands of Dalgarno and Closeburn—the latter of which, at her death, in 1233, were given by Alexander II. to Ivon Kirkpatrick. Roger de Mandeville, second of the name, was a competitor for the Crown in 1296. We read of John Mundville, notary at Dumfries in 1610; and the Mundells, who trace their origin to Roger the Norman, have still numerous representatives in the town and district.

While William Rufus reigned in England, if not before, the Norman family of Heriz, descended from Count de Vendôme, resided at Wyverton, in Nottinghamshire; and they too were represented in the train of the Prince of Cumberland, when he went northward to become King of Scots. William de Heriz was witness to various royal charters, dating from 1175 to 1199. His descendant, Nigel, held lands in Selkirkshire so early as the reign of Alexander II.; a charter from that monarch to the monks of Melrose describing certain property granted to them as extending "from the river Etreyich, by the rivulet of Tymeye, as far as the marches of Nigel de Heriz." Soon afterwards, we find the family settling down in the Vale of Nith. Their head, William de Herris, swore fealty to Edward I. for his lands in Galloway; and Robert, the son of William, is designated "Dominus de Nithsdale" in a charter granted to him, in 1323, by King Robert Bruce.†

During the reign of David I. no family held higher rank in Scotland than the De Morevilles, whose progenitor Hugh accompanied him from Cumberland. The names of De Mantelent, Conyngham (ancestor of the Earls of Glencairn), De Thirlstane, Haig of Bemersyde, and St. Clair appear in the list of their vassals. Henry St. Clair rose to be Earl of Orkney; and by his marriage with "the Fair Maid of Nithsdale," daughter of the Black Douglas, became Sheriff of the district. Roland, Lord of Galloway, wedded Eliza de Moreville; and her brother William,

* Douglas's Peerage, vol. i., p. 633; Barjarg MSS. † Ibid, vol. i., p. 726.

the next head of the house, dying without issue, their whole estates, with the office of High Constable held by them, devolved upon the M'Dowalls.

Among the followers of Hugh de Moreville was a knight named Elsi or Eklis, who received from him a grant of Thirlstane. The daughter and heiress of Eklis married Richard de Mantelent, also of Norman blood. In course of time the original name was transferred to lands owned by the family in Penpont; and the family patronymic was changed to Maitland: hence the Maitlands of Eccles, one of the most ancient houses in the south of Scotland.

Another very old family connected with Dumfries, the Hunters, trace their origin to Norman the Hunter, designated in the Notes on the Ragman's Roll as proprietor of Hunterston. John, the seventh baron, by marrying the daughter of Sir William Douglas of Drumlanrig, strengthened the relationship of his family with the district.*

We find Walter de Carnoc the possessor of Drumgray and Trailflat, in Annandale, early in the twelfth century; Alexander de Meyners, son of Robert, Chancellor of Scotland, holding the lands of Durisdeer at the same period; and the Corbits, who held the lordship of Millum, in Cumberland, under Henry III., passing northward † in the succeeding reign, and founding several families, one of whom settled in Dumfries.

During the reigns of Malcolm IV. and David I., the territory which afterwards became famous as the Western Border, including the Debatable Land, was held for the most part by two brothers called Rosindale, who had followed the banner of the Norman Duke. Guido de Rosindale, who owned possessions on both sides of the Lower Liddel, manifested his devotional

* On the 26th of February, 1825, King George IV. granted liberty to the then head of this ancient house, William Francis Hunter of Barjarg Tower, and of Lagan (both in Dumfriesshire), and to Jane, his wife, only surviving child of Francis St. Aubyn of Collen Mixton, Cornwall, by Jane his wife, daughter and co-heir of Robert Arundell, Esq., some time of Marozion, Cornwall, to assume the surname and arms of Arundell with those of Hunter. The Arundells are of very remote antiquity, having occupied for at least ten centuries an illustrious position in the west of England. The present representative of both houses is W. F. Hunter Arundell, Esq. of Barjarg.

† Barjarg Manuscripts.

zeal by giving to the monks of Jedburgh forty acres of land lying between the Esk and the Liddel, throwing the fishings of the latter stream into the grant. His brother, Turgot, was a still more bountiful son of the Church. He founded a conventual establishment in Eskdale, calling it "Domus de Religiosus de Liddall," endowing it richly, and placing both house and lands under the superiority of Jedburgh. It afterwards came to be known as the Priory of Canonby, owing to the canons residing within its walls. Another French knight, Ranulph de Soulis, who swelled the train and won the favour of King David, also obtained from him a large slice of Liddesdale, where he erected a fortalice that originated the village of Castleton. John de Soulis received from Bruce the baronies of Kirkandrews, on the Esk, and of Torthorwald, near Dumfries.

Other names come up, which call for a more detailed genealogical notice: those of Bruce, Baliol, and Comyn—all of Norman lineage—all associated with great historical events—all closely identified with Dumfries. The Bruces have been traced back to Thebotaw, Duke of Sleswick, who lived in the eighth century, and left an heir, Ouslin, by his wife Gundella, a German princess. Reginald, a Danish lord, Eynor, Torfin, Lothar, Sygurt, all successive Earls of Orkney, form a continuation of the stem till the eighth head of the house is reached—Brusce, Earl of Caithness, whose mother was daughter to Malcolm II., King of Scots. Regenwald, son of Brusce, wedded Arlogia, daughter of Waldemar, Duke of Russia: their eldest son, Robert, built the castle of "La Brusce," in Normandy, during the tenth century. The family, though ranked as Norman, were only so for one generation—and, if the pedigree before us can be relied upon,* they were Scottish or Orcadian before being French; they were then English for two generations—Robert de Brusce, second of the name, coming to South Britain with William the Conqueror, becoming Lord of Skelton in Yorkshire; and their son, Robert de Brus, accompanying David, Earl of Cumberland, into Scotland, settling down in that kingdom—a goodly plant,

* Genealogy of the Bruces in Ord's History of Cleveland, as extended by the late Mr. John Parker, principal extractor of the Court of Session. See the Rev. W. Graham's Lochmaben Five Hundred Years Ago, pp. 150–157.

which, in the light of subsequent events, might be spoken of allegorically as the root of Freedom's tree.

Robert, about 1124, received from his royal friend and patron, David, a grant of Strathannand (Annandale), or Estrahannent, as it is termed in the charter. He was succeeded by a son of the same name, the second Baron of Annandale; and the son of the latter, also named Robert, on inheriting the estates, was created Lord of Annandale. Dying without male issue, he was succeeded by his brother William, second Lord of Annandale. Robert de Brus, William's eldest son, fifth Baron and third Lord of Annandale, married Isabella, second daughter of David, Earl of Huntingdon, brother of William the Lion; and by this alliance with the royal house of Scotland, founded the claim to the Crown made by his son Robert, the fourth Lord, in 1292. The grandson of the latter—the greatest of his race—restored the monarchy and re-established the independence of Scotland, when both had been long trodden in the dust.

Soon after the Bruces settled in Annandale, the rival house of Baliol also received a grant of Scottish territory from David I., still retaining, however, their original English patrimony of Barnard Castle, Durham.* In the reign of William the Lion, Ingleram de Baliol married the heiress of Walter de Berkley, Chamberlain of Scotland; and Henry, the fruit of their union, succeeded to that influential office. Another scion of the original stock, John Baliol of Barnard Castle, married Devorgilla, daughter of Alan, Lord of Galloway. This illustrious woman sometimes resided at her father's court, but more frequently at Fotheringay, in Northamptonshire, the seat of her maternal grandfather, the Earl of Huntingdon. There the young Yorkshire baron wooed and won the "Lady of Fotheringay," as she was then usually termed—a most auspicious alliance in itself, but the source of much unhappiness to the country; John, their only surviving son, entailing upon it a load of woes by becoming a competitor for the Crown, in virtue of his mother's descent from the eldest niece of William the Lion.

* "Barnard Castle," saith old Leland, "standeth stately upon Tees." It is founded upon a very high rock, and its ruins impend over the river, including within the area a circuit of six acres and upwards. This once magnificent fortress derives its name from its founder, Barnard Baliol.—*Note A. to Rokeby.*

In many respects the Comyns resembled the two distinguished houses just noticed, having been, like them, Norman-French, afterwards English, finally Scottish, and also putting forth a claim to the disputed sceptre; while all the three families, as we shall subsequently see, were vitally concerned in a foul tragedy with which the country rang, and the scene of which was an obscure vennel in the village-capital of Nithsdale. William Comyn was High Chancellor of Scotland for nine years, ending in 1142. His nephew, Richard, married Hexilda, granddaughter of King Donald-Bain; and, dying in 1189, was succeeded by his eldest son, William, who, by his second marriage, acquired the earldom of Buchan, and added the Highland territory of Badenoch to the other estates of the house. Richard Comyn, the fruit of the first marriage, died about 1249; and his son, John Comyn the Red, became connected with Galloway by being made its Justiciary in 1258. He was succeeded by his second son, John Comyn the Black, designed of Badenoch, which devolved upon him at the death of his uncle, the Earl of Monteith. The position occupied by the family in Galloway brought him into friendly intercourse with its hereditary rulers; and, as a result, he became the son-in-law of Devorgilla by marrying her youngest daughter, Marjory: and thus he became also the brother-in-law of John Baliol, afterwards King of Scotland. At his death, in 1299, he was succeeded by John, the second of the family that bore the surname of the Red.

The estate given by David I. to Robert Brus, third of the name, is described in the charter as "Estrahannent et totam terram a divisa Dunegal de Stranit, usque ad divisam Randulphi Meschines;"* that is to say, Annandale, and all the land lying between the Nithsdale property of Dunegal and that of Randulph de Meschines, Lord of Cumberland; and the deed empowered him to hold and enjoy his castle there, with all the privileges pertaining to it ("suum castellum bene et honorifice, cum omnibus consuetudinibus suis teneat et habeat"), in the same manner as Randulph did in Carlisle and his other Cumbrian possessions. The extensive barony of the Bruce was given to him on feudal terms: he was to hold it by the sword, and render in return military service to his sovereign. That the

* The original document is in the British Museum.

knight might be able to fulfil these conditions, he brought with him numerous Norman followers, some of whom founded families in the district; but it is not necessary to assume, as has been hastily done by some historians, that he drove out all the original holders of the soil, or that he even placed himself in opposition to them as a class.

It has been generally supposed, too, that the Kirkpatricks were strangers to Annandale till they acquired lands there as his vassals; but it is far more probable that they belonged to its old Scoto-Irish or Scoto-Saxon population. Ivon, the first Kirkpatrick of whom we read, may have been a young landless soldier of fortune when Bruce came into the district; or he may, before that time, have taken by right his surname from one or other of the Dumfriesshire parishes that, as early as the tenth century, bore the name of Kirkpatrick.* At all events, we think it probable that he was a dweller in "Estrahannent" when it was first erected into a barony. That Ivon was of good birth and family, may be inferred from the favour shown to him by his feudal superior. Some time about 1160, he received from Bruce, second baron of Annandale, a charter of the fishings of Bleatwood and Yester; and the words, "testibus Ivon," are attached to a deed by which the same nobleman granted the Torduff fishings of the Solway to Abbot Everard and the fraternity of Holm-cultram.† At a later period, he obtained the hand of Bruce's daughter, Euphemia, in marriage—an honour which must have been flattering to his pride, and which bound his family to the Brucian interest during the fearful struggle which ensued on the death of Alexander III.

From that monarch's immediate predecessor, Ivon, when a

* The parish of Kirkpatrick-juxta was of old called Kilpatrick, from the dedication of its church to Patrick, the great apostle of Ireland, who appears to have been equally well remembered by the Scoto-Irish of the south-west of Scotland. The Gaelic *Kil*, signifying "a church," was afterwards translated into the Anglo-Saxon *Kirk*. In the fifteenth century the adjunct *juxta* appears to the name of this parish, in order to distinguish it from Kirkpatrick-Fleming in the east of Annandale.—*Caledonia*, vol. iii., p. 181.

† The first of these charters exists among the Carlyle papers; the second is entered in the Register of Holm-cultram Abbey. Both are undated; but their dates may be approximately determined by the date of another charter, by which William the Lion, in the first year of his reign, grants lands in Canonby to Jedburgh Abbey, and to which Abbot Everard is a witness.

very old man, received a grant of the lands of Closeburn, the charter being dated the 5th of August, 1232.* Adam Kirkpatrick, Lord of Closeburn, the son of this union, was alive in 1294. The next head of the house, Stephen, is styled, in the chartulary of Kelso (1278), "Dominus Villæ de Closeburn, filius et hæres Domini Ade de Kirkpatrick militis." In the same year he entered into an engagement with the monks of Kelso, regarding a claim made by them to the church of Closeburn. Stephen left two sons: Sir Roger, famous in after times as the knight of the deadly dagger—the "Mak-siccar" Kirkpatrick—and Duncan, who married Isabel, daughter and heiress of Sir David Torthorwald, who is mentioned in the chartulary of Holm-cultram as witness to a donation of one merk out of the lands of Maybie, in 1289. The family were related to Wallace, as well as Bruce, if we are to believe Harry the Minstrel, who says of Duncan, the founder of the Torthorwald branch:

> "Kyrkpatrick, that cruel was and keyne,
> In Esdaill wod that zer he had been;
> With Inglishmen he 'couth noch weill accord,
> Of Torthorwald he baron was and lord,
> Of kyn he was to Wallace' modyr ner."

The Carleils, or Carlyles, who trace their descent from Crinan, Abthane of Dunkeld (whose son, Maldred, married Beatric, daughter of Malcolm II.), held lands in Annandale, like the Kirkpatricks under Robert Brus, its first lord, about 1185. They also owned property in Cumberland, taking their surname, it is believed, from its chief town, Carlisle. The eldest son of Uchtred, son of Maldred, was Robert of Kinmount; his second son, Richard, received the lands of Newbie-on-the-Moor from his grandfather. Eudo de Carlyle, grandson of Richard, witnessed a charter to the Monastery of Kelso about 1207.†

* Just about seven hundred years after Ivon appears as an historical figure, one of his descendants, the beautiful Eugenie Marie de Guzman, Countess of Theba, was united in marriage to the greatest living potentate, Napoleon III., Emperor of the French. Her grandfather, William Kirkpatrick, went to Spain, and settled as a merchant in Malaga, where he married a Belgian lady. One of their offspring, Maria, was espoused by Don Cipriano Palafox, then Count of Theba, and afterwards Count de Montijo on the death of his elder brother: they had issue two daughters, the youngest of whom is now Eugenie, Empress of the French.

† Douglas's Peerage, vol. i., p. 306.

The next head of the family, Adam, had a charter of various lands in Annandale from William de Brus, second lord of that district, who died in 1215. Gilbert, son of Adam, swore fealty to Edward I. in 1296. William, grandson of Gilbert, rose so high in the favour of his liege lord, Bruce, Earl of Carrick, that he gave him his daughter Margaret in marriage: the chief of the Carlyles thus becoming brother-in-law to the illustrious restorer of the monarchy. Their son obtained a charter from his royal uncle, of the lands of Colyn and Roucan, lying near Dumfries, in which he is designated "William Karlo, the King's sister's son." The head of this ancient house was, as we shall afterwards see, ennobled in 1470 as Lord Carlyle of Torthorwald.*

Another Annandale sept, the Jardines, held lands in the parish of Applegarth, before the Celtic element in the population was overlaid by that of the Saxons. Winfredus de Jardine, the first of the name on record, flourished prior to 1153; he having been a witness to various grants, conferred, during the reign of David I., on the Abbeys of Aberbrothwick and Kelso.

At what period the great family of the Johnstones settled in Annandale has not been determined. The first trace that we find of them is in the reign of Alexander III., when Hugo de Johnstone owned lands in East Lothian, which he bequeathed to his son John, who gave a portion of them to the Monastery of Soltray, about 1285, "for the safety of his soul." His descendants, Thomas, Walter, Gilbert, and John, swore fealty to Edward I. in 1296—the last mentioned baron being termed, in the deed, "Chevalier of the County of Dumfries." It is more than likely, however, we think, that the Johnstones, as well as the Kirkpatricks, had long previously resided in Strathannand. The name is suggestive of a Saxon origin; and the idea is a natural one, that they either gave it to, or received it from, the parish of Johnstone in Annandale.†

* A fresh lustre has been cast upon this old Annandale family by the genius of one of its "latter day" members, Thomas Carlyle, the distinguished author.

* Douglas's Peerage, vol. i., p. 70.

† The parish of Johnstone, says Chalmers, derived its name from the village; and the hamlet, from its having become, in Scoto-Saxon times, the *tun*, or dwelling, of some person who was distinguished by the name of John. This place afterwards gave the surname to the family of Johnstone, who became a powerful clan in Annandale.—*Caledonia*, vol. iii., p. 179.

CHAPTER III.

CONDITION OF THE BURGH BEFORE IT WAS CHARTERED—NATURE OF THE EARLY CHARTERS CONFERRED UPON IT BY WILLIAM THE LION—RISE OF SANQUHAR, ANNAN, AND LOCHMABEN—INSTITUTION OF THE KING'S BAILIE-COURTS IN DUMFRIES—QUARREL OF TWO BURGESSES, RICHARD, SON OF ROBERT, AND ADAM THE MILLER, IN ST. MICHAEL'S CEMETERY—A MURDEROUS AFFRAY—SLAUGHTER OF ADAM, AND TRIAL OF RICHARD—FORMATION OF THE SHERIFFDOM—DEVELOPMENT OF ROMANISM IN THE CHURCH OF SCOTLAND—THE ECCLESIASTICAL ESTABLISHMENT OF THE BURGH AND COUNTY.

Now that we have supplied some information regarding the way in which the district was peopled at various epochs, and introduced the chief actors in the great drama of real life which soon afterwards opened in Nithsdale and Annandale, let us see how Dumfries gradually threw off its hamlet garb, and acquired that of a Royal Burgh. Before the town was chartered, it was in a condition of complete dependence on its Celtic superiors, and equally so on the feudal overlords who succeeded them in the days of William the Lion. Nearly all the inhabitants were in a state of absolute villanage, having no property in the soil, and owing any immunities they possessed to the arbitrary will of their chief, who in most matters was free to act as he pleased, though nominally responsible to the Crown. He gave them the means of subsistence, shelter, and protection; in return for which they rendered him military service, manual labour, and tributes in money or rural produce. With the view of increasing their scanty resources, and enabling them to bear increased exactions, trading privileges were by and by conferred upon them; and when, in the further development of the feudal system, all the land came to be legally recognized as royal property, the merchants and craftsmen obtained the exclusive right to traffic and labour within the town and a prescribed range of territory around it, for which favours they furnished a revenue to the Crown, derived from rents, tolls, and customs.

To William the Lion, it is believed, the Burgh was indebted for its first charters. He granted more than one—Chalmers

says "many"*—which were so drawn up as to indicate that he frequently resided in the town; but, unfortunately, they were either lost or destroyed during the succession warfare.† The earlier of these documents would relate chiefly, if not solely, to subjects of trade and handicraft, and be silent as to the right of self-government. Judging from the charters granted by the same monarch to other burghs, those at first conferred by him on Dumfries merely improved the relationship in which the inhabitants stood to the King, by changing them from precarious tenants to fixed vassals, holding directly of the Crown; they acquiring thereby a right of property in their tofts or tenements, for which they paid yearly rents, independently of their personal services.‡ Thus the Burgh was a portion of the royal possessions, occupied by an aggregation of tenants, each paying his quota of maills or money tribute. At fixed periods, half-yearly or quarterly, the King's *ballivi*, or bailies, collected the rents from his vassals; also the fines levied in the Burgh courts, and other impositions called *exitus curiæ*, the issues of court, which equally belonged to the Crown.§

Afterwards the whole of these rents and issues were handed over, on short leases, to the bailies, or rather the community, for a specific sum; and eventually a permanent arrangement was made, in virtue of which the community, by contracting to pay so many hundred merks yearly into the exchequer, acquired a perpetual heritable right to the royal maills and issues—the tenure of individual burgesses, however, continuing unaltered. Agreeably to feudal forms, this important change was effected by constituting the inhabitants holders of the Burgh in feu-farm under the King: a tenure that enabled their functionaries to enforce recovery and payment the same as if they had been appointed by the State.‖

When, probably about 1190, William raised Dumfries to the rank of a Royal Burgh, the charter of erection would, in addition to these property rights, confer the privilege of local government. The burgesses were thereby rendered freemen in a double sense:

* Caledonia, vol. iii., p. 136. † Ibid.

‡ Report of Royal Commissioners on the Municipal Corporations of Scotland, page 12.

§ Municipal Report, p. 12. ‖ Ibid, p. 12.

they were no longer tenants-at-will—dependent vassals; they were the legally-constituted occupiers of their own Burgh, and had the choice of their own rulers, who were amenable to them and the general laws of the country. Accordingly, at Michaelmas, the good men of the Burgh—the "probi homines villæ fideles et bonæ famæ" of the charter—met to exercise a totally new prerogative, to elect magistrates, who, on being voted into office, swore "to keep the customys of the toune, and that they sal nocht halde lauch on ony man or woman for wrath, nor for haterent, nor for drede or for luve of ony man, bot throw ordinans, consaile, and dome of gud men of the toune;" swearing also, "that nather for radness, nor for luve, nor for haterent, nor for cosynage, nor for tynsale of their silver," shall they fail to mete out justice to all the lieges that are placed under their rule.*

Here, as in other Royal Burghs, the magistrates were at first chosen by the whole burgesses. Afterwards the practice crept in of allowing the elective franchise to be exercised by a select few who came to be known as the Council. That this body, however it may have been constituted, usurped a power belonging to the entire community, is sufficiently plain. In the "Statutæ Gilde," framed mainly for Berwick in the reign of Alexander II., it is provided that, in addition to the aldermen and bailies, there shall be twenty-four "probi homines de melioribus et discretioribus et fide dignioribus ejusdem burgi ad hoc electi," who, in the event of a dispute, were to decide on whom the suffrages had fallen. In some simple way such as this, the popular vote may have been gradually overridden, and ultimately set aside.†

Besides the merchants, artificers, and free farmers who resided within the liberties of the town, there was a class of cotters whom the royal charter did not reach. They remained in a condition of absolute slavery, and could be sold with the land as readily as if they had been cattle.‡ In course of time, many of them acquired their freedom by purchase or otherwise. The Crown, without trying to set aside the law which made them bondsmen, did much to promote their emancipation, and thus to strengthen

* Laws of the Burghs, chap. 70.

† Origin and Progress of Burghs in Scotland, by Joseph Irving, p. 10.

‡ Tytler's History of Scotland, vol. ii., p. 253.

the independence of the Burgh as a foil to the great barons of the neighbourhood, and to augment its resources so that it might yield an increasing revenue to the State. A vassal or slave who was so fortunate as to purchase a house within any Royal Burgh, and occupy it for a year and a day without being claimed by his master, became a freeman for ever.*

While these changes were progressing in Dumfries, other hamlets in the county, which rose also to be Royal Burghs, were rapidly ripening into towns. In the reign of David I., the territory of Sanchar, at the head of Nithsdale, was included in the demesnes of Dunegal, the Celtic chieftain. The word Sean-caer, in that language, signifying "old fort," suggests the origin of the village—houses gathering for protection under the friendly shadow of some ancient pile; their increase fostered by the erection on the same site of a baronial castle, at the end of the twelfth or beginning of the thirteenth century. Through Strath-annand meandered a pleasant stream, which, taking its name from the valley it watered, gave it in turn to a little town that rose upon the river's bank, about a mile above its flux into the Solway. Coins struck prior to 1249 bear the legends, "Johas on An" and "Thomas on An," which a high authority in numismatic lore considers apply to Annan.† A mint royal or baronial may have been in operation at that town during the reign of Alexander II.; and, whatever doubt may be entertained on this point, it is certain that Annan was a Royal Burgh when Bruce ascended the throne, in 1306. One of the predecessors of the patriot king erected a castle to protect the town and its port; the fortress continuing for ages afterwards one of the Border strongholds. Pennant, when visiting the burgh in 1772, saw an interesting relic of this old feudal fortress—a stone, built into a garden wall, bearing the words, "Robert de Brus, Counte de Carrick et Senieur du Val de Annan, 1300."‡ From this inscription Chalmers concludes the castle was rebuilt in that year.§

When the first Lord of Annandale settled in the district, he built a strong house for himself beside a group of lakes, which

The Gaelic Seaver of Hen Sh that it was built by a former peop was "old the Gaels

annan a foamy wave

* Tytler, vol. ii., p. 301; M'Pherson's Annals of Commerce, vol. i., p. 307; Laws of the Burghs, chap. 17.

† Cardonell's Numismatæ Scotiæ, plate i., p. 44.

‡ Tour, vol. iii., p. 84. § Caledonia, vol. iii., p. 140.

lay like sheets of silver on the green bosom of the valley. It was erected on the north-west of one of them—called for that reason the Castle Loch—and was the chief seat of the Bruces from about 1130 till 1306. Soon after the latter year, the ancient peel was superseded by a far more extensive fortress, reared on a peninsula on the south-east side of the same lake, occupying above sixteen acres, built in the massive Norman style, and surrounded by three deep fosses, fed with water from the lake: it was at once the largest and strongest castle in the district. That near the sheen of these sparkling lakes, and under the shadow of these protecting castles, a village should spring up, was only natural. The name of the little town is mentioned in a charter granted by Robert I. to Thomas de Carruthers, of certain lands, the *reddendum* of which the King requires him to deliver "at our manor of Lochmalban:" a term signifying, in the Celtic tongue, "the lake of the bald (or smooth) eminence," and referring probably to the mound on which the first Brucian fortress was erected. The burgh of Lochmaben grew up and flourished under the fostering influence of that family; and, according to tradition, was royally chartered by the greatest of the Bruces, soon after his accession to the throne. The family had two other residences in Annandale: Hoddam Castle, on the east bank of the Annan,* and Castle Malc, or Milk, in the parish of St. Mungo; the latter of which is mentioned in the chartulary of Glasgow, so early as 1179.

At this period—the middle of the twelfth century—the land of Scotland began to be partially divided into royalty and regality. Those parts distinguished by the term royalty were subject in criminal matters to the jurisdiction of the King and his judges; while in those known as regalities, such as Eskdale, the barons or ecclesiastics, to whom they had been given by the Crown, held their own courts for the trial of offenders.† Before Nithsdale was constituted a sheriffdom, it was periodically visited by the King's bailies or judges, who, sitting in Dumfries as the head town of the royalty, gave judgment in the cases brought before them.

* Its site was on the farm of Hallyards, anciently Halguard: the more modern Castle of Hoddam, the seat of the Kirkpatrick-Sharpes, was built on the west bank of the Annan, by John, Lord Herries.

† Tytler's History of Scotland, vol. ii., p. 246.

Of this practice a curious instance is recorded, so far back as the days of Malcolm IV. It arose out of the following circumstances. On the first Tuesday after the Festival of St. Michael, the sacred fane at Dumfries, dedicated to the angel of that name and patron of the town, was occupied with worshippers, two of whom—Richard, son of Robert, son of Elias, and Adam the Miller—met after mass in the burying-ground, in an angry spirit, quite at variance with the services of the day. Probably there had been a standing feud between them; and, whether from sheer malice, or because "the son of Robert" had made too free with some of the miller's goods, Adam saluted Richard with the opprobrious epithet of "Galloway thief," bidding him, at the same time, begone from the place. Richard slunk away, either afraid of his antagonist, or from a dread of incurring the guilt of sacrilege by fighting with him in the church-yard; but he was probably heard muttering threats of vengeance, as, on the following Thursday, a woman ran up to Adam, while he was standing in his own doorway, and cried, "Take yourself away; for, behold, Richard is here!" As if she had said, "The man you abused so much on Tuesday last has come to return you hard knocks for bad words, and you had better be off." But the bold miller replied, "I won't take myself away: I have a knife as sharp as his own;" saying which, he entered the domicile, and reappeared with a long knife, seemingly bent on embowelling his enemy. There is no evidence whatever to show that Richard's errand was revenge. He was perhaps casually passing the miller's house at the time: at all events, in the conflict that ensued, he was not the assailant. Attacked by the miller, he drew his sword in self-defence; and when he struck at all, it was with the flat side of the weapon. Adam, eager to make his threat good, sought with his left arm to ward off the sword that came between him and his wish. The men closed in a life-and-death struggle, during which Adam the Miller was thrust through, fatally wounded; and Richard, the son of Robert, was arraigned on a charge of murder.

The court which tried him sat in the Castle of Dumfries, on the Monday after the Feast of Saints Fabian and Sebastian; the tribunal consisting of the King's bailies ("balivis") and a jury

of thirteen burgesses* ("fideles homines"); the names of the latter, in their Latinized form, being given thus: "Ade Long, Ade Mille, Hugonis Schereman, Rogeri Wytewell, Ricardi Haket, Walteri Faccinger, Thome Scut, Roberti Muner, Thome Calui, Roberti Boys, Willelmy Scot, Willelmy Pellaparii, Henrici Tinctoris." While Richard was placed at the bar charged with a capital offence, the case assumed the form of an inquisition into the whole of its circumstances; and the jury were required, after hearing evidence, to give a narrative of these as they understood them, in connection with and explanatory of their verdict. Accordingly, the finding of the jury set out with the statement that, at the time specified, "Riccardum, filium Roberti, fili Elie," had met with the deceased, "Adam Molendinarius," in "Cemeterio Sancti Michaelis;" that the latter had defamed the former in the manner we have described; and that, in the conflict two days afterwards, the panel did not intend to slaughter the deceased, but said truth when he declared at the time, "I take ye all to witness that I have not killed the miller, but that his death lies at his own door." For these reasons the jury unanimously acquitted Richard; finding, moreover, that he had been "fidelem in omnibus aliüs," faithful in all things, and that the miller, "furem esse et defamatum," was a man of bad repute. The bailies concurring, the panel was honourably discharged.†

Before the close of the century, Dumfries had become the seat of a sheriff, who exercised a very extensive sway, stretching over the stewartry of Kirkcudbright on the west, and the entire country eastward bounded by the Esk.‡ About the year 1180, the judges sitting in the Burgh decided, that any one convicted of breaking the King's peace in Galloway should forfeit twelve score of cows and three bulls:§ a very appropriate fine, as

* "It is probable," says Tytler, "although it cannot be affirmed with historical certainty, that, even at this early age, the opinion of the majority of this jury of thirteen decided the case, and that unanimity was not required."—*History of Scotland*, vol. ii., p. 249.

† For the facts of this case, extraordinary in itself, and valuable as an illustration of old times in Dumfries, we are indebted to the first volume of the Acts of the Scottish Parliament, where they are briefly recorded in Latin.

‡ Chalmers, in a note to Caledonia, vol. iii., p. 66, states that practically the sheriffdom came to have much narrower limits; the local jurisdictions in Annandale and Kirkcudbrightshire restricting it almost entirely to Nithsdale.

§ The words of the Act are: "Gif ony Galowa man be convickit ouder be batal,

the hornless dusky herds which at a later date became famous were already common in the district, and were the true representatives of its wealth.

The Church of Scotland for ages after its erection remained comparatively pure and simple, unaffected by the peculiar tenets of the Papacy, and independent of the Roman see. "Columba and his disciples," says Bede, "would receive those things only which are contained in the writings of the prophets, evangelists, and apostles, diligently observing the works of faith and virtue." A great change had, however, taken place at the time we have now reached, brought about mainly by the Saxon and Norman immigrants. Gradually the simple, primitive rule of the Culdees became supplanted by that of lordly prelates; and the Church, forgetting Iona, accepted the authority of Rome in matters of doctrine, ritual, and government.

David I., of whom so much mention has been made, built up the ecclesiastical establishment by such a lavish outlay that one of his descendants characterised him as "a sore sanct to the Crown." He revived the episcopate of Glasgow, placing under it the whole churches of Dumfriesshire. By the inquisition of 1116 it was found that the Churches of "Abermelc, Drivesdale, and Hodelm," with others in the County, belonged by right to that see; and its authority over the parishes of Eskdale, Ewisdale, Drivesdale, Annandale, Glencairn, and Stranith, with a part of Cumberland, was confirmed by Pope Alexander in 1178, by Pope Lucius in 1181, and by Pope Urban in 1186. Dumfries had at this early period, as already noticed, its parish church, dedicated to the patron saint of the town, St. Michael; a chapel, dedicated to St. Thomas; another chapel, connected with the Castle; and a hospital, situated about a mile from the Market Cross in a southern direction. The erection of a religious house in Canonby has already been noticed. Another rose up in Holywood, four miles from Dumfries, at a more ancient date. The groves of that parish formed a favourite haunt of the Druids:* when Christianity dawned upon it, an ascetic enthusiast found in them

or be ony other way of the kingis pece brokin, the king sal haf of him xij^{xx} ky and iii. gatharionis, or for ilka gatharion ix. ky, the quilk are in numer xx. an vij."

* Grose's Antiquities, vol. i., p. 169.

a place of congenial retirement from the world; leaving to his cell of sanctity the name Darcongal, which signifies, in the British and Scoto-Irish tongues, "the oak-wood of Congal." In course of time the simple tree-surrounded grotto gave place to an imposing structure, the Abbey of Holywood or Darcongal, which, as we have seen, was founded by John, Lord of Kirkconnell, an ancestor of the Kirkconnell family.* The Abbot of Sacrobosco (Holywood) sat in the great Parliament at Brigham in 1289, and, six years afterwards, swore fealty to Edward I. at Berwick.

Two officials directed the ecclesiastical system of the County under the Bishop, or rather his archdeacon or surrogate: these were, the Dean of Dunfries or Nith, who ruled over the parishes in Nithsdale, those of Kirkmichael and Garval, in Annandale, and those of Terregles, Troqueer, Newabbey, Kirkpatrick-Durham, Kirkpatrick, Lochrutton, and Kirkgunzeon, lying in Galloway, westward of the river Urr; and the Dean of Annandale, who had charge of all the parishes within that district except Kirkmichael and Garval, with those of Kirkandrews, Canonby, Morton, Wauchope, Stapelgorton, Westerkirk, Eskdalemuir, and Ewes in Eskdale.

* Dugdale, vol. ii., p. 1057, where John is mentioned as "Dominus de Kirkconnell fundavit Sacrum Boscum."

CHAPTER IV.

EPOCH OF DEVORGILLA—SHE BUILDS A BRIDGE OVER THE NITH—SHE ALSO FOUNDS A GREYFRIARS' MONASTERY IN THE BURGH, AND NEWABBEY IN KIRKCUDBRIGHTSHIRE—BENEFICIAL EFFECTS OF THE BRIDGE UPON THE TOWN—THE SEAL OF DEVORGILLA—HER DEATH AND BURIAL.

At the period now reached—the middle of the thirteenth century—Dumfries would probably have much fewer than two thousand inhabitants. When Devorgilla* visited it after her marriage with the Lord of Barnard Castle, it must have worn a very primitive aspect; and she would readily realize the loss to the inhabitants, as well as the inconvenience to herself, caused by the want of a bridge over the Nith to connect the town with Galloway. Her family had possessions on both sides of the river, in England also not less than in Scotland, and as a ready means of communication between them a bridge was needed; and such a structure would at the same time promote the well-being of a town in which she began to take a deep interest. Impressed with this idea, she was not long in giving effect to it. The Lady Devorgilla belonged to one of the most opulent families in Europe: she was large-hearted and liberal-minded up to the full measure of her wealth; and no greater boon could she have conferred on the Dumfriesians of that and many after-generations than by linking together the two sides of Nithsdale. The river, a few miles above the town, when it rolled past Dalswinton Castle—where her future kinsman, the Black Comyn, resided—and the opposite territory of the Kirkpatricks, looked very much as it now does, and it then laved the Abbey-lands gifted by her ancestor, just as it now steals gently past the ruined house of Uchtred; but when within a stone-cast of the high ground crowned by the "castle in the shrubbery," it took a wider sweep

* The lady's name is variously spelt: on her seal, preserved in Balliol College, Oxford, it appears as "Dervorgille," the words added being "deballio alani de Galawad;" sometimes it is written "Devorgille;" at Oxford the style used is "Devorguilla." Dugdale, appending the family name, calls her "Devorgilla Macdowall."

eastward than it does at present. Not that the channel of the Nith, near to and opposite the town, has been absolutely changed during the six centuries that have intervened. On this point there is no small amount of popular misconception. The bed of the river is still essentially the same; but, down till the reign of William the Lion, its margin next the town had little natural and no artificial embankment. As a consequence, the upper sand beds, or Green-sands, and the lower sand beds, or White-sands, were seriously encroached upon; and a watery dominion, more or less wide, was established over the Dock Meadow as far down as the other stronghold of the Comyns at Castledykes—the high rock on which the fortress stood at this point giving the encroaching element a westward curve, till the river fringed an ancient mound on the Troqueer side, the mote-hill from which Devorgilla's forefathers, as Lords of Galloway, must often have administered brehon law to their vassals.*

The rocky bed of the Nith at Castledykes still impedes the navigation; but it shot up higher, shallowing the water much more in old times than at the present day, and a flood in the upper reaches, therefore, ebbed out at a very indolent pace. A spate in the Nith was, for these reasons, a serious visitation, seeming, sometimes, as if the Solway had advanced seven miles further north; the Vennel looking like a miniature canal, and the impetuous waves threatening to invade the row of little cabins which then occupied the site of Irish Street. The tides, when high, had a range only less extensive, depositing a vast accumulation of sand, which still lies below the herbage of the dock and houses that are now beyond the sweep of the tidal flux and river. These statements are further borne out by old sazines, which make the Nith the boundary of certain gardens in St. Michael's Street. Under such circumstances, the crossing of the river by boats or on horseback must have been often dangerous, and sometimes impracticable, though easily enough effected in these ways, or even by wading, when the water was in its normal state.

The bridge was not the only fabric raised for behoof of the town by Devorgilla. She was full of spiritual fervour; and, quite

* The Scoto-Irish colonists of Galloway and Nithsdale had, for a long period, no written laws; and cases were usually decided by the will of the brehon or judge, guided by traditional precedents.

in accordance with the practice of her family and of the age, her piety expressed itself in the erection of religious houses and the endowment of monastic fraternities. The vast extent of her wealth, and her desire, as she fondly thought, to store up a portion of it in heaven, were proved to the world, when a convent at Dundee—with which town she was connected through the Comyns—another at Wigtown, the Greyfriars' Monastery at Dumfries, and, last of all, Newabbey in Kirkcudbrightshire, grew up at her command. Baliol died in 1269; and we are inclined to think that all these religious houses were erected after that date. Her affection for him seems to have been unbounded: perhaps she sought, by the building of such expensive fanes, to promote the eternal well-being of her departed husband.

The dates of these erections are unknown, except in the case of Newabbey, which, Fordun tells us, was built in 1275,* a period when the Decorated style of Gothic architecture was just beginning to enrich the severer dignity of the Early English. The abbey is of this complex transitional character; and as the monastery was in the Early English style, no difficulty is felt in determining that it came first into existence, and that it could scarcely have been built later than 1270—the probability being that it had a somewhat earlier origin. There were no architects among the ordinary Celtic or Saxon population of Dumfriesshire and Galloway competent to design such buildings—no masons able to fashion the materials, and weave them, as it were, into the requisite shape. The Norman nobles and yeomen, who had newly come into the country, had little relish for such artistic or industrial pursuits: more liking had they for "the pomp, pride, and circumstance of glorious war," and the exuberant pleasures of the chase. When it entered into the mind of Devorgilla, therefore, to dower her native district with goodly temples dedicated to God's service, she had to bring artists and operatives from a distance before her conceptions could be carried into effect. The lady's wealth was a handmaid to her will, which, like the talisman of Aladdin, brought agents at her call ready and able to do the work assigned to them. There were building associations

* Fordun, in the Scotichronicon, gives this date twice: vol. i., p. 474, and vol. ii., p. 124.

in France and Italy formed for the very purpose of erecting, or assisting to erect, gorgeous religious structures adapted for the sumptuous ritual of the Western Church.* Some of these, on being appealed to, would only be too glad to visit Nithsdale, in order to realize the grand ideas of this bountiful princess and dutiful daughter of Rome.

In due time a band of foreign workmen would arrive at Dumfries; and probably, after completing their contract there, a portion of them would be engaged on the greater undertaking further down the river. There is no necessity, however, for supposing that all the head and hand work employed on these buildings was furnished from abroad. Some native churchmen may have co-operated with the foreign architects; and Newabbey, at all events, manifests some features, such as the depression of the upper window of the transept, which are never found in French or Italian buildings of the same style and period.

The site selected for the Abbey was an admirable one—a pleasant nook of land, watered by the Glen Burn, and within a short distance of the Solway; and there arose the marvellous pile which is still charming in its decay, though sadly changed since the wimpling rivulet and the surging sea sang responsive to the vesper melody of its inmates.

Its humble sister building, which has long since disappeared, was a monastic establishment belonging to an order founded by St. Francis of Assisi, who, from being a wild libertine, had become an ascetic devotee, and died in the odour of sanctity about the year 1230. When brooding sorrowfully over his wasted prime, he heard a sermon on Matthew x. 9, 10: "Provide neither gold, nor silver, nor brass in your purses; nor scrip for your journey, neither two coats, neither shoes, nor yet staves: for the workman is worthy of his meat." This discourse fixed the destiny of young Francis Bernardone—had a wonderful influence too, as we shall afterwards see, on the fortunes of Scotland; for if he had not established a monastic order in consequence, there would probably have been no friary at Dumfries, and in that case no slaughter of Comyn, and the pliant Lord of Annandale might never have grown into resolute heroism—never have ripened into the Bruce of Bannockburn. Francis, interpreting

* Appendix A.

the Scriptural injunctions literally, gave up all his worldly goods, attired himself in coarse raiment, and, wandering the country round, begged from man and prayed to Heaven by turns: one of the first specimens of a mendicant friar which Europe had ever seen. He obtained a numerous train of followers—formed an order on his own self-sacrificing model, which, in further proof of his humility, he named Fratres Minores—as if they were too contemptible to be put on a footing of equality with the other religious brotherhoods. Devorgilla, a devotee herself, cordially sympathized with these poor ascetics. She had conceived the idea of building and endowing a magnificent abbey for monks of a more patrician class—the Cistercians: she resolved first to found a house for the lowly Franciscans, the fame of whose virtues and sacrifices had often been sounded in her ears, and had won her warmest admiration.

This monastery, though a small building as compared with Newabbey, had a handsome external aspect. In that respect it had no rival in Dumfries. The Castle had more strength than ornament; the smaller fortress, southward of the town, belonging to the Comyns, was a rough piece of masonry; and the primitive church, erected during the Scoto-Irish period, would be simply a square or oblong fabric, with probably a roof of thatch, and certainly with few pretensions to architectural beauty. The new religious house was erected westward of the Castle, near the head of the oldest street—still called on that account the Friars' Vennel. It consisted of a range of cloisters, a refectory, a dormitory, with other necessary appendages; and there was added to it a church—not commonplace, like the other church, but made up of nave and aisle, chancel and choir: all in the Early English style, which prevailed for about eighty years after the disappearance of the Norman style, in the beginning of the thirteenth century.

Some time in the latter half of the same century, swarthy foreigners from the sunny South were seen mingling with the fair-complexioned Celts and Saxons of the town—*in*, but not *of*, the ordinary population. Their language, dress, and mode of life were alike strange: some of them spoke Norman-French, others the soft Italian tongue—in curious contrast to their

rough attire, which consisted of a coarse grey gown having a hood of the same stuff, and fastened at the waist with a hempen cord by way of girdle. These grotesque-looking strangers were the original Grey Friars, the primitive tenants of the Monastery in the Vennel. Afterwards they would be joined by numerous recluses from the neighbourhood; and, when the foreign friars had acquired some knowledge of the native dialect, the order would enter upon its duties, which, as summarily expressed in the rules of its founder, were—"To live to preach, and beg to live."

But the liberal lady who brought the brethren to Dumfries did not wish them to interpret these words too literally: she fancied that a fixed income would be an acceptable addition to precarious doles given by the charitable; and, accordingly, the house was endowed by her with the customs exacted at the bridge. The Nith was now no longer a wild, untrammelled vagrant river, rioting wantonly over its eastern bank, playing at high jinks when it pleased, dashing its spray upon the lieges as they looked out of their little domiciles, and saying complacently to itself, "I shall have these encroaching houses down some day."

The river was bridged; a beginning had been made of the embankment townward at the bottom of the Vennel; and though spring tides and Lammas freshets still at times turned the stream into an inland sea, its destructive power was sensibly reduced, and, rage and foam as it might on such occasions, it could not get rid of the curb put upon it, or break the bond of stone which rose above its subject billows to unite Dumfriesshire with Galloway. The bridge was a colossal one, of nine arches, having no equal at that time in Scotland.* Some of the workmen, who literally left their mark on the monastery, would probably be employed in its construction also. Three years were spent, fully five centuries afterwards, in erecting the new bridge over the Nith; and we may reasonably suppose that the building of the old bridge would occupy a still longer period. This latter structure helped to make Dumfries: it was thereby brought into a close relationship with Galloway, and became an important station on the leading highway between England and Scotland.

* Appendix B.

The founder of Dumfries is unknown; its first royal patron was William the Lion, and the person to whom it was indebted next to him in mediæval times was Devorgilla. Before the charters and the bridge a humble village—after them a thriving burgh.

In or prior to 1282, when other ten years or less had elapsed, Devorgilla gave yet another proof of her extraordinary munificence by establishing Balliol College, in the University of Oxford, so called in memory of her deceased husband, who was rarely absent from her thoughts.* The original deed embodying the statutes of the foundation is still extant, with an impression of Devorgilla's seal attached—both precious relics.† The impression of the seal—a double one, reproduced on the title page—is especially interesting: one side exhibits the arms of Baliol impaled with those of Galloway, the other a full-length figure, doubtless her own, holding up the shields of both families, one in each hand, with two more shields below; one consisting of three garbes, the other of three piles conjoined in point, and representing respectively the related houses of Chester and Huntingdon. Wyntoun,‡ Prior of Lochleven, states that Devorgilla was a comely personage—"rycht pleasand of bewté;" that

> "A bettyr ladye than she, wes nane,
> In all the yle of Mare Bertane."

Pity that some of the lines in this miniature likeness have been so obliterated by "time's effacing fingers," that the nobility of mind which made her higher and richer far than her princely rank or her boundless wealth is not seen imprinted on the features; but the reflex of the eloquent eyes has been to some extent preserved, and the soul of the sainted lady seems, as it were, to look through them still, and through the mist of the long cycle that has intervened since she passed away from earth.

Devorgilla breathed her last at Barnard Castle in 1289. Her husband, John Baliol, died at the same place twenty-one years

* The original building has long since disappeared, and in the existing College there is nothing earlier than the middle of the fifteenth century. The foundation at present comprises a master, twelve fellows, and fourteen scholars, besides exhibitioners.—*Walk through Oxford*, p. 103.

† Appendix C. ‡ Cronykil, Book viii., c. 8.

before, and was buried there—all except the heart: which symbol of our emotional nature the sorrowful widow caused to be embalmed, and placed in a little ivory casket, and kept beside her as a daily companion, till the erection of Newabbey furnished for it a fitting shrine. It was built in over the high altar of that magnificent monumental fane: hence the romantic name it ever afterwards bore, Dulce Cor, or Sweetheart Abbey.* They brought the body of Devorgilla to her native Nithsdale, burying it within the walls of the Abbey, and placing upon the lady's bosom her husband's heart, in obedience to her dying wish: another affecting illustration of the strong love which made them one. A tombstone, of which there is left no certain trace, marked the spot, bearing upon it an inscription, which, unlike most epitaphs, did not recount one half of the virtues possessed by the lady who slept below. The epitaph, composed by Hugh de Burgh, Prior of Lanercost, ran as follows:—

"In Devorvilla moritur sensata Sibilla,
Cum Marthaque pia, contemplativa Maria;
Da Devorvillam requie, Rex summe potiri
Quam tegit iste lapis cor pariterque viri."

"In Devorgil, a sybil sage doth die, as
Mary contemplative, as Martha pious;
To her, oh! deign, high King, rest to impart
Whom this stone covers with her husband's heart."

* "That ilke hart than, as men sayd,
Scho bawmyd, and gert it be layd
In-til a cophyn of evore,
That she gert be made there-for,
Annamalyd and perfectly dycht,
Lockyt and bwndyn with sylver brycht;
And alwayis quhan scho ghed til mete
That cophyne scho gert by hir sett;
And till hyr Lord, as in presens,
Ay to that she dyd reverens."

Wyntoun's Cronykil.

CHAPTER V.

DUMFRIES IN THE REIGN OF ALEXANDER III—EXPEDITION AGAINST THE ISLE OF MAN—DEATH OF THE KING—DISPUTED SUCCESSION TO THE THRONE—BALIOL'S CLAIMS ENFORCED BY EDWARD I. OF ENGLAND—EDWARD CONSTITUTES HIMSELF LORD PARAMOUNT OF THE KINGDOM—HE SEIZES ITS CHIEF STRONGHOLDS, INCLUDING THE CASTLE OF DUMFRIES—THE TOWN PLACED UNDER ENGLISH RULERS.

It is in the palmy days of Alexander III. that we find Dumfries first associated with great historical events. In the reign of that good and sagacious king, Scotland reached a position of prosperity to which it had never before attained. He encouraged commerce and literature; and, whilst cultivating with success the arts of peace, he acquired fame and more substantial results, by his prowess in the field. Fighting at the head of his army, in 1263, he gained a decisive victory over the Norwegian invaders under King Haco, at Largs, in Ayrshire; and, with the view of pushing his success, he in the following year visited Dumfries, and there planned an expedition against the Isle of Man, which originally belonged to Scotland, but had for about a hundred and eighty years been subject to the Crown of Norway. The King brought with him a powerful force, which would be swelled, we may suppose, by the vassals of the neighbouring chiefs, anxious to show fealty to their feudal superior. When the army of Mona, as it may be called, was all duly equipped, it embarked in a squadron of vessels brought to the estuary of the Nith for that purpose; and, under the leadership of Alexander Stewart, progenitor of the royal family of that name, and of John Comyn, Earl of Buchan, proceeded down the Solway to its destination.*

It does not appear that the hostile fleet encountered any opposition. We read of no naval engagement introductory to

* Both Hector Boethius and Buchanan furnish accounts of this expedition. According to the former historian, the fleet consisted of thirteen ships, manned with five hundred mariners.

the battles which took place on the soil of Man for the possession of the island. These, however, were numerous and obstinate—Guara, King of Man, under Haco, offering a desperate resistance. At length he was forced to yield; and the expedition returned laden with the spoils of victory, after having subdued the island and appointed a viceroy over it, who engaged, by way of tribute, to maintain thirteen ships, with five hundred mariners, for the use of the Scottish monarch.

Other twenty prosperous years pass away, to be succeeded by more than twenty of desolation and trial. Dumfries was identified with the conquest of Man, and shared in the general well-being of the country; and when, by the accidental death of Alexander III., its Augustan era was brought to a sudden close, the town and its neighbourhood experienced more than their share of the sufferings which ensued. The proximity of Dumfries to the dominions of the ambitious monarch who aimed at making Scotland a dependency of the English Crown, exposed the town to peculiar perils, rendering the interregnum a time of rapine and terror for the unfortunate inhabitants.

Alexander III. died childless, and his heiress and granddaughter, the Maiden of Norway, was an infant in a foreign land. In her absence, some of the barons who had pretensions to the Crown put forward their claims; whilst Edward I. of England endeavoured to negotiate a marriage between the young Princess and his son, the Prince of Wales: hoping thereby to get possession of Scotland—a prize he had long coveted. But the tender child, whose precarious life stood between the country and the perplexities of a disputed succession, and who, perhaps, might have been the occasion of still greater evils had she lived, sickened and died on her way to Scotland, in 1290; so that the English monarch, thus defeated in his designs, resolved if possible to realize them by fraud and force. It is not necessary that we should narrate with minuteness how he schemed and acted—into what troubles he plunged the country, and how it was eventually delivered out of them, and his ambition thoroughly baffled; but, in order to understand the history of Dumfries, we must pay some attention to the proceedings at this period with which it is inseparably bound up.

In the first scene of the evolving drama, the competitors for

the Crown, including John Baliol, Devorgilla's son, and Robert Bruce, fourth Lord of Annandale, are discovered laying their respective claims before the crafty English monarch as umpire. Each of them tries to make the best of his own case; and Baliol, not satisfied with such a course, adopts the expedient of traducing his chief rival, Bruce. In a paper laid before King Edward,* he affirmed, that when the Bishops and other great men of Scotland had sworn to defend the kingdom of their lady the daughter of Norway, and keep the peace of her land, Sir Robert Bruce and the Earl of Carrick, his son, after also doing fealty to her as their lady liege, attacked the Castle of Dumfries with fire and arms, and banners displayed, expelling the forces of the Queen who held the same; that thereupon Sir Robert advanced to the Castle of Buittle and caused a proclamation to be made by one Patrick McGuffock, within the bailery of the same fortress, warning certain loyal individuals away from the district: the result being that good subjects quitted the land or were banished therefrom. How far these allegations against Bruce were correct, cannot now be ascertained; but the probability is that they embodied a highly exaggerated version of some real occurrence.

In the second scene, we find the royal umpire reducing the competitors to these two: to Bruce, as son of the second daughter of William the Lion's brother, and Baliol, as grandson of the same nobleman's eldest daughter; in the third, we see him selecting Baliol as the more pliant of the two; in the fourth, we hear the obsequious favourite acknowledge that he is but a vassal sovereign to his patron Edward, the Lord Paramount of Scotland; and, in the fifth, the castles of the nobles, that had been given temporarily to that puissant monarch as a pledge that his decision would be accepted, are seen passing into the hands of the puppet-king, with Englishmen for their governors.† The sad finale being a virtual surrender of the nation's power, and a sacrifice of its independence: which humiliation is symbolized by the breaking of the Great Seal of Scotland into fragments.

* Sir Francis Palgrave's Documents and Records Illustrative of the History of Scotland, vol. i., Introduction, p. 80.

† Rymer's Fœdera, vol. ii., p. 591.

So ended Edward's original device. He had effected a conquest at little cost of treasure, and with no loss of blood: diplomacy had done more for him than his predecessors had been able to accomplish with the sword. But the triumph so cheaply won was temporary in its duration. The imperious spirit of the victor led him to make such exactions on his vassal, that the latter writhed under the treatment, and at length revolted—having first received the Pope's absolution from his oath of homage. Baliol was encouraged to throw off the English yoke by many of his nobles, who felt it to be unbearable. A considerable army was raised by them; and Edward, not knowing whether to be more enraged than gratified by the news, heard that his Viceroy for ruling the subjugated kingdom, had set up as a sovereign on his own account. The English monarch was irritated at what he conceived to be Baliol's treachery, and the unexpected failure of his own artfully-devised schemes; but his aspirations were agreeably whetted by the tempting opportunity, which the revolt of his vassal gave him, to place Scotland under martial law, and to snatch its sceptre from the weak hand to which he had consigned it—results not difficult to effect, he thought, as he had an immense army at his disposal, and could not dread much opposition from a country whose strength had been undermined and spirit broken.

The events which ensued justified his anticipations: Berwick besieged and taken, and thousands of its occupants put pitilessly to the sword;* Dunbar, the key of the kingdom in that direction, captured after the loss of 10,000 defenders—the Castles of Roxburgh, Jedburgh, Dumbarton, Edinburgh, and Stirling, one after another, garrisoned by the conquering English; and their proud monarch, celebrating on the same day the Feast of John the Baptist and the acquisition of a kingdom, in the city of Perth, which opened its gates at his approach. Edward's triumph was intensified, and his pride mightily flattered, by the appearance at this festive scene of a grey-haired suppliant: poor John Baliol come to acknowledge himself a guilty rebel, and to crave forgiveness from his injured lord and master; which favour was graciously granted—only that he had to purchase it at the

* Some Scottish historians affirm that 15,000 persons fell in the massacre, but the number seems incredible.

expense of his kingly crown, and a sojourn with his son in the Tower of London.*

Bruce, son of the other competitor, who had acquired the earldom of Carrick by marriage, thinking that now the star of his house had a good chance of rising, brought his hereditary claims before the king, who at once annihilated them by the sneering exclamation, "Have we no other work on hand but to conquer kingdoms for you?" Edward reserved the crown of Scotland for himself; and, with the view of keeping it more securely upon his head, sent Bruce to pacify the malcontents of his Annandale patrimony, and his son to perform a similar service in Carrick.†

How fared Dumfries during these stirring occurrences? Its Castle, like the other strongholds of the kingdom, was placed at the disposal of Edward, when he became umpire, and handed over by him to his creature Baliol, with the sceptre which he was so soon to lose. Baliol forthwith gave the Castle, with other fortresses of the district, into the keeping of Richard Seward,‡ the great-grandson of a Northumbrian chief who, fleeing from the power of William the Conqueror, settled in Dumfriesshire. This transfer of the Castle of Dumfries must have been extremely mortifying to Bruce, if it be true, as has been supposed, that he claimed a right to it under the Crown. When nearly all the other nobles swore fealty to Baliol, he retired, in a moody half-defiant spirit, to his paternal Castle of Lochmaben, where he died in the year 1295. His son and grandson, however, acknowledged what seemed to be the irresistible power of the English monarch, by doing homage to him, as their rightful King, at Berwick; and his Majesty, appreciating their offer of service, gave to "his beloved and faithful Robert de Brus, Earl of Carrick," letters patent, empowering him to render all persons on the marches of Annandale, whether English or Scottish, submissive to the English Government—the commission investing his son with a similar authority. It does not appear, however, that the Bruces were ever implicitly relied upon by Edward: had they possessed his full confidence, Dumfries, which adjoined their Annandale estates, would most likely have been placed under their rule. Its

* Langtoft's Chronicle, vol. ii., p. 280.
† Rymer's Fœdera, vol. ii., p. 714. ‡ Rotuli Scotiæ.

government was assigned to men of whose devotedness he could have no doubt—Henry de Percy, John de Hodleston, and, ultimately, to Alanus la Sousche, who also had jurisdiction over a great portion of the surrounding territory.* Nithsdale and its chief town had, since the light of history was cast upon them, experienced many changes; but never till this period had they been placed under the foot of an oppressive conqueror. The Selgovæ, as we have seen, were not tyrannized over by the Romans; and the succeeding races who took root in the district fraternized with and did not trample upon the resident population. It was a new as well as a painful thing, therefore, for the people to know and feel that they were in a state of thraldom. Their native rulers were displaced; foreign lords occupied their lands and castles; and the "crown of the causeway" was usurped by an insolent soldiery, who paid no respect to gentle or simple, but were the rude enforcers of the English usurpation, and, as such, bent on breaking down the spirit of the people, and impoverishing them both in mind and body.

Though a great amount of license was given to the soldiers, they were required to respect ecclesiastical property of all kinds—Edward being anxious to keep on good terms with the Pope. He also sent letters to men of influence, enjoining them to protect abbeys, priories, monasteries, and other religious houses. Communications of this nature were addressed to the "Earls of Strevelyn, Dunfres, Edinburgh, and Berwick,"† in favour of the Abbot "de Sancta Cruce;" and to the Governor of Dumfries, on behalf of the Prioress of Lincluden, "Dungallus,‡ Abbot de Sacro Nemore (Holywood), Andreas, vicar of Dalgarnock, Walter Lilleslief, parson of Kylebride, and Robertus filius Rodulphi, parson of the Church of St. Cuthbert de Ewytesdale." §

Throughout Dumfriesshire and Scotland generally, the yoke of vassalage was impatiently borne; and if the conqueror, when at Perth praying and carousing by turns, really cheated himself into the belief that, though foiled at first, he had now with the

* Redpath's Border History, p. 201; and Rotuli Scotiæ, p. 30.

† Rymer's Fœdera.

‡ Dungal was probably one of the family of Dunegal of Stranid.

§ Rymer's Fœdera.

strong hand fairly quenched the fire of Scottish independence, he was soon undeceived. He had succeeded in putting down all show of opposition; and, in order to retain his hold upon the country, he strengthened its garrisons, and took means for overawing its most turbulent portion, the Border district, by appointing wardens to govern it, with special powers applicable to its frontier position. Having to all appearance realized his utmost wishes in Scotland, he proceeded to France, to try if haply he might meet with the same good fortune there. He aimed at making that country also acknowledge the superiority of his arms; and while engaged in the fallacious effort—pursuing a shadow—the substance he had already acquired eluded his grasp.

CHAPTER VI.

APPEARANCE OF WALLACE AS THE CHAMPION OF SCOTTISH INDEPENDENCE—VISIT OF THE PATRIOT CHIEF TO ANNANDALE—HE REPEATEDLY DEFEATS ITS ENGLISH OCCUPANTS, AND TAKES FROM THEM THE CASTLE OF LOCHMABEN—EXPLOITS OF SIR WILLIAM DOUGLAS IN UPPER NITHSDALE, AND CAPTURE BY HIM OF THE CASTLES OF DURISDEER AND SANQUHAR—RETURN OF WALLACE TO DUMFRIESSHIRE—HE DEFEATS THE ENEMY NEAR DUMFRIES, AND PURSUES THEM THROUGH THE TOWN—SCOTLAND FREED FROM FOREIGN DOMINATION, IS AGAIN PARTIALLY SUBJECTED TO IT ON THE DEFEAT OF WALLACE AT FALKIRK—ARTFUL POLICY OF EDWARD TOWARDS THE SCOTTISH CHIEFS.

KING EDWARD had not been long gone across the Channel till the Earl of Surrey, his guardian of Scotland, sent pressing despatches urging him to return. The King thus learned, to his surprise and regret, that rebel bands (as they were termed) had risen up in numerous directions, who were galling the English with guerilla attacks; and that if they were allowed to concentrate their efforts, and were not summarily put down, they might possibly undo all that it had cost so much blood and treasure to accomplish. One Walays or Wallace figured prominently in these urgent letters to King Edward.

That patriot, afterwards so famous, was at first heard of by his enemies as a bold, daring malcontent, who was always ready against any odds to assert his own personal independence, and proclaim his country's rights by word and deed. He would, doubtless, be deemed by them a mere foolhardy bravo, till his more private scuffles with the insolent soldiery at Ayr and Dundee gave place to skirmishes on a wider scale; in which, sallying forth with a handful of followers as recklessly defiant as himself, he encountered large bands of English with unvarying success. Wallace, in this way, gradually became a felt power in the land; his name, before Edward returned from France, had become the watchword of freedom, and had been heard sounding as such not merely in the east and west, but in Nithsdale

and Annandale—where, notwithstanding the special precaution taken by the Government, a spirit of revolt was beginning to show itself.

For the purpose of keeping it in check, Lord Clifford proceeded from Carlisle into Dumfriesshire, and devastated the country, putting many of its suspected inhabitants to death. Patriotism, however, was not uprooted from it by this sanguinary process: the plant deluged by blood retained its vitality. Soon after Clifford had finished his cruel mission, John de St. John* became keeper of the district—his rule extending southwards to Carlisle and eastwards to Roxburghshire; but though he appears to have had a numerous force, he never succeeded in securing the thorough submission of the people. St. John, while pretty safe in the strong Castle of Dumfries, was liable to be every now and then alarmed by rumours of risings, true or false, against his authority; and he did not know the moment when the rebels of the town and neighbourhood might muster in full force to strike for liberty and revenge. This officer, when lording it over the district, must have lived in great style. We learn from the wardrobe accounts of Edward I., that St. John was allowed forty caparisoned horses, the maintenance of which was £5 3s. 6d. a day; and that for his personal following he had a knight banneret, six knights, and thirty esquires, whose pay was from 4s. a day to 1s.—large sums, though seemingly small, since their value with reference to all commodities was at least ten times as great as the same amounts at the present day.

Lord Clifford was always at hand, however, to assist St. John in case of need; and a second time he made a terrorist raid across the Border, in which he burnt and sacked the town of Annan, with its church, and treated in a similar way no fewer than ten villages in the vicinity, most of which never again rose out of their ashes.† These merciless proceedings had a certain amount of present influence; but when a reaction came, it was thereby rendered more decisive and overwhelming: and, meanwhile, preparations for it were rapidly going on, for Wallace himself, leaving Ayrshire, appeared in the neighbourhood of

* Caledonia, vol. iii., p. 82.

† Knighton, p. 2522; Haile's Annals of Scotland, p. 263; and Redpath's Border History, p. 212.

Dumfries, calling the people to arms, and sounding there as elsewhere the knell of Edward's hated dominion.

Under what particular circumstances the hero was led to leave his native shore, the scene of his chief efforts about this time, and proceed southward, we cannot say. Tradition and history combine to show that in 1297, or the following year, before he fairly appeared as the national champion, he had several affrays with the enemy in the neighbourhood of Lochmaben.* On one occasion, it is said, a party of Englishmen maltreated the horses of himself and followers by cutting off their tails—for which he took ample vengeance. Sir Hugh Moreland, hearing of what had occurred, hurried after the Scots, being able to trace them to Knockwood, in the neighbouring parish of Kirkmichael, by the blood which streamed from their wounded horses. Wallace, reinforced by sixteen friends, who had been lurking in the wood, turned upon his pursuers and put them to the rout. Several large stones may still be seen in Knockwood, at a place called "The Six Corses," which are supposed to mark the spot where Sir Hugh Moreland and five of his followers fell; and near by there are slight remains of fortifications visible, one of which is said to have been occupied by Wallace, in order to protect himself from another English force which hastened from Lochmaben Castle on being apprized of the conflict that had occurred.

This body, consisting of three hundred horsemen, commanded by an officer named Graystock, surrounded the fortlet; but its occupants managed to effect their escape, and it was not till a day or two afterwards that the latter were overtaken. Then ensued a stoutly contested engagement. The Scots, whilst on their retreat, had been joined by Sir John Graham and Sir Roger Kirkpatrick, each bringing with them a few retainers; and, but for this circumstance, even the herculean prowess of Wallace might have been of little avail against the enemy's superior force. During the thick of the fight, the English leader fell mortally wounded; and his surviving followers forthwith fled, seeking refuge in the Forest of Knockwood, from which the Scots had previously withdrawn. Wallace did not follow far in pursuit; but, collecting his men together, turned in the direction of Lochmaben Castle, fired with the ambition of seizing that important

* Blind Harry, book v.

fortress, once a bulwark of Scottish independence, but now, owing to the pusillanimity of Bruce, converted into an English stronghold for keeping his native Annandale in check.

Fortunately for the designs of the Scottish chief, it was not in a condition to offer a formidable resistance: most of its usual defenders were lying still in death, or weary fugitives in the neighbouring woodlands; and those who remained were easily overpowered. Scarcely had the castle received its new garrison, when bands of broken men, footsore and wounded, from Knockwood, asked for admission at the gates, which they received—only, however, to share the fate of their comrades who had been taken in the field on the previous day. The stern exigencies of the situation combined with other circumstances to steel the heart of the usually generous Wallace; and the unsuspecting refugees were indiscriminately put to the sword. Leaving as many men as he could spare in the fortress, he returned to Clydesdale—from whence, however, he was soon recalled to Dumfriesshire.

The early exploits of Wallace, as recorded in the old chronicles,* seem very discursive and unsystematic. They had probably more of method in them than is generally supposed; and at all events they made his name well known, and originated a pretty general belief among his countrymen, that the hero of these seemingly random efforts was ripening for greater achievements, should occasion offer. They also brought to his standard some of the bravest spirits in the land, who were ready to follow wherever he led, and who closely emulated his own strong love of country, as well as his indomitable courage.

Among the chief of these was Sir William Douglas,† who was governor of Berwick when it was surrendered to Edward I. in 1296. Whilst Wallace was putting the English garrisons of Ayrshire to trouble, Douglas soon made those stationed near his own barony to feel that they had no easy sinecure. Watching a favourable opportunity, he attacked the small Castle of Durisdeer, in Nithsdale; and had the gratification of soon seeing the

* Wyntoun, Fordun, Knighton, Hemingford, and Henry the Minstrel (the latter not always to be implicitly trusted), are the chief authorities relied upon by modern writers for these and other early incidents in the career of the Scottish hero.

† Supposed to be grandson of William of Dufglas: see p. 32.

flag of Scottish independence unfurled on its walls—this success only stimulating him to undertake a more difficult enterprise. The neighbouring Castle of Sanquhar was a place of considerable strength, and defended by a powerful garrison, under the command of an officer named Beaufort. If the patriots could only get possession of this fortress, it would enable them to dispute the supremacy of the English in the Upper Ward of Nithsdale; but to besiege it in due form was beyond their resources, and there was no chance of surprising it, as the loss of Durisdeer had doubled the vigilance of the enemy. The idea of using force having been abandoned, an ingenious stratagem was resorted to.

Douglas knew that the inmates were regularly supplied with wood for fuel by a rustic named Anderson; and he thought it would be no impossible thing for one of his own trusty followers to personate the wood-cutter, and thus gain entrance into the castle for himself and others. Anderson was easily induced to lend his assistance; and, when he pocketed the golden pieces by which his honesty was corrupted, he probably soothed his conscience by the reflection that the men he sought to betray were the enemies of his country, and a curse to the neighbourhood. Thus far the preliminary arrangements proceeded favourably; and to Thomas Dickson, a shrewd, fearless soldier, of humble rank, the chief duty was assigned of developing the succeeding incidents of the plot. Having attired himself in Anderson's clothes, he hied to the castle gate, leading his timber-laden wagon, and was readily admitted. The unsuspecting porter who gave him entrance was stabbed by him, and stript of his keys; and the intrepid Dickson sounding his horn as a signal, Douglas and his men, who lay ambushed at a short distance, rushed in, and, as they passed to the inner court, a desperate attempt was made by the startled garrison to stop the impetuous intruders. "Down with the drawbridge! lower the portcullis!" cried many a voice; but even if the dying porter's ear had not been adder-deaf, and his hand had not been powerless, the requests could not have been obeyed. The wagon had been intentionally driven forward in such a way that the iron door could not be lowered; and the assailants had already crossed the drawbridge. They appeared in such numbers, and the garrison was taken at such a disadvantage, that only a feeble resistance was offered. All

the defenders, together with their captain, were put to death—a doom which they had provoked by their cruel treatment of the inhabitants of the district.

In this ingenious and daring way the strong Castle of Sanquhar was won.* The news of its capture spread like wild-fire far and wide. St. John and Lord Clifford, the latter of whom was residing in Lochmaben Castle at the time, saw at once that the English occupation would soon be gone in the district, unless an effectual check were put upon Douglas; and they resolved, if possible, to make the fortress where he had triumphed his dungeon, if not his grave. In a trice, armed companies were seen trooping from the Castles of Morton and Tibbers, in Upper Nithsdale, and from those of Dalswinton and Dumfries further down, all proceeding in the direction of Sanquhar; and before the intrepid Scot had fairly settled down in his new abode he found himself closely blockaded, and was saluted with the summons, "Surrender or die!" He was scant of provisions, and had really to consider the alternative of being starved outright in his castellated prison, or of placing himself, his gallant followers, and it, at the disposal of the enemy.

The English did not attempt to storm the stronghold, as they knew the desperate risk of so doing; and they therefore quietly surrounded it, in the full expectation that time would fight more effectually for them than the sword. Whilst the beleaguering force were thus occupied, Wallace, then in the Lothians, was apprised of their proceedings, and of the deadly straits to which his faithful friend was reduced. The trusty Dickson had managed to run the blockade (if we may use a modern phrase). Escaping by a private postern gate, he hied away northward, and carried the tidings to Wallace, who, with a large body of followers, set out by way of Peebles and Crawford, for the purpose of raising the siege.

Just as he had reached the latter place, the English, hearing of his designs, struck their tents and hurried away from Sanquhar, not daring to wait his approach. He thereupon altered his line of march, and, with a chosen band of light-horsemen, dashed through the Pass of Durisdeer, got a glimpse of the fugitives when in the vicinity of Morton, and reached their rear near the

* Hume of Godscroft's History of the House of Douglas, pp. 22, 23.

Castle of Closeburn. Not a few were there cut down. The woods of Dalswinton received the main body of the retreating English, but yielded them little protection. Partially sheltered by the trees, which must also have impeded their movements considerably, they faced round, in the attitude of stags at bay, boldly confronting their pursuers. Resistance was vain: the fall of five hundred proved how bravely, yet ineffectually, the English strove to beat back their impetuous foemen. Nothing for it but retreat. For many miles the flight had been well conducted; now it became disorderly in the extreme. As the remnant of the great besieging force entered Dumfries, it must have presented a woeful aspect. Thoroughly disorganized and panic-stricken, the fugitives, still closely pursued, passed the town: the Castle did not open its gates to succour them; no party of their countrymen interfered for their defence; and the last baleful drop was thrown into their cup when a body of Dumfriesians, made up of Kirkpatricks, Corries, Johnstones, Hallidays, and Maxwells, joined in the hot chase against them. The pursuit was kept up as far as Cockpool,* upon the Solway. Even as the bowers of Dalswinton gave them but deceitful shelter at an earlier stage, so the waters of the Frith received many into its fatal embrace. Some were slaughtered on the shore, some were drowned in the deep, and only a few escaped to the opposite side with life.†

Wallace rested from the fatigues of this memorable day in the Castle of Carlaverock, which was still possessed by Herbert de Maxwell, though he had, by his devotedness to Baliol, incurred the displeasure of the English monarch. Next day the hero was at Dumfries, where he would doubtless receive from the patriotic inhabitants an ovation due to him for doing so much for the deliverance of their common country. Thence he proceeded to Sanquhar, and had a cordial meeting with the grateful Douglas, now relieved from all anxiety, and undisputed lord of Upper Nithsdale—the few English left there remaining close in garrison, and exercising no rule over the district. After this we find no traces of the hero in Dumfriesshire. His various missions to it had been of essential service in fostering the people's spirit of independence, and in humbling their oppressors; and these

* Near Comlongan, the ancient seat of the Murrays.

† Godscroft's House of Douglas, p. 24.

good results obtained, he proceeded to other parts of Scotland to carry on his patriotic propaganda—first, however, rewarding the bravery of Douglas by making him governor of the territory which stretches from Drumlanrig to Ayr.

In March, 1298, the King of England returned from France, and once more entered Scotland at the head of a large army. He found that the reports he had received regarding the achievements of Wallace had been understated rather than exaggerated. The opposers of his authority were no mere banditti, but an armed host, commanded by a great military leader, who had a few months before crowned a numberless series of smaller triumphs by a decisive victory over the English forces at Stirling, and had even, with marvellous audacity, afterwards ravaged Northumberland, and returned laden with spoil. Edward hastened to undo the mischief by encountering the Scottish army at Falkirk, which he succeeded in defeating, greatly owing, it is said, to a feud among the leaders—Sir John Stewart and Sir John Comyn disputing the right of Wallace to take the chief command. A heavy blow was thus inflicted on the patriotic cause; and if the victors had followed up their advantage Scotland would have been once more reduced to a state of vassalage. Wallace effected a masterly retreat, carrying off the remains of his army in safety; and, whilst the English were resting on their way to Stirling, they were startled, at dead of night, by a party of the fugitives, who broke into their camp, slaughtered many of its occupants, and rejoined their companions without the loss of a single soldier. The English, on reaching Stirling, found it had been laid in ashes, and could afford them no shelter or food. They then passed down into Ayrshire; Edward intending to chastise Bruce, Earl of Carrick, who had been playing fast and loose with him of late. The Castle of Ayr in flames was all the welcome given by the Scottish baron to his liege lord; and as the former, after firing the fortress, retreated into the fastnesses of Galloway, the latter did not care about following him thither, particularly as he was short of provisions. Indeed, had the conquerors at Falkirk continued much longer in Scotland, they would have suffered from famine; the country being laid waste on their entire line of march. Nominally victorious, but in reality foiled in their purpose, they retired into England by

Dumfries; some of the strongholds of the district surrendering as they passed along, and the Castle of Lochmaben, which had been won by Wallace, being taken by them after a brief siege.* The fruits of the expedition, whether in Nithsdale or the country at large, were small, compared with the blood and treasure spent in securing them; and, as we shall soon see, the English monarch was under the necessity, before two years elapsed, of making another hostile march across the Border—so obstinately did the Scots refuse to believe in their defeats, or in his supremacy over them.

In studying this portion of our national history, we cannot fail to be struck with the ignoble course pursued by the principal barons. It was the aim of Edward to separate them from their country's cause, and to attach them to himself by appeals to their self-interest. He played one of them off against another—Baliol against Bruce, Bruce against Comyn, all against Wallace—in order that he might weaken them, and secure his own ends at last. The position in which some of the nobles stood to him before his interference with Scottish affairs enabled him all the more easily to carry on this politic game, as they held lands under him, and were English barons as well as Scottish subjects. All the three powerful patricians named above, and many others, paid feudal homage to him for their estates south of the Border; and it is easy to see that the King had thus an opportunity of gaining a moral influence over them, which, with the lure of material rewards, contributed to their subserviency.

Baliol, the competitor for the Crown, gained and lost "the golden round of sovereignty" because he was first obedient and then rebellious; the heads of the Brucian family were rendered for a while submissive by arguments addressed to their hopes and fears; and when, by the banishment of the Baliols, the Lord of Badenoch fancied his claims were advanced, he found that they were more likely to be so by plotting against the Earl of Carrick, and otherwise pleasing King Edward. How Bruce, grandson of the Competitor, tried at first, like his father, to remain neutral, taking part neither with the invaders nor the patriots—how the wardens of the Western Marches, dreading that he would one day throw his vast influence into the scale against England,

* Hemingford, vol. i., p. 166.

summoned him to Carlisle, and, on the consecrated host and the sword of Thomas-à-Becket, made him renew his oath of fealty to Edward—how, in proof of his loyalty, he wasted the lands of Sir William Douglas—how he shortly afterwards repented of his oath, and joined the Scottish army, yet never, till a later period, took boldly and persistently the proud position to which he was called alike by enlightened self-love and his country's cry of anguish—are facts so familiar to all readers of Scottish history that we only require to mention them as links in the general narrative. Both father and son ingloriously vacillated between sordid interest and sacred duty; but at length, as we shall see, the logic of events made the son see that he must either be king of independent Scotland, or sink into dishonourable insignificance: fortunate it was for his country and himself that he did not submit to the latter alternative.

CHAPTER VII.

ENTRY OF AN IMMENSE ENGLISH ARMY INTO DUMFRIESSHIRE—DESCRIPTION OF THE HOST BY WALTER OF EXETER, A HISTORICAL POET WHO ACCOMPANIED IT—EDWARD I. VISITS DUMFRIES AND LODGES IN THE GREY-FRIARS' MONASTERY—HE RETURNS TO CARLISLE, PLACES HIMSELF AT THE HEAD OF THE INVADING ARMY, AND LAYS SIEGE TO THE CASTLE OF CARLAVEROCK—DESCRIPTION OF THE CASTLE—DETAILED ACCOUNT OF THE SIEGE—GALLANT RESISTANCE AND EVENTUAL SURRENDER OF THE GARRISON.

DUMFRIES and its vicinity are so mixed up with the next English invasion, that we must dwell upon its details at some length. Of all the expeditions undertaken by Edward I. against the Scots, this was the most formidable and costly. It was arranged on a magnificent scale, and designed to be final and conclusive. Whenever the King's back was turned, his power over the country began to wane; and he resolved, if possible, to give his rebellious subjects such a punishment as would keep them quiet and well-behaved for the future. Walter of Exeter, who composed a historical poem on the subject, accompanied the army; and as his work (written in Norman-French) is still extant, we thus get a familiar glance at the expedition and its progress.*

Edward having summoned all who owed him military service, in England and elsewhere, to attend upon him at Carlisle, on the Feast of the Nativity of John the Baptist—who seems to have been his Majesty's favourite saint—"that day [1st of July, 1300]," says Walter, "the whole host was ready, and the good King, with his household, then set forward against the Scots, not in coats or surcoats, but on powerful and costly chargers, and, that they might not be taken by surprise, securely armed.

* "The famous Roll of Carlaverock, a poem, in old Norman-French, rehearses the names and armorial designs of all the various knights, &c., who attended Edward at the siege of Carlaverock, A.D. 1300. Heraldry is therein, for the first time, presented to us as a science."—DEBRETT'S *Peerage of the United Kingdom*, p. 513.

There were many rich caparisons embroidered on silks and satins—many a beautiful pennon fixed to a lance, and many a banner displayed; and afar off was the noise heard of the neighing of horses—mountains and valleys were everywhere covered with sumpter-horses and waggons with provisions, and sacks of tents and pavilions: and the days were fine and long. They proceeded by easy journeys, arranged in four squadrons."

The first squadron was led by Henry de Lacy, Earl of Lincoln; the second by John, Earl of Warren and Surrey; the third by Edward himself, whose appointments and bearing are depicted by our authority in courtly style. "The King," he tells us, "brought up the rear so closely and ably, that none of the others were left behind. In his banner were three leopards courant, of fine gold, set on red—fierce, haughty, and cruel: thus placed to signify that, like them, the King is dreadful, fierce, and proud to his enemies; for his bite is slight to none who inflame his anger—not but that his kindness is soon rekindled towards such as seek his friendship or submit to his power."

The fourth squadron was under the command of Prince Edward, who was just seventeen years old, and clad in armour for the first time. Not less complimentary is the poet's picture of the royal youth. "He was a well-proportioned and handsome person, of courteous disposition and intelligence; and desirous of finding an occasion to display his prowess. He managed his steed wonderfully well, and bore with a blue label the arms of the good King his father." Who should be attending on the Prince but our old acquaintance, John de St. John, Governor of Dumfries, whose duty was, we are told, as an experienced warrior, to instruct the royal neophyte in his knightly duties: so that, in reality, the fourth division of the army was under the leadership of St. John.

Eighty-seven of the most distinguished vassals of the English Crown, with their retainers, figured in the imposing array, including lords of Bretagne and Lorraine, and Scottish renegades—Alexander Baliol (brother of the ex-king), the Earl of Dunbar, Sir Simon Fraser, Henry de Graham, and other false knights, who sunned themselves in the great King's smiles, regardless of their country's tears. This splendid assemblage of armed men filled, it is said, the whole way between Newcastle

and Carlisle; and never before, not even in the old Roman times, had such a host proceeded northward.

Leaving it in the neighbourhood of the latter city, Edward, accompanied by a small escort, proceeded to Dumfries, in order to ascertain for himself the feeling borne towards him by the district and its capital. Most probably St. John was one of the party; but the King did not claim the hospitality of his castle. Passing its gates, he appeared at the door of the monastery, and asked leave to become the guest of the Mendicant Brothers, who, as a matter of course, made his Majesty welcome, and offered him their best. Men of peace, they had no power, even if they had had the will, to bid their martial visitors, with a tall, fierce-looking king at their head, begone; and so, for several days in June, the latter were boarded and lodged with the Minorite Friars in the Vennel.* The English party seem to have got on comfortably enough in their temporary abode, as, before leaving it, the service afforded to them was acknowledged by a handsome largesse. The object of the King's journey to and residence in Dumfries having been accomplished, he returned to the "merrie citie," and, setting his vast army in motion, it entered the County on the 24th and 26th of June, marking its progress by devastation and blood.

It was part of Edward's plan to strengthen all the fortresses he already possessed, and increase their garrisons, and to seize all such as had hitherto resisted his authority. By such means he expected to retain a permanent hold of the country, after he had butchered or dispersed the rebel army in the field. Accordingly, the breaches made in Lochmaben Castle were filled up, the Castle of Dumfries was put in good repair, and enlarged by the erection of a large peel, or wooden tower; and siege was set to the Castle of Carlaverock, whose garrison scornfully refused to give it up to the invaders, and prepared to keep them out of it as best they could.

This Border stronghold was situated about three hundred yards to the south-east of the majestic ruin which now bears its name. "Its figure," says Walter, "was like that of a shield, for it had only three sides, with a tower on each angle; one of them a jumellated or double one, so high, so long, and so spacious,

* Wardrobe Accounts, p. 41.

that under it was the gate, with a drawbridge well made and strong, with a sufficiency of other defences. It had also good walls, and ditches filled to the brim with water: and I believe there never was seen a castle more beautifully situated; for at once could be seen the Irish Sea towards the west, a charming country towards the north, encompassed by an arm of the sea, so that no creature born could approach it on two sides, without putting himself in danger of the sea. Nor was it an easy matter towards the south, it being, as by the sea on the other side, surrounded by the river, woods, marshes, and trenches; wherefore it was necessary for the host to approach it towards the east, where the hill slopes."

Early in the month of July, the siege commenced; three thousand men-at-arms forming the attacking party, arranged into three battalions, and occupying the slanting eminence on the east. "As soon as we were thus drawn up," continues Walter, "we were quartered by the marshal; and then might be seen houses built without carpenters or masons, of many different fashions—many a cord stretched with white and coloured cloth fastened by pins driven into the ground—many a large tree cut down to make huts; and leaves, herbs, and flowers gathered in the woods, which were strewed within: then our people took up their quarters." Our poetical historian declares "that the gleam of gold and silver, and the radiance of rich colours, emitted by the embattled host, illuminated the valley which they occupied;" and, with quaint simplicity, he adds, "those of the castle, seeing us arrive, might, as I well believe, deem that they were in greater peril than they could ever before remember." Not a doubt of it. The garrison did not, perhaps, number more than a hundred: their supply of food was limited; their connection with the sea was cut off; and they could mark through the loopholes such a multitude coming up against their castle as might blockade them into a surrender, should they choose to adopt that slow but sure mode of aggression.

The fiery spirit of the English King disrelishing such a tedious process, an attempt to destroy the chief defences was resorted to, as soon as his squadron, sailing up the Solway, supplied the means. It brought a welcome store of provisions,

as well as engines; and forthwith the footmen marched against the fortress. "Then might be seen stones, arrows, and cross-bow bolts to fly from among them; but so effectually did those within exchange their tokens with those without, that, in one short hour, there were many persons wounded and maimed, and I know not how many killed." To missiles thrown by hand and bow were soon added other more formidable ones, projected by catapults, and showers of blows from powerful battering-rams; the assailants suffering much loss when planting down the engines. The footmen, it appears, made little impression on the massive building; and the men-at-arms, ironed from top to toe, hurried to their assistance. The latter could better resist the interminable salutes of stone which were rained down by the gallant little garrison, and on which they mainly relied for defence; and so fast and heavily fell these mischievous boulders, that, we are told, they "beat hats and helmets to powder, and broke shields and helmets in pieces;" and ever as a brave knight was thus done to death, a shout of exultation was heard rising above the din of battle from within the beleaguered stronghold.

Some of the assailants who signalized themselves are thus depicted, and their feats described, in the curious work so frequently quoted from:—"First of all," says Walter, "I saw the good Baron Bertram de Montbouchier, on whose shining silver shield were three red pitchers, with besants, in a black border. With him Gerard de Gondronville, an active and handsome bachelor. He had a shield neither more nor less than vaire. These were not resting idle, for they threw up many a stone, and suffered many a heavy blow. The first body was composed of Bretons, and the second were of Lorraine, of which none found the other tardy; so that they afforded encouragement and emulation to others to resemble them. Then came, to assail the castle, Fitz-Marmaduke, with a banner and a great troop of good and select bachelors." Robert de Willoughby, Robert de Hamsart, and Henry de Graham are then noticed as joining in the assault; next Thomas de Richmont, who, in red armour, led on, a second time, some lances. "These," it is stated, "did not act like discreet people, nor as persons enlightened by understanding, but as if they had been inflamed and blinded with pride and despair; for they made their way right forward to the brink

of the very ditch;" nay, they passed, in view of the poetical reporter, "quite to the bridge, and demanded entry," receiving for reply "ponderous stones and cornices." Willoughby also pressed forward, till a stone, lighting on "the middle of his breast," arrested his career, though, we are told, the blow might have been warded off by his shield, "if he had deigned to use it." Fitz-Marmaduke long occupied the post of danger, his banner receiving "many stains, and many a rent difficult to mend;" while Hamsart "bore himself so nobly that, from his shield, fragments might often be seen to fly in the air," he and Richmont driving the descending stones upwards as if they were harmless shuttlecocks. Graham's retainers suffered severely, not above two returning unhurt or bringing back their shields entire.

Hitherto, it seems, notwithstanding the intrepidity of the assailants, the defenders had the best of the fray. After a breathing time, a second attack was made; the din waxed louder, and the struggle became more desperate. "Then you might hear the tumult begin:" and Walter despairs of being able to recount all the "brave actions" that ensued, as "the labour would be too heavy;" but he gives a few specimens:—"Ralph de Gorges, a newly dubbed knight, with harness and attire "mascally of gold, azure," fell more than once, struck by stones or jostled by the crowd; yet, "being of a haughty spirit, he would not deign to retire." Then Robert de Tony and Richard de Rokeley plied those upon the wall so severely that they were frequently forced to retreat; while Adam de la Forde mined away at the walls, "though the stones flew in and out as thick as rain." "The good Baron of Wigtoun received such blows that it was the astonishment of all that he was not stunned."

Meanwhile an engine called the robinet was in full play. Footmen, men-at-arms, and cavalry might be beat back, and were; but the irresistible robinet threw such large fragments of rock inside without intermission as to greatly thin the ranks of the defenders. So destructively did it operate, that the Knight of Kirkbride was able to reach the castle-gate. Many a heavy and crushing stone greeted him while, "with white shield, having a green cross engrailed," he swept aside, and, swinging aloft his ponderous battle-axe, assailed the gate, dealing such blows upon

it as "never did smith with hammer on iron."* Some of his followers plied it in similar fashion, till a party of the besieged returning, in defiance of the deadly robinet, to the overlooking wall, showered upon Kirkbride and his men "such huge stones, arrows, &c., that, with wounds and bruises, they were so hurt and exhausted, that it was with great difficulty they were able to retire."

No pause in the assault—no rest for the besieged. A relay of fresh warriors, including Bartholomew de Badlesmere and John Cromwell,† followed the banner of Lord Clifford, when sent by him to the gate—it being the ravager of Annandale who directed this part of the siege; "but the people of the castle would not permit them to remain there long;" and, as they retreated, Cromwell's shield of blue, bearing a white lion rampant, came back battered and defaced—the marvel being that its bearer, so "brave and handsome, who went gliding between the stones," got off unscathed. The attack was renewed by La Warde and De Gray; and, afterwards, a more general assault was recommenced by "the followers of my Lord of Bretagne, fierce and daring as lions of the mountain, and every day improving in both the art and practice of arms." "Their party soon covered the entrance of the castle, for none could have attacked it more furiously; not, however, that it was so subdued, that those who came after them would not have a share in their labours, as they left more than enough for them also." The followers of Lord Hastings and John Deincourt are specified as doing their duty nobly; and "it was also a fine sight," we are informed, "to see the good brothers of Berkeley receiving numerous blows."

Throughout the entire day, the defenders, though sorely plied, continued their resistance; and full justice is done by Walter to

* It is believed that Scott's heart-thrilling description of the storming of Torquilstone Castle was in some degree inspired by Walter of Exeter's narrative. The action of the Knight of Kirkbride will remind the reader of what is said respecting the Black Knight. He "approaches the postern with his huge axe—the thundering blows which he deals, you may hear them above all the din and shouts of the battle—stones and beams are hurled down on the bold champion—he regards them no more than if they were thistledown or feathers." —*Vide Ivanhoe.*

† This is perhaps the first historical appearance of the name Cromwell on record. Carlyle mentions a Lord Cromwell as having been summoned by Edward II. There is a place called Cromwell on the Trent, Notts.

their bravery. "Those within," he says, "continually relieved one another; for always as one became fatigued, another returned fresh and stout, and notwithstanding such assaults were made upon them, they would not surrender." Night came without bringing to them any repose, as the season was midsummer, and allowed light sufficient for the assailants to continue their labours without cessation; and if their personal attacks relaxed for a moment, the terrible engine tore away untiringly during the twilight as it had done in the flush of day; and as the second day dawned, the besieged counted with dismay one, two, three more robinets, casting their shadows on the hill, and preparing like so many Titans to bury them under a mountainous pile of stones. We can readily imagine them holding a council of war, and considering what was best to be done in view of such a fresh array of destructive force. If any proposed that the castle should be given up without further resistance, such pacific suggestion was overruled; and the clangour of battle, which had only partially died away during the night, again rose high, resounding through the embowering woods and echoing along the Solway shore.

In vain, however, did the remnant of the garrison maintain the unequal conflict: they could have overcome mere manual assaults—they could only for a limited time bid defiance to the engines, which, says our authority, were "very large, of great power, and very destructive—cutting down and cleaving whatever they strike. Fortified town, citadel, barrier, nothing is protected from their strokes. Yet those within did not flinch until some [more] of them were slain, when each began to repent of his obstinacy and to be dismayed. The pieces fell in such a manner wherever the stones entered, that, when they struck any of them, neither iron cap nor wooden target could save him from a wound." At tierce, on the second day of the siege, when they saw that they could hold out no longer, they "begged for peace," making an overture to that effect in the usual manner. From a loophole of the jumellated tower in front, a small white pennon was thrust; and ere the English marshal had time to stay proceedings in answer to the signal, an arrow from an English bow passed through the hand of him who held the olive branch, into his face, thus pinning both together. The unfortunate

flag-bearer "then begged that they would do no more to him; for they would give up the castle to the King, and throw themselves on his mercy." Upon which the assault was stopped, and the castle surrendered.

The defenders, on passing out, were reviewed before Edward, and found to number only sixty. "They were," says Walter, "beheld with astonishment;" and it was natural that the besieging army should wonder that a handful of men should be able to resist their mighty host for such a lengthened period. The ultimate fate of this gallant few is left in doubt. Their lives, according to Walter, were spared by order of the King, and they were each presented with a new garment; whereas, in the Chronicle of Lanercost it is stated that many of them were hanged from the trees around the castle—a treatment, if true, that accords with the usual merciless policy of the English monarch. As the name of Sir Herbert Maxwell, who owned Carlaverock at this period, is not mentioned by the Exeter historian, the likelihood is that he was not present at its defence.

Previously to the siege, or on the first day of its progress, Edward visited the churches of Applegarth, Tinwald, and Dumfries, to offer oblations on their altars, with a view of securing a blessing upon his efforts. Now that they were crowned with success, he caused the castle to be repaired, and, consigning it to the keeping of Lord Clifford, proceeded to Dumfries, crossed with his army Devorgilla's Bridge over the Nith, and entered Galloway, where he continued about six weeks prosecuting the objects of his expedition.*

* Rymer's Fœdera, vol. i., p. 921; and Wardrobe Accounts, p. 215.

CHAPTER VIII.

THE ROMAN PONTIFF INTERFERES ON BEHALF OF SCOTLAND, AND CLAIMS IT FROM EDWARD AS A FIEF OF THE HOLY SEE—HE SENDS A MISSIVE TO THAT EFFECT BY THE HANDS OF THE ARCHBISHOP OF CANTERBURY—INTERVIEW OF THE ARCHBISHOP WITH THE KING IN CARLAVEROCK CASTLE—EDWARD HOLDS A COURT AT DUMFRIES, AND, IN ACCORDANCE WITH THE POPE'S REQUEST, SIGNS A TREATY OF PEACE WITH THE SCOTS—THE COUNTRY IS AGAIN INVADED AND TEMPORARILY SUBDUED—BETRAYAL AND EXECUTION OF WALLACE.

It is necessary that we should now glance at some of the leading national events that occurred immediately prior to the memorable siege just described, and those that followed that event. Wallace, on being defeated at Falkirk, resigned the office of Governor of Scotland, to which he had been elevated by his grateful countrymen; and it was then held by Robert Bruce, Earl of Carrick (grandson of the Competitor); John Comyn, younger, of Badenoch (grandson of Devorgilla); and William Lamberton, Bishop of St. Andrews, who ruled the country in the name of Baliol, though that crownless and luckless sovereign was an exile in France, and politically dead. The Scots had repeatedly endeavoured to gain assistance from Philip of France, the brother-in-law of their oppressor; but as Philip allowed the claims of his ancient allies to be overborne by those of a personal nature, the patriots resolved to invoke the aid of the Roman Pontiff.*

Accordingly, a deputation from Bruce and his colleagues waited upon Pope Boniface, depicted the woes under which Scotland groaned, and prayed him to take action against the tyrant author of them all. "We shall interfere for the relief of your country," said his Holiness in effect; "but we shall claim the kingdom that we mean to wrest from Edward of England as the immemorial fief of the Holy See." Whether the Scottish Triumvirate were more displeased than gratified

* Fordun, p. 983; and Wyntoun, vol. ii., p. 105.

with this intimation, we cannot say: if they desired to see an end put to the English domination, it was not that it might be succeeded by the supremacy of Rome—their country independent of any foreign potentate whatever, was what Bruce at least sought to secure. We know that this preposterous claim of the Pope enraged King Edward. It was set forth in a bull, directed to that monarch, bearing date July 5th, 1299; and he was warned by it that if he resisted or demurred, Jerusalem would not fail to protect her sons, and Mount Zion her worshippers. This spirited Papal missive was forwarded to Winchelsea, Archbishop of Canterbury, who was ordered to deliver it to the King; and the prelate (as we learn from a curious letter left by him detailing his journey*) set out with his suit of clerks and other officials for Nithsdale, where his royal master then was. He incurred no small risk on his travels from numerous bands of Scottish marauders, who would gladly have plundered him, and called the deed patriotic. Taking a somewhat roundabout route, he followed Edward to Kirkcudbright, where he learned that he had just returned to Dumfriesshire, crossed the Solway with his chariots and horses, and finding the King in Carlaverock Castle, soon after the period of its capture, delivered to him the Papal bull.

Many strange and momentous incidents have occurred within the walls and under the shadow of the old British fortress and its two feudal successors; and this interview between Edward I. and the Primate of Canterbury is entitled to rank high among the number, whether we look to the dignity of these personages, or the subject which they discussed. Edward read the bull, his wrath gathering all the time, and eventually boiling over, as, bit by bit, the bold assumptions of the Pope broke upon him, and the document went on to lay his own proud claims in the dust. It needed not the prelate's appended admonition on the duty of obedience to Mother Church to inflame his Majesty's rage. Rising into a paroxysm of passion, he stormed and swore, declaring that he would not be silent at the bidding of the Holy See; and that, despite of Mount Zion or Jerusalem, he would, whilst there was breath in his nostrils, claim and retain what all the world knew to be his rights. The King cooled down after this explosion. He saw that it would be impolitic

* Prynne's History of Edward I., p. 882.

to quarrel outright with the Pope, and, lowering his tone, told Winchelsea that before giving a conclusive answer to the missive of his Holiness, he would require to take the advice of his counsellors on the subject.*

The Archbishop thereupon withdrew; and, shortly after this remarkable audience, a Court was held by the King at Dumfries, at which the Papal bull, and the propriety of granting a peace to the Scots, in terms of its recommendation, were discussed. Reserving the question of his claims, he agreed to grant an armistice; and, on returning to England, at the close of the year, he summoned a Parliament to meet him at Lincoln, by which body the assumptions of the Pope over Scotland were condemned, and the English monarch was declared to be, as regards temporal matters, entirely independent of the Holy See. A written reply to this effect was forwarded to Boniface, attested by a hundred and four seals of the nobility, and having attached to it the emphatic intimation, that the barons of England would not permit their sovereign to subordinate his claims to those of his Holiness, were he so inclined.†

The King spent a considerable portion of the summer and autumn of 1300 in Dumfries and its neighbourhood. After taking Carlaverock, he went, as has been already stated, into Kirkcudbrightshire for the purpose of overawing the Gallovidians. He appears to have been at Lochrutton on the 17th of July, and at the capital of the shire on the 22nd of that month. Proceeding further into Galloway, Edward granted an interview to the bishop of that diocese, who—prompted by the Pope, in all probability—tried to mediate a peace, but without success. Then the Earl of Buchan and John Comyn (one of the regents) ventured into the royal presence, and had the further hardihood to demand that Baliol, their lawful king, should be permitted to reign over the country, and that the estates, which had been given to English nobles, should be restored to their proper owners. We can fancy the mingled surprise and scorn with which the haughty Edward would receive these requests, coming, as they did, from men whom he looked upon as rebels. The wonder is, not that his answer was in the

* Walsingham, p. 78; and Prynne, p. 883.

† Rymer's Fœdera, vol. i., p. 923; and Tyrrel, vol. iii., p. 146.

negative, but that he did not seize and send them, as he had done Baliol, to the Tower.

Returning at the close of August to Carlaverock, where the provoking Papal bull greeted him, he, after temporarily disposing of it, went to Holm-cultram—a large body of his soldiers following him through Dumfriesshire to Carlisle, and laying the country waste along their line of march. Edward once more retraced his steps from Carlisle, reaching Dumfries on the 16th of October, where he continued with his queen and court till the beginning of the following month. The inhabitants of the Burgh would thus be but too familiar with the features and figure of the usurper. Often would he be seen by them, noticeable by his length of stature and majestic mien, riding with his retinue up High Street to the Castle: and doubtless many a muttered curse would follow the cavalcade; for the Dumfriesians detested the English yoke, and, though partially kept in check by the garrison, were always ready, as we have seen, to take part against the invaders, when an opportunity offered. It is in vain for us to inquire as to the style kept up by the conqueror's Court at Dumfries. His beautiful queen, sister of the King of France, would of course be its ruling star and attraction; but whether the royal lady held levees and other fashionable assemblies in the Castle during her three weeks' sojourn, and tried her blandishments for a political purpose on the daughters of the town and district, is not on record. Probably, on Sundays, the King—for he was very pious after a sort—would repair for worship, accompanied by his queen, to the Greyfriars' Church in the Vennel; or proceed for that purpose to Lincluden Abbey,* on the opposite bank of the Nith, which, as we have seen, had some half century before been built and endowed by Uchtred, Lord of Galloway. When Edward first visited Dumfries, on June 18th, 1300, he became, as already stated, the guest of the Grey Friars; but as there are no entries of payment to them in the Wardrobe Accounts on the occasion of his second visit, we may conclude that, in October, he and his Court were indebted for board and lodgings to his own Keeper of the Castle, St. John. The

* We learn from Prynne that the Abbess of Lincluden about this period was named Alienore.

likelihood also is, considering the feelings of the inhabitants towards him, and the weak tenure by which he held the town and its vicinity, that he would live rather in the style of a fighting captain than of a great king, and that his consort, however bent on a queenly life in Scotland, would conform to the circumstances of their position.

At length, on the 30th of October, the truce solicited by Pope Boniface was signed by Edward at Dumfries,* the Commissioners on the Scottish side being probably the two barons who had a few weeks before exchanged angry words with him in Galloway; and letters from the King, dated at Dumfries, were sent to his subordinates throughout Scotland, ordering them to give effect to the treaty. The peace was to last till Whitsunday in the following year. Acting upon its provisions, Edward left Dumfries and returned with his army into England, retaining, however, all the places of strength that had come into his possession. Thus the magnificent host described by Walter of Exeter in glowing terms, and from which so much was anticipated and feared, accomplished little after all. It was essentially the same army, however, by which the war was renewed on St. Andrew's Day, 1302, the period to which the truce was eventually prolonged.

That year and the two following ones saw Scotland ravaged, desolated, and brought to the very verge of ruin. On the expiry of the truce, Edward sent into the country twenty thousand soldiers, chiefly horsemen, under the command of Sir John de Segrave. When encamped near Roslin in three divisions, lying wide apart, each was encountered after the other by the Scots under Comyn and Sir Simon Fraser, and thoroughly put to the rout, only a few straggling fugitives reaching their own land in safety. The English chroniclers of the time tell us that the news of this triple defeat was very trying to the temper of King Edward—that his wrath found vent as usual in terrible oaths and maledictions. Just before receiving the unwelcome tidings, he had induced his brother-in-law, Philip, to abandon the interests of the Scots, which that monarch had for a time endeavoured to promote, and had, by bribes and artful representations, so bought Boniface over, that the Scottish

* Hailes's Annals, p. 266.

bishops were enjoined by a Papal bull to submit to Edward of England, his "dearest son in Christ," on peril of themselves and country being put under ban. France had disowned the rebels, the Church had threatened them with spiritual thunder—a very serious menace in those times; yet here they were, audaciously self-reliant, snapping their fingers at the Pope, and scattering the forces of England as chaff before the wind.

What a long list of heart-aches and perplexities—what an immense amount of treasure—what rivers of blood this conquest of Scotland business had cost the King! Shall he give it up in despair? Such a question never occurred to him; or if it did, for a moment, "to be once in doubt was once to be resolved." The Pope had given over the rebellious country to his tender mercies, backing his temporal might and authority by spiritual power; and, thus doubly armed, he would reduce the Scots to utter serfdom, even if to carry out his resolution he had to turn their country into a howling wilderness. So resolving, he crossed the Border with an army much larger than the one whose exploits are celebrated in the verse of Walter. It was divided into two parts—one division led by himself, the other by his eldest son. Its progress was like that of a great fire on an American prairie—consuming everything before it.

Dumfriesshire was not subjected to the destructive visitation, Bruce and its other chiefs having purchased immunity by prompt submission; and the chief course of the burning torrent was through the middle districts, northward by Roxburgh and Linlithgow, no place offering resistance to its tide save the Castle of Brechin, which succumbed after a three weeks' siege. Stirling Castle might possibly have defied it, had Comyn, mindful of Wallace's strategy years before, given battle to the enemy when crossing the wooden bridge over the Forth. Vainly thinking to arrest his march, Comyn destroyed the bridge; and ere long the irresistible host, crossing by a ford, overtook the Scots. A brief struggle—a total rout—a terrible massacre. Then open resistance was at an end; and Edward, more truly than he had ever been before, was master of Scotland. With sullen reluctance the Scottish chiefs submitted to the conqueror. Some he pardoned, others he reserved for vengeance; all acknowledged his sway save one—Sir William Wallace—name ever dear

to his country and to freedom, and never more proudly, yet tearfully remembered, than at the time when, soon after the defeat at Stirling, betrayed to the English, he was cruelly put to death, crowning his long fight on behalf of Scotland by dying for her sake.*

Edward, in order to secure his conquest, set about abrogating all the old laws and customs of the country, and substituting those of England in their stead. Provisional arrangements for these ends seem to have been made by him at Dunfermline, and to have been afterwards consolidated by a Commission at London, composed of thirty members, twenty of whom were English, and ten Scottish. Among other regulations, it was provided that Scotland should be ruled in the King's name by a Lieutenant appointed by him; that new Sheriffs should be named for the different counties; that, for the administration of justice, the country should be divided into four quarters, with two justices for each—the divisions being, first, Dumfriesshire and Galloway; secondly, the Lothians; thirdly, the land between the Forth and the mountains; and fourthly, the district between the latter and the sea. The judges went on circuit as they do at the present day, the principal residence of those for the southern district being Dumfries, and there also the Sheriff of the two shires had his seat and held his court.† Armed resistance rooted out—the traces of Scotland's nationality obliterated—the dead Wallace "hewn into four quarters," as Langtoft says, "which were hung up in four towns as a warning to all who, like him, raised their arms against their lord"—surely if ever the English monarch was justified in supposing that the great object of his ambition had been attained, it was under circumstances such as these.

But the fond idea was a mere delusion. German philosophers speak of an impalpable emanation which, proceeding from the human body under certain conditions, influences more or less all who come within its reach; and the gory fragments of the mutilated martyr seem to have exercised a somewhat similar power when set up near the Eastern Border at Newcastle, at Berwick, at Perth, and at Aberdeen. These trophies of the

* Wallace was executed on the 23rd of August, 1305.

† Redpath's Border History, p. 225.

usurper's triumph did not inspire terror, but mingled sorrow and admiration. Those who tearfully surveyed them, felt their love of country and their hatred of its enemies inflamed by the sight. They were as so many silent epistles in favour of patriotism—as so many eloquent, though inarticulate, protests against tyranny, and incentives to insurrection and revenge. And the English King found such to be the case whilst yet in the full flush of his exultation, and before the first acclaim of his courtiers, hailing him Conqueror and undisputed King of Scotland, had fairly died away. In what manner the feeling of the people, thus kept alive, was turned to practical account by one who proved to be a fit successor to the heroic Wallace, we now proceed to relate.

CHAPTER IX.

RIVALRY BETWEEN BRUCE AND COMYN—COMPACT BETWEEN THEM—BRUCE CONSPIRES AGAINST THE ENGLISH, AND HIS SCHEME IS REVEALED BY COMYN—HURRIED FLIGHT OF BRUCE FROM LONDON—HE DISCOVERS COMYN'S TREACHEROUS CONDUCT—RENCONTRE OF THE RIVALS AT DUMFRIES—THEIR ANGRY DEBATE AND DEADLY QUARREL—BRUCE STABS COMYN IN THE GREYFRIARS' MONASTERY—KIRKPATRICK COMPLETES THE DEED OF SLAUGHTER—BRUCE AND HIS FRIENDS ATTACK AND SEIZE THE CASTLE OF DUMFRIES—HE PROCLAIMS WAR AGAINST ENGLAND—INITIATES THE DELIVERANCE OF HIS COUNTRY, AND IS CROWNED KING OF SCOTLAND AT SCONE.

AFTER the expatriation of Baliol, the two most potent houses in Scotland were those of Bruce and Comyn; the former represented by Robert, the grandson of the Competitor, and the latter by Red John, ex-Regent and Lord of Badenoch, who, in right of his mother, Marjory, sister of Baliol, the Competitor, also claimed to be the true heir of Alexander III. Both Bruce and Comyn had submitted to Edward; but both were actuated by a desire to escape from thraldom, and by a hope that some turn of fortune's wheel would place them at the head of their country's affairs, and promote their own personal interests: for, though Comyn had shown no small amount of patriotism whilst Regent, and Bruce afterwards evinced its possession in a high degree, neither of them, at this time, seems to have exemplified anything better than selfishness. It was their own private advancement, at all events, and not the public good, that they primarily aimed at.

According to some of our historians, the two noblemen, who were awkwardly in each other's way, entered into a secret compact, in virtue of which Comyn agreed to waive his own rights to the Crown, and support the claims of Bruce, on receiving from the latter the earldom and estates of Carrick.* It appears also that, about the same time, Wallace, still uncaptured, was

* Ayloffe's Calendar of Ancient Charters, p. 295; Wyntoun, vol. iv., p. 992, and vol. ii., p. 122.

busy organizing a new insurrection, of which Bruce was to be the leader, and was to be negotiated with by means of his brother Edward; and that evidence of the projected movement fell somehow into the possession of the Lord of Badenoch. There is a traditional proverb still current in Lochaber, that "While there are trees in a wood there will be deceit in a Comyn"—a characteristic of the race which Bruce's rival exhibited in an aggravated form. Personal antipathy between the two men intensified their family feud, and no doubt helped to shape the course pursued by Comyn. He had proof that the Lord of Carrick, though acting the part of a courtier in London, still aspired to the Crown of Scotland—witness the sealed instrument surrendering his estates in order to secure that coveted object. He had also reason to believe that Bruce was about to conspire with the proscribed traitor, Wallace, for the purpose of securing the same result. To betray Bruce's rebellious schemes would, Comyn fancied, be a sure and speedy way of ruining his detested rival; and, Bruce once out of the way, the road to Edward's favour—perhaps also to the Crown of Scotland—would stand open to the House of Badenoch.

Comyn, by a despatch, revealed all to the King.* "To the Tower with Bruce!" roared the enraged monarch, on reading the epistle. Yes—when he is caught. Warned by his kinsman, the Earl of Gloucester, that there was a storm at hand, Bruce, accompanied by a small retinue, hurried on horseback from London, never drawing bridle till he had crossed the Border. Whilst thus fleeing in hot haste, he was not aware of Comyn's treachery till that was revealed to him in a singular way. On the travellers approaching Lochmaben, they observed a youth coming from an opposite direction; and, as he appeared desirous of avoiding them, Bruce caused him to be seized, when it was ascertained that he had lately left Dalswinton Castle with letters from its lord, the Red Comyn, to King Edward. When such was found to be the case, Bruce, without any delicacy, broke the seals, and his worst suspicions were realized. It was Comyn that had brought him into danger at the English Court; and, in these new despatches, the King was further informed of Bruce's designs, and urged to get rid of him.

* Wyntoun, vol. ii., p. 123.

Burning with indignation, and at the same time faint with fatigue, Bruce, at the close of a seven days' journey, reached the Castle of Lochmaben,* where he found his brother Edward† and a devoted friend of the family, Robert Fleming, with whom and others he took counsel as to his future conduct.

All lamented that the schemes of the patriotic party had been disclosed prematurely; and all agreed that it would be extremely rash, in their unprepared state, to precipitate a collision with the King. To temporize awhile, and wait the issue of events, seemed to be the wisest course; and accordingly Bruce did not blazon abroad the perfidy of Comyn, or his own danger in consequence, but proceeded quietly to Dumfries as if nothing had occurred.

His presence there occasioned no surprise. The two justiciars —whose jurisdiction extended over Dumfriesshire and Galloway —were preparing, with all due formality, to hold their first Court in the Castle of Dumfries; and it was only in accordance with custom and duty that the Earl of Carrick should appear, with other barons and freeholders, to do suit and service to the representatives of the King.‡ According to the generality of our historians, Comyn proceeded to Dumfries for this purpose of his own accord, never for once supposing that he would there meet with the man he had so deeply injured, far less suspecting that that man knew full well by what false friend he had been betrayed. One old chronicler, however, states that Bruce "trysted" Comyn to meet him in Dumfries; that the latter, as if dreading the result, demurred, but made his appearance at length, after Nigel Bruce had gone for him to the Castle of Dalswinton. At all events, the two noblemen did meet in the town; and their interview was a most eventful one, altering, as it did, the current of history, and affecting the inhabitants of this island throughout all time.

On this ever-memorable day, Thursday, the 10th of February, 1305–6, the streets of Dumfries are full of people. As the feeble

* Sir James Balfour's Annales of Scotland, vol. i., p. 88; and Wyntoun, vol. ii., p. 127.

† Barbour, vol. i., p. 127.

‡ Hailes's Annals, vol. i., p. 294; and Carruthers's Lectures on Scottish History, delivered in Edinburgh, 1859.

sun rises above Criffel top, its rays fall slantingly upon many a bold baron, Scottish and English, marching, with their vassal bands, through the Lochmabengate, across the bridge, and along High Street—all tending towards the seat of justice, and viewed with admiring interest, or sometimes with ill-concealed dislike, by the burghers of the town and the country folks of the neighbourhood. When the glimmering sun is a degree further westward, the streets are half deserted; for the Court has been opened, and the grave justiciars, in the hearing of a glittering throng, are trying some trembling defaulter on a charge, it may be, of stouthrief, homicide, or treason against his High Mightiness King Edward.

Two barons, for some reason or other, though within the Burgh, have hitherto withheld the homage of their presence from the Court. They encounter each other near the Port of the Vennel; and if any curious residents in that ancient thoroughfare are looking from their casements, they may see the two patricians embracing and kissing each other, and conclude that they are loving brothers in heart if not by blood. Fraternally affectionate they seem; but their appearance presents such a contrast that they cannot long be looked upon as near kinsmen. Both are tall and powerful men; but one is in the flush of early manhood, with a noble set of features and dark complexion,* whilst the other is a little past meridian, and wears a somewhat sinister visage, the expression of which is not enhanced by its hue of flaming red. The latter would perhaps be recognized by some of the spectators as John Comyn, Earl of Badenoch and Lochaber, seeing that he often resides in the town, and his complexion is peculiar; but scarcely any would identify his youthful companion as Robert Bruce, Lord of Annandale and Carrick. If the orb of day, as poets fancy, evinces sympathy with the mundane scenes it looks upon, it ought, as these two men passed from the street and entered the precincts of the neighbouring church, to have withdrawn momentarily behind a murky cloud, since "a deed of dreadful

* Scott, in describing Bruce at a later period, says:—

"His locks upon his forehead twine
Jet black, save where some touch of grey
Has ta'en the youthful hue away." *Lord of the Isles.*

note" was about to be done, leaving as evidence, an altar dappled and desecrated by human blood; and then it ought to have shone forth with redoubled effulgence—emblematical of the way in which Scotland, as a result of the sacrilegious homicide, was to rise from bondage and darkness into liberty and light.

Angry words fall from both the barons ere they enter by the southern gate into the sanctuary of the Greyfriars; and it is Comyn, we may be sure, that initiates their walk in that direction, from a belief that the rising rage of Bruce would be calmed down by the sacredness of the place. Instead of this being so, it waxes higher and higher. Bruce by-and-by charges Comyn with having tried to compass his death, and with having, to promote his own selfish ends, sacrificed his country. Comyn prevaricates; and, as the accusations are emphatically repeated, meets them with a broad denial: the words, "It is a lie you utter!" break from his lips; and the next moment the dagger of Bruce is at his heart. Comyn falls—never, alas! so *red* before, now that the crimson tide of life is flowing over his prostrate frame. Under the influence of overmastering passion, Bruce had thus perpetrated the fatal deed; and his demeanour and speech betray regret—remorse, as he hurries out of the sacred edifice.

To two friends, Roger de Kirkpatrick (great-grandson of Ivon) and Sir John de Lindsay, who make inquiries, suggested by his hasteful strides and troubled look, he says: "I must be gone, for I doubt I have slain Comyn"—a statement which does not fill them with dismay, as he perhaps anticipated. Kirkpatrick, on the contrary, seems rather elated by the intelligence, and savagely rejoins: "You doubt? then I'll mak siccar!"* Rushing in with his companion, he finds the bleeding, unconscious Comyn behind the high altar, whither he had been borne by the horror-stricken monks, and stabs him repeatedly—old Sir Robert Comyn, who had at the first alarm hurried to the spot, making a bootless effort to defend his brother's son, only to share his fate.

The clash of the weapons and the wail of the friars brought a crowd of people to the Church and its environs; and as

* Appendix D.

soon as it was generally known that the Red Comyn and his aged relative had been slain, their friends cried out for vengeance. Bruce and his friends were thus put upon their defence. Swords were drawn by both sides, the burial ground of the Monastery becoming the theatre of battle. The struggle was sanguinary, though brief, and ended with the thorough defeat of the Badenoch party, and of the few English soldiers who assisted them.

The Earl of Carrick was thus, step by step, led to abandon a policy of compromise and procrastination for one of decision and vigour. His flight for life from London—his affray with Comyn—its fatal issue, which he had not premeditated—the encounter that ensued, bringing him into direct collision with the English—their overthrow, and that of the Comynites: all these incidents, like so many links in the chain of destiny, bound him over to a bold line of action. He entered Dumfries without any fixed resolve—ready, perhaps, if others led the way, and favourable circumstances ripened their projects, to join them in striking a blow for Scotland's freedom and the Crown; but the events of the last few hours, culminating in those that immediately preceded them, so mixed up his country's interests with his own, that they became henceforth inseparable; and instant war, open and undisguised, was alike the dictate of self-defence and of patriotism.

If Bruce, after the conflict at the Monastery, had time for thought at all, we may well suppose that some such reflections as are here expressed passed across his mind. We find him instantly afterwards acting in accordance with them. The sacred fane built by the pious Devorgilla was the scene of the first incident in this day's drama of death—its chief victim her own near relative; the "still and peaceful" churchyard attached to it became tumultuous with the second act; and the third and crowning one changed a quiet court of justice into a place of blood and strife. The conquering party of Bruce surged onwards to the Castle, in which the judges were still sitting; but some of the discomfited fugitives had gone there before them, carrying the astounding news of the revolt, and preparing the Court and garrison in some degree for what was to occur. To close the gates and man the walls with such few soldiers as

remained were all the defensive steps that could be taken. "Since the gates are closed, and we have no engines to beat them open, let us try fire!" "Fire! fire!" was shouted by some of the assailants, and the words were taken up by all. The potent element—better key to the rusty locks than any smith of the Burgh could have forged—was soon brought to bear upon the huge oaken gates; and as these began to crackle with the heat, and their utter destruction was seen to be only a question of time, the men of war and of law, who constituted the garrison, agreed to surrender at discretion, and did so before much blood was spilt.* Whilst that day's sun, which had looked upon many extraordinary scenes in Dumfries, occupied the Nick or Pass of Benerick before finally sinking below the neighbouring ridge to rest, its ruddy gleam irradiated the free standard of Bruce as it floated proudly and defiantly from the turrets of the fortress. When it rose on the following day, not an Englishman was to be seen, except such as had fallen into the hands of Bruce: all out of durance vile had evacuated the town, taking with them across the Border the tidings of Comyn's death and of Scotland's resurrection.

For about ten years the Castle of Dumfries had almost continuously been occupied by a foreign force, and the inhabitants of the town, though not subdued, been held in thraldom; and it must have been with a sense of relief and a feeling of exultation that the latter found themselves once more tasting the sweets of liberty. Were we writing a romance instead of a history, we might here introduce a notice of the civic parliament's first meeting after the ever-memorable 10th of February, or report the gossip of the good burghers when they met in the market-place, showing how congratulations were exchanged on account of the expulsion of the common enemy, and the prospects of their country acquiring its independence. Language of this nature would be freely indulged in by men of all ranks: the misery of the usurpation—the successful manner in which it had been assailed—the boldness of the young Baron, on whom the mantle of Wallace appeared to have fallen—the peril in which he was placed, by arraying against himself not only the might of the English monarch, and the revengeful fury of

* Hemingford, vol. i., p. 220.

Comyn's friends, but the thunderbolts of the Pope—the chances of the town being again plundered and taken by the Southrons, and also of being anathematized wholesale because of the bloody deed which had defiled its altars—all these topics would doubtless be discussed at the Council Board and in the streets; but as no record exists of the language used on the occasion, that must just be left to the fancy of the reader. Forebodings of coming disaster would, we may suppose, mingle with and check the existing joy; and full surely dark clouds were to obscure the firmament, and blot out for a time the sun of freedom that was now brightly shining.

We pause not to analyze the act by which the Scottish hero was so suddenly thrown upon his own resources. Some have called it murder; but even in modern times, when human life wears a sacredness of which our ancestors knew little, such a deed would be reckoned justifiable homicide. It is clear, we think, that it was unpremeditated; if Bruce had deliberately resolved to slay Comyn, he would certainly never have followed him into the Church, but would have escaped the guilt of sacrilege—then deemed of a deeper dye than murder itself—by stabbing his victim in the street, or after decoying him to some private place in the neighbourhood. Apart altogether from the grand results with which it is intimately associated, the slaughter of Comyn was an act that may be palliated, if not defended, by a reference to the base treachery which provoked the affray in which he fell. If Comyn had been an honourable rival, whom Bruce with "malice aforethought" despatched with his dagger, the memory of the latter would have been loaded with eternal infamy; but it was at worst only "the wild justice of revenge," inflicted on the spur of the moment, under strong provocation: and while these considerations lead us to palliate Bruce's conduct, we cannot without an emotion of pity call up the figure of the slain ex-Regent, who had in his day done the State some service, lying beside the Greyfriars' altar all disfigured and gory:—

> "Cut off even in the blossoms of his sin,
> Unhousel'd, disappointed, unanel'd,
> With all his imperfections on his head."

From that bloody scene to the glorious seizure of the Castle

of Dumfries was a bold and rapid transition; and thirteen months afterwards the chief actor in both was crowned King of Scotland in the Royal Palace at Scone—though he had to battle bravely, and pass through many vicissitudes, eight years longer, before the emblem of sovereignty was firmly secured upon his brow.*

* Appendix E.

CHAPTER X.

THE ENGLISH AGAIN INVADE SCOTLAND—DEFEAT OF BRUCE, AND DISPERSION OF THE PATRIOTS—EXECUTION OF HIS BROTHER-IN-LAW, SIR CHRISTOPHER SETON, AT DUMFRIES—HIS WIDOW ERECTS A CHAPEL ON THE SITE OF THE EXECUTION—CHARTER OF SIR CHRISTOPHER'S CHAPEL—BRUCE RENEWS THE WAR OF INDEPENDENCE—HIS TRIUMPHS IN CARRICK, AND SUBSEQUENT REVERSES—DEATH OF EDWARD I.—CROWNING VICTORY OF THE SCOTS AT BANNOCKBURN—KING ROBERT REWARDS HIS DUMFRIESSHIRE FRIENDS—SUFFERINGS OF THE COUNTY AND ITS CHIEF TOWN DURING THE WARS OF THE SUCCESSION—BENEFICIAL INFLUENCE OF THE FOLLOWING FIFTEEN YEARS OF PEACE—EDWARD BALIOL, PROMPTED BY EDWARD III. OF ENGLAND, CLAIMS THE SCOTTISH THRONE, AND BECOMES ITS TEMPORARY OCCUPANT—A PATRIOT FORCE, UNDER SIR ANDREW MURRAY, SURPRISES THE PUPPET KING AT ANNAN.

WHEN King Edward heard of the revolution thus initiated at Dumfries, he was filled with astonishment and rage. He was now "stricken in years," and, instead of enjoying the rest that he had anticipated, he must resume active warfare against the people he had often beaten, but never thoroughly subdued, or see the fruit of all his past efforts perish before his eyes. Resolving at once on adopting the first of these alternatives, he held a solemn chivalrous festival in Westminster Hall, at which the Prince of Wales and three hundred squires of high degree received the honour of knighthood, as if to fit them better for the coming enterprise: and at the banquet that ensued, after two swans covered with golden net-work had been placed upon the board, the King, standing with uplifted hand, vowed to God and to the sacred birds that he would forthwith avenge the murder of Comyn, and visit all the rebel Scots with condign punishment; and that, to propitiate Heaven, he would afterwards spend his latest days following the standard of the Cross in Palestine.* All who heard the King approved of his decision; and liberal contributions from the clergy and the merchants supplied means for carrying on the new campaign. Aymer de Valence, Earl of Pembroke, an experienced warrior, was chosen by the

* Lord Hailes, vol. ii., p. 4.

King as the instrument of his meditated vengeance. He was appointed Guardian of Scotland, and, at the head of an immense army, set out upon his mission. Perth was his first prize; and Bruce, appearing before that town with a comparatively small force, challenged De Valence to come forth with his troops and meet him in the open field. On the following day the English commander intimated his readiness to act upon this cartel of defiance, which was given in accordance with the chivalrous customs of the period; and Bruce, relying on his promise to that effect, drew off his men to the woods of Methven, about six miles distant from Perth. There, in the evening twilight,* they were treacherously attacked by Pembroke at the head of a more numerous force, and put to the rout: Bruce, who was thrice unhorsed in the conflict, escaping with difficulty into the wilds of Athol with the remnant of his army, not more than five hundred men.†

Driven from thence by the want of provisions, they passed into the low country of Aberdeenshire, where Bruce was joined by his Queen, and other ladies resolved on sharing the adverse fortunes of their lords. There but momentary rest awaited them. The band of fugitives who formed the forlorn-hope of Scottish patriotism had to retire, menaced by a large body of the enemy. We next find them on the bleak mountains of Breadalbane, fishing and hunting for a subsistence, and at times cheating hunger with such wild berries as the woods afforded: then on the borders of Argyleshire, where the Red Comyn's relative, M'Dougal of Lorn,‡ desirous of revenging his kinsman, repulsed the party after a sanguinary conflict: then the small island of Rachrin, on the Irish coast, gave welcome refuge in winter to the unfortunate King of Scots and a few of his adherents—his Queen and his daughter Marjory obtaining an asylum in the sanctuary of St. Duthac, at Tain, and their female companions, shelter in the Castle of Kildrummie, then held by the King's brother, Nigel Bruce.

But no fortress was strong enough, nor religious structure holy enough, to stand between these illustrious refugees and

* Chronicles of Abingdon, quoted by Tyrrel, vol. iii., p. 172.

† Barbour, pp. 35, 36.

‡ M'Dougal was married to Comyn's aunt. Barbour, p. 40.

the vindictive rage of the English monarch: Kildrummie was stormed by his troops. The Earl of Ross, having neither reverence for St. Duthac nor regard for his Queen, took her and the Princess Marjory from the sanctuary, and placed them in the keeping of Pembroke. A long course of close confinement in England was assigned to the royal captives. The Countess of Buchan, who had placed Bruce upon the coronation chair at Scone, was immured in a cage placed on an outer turret of Berwick Castle; and one of Bruce's sisters was similarly treated at the Castle of Roxburgh. In this barbarous way were the Scottish heroines treated who fell into the hands of the English; and it need scarcely be added that the captive patriots of the sterner sex had no mercy shown to them. Young Nigel Bruce, Sir Simon Fraser, the veteran companion of Wallace, and the brave Earl of Athol, then in the prime of manhood, are only a few of the distinguished victims of Edward's cruelty who perished on the scaffold at Berwick, Dumfries, Newcastle, and London.*

It was some time in the winter of 1306, more than a year after the slaughter of Comyn, that some of the executions referred to took place in Dumfries. In the interval, the Castle and other strengths in the vicinity won by the Scots had been retaken by their enemies; and at the time when Bruce was struggling for bare life in the north, fair Nithsdale lay once more beneath "the proud foot of the conqueror." We read of no tumult occurring on that account in the town—of no attempt at rescue being made when three illustrious patriots were led forth to their doom on the gallows tree. The dread apparatus of death was erected on a high natural eminence, situated beyond the walls, on the north-east of the Burgh, so that the inhabitants might have an opportunity of seeing how the usurper rewarded what his judges called rebellion, and of profiting by the spectacle. The Dumfriesians of that day were unfortunately too much accustomed to such sights; but they would be dreadfully shocked, nevertheless, by these executions —one of the sufferers being none other than Sir Christopher Seton, the brother-in-law of their King, a most valiant warrior, who at the battle of Methven had rescued Bruce, by felling his captor, Sir Philip de Mowbray, to the ground. He was accused

* Rymer, vol. i., p. 996; and Prynne, p. 1156.

of treason in general, and more especially of having been present at the slaughter of Comyn. On being sought for by the English, he took refuge in the strong Castle of Loch-Doon,* situated on the frontier between Galloway and Ayrshire, and which belonged to Bruce, as Lord of Carrick. Here he might have remained safe, had not Sir Gilbert de Corrie, hereditary keeper of the fortress, given him up to his enemies, by whom he was placed in fetters, hurried to Dumfries, and there tried, condemned, and sentenced to be hanged and then beheaded.† Seton, with his two companions, suffered accordingly; and, no doubt, in compliance with the usual custom, their severed heads would be held up by the officiating executioner as a warning to the onlookers, who, however, we suspect, would be more horror-stricken than terrified by the spectacle, and would long eagerly for the day when the blood of the martyred patriots, crying for vengeance, would not cry in vain. When the period of retribution came round, and its demands were satisfied and peace was restored, Sir Christopher Seton's widow, Christian Bruce, erected a chapel on the site of his execution, "in honorem crucis Dominici;" and in which, by her brother's liberality, provision was made for celebrating mass for the soul of her departed husband.

The charter endowing the chapel was granted by Bruce on the 31st of November, 1323, when he was reigning as undisputed King of Scotland. It sets forth—that Christopher de Seton, our beloved soldier, having been put to death in our service, and our dear sister Christian, his spouse, having, on the place where he suffered death, near Dumfries, founded a certain chapel in honour of the Holy Rood, be it known unto her, that for the favour and affection borne by us to the said Christopher, in his

* Evidence in a remission under the Great Seal.—*Vide* TYTLER'S *History of Scotland*, vol. i., p. 42.

Loch-Doon is a beautiful sheet of clear water, about eleven miles in length and one mile in breadth, possessing a gravelly bottom and beach, bounded nearly half of its length on the east by the parish of Carsphairn, and the remaining part on the west of the parishes of Dalmellington and Straiton. About half-way betwixt the Galloway and Carrick sides are the remains of an old castle, built in the octagonal form, and situated upon a rock which is surrounded by the deep waters of the lake. This ruin is the remnant of a strong fort which, from its situation, must have been impregnable before the use of gunpowder.—NICHOLSON'S *History of Galloway*, Appendix, vol. i., p. 17.

† Barbour, p. 52.

life, we have given and confirmed to a chaplain, in the same chapel, to celebrate mass for ever for the soul of the said Christopher, one hundred shillings sterling (centum solidos striviling) of annual value; the same to be payable by the hands of our Sheriff of Dumfries and his bailies from the rents of the barony of Carlaverock, at Whitsunday and Martinmas, in equal proportions. Wherefore we command our said Sheriff and his bailies to pay in full, and for ever, one hundred shillings out of the said annual rents for the aforesaid purpose, and to enter the same in their accounts with us and our heirs.*

Sir Christopher's Chapel, originated under such mournfully interesting circumstances, is said to have been a beautiful little Gothic building of oblong shape, cornered by pointed buttresses, and having a richly decorated oriel window. It was further endowed with a small portion of the surrounding land, in order that the object of its erection might be fully carried into effect.

As Comyn's kinsmen had, more out of hatred to Bruce than from any other motive, given material assistance in crushing the patriotic movement, they rose into high favour with King Edward; and, in reward for their services, they received from him a portion of the royal fugitive's forfeited estates—the Earl of Hereford obtaining the lordship of Annandale, and Henry Percy the earldom of Carrick. The English and recreant Scots, to whom the conquered country was parcelled out, held but a feeble and temporary tenure of it. Bruce, though an exile, and without an army, still hoped for better times, and waited for a favourable opportunity to reassert his country's rights. While under shelter at Rachrin, he lived so obscurely that a rumour of his death was current. When it reached Edward, who was suffering from ill-health at Carlisle, the news would have a reviving effect upon the inexorable monarch; and he might then flatter himself into the belief, that though he had not turned Scotland into a wilderness, he had done what was better—had completely subdued it, since, if there were any "rebels" left in the country, they had now neither head nor hope.

The winter of 1306 was indeed a cheerless season for Scotland. One dark night in the following February, a beacon-fire was

* A copy of the original document, of which the outline is given above, is printed in the Appendix F.

seen blazing from a height near the Castle of Turnberry, in Carrick: it was viewed with apprehension by the English garrison of that fortress, and with joyful solicitude by the illustrious fugitive now in the Isle of Arran, to whom it was a signal that he might venture across, and renew the war of independence on his own ancestral territory. He had only about one hundred and eighty followers, including, however, his brother Edward, Douglas, Lennox, Lindsay, Kirkpatrick of Closeburn, and a few other trusty barons.

> "With such small force did Bruce at last
> The die for death or empire cast."*

Crossing over the intermediate sea in boats, they made a sudden onslaught on the English soldiers quartered in the hamlet of Turnberry, and, after putting most of them to the sword, retired with rich booty to the neighbouring mountains, in order to recruit their strength. Percy found his position in Turnberry Castle so critical that he soon afterwards evacuated it: Douglas recovered from the enemy his hereditary barony of Douglasdale, in the neighbourhood: and Bruce defeated the forces of Pembroke at Loudon-hill. Thus Carrick was freed from the English: the die cast by Bruce turned up favourably; the beacon-light which led him to the coast of Ayrshire proving the harbinger of Scotland's deliverance. Two months afterwards, an event occurred which inflicted a greater blow on the Anglican usurpation than a series of defeats in the field. When King Edward heard that the audacious chief, who was said to have died in exile, had reappeared as a successful leader of the rebellious Scots, he resolved, though emaciated by disease and premature old age, to lead, personally, an overwhelming army against him. A great military host having at his summons mustered in Carlisle, he left the litter on which he had for previous days been carried, mounted his war-steed, reviewed his troops, and, as the trump of battle sounded in his ear, visions of fame and conquest—of the rebel Scots trodden under foot, crushed, exterminated—came up before his heated fancy. These were the convulsive efforts, the feverish dreams of a dying man. A weary march of six miles with his army brought him to the village of

* Scott's Lord of the Isles.

Burgh-upon-Sands; and there, in sight of the land across the Solway which he had deluged with blood, and vainly devoted to a new host of horrors, the unhappy King expired—his disappointments and hopes alike at an end—no more wars after this closing struggle—no more victories, now that all-conquering Death was turning him into dust.

But not into dust in the ordinary vulgar fashion. His last request to his son and barons was, that his body should not be buried, but boiled in a cauldron till the flesh fell from the bones; and that the skeleton should be borne with them into Scotland, and kept above ground till the country was wholly subdued. A more striking illustration of the King's implacable temper could not have been given. His ruling passion was not only "strong in death," but he wished to make it overleap the grave. Edward II. soon found out that the hideous legacy of his father's relics was likely to be troublesome, and associated with a difficult, if not an impracticable condition; and before the conquest of the Scots had been a step advanced, all that remained of their relentless enemy was mingling with kindred dust in the royal sepulchre at Westminster.

When Edward I. expired, Bruce and Scotland began to breathe more freely. His death was like the removal of an incubus from the breast of the prostrate nation—or rather of a vampire that had for twenty years been draining its heart's blood.

The new King of England was vain, weak, and vacillating. He made a sort of royal progress through Nithsdale, marching to Cumnock, then returning to Carlisle, without doing anything towards the accomplishment of his father's darling wish. When at Dumfries, in August, 1307, he granted the earldom of Cornwall to his favourite, Piers de Gaveston, as is shown by the address of the patent. At Tynwald, on the 30th of the same month, he issued a new commission to Aymer de Valence, whereby all the King's bishops, abbots, priors, earls, barons, knights, bailies, and faithful subjects were informed that his dear cousin, the noble Earl of Pembroke, had been appointed Viceroy, "nostrum locum tenens," of Scotland during the royal pleasure, and been authorized to extend mercy to all rebel Scots who offered to submit, excepting those who had been concerned in the death of "Johan Comyn," or were

"counsellors or assenters in occasioning the late daring war."* Quite in accordance with the monarch's character, we find him, on the 13th of September next, superseding Pembroke by John de Bretagne, Earl of Richmond.

The capricious weakness of the young King made Bruce stronger by comparison: it alienated from the former many of his own subjects, and rendered the war distasteful to them; and not a few Scottish barons, who had been overawed by the mental as well as military power of the father, were led to despise the son, and throw off his feeble yoke. At this period the Castle of Dumfries was held by the English, Bruce having long before been forced to give it up; and, for about the eighth time since the date of the first invasion, the town and neighbouring territory changed masters. But the period for their ultimate deliverance was drawing near. Since the victory at Loudon-hill, in May, 1307, Bruce's career was, in spite of a few temporary checks, "upwards and onwards." A great step was made towards the liberation of the south by a victorious raid made by his brother Edward into Galloway, which province was subject to the English, not in virtue of any conquest, but because its chiefs gave a qualified submission to the usurping King, owing in a great degree to their hatred of Bruce.

Twice the gallant Prince defeated the Gallovidians, with their English ally St. John. He then stormed, with characteristic impetuosity, the Castle of Buittle, seized several other fortlets, expelled their garrisons, native or foreign, and did not sheathe his successful sword till the whole of Galloway had submitted to his brother, Robert I. The province thus annexed to the Crown was given in feu to its conqueror; and in this way another heavy blow was inflicted on the Baliols and Comyns, who owned extensive estates in Galloway. †

Seven years after the time when King Robert opened up a passage by fire into the Castle of Dumfries (on the fateful 10th of February, 1305), the ring of his battle-axe on its gates again demanded admission, in language which the Southern garrison, under Henry de Bello Monte‡ (Lord Beaumont), could neither

* Rymer's Fœdera, vol. ii. † Fordun, p. 1005; Dalrymple's Annals, p. 25.

‡ Henri de Bello Monte, Constabul Castri sui de Dumfres, vel ejus locum tenenti ibidem saltim.—*Rotuli Scotiæ*, 1311.

misunderstand nor refuse.* In reply to a similar summons, the fortress of Dalswinton also surrendered; and in due time the Castles of Lochmaben and Tibbers were wrested from the enemy.† Carlaverock, till the following year, 1313, held out against the patriot King; and, curious to relate, its Lord, Sir Eustace de Maxwell, seems to have been subsidized by Edward II., as existing records show that, on the 30th of April, 1312, the English sovereign agreed to grant him £22 yearly for keeping the stronghold.‡ Sir Eustace, however, saw reason to repent of the bargain that had been made; and the grant, if paid once, was not paid a second time. In about a year after the above date, he gave up the castle to his rightful King; and with its tenure the last remaining tie that bound Nithsdale to the tyrannical invaders was broken. The district became free. Annandale also received full deliverance; and on the 24th of June, 1314, the rest of Scotland was liberated, and the independence of the kingdom was triumphantly secured, by the glorious victory of Bannockburn.

After a brief rest from the protracted toils of war, the King proceeded to regulate the internal affairs of the country. In doing so, he proved as wise in the cabinet as he was heroic in the field. So many forfeitures had taken place during the struggle with England, that he found himself in the position of one who has conquered a foreign territory, and is free to recognize the bravery of his followers by dividing it amongst them. With the extensive lands that had reverted to the Crown, Bruce had the means of amply rewarding the chiefs who had been true to him and their country during the contest.

In Dumfriesshire nearly a total change was made in the ownership of property. The Comyns were thoroughly dispossessed. Dalswinton Castle and Manor were given to Walter Stewart, third son of Sir John Stewart of Bonkill, who fell at the battle of Falkirk. The estate of Duncow was assigned to Sir Robert Boyd, ancestor of the Earls of Kilmarnock. Douglasdale was restored to Sir James Douglas; and there were added to his domains almost the whole of Eskdale and

* Fordun, vol. iv., p. 1606.

† Dalrymple's Annals, p. 36; Redpath's Border History, p. 240.

‡ Dalrymple, p. 96.

other parts of Dumfriesshire. The King's hereditary lordship of Annandale, with the Royal Castle of Lochmaben, was conferred upon Sir Thomas Randolph, in addition to the barony of Morton, inherited by him as the lineal descendant of Dunegal, Lord of Stranith.* Several minor changes were made: a charter, dated in the sixteenth year of the King's reign, conferred the lands of Kilnorduff, Torthorwald, and Roucan on Humphrey Kirkpatrick; another of the same date gave the estate of Penersax to Stephen Kirkpatrick; and by one dated Lochmaben, 4th June, 1320, Thomas, the son of Sir Roger, received the manor of Bridburgh, in recognition of his own and his father's services. Wherever, in other cases, there was fidelity to acknowledge, or little fault to find, the old families regained their former position. Even Sir Eustace Maxwell, though he had long remained in the interest of England, was liberally dealt with. He had, as we have seen, joined the patriots some time before their closing victory; and Bruce, taking this circumstance into account, and overlooking his former unfaithfulness, gave him back his lands and Castle of Carlaverock.

From the date of Bannockburn till that of the King's death, a period of fifteen years, the nation enjoyed almost unbroken repose, and a prosperity that reminded the old inhabitants of the golden days of Alexander III. To no part of the country was this season of peace more acceptable than to Dumfriesshire. Some counties of Scotland suffered comparatively little from the English usurpation, on account of being remote from the enemy's usual route of march; but the districts watered by the Esk, the Annan, and the Nith, from their frontier position, became the highway of the invading armies, and a debatable territory, on which, for fully twenty years, the destructive controversy of the sword went on with little intermission. No industrial employment could be attended to. The fields were left untilled—few herds or flocks, and little produce of the soil, would be left after the Southern hordes had repeatedly harried the country; and how the inhabitants managed to ward off the attacks of famine, remains to us a mystery. The produce of the woods and rivers would be their chief dependence; and the

* Caledonia, vol. iii., p. 64.

license which war gives to plunder would be used by many in the absence of more legitimate means for procuring a livelihood. As episodes in the war, there would be numerous freebooting forays into Cumberland, leading to retaliatory expeditions, all combining, with the war itself, to reduce society on both sides of the Border into a chaotic state. It was part of the invaders' atrocious policy to terrify the people by burning or otherwise destroying such goods as they could not carry off with them; and they sometimes, by this locust-like mode of procedure, overreached themselves.

When the predatory forces of the English were at times reduced to a state of privation, the people whom they ravaged must have suffered still more severely. Municipal government in Dumfries would, in these fighting days, dwindle down to a dead letter; the town would be ruled by martial law, administered now by St. John after the English fashion—then by Wallace, Bruce, or other Scottish baron, in a milder form—then once more by the rough-handed invaders: so that the Provost and his colleagues of the Council, if such officials were chosen at all, in the terms of King William's charters, would have little say in the management of town affairs. Dumfries, in fact, would be turned into a camp: her craftsmen, during two-thirds of a generation, would be unable, except by fits and starts, as it were, to pursue the occupations which flourished in the "piping times of peace"—her merchants would have to close their premises for want of customers, or to keep out those unwelcome ones who took goods on trust, never intending to pay for them. Of all the industrial orders, the smiths alone—whose proud boast it was, that

> "By hammer in hand
> All arts do stand"—

would drive a prosperous trade; the others fretting in idleness, or doing military service—many of them for, and some of them against, the interests of their country.

In the course of the auspicious reign which preceded these times of trouble, Dumfries was a growing town, increasing in size, population, and opulence. But the English usurpation checked its progress. With many houses reduced to ruin—with lines of streets partially burned down—with its Castle half

dismantled, its Monastery deserted, and its external defences sadly perforated—it must, at the close of the war, have looked like the ghost of the town which the good King Alexander is said to have viewed with admiration when directing from it his enterprise against the Isle of Man. As sleep "knits up the ravelled sleeve of care," so peace filled up the mural breaches of the town, and rebuilt its shattered tenements; and if ever Robert Bruce, after reigning in glory for a few years, had the curiosity to visit his native district, and the place where the first blow for freedom was struck, he would rejoice in the verdant aspect of the country, no longer dyed with blood and desolated by strife, and in the revived prosperity of the town when free from the presence of "grim-visaged war." Happy were these fifteen years of repose for Scotland at large! Scarcely, however, had the ashes of the illustrious Bruce turned cold, when the wasting fires of war were once more lighted up anew.

An English king (Edward III.) was the promoter of this fresh conflagration. His instruments, Edward Baliol, son of the competitor, and the Lords Beaumont and De Wake, whom Bruce had deprived of their lands in Scotland, on the plea that, as English subjects, they were likely to prove disloyal to his authority, and who sought to regain what they had lost by the sword. Lord John de Wake claimed as his rightful inheritance that piece of territory in the south-east of Dumfriesshire, which soon afterwards became famous as "The Debatable Land." That it originally formed part of Scotland is unquestionable;* and, indeed, a large portion of Cumberland was, for several centuries prior to the reign of Alexander II., attached to that kingdom, except for a short period, when William the Conqueror took it from the Scots and divided it among his Norman followers, granting the barony of Lydall or Liddel to a knight named De Eastonville, from whom it descended by marriage to the De Wakes. This barony comprised the lands of Esk, Arthuret,

* In a treaty between the kingdoms, of date 1249, it was stipulated, that when an inhabitant of the one charged an inhabitant of the other with the theft of cattle, the person accused was either to vindicate his character by single combat with his accuser, or bring the stolen animals to the frontier streams of Tweed or Esk, and drive them into the waters—a clear proof that England at that time had no claim to the Debatable Land.

Stubhill, Carwindlow, Speireike, Randolph, Livington, Easton, North Easton, and Breconhill, all on the eastern or Cumberland side of the River Esk; and though some modern historians have assumed that Kirkandrews was also included, we find no statement to that effect in Danton, on whose authority they profess to rely. By the treaty of Northampton, signed by the English and Scottish Commissioners on the 4th of May, 1328, it was stipulated that De Beaumont should receive the lands and earldom of Buchan, claimed by him in right of his wife; and that De Wake should be re-established in his barony of Liddel. The Scottish Regent, Randolph, however, shrunk from giving effect to the agreement:* nor is it surprising that he hesitated, since both of these barons were avowedly opposed to the independence of the kingdom—had leagued themselves against it with Baliol; and if Buchan fell into the hands of one English lord, it would afford an easy landing-place for an invading enemy; while if another were allowed to settle down on the Scottish side of the Esk, the western frontier would be deprived of its chief natural defence.

Strange to say, though the triumvirate who conducted this enterprise had only a very small force, amounting at first to barely five hundred men, they succeeded in temporarily overturning the fabric of Scottish independence, which had been built up at such a lavish outlay of blood and treasure. Landing at Kinghorn, on the Frith of Forth, they defeated the Earl of Fife, who vainly endeavoured to drive them back to their ships, or into the sea. They then, after being strongly reinforced, routed a much larger body, under the Earl of Mar, on Dupplin Moor; and, as a consequence of these and other triumphs, the pretender Baliol was crowned Deputy-King of Scotland, at Scone, on the 24th of September, 1332. The reader may well wonder at this result, brought about by such seemingly slender means, and that, too, in the short space of three weeks. It would have been impossible, if the invaders had not been greatly strengthened by the native Baliol party, still numerous in Scotland—or if their opponents had been favoured with

> "One hour of Wallace wight,
> Or well-skilled Bruce, to rule the fight"—

* Rymer's Fœdera, vol. iv., p. 461.

or had Douglas not fallen a year before, in an encounter with the Saracens, when bearing his royal master's heart to the Holy Sepulchre at Jerusalem—or had Randolph, Regent of the kingdom during the minority of Bruce's successor, been still alive.

After a brief inglorious pause, men actuated by the spirit of these heroes appeared upon the scene to give a new current to public events; and once more the tide of battle, surging in Dumfriesshire, turned again in favour of freedom. Baliol, at his coronation, came under an obligation to rule the country in the name of his patron and liege lord, Edward III.; and when passing southward, for the purpose of extending his influence, he, at Roxburgh, solemnly ratified this engagement. He knew that he had no chance of retaining the crown many months, except by support from England; and that having been assured to him, as the price of his country's independence, his mind was set at ease, and, when lying encamped on the Burgh Moor, at Annan, lapped in fancied security, he indulged in lofty aspirations, unconscious that an agency was at work that would cause them to topple over like a castle of cards. Sir Andrew Murray, of Bothwell,* who married Christopher Seton's widow, and was therefore the brother-in-law of King Robert, having been chosen Regent by the supporters of the Brucian family, proved worthy of his position at this crisis of the national cause.

A thousand horsemen under Archibald Douglas, Lord of Galloway, third brother of Sir James Douglas, John Randolph, Earl of Moray, son of the deceased Regent, and Simon Frazer, the tried friend of Bruce, were sent by Murray into Annandale, in order to watch the movements of Baliol. On arriving in the neighbourhood of Moffat, they were apprised by scouts that the puppet King had turned his camp into a court, and that military discipline had given way to revelry and mirth. This was welcome news to the patriots. That very afternoon, the 16th of December, they were hurrying down the dale as fast as their fleet steeds could bear them; and, as they drew near Annan, were guided to their destination by the glimmering lights, and also, perhaps, by the bacchanalian

* The Regent, like the Murrays of Cockpool and of Murraythwaite, was descended from Freskin, a Flemish gentleman who settled in Linlithgowshire during the twelfth century. (See p. 34.)

sounds that emanated from the encampment. Stealthily crossing "Annan Water, wide and deep," they fell upon the enemy about midnight with the force of an avalanche. King Baliol was in bed, literally dreaming over again, it may be, the visions that had delighted him in his waking hours. Shouts of defiance, screams of terror, shrieks of agony, mad cries for mercy—could these sounds be the discordant medley of a hideous dream, following in horrible contrast upon the pleasant fancies that had preceded them? The royal sleeper awoke to find his camp assailed by a merciless foe, and his followers, who had on the previous day vowed to him everlasting fidelity, making but a feeble resistance—able, indeed, to offer scarcely any, as they were only half awake, and many of them naked, with neither sword nor buckler. Short and fearful was the fight; long and more terrible was the slaughter. With scarcely the rag of a royal robe to cover him from the cold, the miserable mimic of a king threw himself upon a cart horse, unfurnished with either saddle or bridle, and in this fashion galloped for bare life fifteen miles, stopping not till he reached Carlisle.* His brother Henry, Lord Walter Comyn, and many other persons of rank, were slain in the fray or during the flight, with many hundreds of common soldiers, the assailants losing very few of their number.†

* Wyntoun, vol. ii., p. 159; Hume's House of Douglas, p. 80; and Redpath's Border History, p. 302.

† About a mile from Moffat, on the side of the Beattock Road, may be seen an antique triple memorial, termed "The Three Stan'in' Stanes," which some authorities consider were raised on the site of this battle, to commemorate the officers slain there on the English side. Such an idea is quite untenable. While Buchanan states that the patriot army rendezvoused "prope Mophetam," near Moffat, he does not say that the conflict took place in the vicinity of that village; and the Chronicle of Lanercost distinctly fixes the locality thus—"Usque ad villam Annandiæ, que est in marchia inter regna," the town of Annan, which is on the march between the kingdoms. Besides, it is assumed in the idea that the nobles who fell were buried on the field, whereas Baliol obtained the bodies, and would doubtless cause them to be interred in consecrated ground. "The Three Stan'in' Stanes" are probably of Druidical origin.

CHAPTER XI.

RENEWED EFFORTS AND SUCCESS OF BALIOL—HE REWARDS HIS PATRON, THE ENGLISH MONARCH, BY ASSIGNING TO HIM A LARGE PORTION OF SCOTLAND —RESISTANCE AND TRIUMPH OF THE PATRIOTS UNDER MURRAY—REIGN OF DAVID II.—CARLYLE OF TORTHORWALD IS KILLED DEFENDING THE KING AT THE BATTLE OF NEVILLE'S CROSS—INCIDENTS OF THE WARFARE IN NITHSDALE AND ANNANDALE—HARROWING DOMESTIC EPISODE: MURDER OF SIR ROGER KIRKPATRICK IN CARLAVEROCK CASTLE, BY HIS GUEST, LINDSAY—CAPTURE OF THE ASSASSIN, AND HIS TRIAL AND EXECUTION AT DUMFRIES—A BREATHING TIME OF PEACE, AND ITS BENEFICIAL RESULTS ON THE TOWN AND DISTRICT—MORE BORDER RAIDS — DUMFRIESSHIRE RAVAGED BY THE ENGLISH UNDER LORD TALBOT—THEIR CAMP ON THE SOLWAY IS SUDDENLY ATTACKED BY THE SCOTS WITH GREAT SLAUGHTER.

THIS visitation would have finished Baliol, had not the English monarch set him up anew. Next March, he was again at the head of an English army, invading Scotland, and laying siege to the Castle of Berwick. While thus engaged, Sir Archibald Douglas, with three thousand men, made a diversion on the south side of the Border, and returned laden with booty, after ravaging the whole district to the extent of thirty miles. With the view of paying him back in kind, Sir Anthony de Lacey, of Cockermouth, led a considerable force into Dumfriesshire. They plundered the country far and wide, till the stout Castle of Lochmaben, that had often before done good service, stopped their desolating march. Pity that its keeper, the gallant "Flower of Chivalry," Sir William Douglas, of Liddisdale, did not remain under its shelter, instead of sallying forth with chivalrous generosity, as he did, and giving the invaders battle in the open plain. He was taken prisoner in the engagement that ensued, together with a hundred men of rank; and upwards of a hundred and sixty of his soldiers were left dead on the disastrous field.* Among the slain were Sir Humphrey de Bois, of Dryfesdale (supposed by Dalrymple to be the ancestor

* Redpath, p. 302.

of Hector Boece the historian), Sir Humphrey Jardine, and Sir William Carlyle, of Torthorwald. Lacey, satisfied with his success, proceeded with his captives and spoil to Carlisle*—the city where the goods stolen from Dumfriesshire in those days were generally resetted. The prisoned "Flower," loaded with fetters, pined in Carlisle Castle more than two years, but, unweakened by confinement, proved to be of the genuine thistle kind in many a subsequent encounter with the English.

The patriot cause suffered another serious blow when the Regent, Sir Andrew Murray, was made prisoner, in an abortive attempt to surprise the Castle of Roxburgh; and it was almost entirely crushed when Sir Archibald Douglas, his successor in the Regency, after a wasting raid into England, recrossed the Tweed, for the purpose of relieving Berwick, attacked an intervening army, strongly posted on Halidon Hill, and was thoroughly defeated, with great slaughter—Douglas himself being mortally wounded, and the Earls of Lennox, Ross, Sutherland, Carrick, Monteith, and Athol being numbered among the slain. Baliol's first failure was in these ways redeemed—his disgraceful escapade at Annan was revenged—and his aspirations once more mounted to the zenith.†

At the head of an immense force—twenty-six thousand men in number, it is said—he overran the greater part of Scotland, meeting with little opposition, and subjecting the whole of it, excepting the spots on which stood the Castles of Urquhart, Loch-Doon, Lochleven, Kildrummie, and Dumbarton. Even when this was accomplished, he remained but a nominal king. The Scots paid him an unwilling homage: remembering Bannockburn, they never supposed for a moment but that his puppet's part would soon be played out. The English, conscious of his indebtedness to them, became voracious in their demands. They had made him a king, and he must show his gratitude for their services, or he might find himself a crownless fugitive some day soon. He gave Lord Henry Percy Annandale and Moffatdale; and, to enable him to keep them with the strong hand, if need be, he added the Castle of Lochmaben to the grant.‡ In this way Randolph's lands were disposed of; and

* Walsingham, p. 132. † Wyntoun, vol. ii., p. 170.

‡ Redpath, p. 310.

the estates belonging to other Brucian nobles were handed over to other English lords, or those recreant patricians who were base enough to accept a reward for assisting to destroy their nation, and to feast on the honey which the lion's carcase yielded. "More! we must have more!" was the language of the exorbitant Southrons and their King. Baliol was placed in the position of a necromancer, who, after doing many marvellous feats, and acquiring much wealth, is required, by unceasing sacrifices, to propitiate the remorseless demon to whom he is indebted for his success.

It was not enough that Baliol had become the sworn vassal of Edward III., and had curtailed his own revenue by enriching that monarch's subjects; he must, over and above that deep humiliation, and these liberal largesses, give over in fee to his liege lord a goodly portion of Scottish land for annexation to England, and henceforth to be completely Anglicized. However mean-spirited Baliol was, he must have been disgusted by these exactive demands. Though loath to comply with them, he durst not hazard a refusal. In a Parliament held at Newcastle on the 12th of June, 1334, he, by a solemn legal instrument, invested his royal master with the ownership of the castle, town, and county of Berwick; of the castle, town, and county of Roxburgh; of the forts, towns, and forests of Jedburgh, Selkirk, and Ettrick; of the city, castle, and county of Edinburgh; of the constabularies of Haddington and Linlithgow; of the town and county of Peebles; and lastly, of the town, Castle, and County of Dumfries.* This most abject and disgraceful partition of the ancient kingdom of Scotland could not actually be carried out. The "departed spirits of the mighty dead" vetoed the arrangement: Wallace and Bruce, though mouldering in the dust, lived in the hearts of their countrymen, and dictated the nation's protest against the base perfidy of Baliol and the insatiable cupidity of the English King.

Edward III. supposed he had succeeded where an abler man (Edward I.) had failed. Having been invested in his new possessions, he made arrangements for their government—appointing sheriffs for each district, with Robert de Laudre as Chief Justice, and assigning to John de Bourdon the important office of

* Redpath, p. 310.

General Chamberlain. One Peter Tilliol, of whom we know little, was made Sheriff of Dumfriesshire, and Keeper of the Castle of Dumfries.* To Edward de Bohun were given Moffatdale, Annandale, and the Castle of Lochmaben—Percy, their previous English possessor, receiving for them an equivalent; and they continued to be held by one or other of the Bohun family till the expulsion of the Southrons from the district. Scarcely had these police arrangements been effected, when Sir Andrew Murray, escaping from prison, unfurled the patriotic flag with such effect that Baliol took to flight from the country he had betrayed; and Edward III., dreading that his own tenure of it might be snapped asunder, passed with an army through Dumfries towards Glasgow, at the close of 1334—returning, however, in a hurry, as, though he encountered no military force, hunger, and the rigour of the season, drove him back over the Border. Next year he repeated the invasion, carrying desolation into the country as far as Morayshire, and being forced to retire a second time by the famine he had himself created. For fully three years longer the war continued, the Scots adopting the policy, recommended by Bruce, of avoiding pitched battles, and depending chiefly on guerrilla attacks, by which they risked little and severely harassed the enemy.

In the summer of 1338, Sir Andrew Murray died. He had for some time shared the Regency with Robert Stewart, who, on his death, became sole Regent. Murray had done much to keep alive the flame of Scottish patriotism; and when the management of affairs devolved entirely upon Stewart, they did not suffer at his hands. The Castles of Edinburgh, Stirling, Perth, and many smaller fortresses, were, one after another, wrested by him from the invaders; and the national cause looked so promisingly that, in May, 1341, the young King, David, now eighteen years of age, ventured to return from France, where he had lived an exile nine long years. On landing at Inverbervie, in Kincardineshire, with his Queen, he was received with enthusiasm by the people, glad once more to have a sovereign amongst them, and that sovereign the son of the Bruce under

* Fœdera, p. 615; also, Rotuli Scotiæ, vol. i., p. 271, in which the following entry occurs:—"Petrius Tilliol, de officio vice comitatus de Dumfries, et custodia castri R. ibidem."

whom they had fought and conquered. The son, however, proved unworthy of the sire: his reign was discreditable to himself and disadvantageous to Scotland—the country being often humiliated, and suffering great depression, during its course.

Shortly after the King's arrival, abortive efforts were made by Randolph, Earl of Moray, to rid Dumfriesshire of the English. On laying siege to Lochmaben Castle, he was repulsed, with serious loss, by Selby the governor.* A truce ensued between the Scots and English, to last till Michaelmas, 1346, during which Nithsdale and the greater portion of Annandale remained in the possession of the enemy. When the war was resumed, King David proceeded, at the head of a large army, on an ill-starred expedition into Northumberland, gaining for it on the way a delusive gleam of success by capturing the powerful fortress which had five years before resisted the arms of Randolph. Its defender, Selby, was beheaded: a doom richly merited by him, as, during his governorship, he had been the terror of the dale. But the recovery of Lochmaben Castle, however important in itself, weighed but as a feather in the scale against the thorough defeat which awaited the Scots at Neville's Cross, near Durham. Their main centre was commanded by David himself; near him fought Thomas Carlyle of Torthorwald, who fell slain when gallantly defending the person of the King. The victory of the English was immensely enhanced by the capture of the Scottish monarch; and when, nine years afterwards, he acquired his liberty, it was on condition that he should pay the heavy ransom of a hundred thousand merks. The King, on being restored to his throne, showed that he cherished a grateful recollection of Carlyle's services: a charter signed by him, bearing date 18th October, 1362, conveyed the lands of "Coulyn and Rowcan to our beloved cousin, Susannah Carlyle, heir of Thomas de Torthorwald, who was killed defending our person at the battle of Durham, and to Robert Corrie, her spouse, belonging formerly to our cousin, William de Carlyle."†

Edward Baliol, who held a leading command on the side of the victors at Neville's Cross, co-operated with them in overrunning

* Redpath, p. 355. † Barjarg Manuscripts.

Tweeddale, the Merse, Ettrick, Annandale, and Galloway.* Next year, at the head of twenty thousand men, he entered Dumfriesshire by the Western Border, and, taking up his abode in Carlaverock Castle, wasted Nithsdale and Carrick; while Admaro de Atheles assumed the governorship of Dumfries, and strengthened his position by occupying the neighbouring stronghold of Dalswinton.† Baliol proceeded on his destructive mission as far as Perth, where he was stopped by a messenger, announcing that the King of France had, on his own behalf and that of his Scottish allies, ratified an eight years' truce with England; and before the armistice expired, Baliol, despairing of realizing the object he had aimed at, resigned his pretensions, for a money consideration, into the hands of Edward III., and vanished from public life, regretted by no one, scorned or contemned by all.

With the view of making good the transfer, Edward III., in February, 1356, led an immense army into Scotland by the Eastern Marches. The Scots, still acting upon the dying counsel of Bruce, did not attempt to meet the invaders in the open field, but wasted the country round about, confidently expecting that more havoc would be committed by hunger than by the sword in the ranks of the enemy. It was even so. The English found the farm-yards empty; and as their foraging parties roamed the country, they met with neither herds nor flocks. No food could be obtained for men or horses; and the Southern fleet, which was to have brought provisions seaward to Berwick, suffered from a storm, which prevented it reaching that port. Frantic with vexation and rage, Edward, more like a bandit chief than a royal commander, took insane revenge upon the famine, by resorting to the torch. He set fire to towns and villages, woods and towers, causing such a terrific conflagration, that the season was long after spoken of by the common people as "The Burnt Candlemas." He then, from the blackened ruins of Haddington, beat a precipitate retreat; his forlorn host being galled and decimated on

* Wyntoun, vol. ii., p. 265.

† It appears from an entry in the Rotuli Scotiæ, p. 713, that Atheles at this time put the Castle of Dalswinton, which had suffered much during the war, in good repair.

its homeward way by bands of Scots, that sprung up on every side.

Relieved from the presence of the invaders, the patriot forces assumed the offensive. They succeeded in capturing many of the strongholds by which the English had long kept a precarious tenure of the country. Sir Roger Kirkpatrick stormed the Castles of Carlaverock, Dalswinton, and Durisdeer. He afterwards paid a visit to Dumfries; but the friends of Edward there seem to have decamped unceremoniously before he reached the town*—at all events, he established in it without difficulty the undisputed rule of David II., prisoner though that monarch still was, and made the rest of Nithsdale too hot for its foreign occupants; while John Stewart, eldest son of the Regent, performed a similar service towards the English in Annandale—Lochmaben Castle, however, which had once more fallen into their hands, resisting his attempts to capture it.

Edward III., mortified by the failure of his expedition, and actively engaged in hostilities with France, eagerly sought for and obtained a truce with the Scots; and the year 1357 found the latter free, ruled by their rightful sovereign, returned from his captivity, and beginning to taste the sweets of tranquillity, and to experience the protection of a settled government. Lawlessness, the offspring of protracted war, had long cursed the country; but, as a proof that the sword of justice was not at this time quite rusted, even in the district where the sword of war had borne sway for ages, the following domestic episode may be narrated;† and the illustration will perhaps be all the more acceptable, seeing that it is associated with a great historical event—the slaughter of Comyn in Dumfries.

It has already been stated that Sir Roger Kirkpatrick took the Castle of Carlaverock from the English in 1356. He was the son of the baron who, in company with Lindsay, hurried into the Greyfriars' Monastery and made "siccar" the fell stroke inflicted by Bruce on the treacherous Lord of Badenoch; and, curiously enough, the son of this same Lindsay was an invited guest at Carlaverock in 1357, soon after its new keeper had begun to occupy it. Superstition traces their meeting on this

* Hume's House of Douglas.

† Taken chiefly from Fordun and Dalrymple.

occasion to no accidental circumstance. Bowmaker tells us, in his "Chronicle," that whilst the body of Comyn was being watched at the midnight hour by the Minorites, according to the rites of the Church, the officiating friars fell into a dead sleep, with the exception of one aged father, who heard, with wonder and alarm, a voice, like that of a wailing child, exclaim, "How long, O Lord, shall vengeance be deferred?" The answer, pronounced in an awful tone, made the listener's ear to tingle, and his heart to thrill, as it sounded like a voice from heaven: "Endure with patience until the anniversary of this day shall return for the fifty-second time!" This is not history, but a priestly legend: the tragical incident, however, which ensued at Carlaverock fifty-two years after the slaughter of Comyn, is recorded by the Prior of Lochleven and other contemporary annalists, and is entitled to credence.

The two sons of Bruce's colleagues met in the old Border fortress, as entertainer and guest, on or about the 24th of June, 1357. They were both promoters of the patriotic cause—they were seemingly on most friendly terms; but, all the time, Lindsay, envying and hating his host, cherished towards him a spirit of revenge. Kirkpatrick had wooed and married a beautiful lady, whom Lindsay had loved in vain; and the latter, after the festivities were over, and "all men bowne to bed," rose from his couch, stole on tiptoe to the chamber where his unsuspecting victim lay in the arms of his wife, stabbed him to the heart, took horse hurriedly, and, plying whip and spur, fled precipitately over moss and moor, through the midnight gloom. He had thus glutted his vengeance on his successful rival; but, bewildered by the darkness, and probably tormented by remorse, he in vain tried to secure his own safety by speeding to a far distance from the scene of the murder. After riding all night, the blood-stained criminal was captured at break of day within three miles from the castle. His rank and position, his services to the national cause, the intercession of his powerful relatives, were insufficient to save him from the consequences of his guilt. The widowed Lady Kirkpatrick, hearing that the King was in the neighbourhood, went to him, and prayed for justice on the assassin of her husband. Forthwith the monarch formed a tribunal at Dumfries, by which Lindsay was regularly tried and

condemned, as is recorded, in pithy metrical terms, by the Prior of Lochleven:—

> "His wife passyd till the King Davy,
> And prayed him of his realte,
> Of lawche that scho might servyd be.
> The King Davy then also fast
> Til Dumfris with his curt he past,
> At lawche wald. Quhat was thare mare?
> This Lyndessay to deth he gart do there."*

How delightful it must have been for the Dumfriesians to breathe their native air in peace and security, after the long storms of war, from which they had suffered more than the rest of their countrymen, had subsided! Though the years between the accession of David and his restoration were full of trouble, his reign, after the latter event, was comparatively serene; and the country got time to recover, in a great degree, from the fearful ravages of war by which its trade and husbandry had been nearly ruined. If hostilities had been prolonged for another generation, Scotland would have been turned into the desert which Edward I. vowed to make it, and its people been reduced by battle and famine to a mere handful. At the middle of the fourteenth century, the whole population of the country, owing to the long operation of repressing influences, would probably not exceed eight hundred thousand; and we can see reason for thinking that the town of Dumfries could not have had more than eighteen hundred inhabitants. The likelihood is that its population was nearly double that amount in the reign of Alexander III., and during the early years of the war of independence. Thirteen blessed years of peace followed King David's release from captivity; and in their course fair Nithsdale would once more blossom and rejoice, and its ancient capital grow and flourish—increasing alike in dimensions and prosperity.

These happy changes were certainly not due to the sovereign. It was not by his wisdom and valour that the land was brought out of its wilderness condition. So far as Dumfriesshire is concerned, he was more than suspected of having secretly agreed with the English to keep it weak and dependent, by demolishing some of its main sources of strength and freedom—the Castles

* Cronykil, book viii., c. 44.

of Dumfries, Dalswinton, Morton, and Durisdeer.* Had this nefarious arrangement been carried into effect, the County would have been converted into a great hunting-field by the English Borderers, and perhaps been eventually annexed to the English kingdom. But the evils which the King's perfidy or incapacity planned or made probable were foreclosed by the firmness and patriotism of his people—favoured as their efforts were by the inability of Edward III., on account of his war with France, to prosecute his designs against Scotland.

Robert Stewart, ex-Regent, in terms of the settlement made by his illustrious grandfather, Robert Bruce, succeeded to the throne on the death of David, in 1370. The peace between Scotland and England remained unbroken. It continued other seven years, extending the repose of the northern kingdom to a period of fully twenty years. Edward III. died in 1377, without realizing any of his ambitious dreams; and the English crown devolved on his grandson, Richard II., a boy of tender age, whose "baby-brow" was ill-fitted to wear "the golden round of sovereignty," which proves often a diadem of thorns to full-grown men. Soon after his ascension, negotiations for a continuation of the truce were entered into; but whilst these were pending, Alexander Ramsay, with only two score of Scots, surprised and took the strong Castle of Berwick, which the English had held for many years.

The embryo treaty was therefore cast to the winds. Berwick was recaptured by Henry Percy; and William, Earl of Douglas, who had vainly tried to relieve the fortress, paid a hostile visit to Penrith, at a time when one of its great fairs was being held, plundered the husbandmen and burghers, set fire to the town itself, and returned into Dumfriesshire laden with booty.† These aggressive forays proved that the Scots had increased in strength and boldness during the long suspension of hostilities; and perhaps they were all the more ready to undertake them, now that their powerful enemy was in his grave, and the feeble hand of an inexperienced youth held the English sceptre. His subjects, however, were quite ready to take up the cartel of defiance thrown down to them by their northern neighbours;

* Fordun, i., xiv., c. 18.

† Buchanan's History of Scotland, book ix., ch. xliii.

and it seemed at one time as if the war were about to take an extensive sweep, and become once more national in its character. The valour and good fortune of the Scots prevented this calamity, by restricting hostilities to the Border district, and rendering them of brief duration. For the purpose of revenging the raid against Penrith, Lord Talbot, at the head of fifteen thousand men, crossed over the Esk: and had this formidable force succeeded in its original design, it is more than probable the victor would have been tempted to risk the hazard of a more ambitious die.

All along, during the wars with England, the ford near the influx of the Esk into the Solway was the principal avenue to and from Scotland by the Western Marches, the territory further eastward being protected by Carlisle Castle, and other places of strength planted irregularly along the Border.* It was by this passage, after the tidal waters had retired, that the English army entered Scotland, and once more wakened with its war-notes the echoes of Solway shore. The invaders ravaged the lower district of Dumfriesshire, rifling farms and town at pleasure; and, mightily pleased with their work, halted at nightfall in a narrow mountain gorge or valley, for the purpose of taking rest, apportioning the spoil, and deciding on their future plans. Presumptuous and reckless, they courted the dolorous fate that awaited them. A band of five hundred Scots, made up chiefly of common serfs or varlets, suddenly and secretly assembled, fell with the force of a thunderbolt on Lord Talbot's camp; making their descent upon it more dismally appalling by wild shouts, and the ringing of rattles used by them in scaring wild beasts from their flocks. The surprise was like that of Edward Baliol's army at Annan fifty years before, only it was on a larger scale, and had still more destructive results. The English, startled, appalled, paralyzed, were taken and slain in great numbers, as if they had been a flock of sheep doomed to the shambles. Many who were not cut down perished in the Esk, whose tide had returned, all untimely for the poor fugitives. Two

* The guarding of this passage was made an object of great consideration by the English Government. The duty of doing so was assigned by Richard II. to Richard Burgh; and when he resigned the office, in 1396, it was conferred on Galfrid Tilliol and Galfrid Louther.—*Rotuli Scotiæ*, vol. ii., p. 152.

hundred and forty were made prisoners, and only a remnant of the aggressive host escaped with life.* The exulting victors recovered the whole of the plunder, and carried off besides the valuable arms and stores which belonged to the invaders. It is not surprising that, as a sequel to this overwhelming discomfiture, the English were glad to sign a truce for three years, on terms favourable to the Scots.

* Fordun a Goodal, vol. i., p. 385; Wyntoun, vol. i., p. 309.

CHAPTER XII.

GLANCE AT THE MATERIAL AND SOCIAL CONDITION OF DUMFRIESSHIRE AND ITS CAPITAL DURING THE MIDDLE AGES—THE PRIMITIVE FORESTS—THE NATIVE HERDS AND FLOCKS—THE HUSBANDRY OF THE DISTRICT—WAGES, LABOUR, AND PROVISIONS—STATE OF THE HUMBLER CLASSES—HOUSE ACCOMMODATION, AND DEFENSIVE STRUCTURES.

TURN we now from the narration of events, to glance at the social and material aspect of Dumfriesshire and its capital during the middle ages, up till the period at which we have arrived; and for much of the view we must be indebted to the learned and industrious author of "Caledonia." In the thousand years which elapsed after the invasion of Agricola, no perceptible impression seems to have been made on the original woodlands of the County. When the Scoto-Saxons settled within its vales, they found clumps of forestry in all directions; and hence the frequent occurrence, throughout the district, of the Saxon term *weald*, which signifies "a woody place." Familiar instances are found in the names Ruthwald, Mouswald, Torthorwald, and Tinwald; and in the following, where the word appears in its modern form:—Locharwood, Priestwood, Kelwood, Netherwood, Meiklewood, Norwood, Blackwood, Kinmontwood, Dunskellywood, Woodhall, Woodlands; and in others, such as Hazelshaw, Blackshaw, Cowshaw, Laneshaw, and Bonshaw, in which a synonymous word for "wood" is introduced. The oaks, firs, and birches embedded in the mosses of Nithsdale and Annandale, afford abundant evidence of the same fact; and fine natural wood, the progeny of primitive forests, still fringes many of the rivers and streams. The parishes of Morton, Durisdeer, and much of the neighbourhood, were in ancient times covered with trees—the resort of the wild boar, the wolf, the stag, and other animals of the chase, to hunt which was the

favourite pastime of our ancestors. We read in the beautiful ballad, "Johnnie of Breadislee," how

> "Johnie busk't up his gude bend bow,
> His arrows ane by ane;
> And he has gane to Durrisdeer,
> To hunt the dun deer down."

Of a far-stretching forest in Moffatdale, another fine old lyrical effusion, "The Lads of Wamphray," makes mention as follows:—

> "'Twixt Girth-head and the Langwood en',
> Lived the Galliard and the Galliard's men;
> But and the lads of Leverhay,
> That drove the Crichtons' gear away."

An ancient manuscript informs us, that near to the old Castle of Morton, which figured so much in the early history of Dumfriesshire, "there was a park built by Sir Thomas Randolph, on the face of a very great and high hill, so artificially, that, by the advantage of the hill, all wild beasts, such as deers, harts, roes, and hares, did easily leap in, but could not get out again." The writer quaintly adds: "And if any other cattle, such as cows, sheep, or goats, did voluntarily leap in, or were forced to do it, *it is doubted* if their owners were permitted to get them out again."*

On the 3rd of March, 1333, Edward III. appointed John de la Forest Bailiff of the Park or Forest of Woodcockayr, in Annandale, an office which the Maxwells acquired afterwards, and were in the enjoyment of in the reign of James VI. Dalton Forest, on the west bank of the Annan, Loganwoodhead Forest, between the Sark and the Kirtle, Blackberrywood Forest, in Upper Eskdale, are mentioned in official records; and we read of Robert I. and David II. granting lands in "free forest" within Dumfriesshire.

The manner in which the abounding woods of the County were tenanted may be inferred from such names as Wolfstane, Wolfhope, Wolfcleugh, Raeburn, Raehills, Hartfell, Harthope, Deerburn, Hareshaw, Todshaw, and Todhillwood. As the

* MS. Account of the Presbytery of Penpont, drawn up and transmitted to Sir Robert Sibbald, the well-known antiquarian writer, by the Rev. Mr. Black, minister of Closeburn.

Scoto-Irish, like the British aborigines, whom they succeeded, delighted in woods, they were sparing in the use of the axe. The forests furnished them with shelter, food, and the means of recreation; and their rural economy was in keeping with their tastes in this respect, seeing that it consisted rather in the feeding of herds and flocks than in the cultivation of the soil.

When another race—the Saxons—began to mingle on the banks of the Nith with the Scoto-Irish natives, they did not materially change the husbandry of the district, though after their appearance the plough was brought into greater request: vast herds of cattle were still seen browsing under the woodland shade; multitudes of swine battened on the mast which fell plentifully from oaken boughs; and countless "woolly people" continued bleating and nibbling in the glades. These and other domestic animals abounded greatly in the County; and no stronger proof of the prevalence of pasturage could be desired than is furnished by the fact, that when Malcolm Canmore and David I. reigned, the Crown dues in Dumfriesshire were paid in swine, cows, and cheese. The latter monarch granted to the monks of Kelso a share of the cattle and pigs he thus received from Nithsdale; but as such payments were found to be inconvenient, Alexander II. allowed the same fraternity a hundred shillings instead of the "vaccarum et porcorum et coriorum" which they were wont to receive from the "Valle de Nyth." Hunting, more than farming, was the occupation of the landowners; but the latter business was pursued with considerable success by the monks: "and as they," says Chalmers, "were the most skilful cultivators, as well as the most beneficial landlords, during the twelfth, thirteenth, and fourteenth centuries, it is to be lamented that they did not possess in those times more extensive districts in Dumfriesshire."

There was no great religious house within its bounds; but the monks of Holywood owned lands in Nithsdale, the Priory of Canonby drew rents from estates in Lower Eskdale, and the Monasteries of Melrose and Kelso were enriched by revenues drawn from the Shire, the former having extensive property in Dunscore and Upper Eskdale, and the latter lands in other districts, which were tilled by bondsmen belonging to the

brethren. From the rental of these ecclesiastical farmers we may form a pretty accurate idea of the land-rent paid at a time when acres were relatively more plentiful than gold pieces. During the thirteenth century, the monks of Kelso gave to Adam de Culenhat a lease of the tithes of the parish of Closeburn, for the yearly rent of fifty-three merks and a half; the tenant, however, being obliged, in addition to this money payment, to supply the Abbot, on his visits to the parish, with fuel, litter, hay, and grass. In the beginning of the fourteenth century, the same body of monks had forty acres of land, with a brew-house and other appendages, in Closeburn, which rented for two merks yearly; and about the same time they had for tenant of their whole lands in the Parish of Dumfries one Henry Whitewell, a burgess of the town, who paid them twelve shillings sterling annually for the same.*

The monks, in some instances, as has been stated, rented their lands to freemen; "and they had thereby," says Chalmers, "the honour of beginning the modern policy of a free tenantry in Dumfriesshire;" but the great body of cultivators were bondmen attached to the glebe. The free tenants frequently enjoyed long leases, by which they were encouraged to apply greater skill and labour on their farms. During the twelfth and thirteenth centuries, the land divisions of the Shire were the same as in England, giving rise to the carrucate, the bovate, the husbandland, and the acre. In the charters of Robert I. and David II. we read of pound-lands, merk-lands, shilling-lands, penny-lands, halfpenny-lands, and farthing-lands, from which valuations many farms derived names that some of them still retain.

The author whom we have repeatedly quoted, and been guided by in this inquiry, sums up his account of ancient agriculture in the Shire, by saying, "The barons, the monks, and the tenants had inclosed fields; they had hay; they had mills of every sort; they had brew-houses; they had fish-ponds;

* The value and the denomination of money, down till the reign of Robert I., continued the same in Scotland and England; and the Scottish money was not much depreciated for a century or more afterwards. The silver merk was value 13s. 4d.—TYTLER'S *Scotland*, vol. ii., p. 325.

they had the usual appendage of orchyards* from the prior Britons; they had salt-works on the Solway;† and they had wheel-carriages, with artificial roads: all during the early part of the thirteenth century."

Throughout the entire Scoto-Saxon period, till the doleful succession war began, in 1296, the people of Dumfriesshire continued to improve in all that could make them more affluent, civilized, and comfortable. That war not only stopped further progress, but made everything retrograde; and the family feuds which followed ruined much that the foreign enemy had spared—each of these adverse influences operating for ages. It need scarcely be remarked, that the manners of the people were rendered ruder by the perpetual collisions of battle and the broils of faction; and that the refinement that was beginning to spring up suffered a sad blight when the atmosphere of the district breathed constantly of war. While the inhabitants were involved in all the national quarrels with England, and generally had to bear the first brunt of the fray, their proximity to "The Debatable Land" of the Border, and the turbulent ambition of their local magnates, kept them in a chronic state of warfare, even when a truce existed between the kingdoms.

Other counties of Scotland enjoyed at times lengthened periods of repose; but Dumfriesshire, for several reigns prior to that of James I., had only brief, fitful seasons of rest. How, under such circumstances, could the tillage of the soil, the

* The Britons along the Annan, the Nith, and the Clyde delighted in apple trees; while they loved the cider, as we know from the elegant writer of the "Avellenau." We may learn, indeed, from the names of places, how early they had orchards in Annandale. The hamlet and church of Applegarth, signifying "an orchard," had its name, in the twelfth century, from an orchard. A few miles above this, a farm has long been called Orchyard. Appletreethwaite, signifying "a small inclosure of apple trees," Appledene, or Applevale, and Appletree, are all mentioned in charters of Robert I. There were in former times several orchards at Dumfries. The monks of Holywood had a fine orchard at that monastery. There was also an orchard at the Priory of Canonby.—*Caledonia*, Note on p. 122, vol. iii.

† There were salt-works at various places on the shores of the Solway at this period. The monks of Melrose had one at Renpatrick, or Redkirk, which they let in 1294 to the monks of Holm-cultram, who had several of their own on the Galloway side of the Solway. In the parish of Ruthwell there were many salt-works; and there was one in Carlaverock parish at a place which obtained, on that account, the name of Saltcot-knowes.—*Inquisit. Special*, p. 16.

operations of trade and commerce, and the arts, which civilize and refine, get a fair chance of success? Here, as in other parts of the kingdom, a considerable foreign trade existed in the prosperous and peaceful reigns of Malcolm Canmore and Alexander III.; but little traces of it remained, and it must have been, in fact, all but annihilated, till Bruce ascended the throne, about which time many adventurous Flemish merchants settled in the country, and gave a powerful stimulus to its commerce, which the wasting wars that succeeded seriously weakened, but did not altogether destroy.

Whatever aspect the Vale of Nith may have presented in the Arcadian times of Alexander III., much of it must have worn a bleak and wasted look, only partially relieved by large stretches of luxuriant woodland verdure, and patches of yellow grain, during the succession war, and for at least a century afterwards.

In 1300, the neighbouring province of Galloway grew vast breadths of wheat, that sufficed to sustain the English army of invasion, as well as the native inhabitants; but very little wheat was sown in Nithsdale or Annandale at that unsettled period. The cereals chiefly cultivated were oats and bere, or barley—the latter for furnishing the national beverage, ale; but often before the peasantry could make meal of the one crop and malt of the other, both were burned up—"the reaper whose name is Death" being sure of a rich harvest on such occasions. Edward I., however, usually interdicted, for his own sake, such acts of incendiarism; and there is an instance on record in which he gave compensation for loss of grain caused by his troops. A cavalry regiment, in returning from Galloway, on the 31st of August, 1300, having destroyed eighty acres of oats, the King compensated their owner, William de Carlyle, by a present of two hogsheads of wine,* value about £3 sterling. To the oaten diet of the common people was, however, added a goodly proportion of animal food: in this latter respect, the humbler classes of Dumfriesians being better supplied, perhaps, than their descendants of the present day. It was more easy then to breed cattle and sheep profitably than to grow corn, as, on the approach of an enemy, the herds and flocks could be driven off to the woods for safety,

* The Wardrobe Accounts, p. 126.

or penned within the lower story of a baronial keep. Fish, too, were plentiful in the rivers that ran into the Solway: the red deer which roamed the neighbouring forests furnished venison without stint for the tables of the rich; and not seldom, through favour or by stealth, that dainty article of diet found its way to the cottages of the poor. Altogether, in spite of the chronic infliction of war, the phrase of "the good old times" is, we think, not altogether inapplicable to the mediæval period in Nithsdale and Annandale. This opinion is strengthened by what is known as to the low market value of food. The wardrobe accounts of Edward I. show the current rates of cattle and produce in Dumfriesshire and Galloway at the period of his visits (1300–1308). An ox of large size could be purchased for 6s. 6d.; a fat hog for 2s. 2d. to 3s. 9d.; a quarter of wheat for 7s.; a quarter of barley for 4s. 4d.; a quarter of oats for 3s. 6d. These prices are relatively much lower, as compared with the value of labour, than prices in the present day. A labourer then could earn as much money in eight days as would buy a quarter of oats; but he would have to give now more than his wages for three weeks, in exchange for the same quantity of grain. Liquors were equally cheap—ale selling at 12s. to 18s. a butt (108 gallons); good wine, £1 10s. per hogshead (54 gallons); while there was a commoner kind—having in it, we dare say, only a small modicum of grape-juice—that was retailed at less than a penny per gallon.

All the houses in town or country, except those occupied by barons, were built of wood or clay, roofed with straw or heather. "Generally," says Tytler, "we connect the ideas of poverty, privation, and discomfort with a mansion constructed of such a material [as timber]; but the idea is a modern error. At this day (1829), the mansion which Bernadotte occupied as his palace when he was crowned at Drontheim—a building of noble proportions, and containing very splendid apartments—is wholly built of wood, like all the houses in Norway; and, from the opulence of the Scottish burghers and merchants during the reigns of Alexander III. and David II., there seems good reason to believe that their mansions were not destitute either of the comforts, or what were then termed the elegancies of life."*

* History of Scotland, vol. ii., p. 391.

For ages afterwards, this perishable material continued to be put to the same use. Streets so formed could easily be destroyed by an enemy; but, then, they could be restored at a much less expenditure of time and labour than if stone had been employed. The Dumfries of Bruce's day was a town of timber. The freestone quarries at Castledykes and Locharbriggs had been partially drawn upon, but only for building the Castle, the bridge, and the few ecclesiastical structures of which the Burgh could boast; and stone tenements for any but the middle and upper classes were rare within it till the reign of James III. About that time houses began to be erected with the ground story of stone, and a projecting upper one of wood—a style which continued long in favour with the burgesses.

The Border strengths were of three classes: the large, massive fortresses of Carlaverock and Lochmaben occupying the first rank; the smaller, but still powerful, Castles of Dumfries, Morton, Lochwood, Torthorwald,* Sanquhar, Durisdeer, Dalswinton, Tibbers, Closeburn, and Buittle being included in the second rank; a numerous array of keeps or fortalices forming the third, of which Amisfield and Comlongan may be deemed fair representatives. Even the humblest of these strongholds had walls varying in thickness from seven to twelve feet. Lime made of burnt shells, slightly intermixed with sand, was generally used in their erection; and the fluid mortar, poured in hot among loose pebbles, placed between the outer and inner blocks, bound all together so as to make a wall of adamantine strength.† The fortlets of the commoner class consisted of a

* Torthorwald is placed in the second rank, not because of its size, for that was small, but on account of its strength and accessory defences, in which respects it was not excelled by some of the first class fortresses. "The building," says Grose (vol. i., p. 149), "seems to have consisted solely of a tower or keep of a quadrilateral figure, 51 feet by 28, the largest sides facing the east and west. The walls were of an enormous thickness; the ceiling vaulted. In the north-east angle was a circular staircase. It is supposed to have been last repaired about 1630; a stone taken from it, and fixed up against the out-offices of the manse, having that date cut upon it. An ancient man now (1789) living at Lochmaben remembers the roof of this building on it." The castle was anciently surrounded by a double ditch. The appearance of the ruin at present differs little from the picture of it given by Grose, the lapse of seventy-eight years having made scarcely any impression upon it.

† The walls of Lochmaben Castle, as shown by its crumbling ruins, must have been from ten to twelve feet thick, and built with run shell-lime. The

square tower, with subterranean vaults for stores and prisoners; a ground floor for a guard-room; an upper story, where the family resided; the whole surmounted by battlements, within which warlike operations were mainly carried on in a time of siege. A series of similar towers, with surrounding walls, moat, and ditch, went to make up a leading baronial castle. Nowhere in Scotland was there a more perfect specimen of castellated architecture to be seen, in the thirteenth and fourteenth centuries, than that of the Maxwells, with its triangular, shield-like shape—its narrow curtained front—its gateways protected by a portcullis—its immense machicolated towers on each angle—its deep fosse; the Solway sweeping past, at no great distance, on one side—the impenetrable swamps of Lochar helping to protect it on the other.

place where it was prepared is still known as Limekilns. Both the outside and inside courses were of polished freestone, evidently brought from Corncockle Quarry, regularly squared.—GRAHAM'S *Lochmaben*, p. 73.

The Castle of Sanquhar was surrounded by a double fosse. The walls are of great thickness; and masses of them have fallen from the top without being separated into pieces. This shows the immense strength of the mason work.—DR. SIMPSON'S *History of Sanquhar*, p. 23.

CHAPTER XIII.

THE CHARTERS OF THE BURGH—COPY OF THE CHARTER GRANTED BY ROBERT III.—OBSERVATIONS REGARDING IT—THE RIGHTS AND PRIVILEGES CONFERRED BY IT AND PRECEDING CHARTERS—RISE OF THE TRADE CORPORATIONS—MANNER OF THEIR ERECTION—ST. MICHAEL CONSTITUTED PATRON OF THE TOWN—THE BURGH ARMS AND MOTTO—PLACE OF WARLIKE RENDEZVOUS ON THE LORDBURN—THE TOWN WALL—THE VARIOUS MODES OF DEFENCE ADOPTED.

THE original charters granted by William the Lion to the Burgh have been lost sight of for centuries, and not even a copy of any of them has been preserved. In the subjoined memoranda a list is given of the principal writs belonging to Dumfries in 1633. It is dated on the 8th May of that year. "The said day thair is taking from out of the Towns's box the perticular wryts under wrytting to be sent to Edinburgh, viz.:—Ane charter of the Friar's lands, and annual rents granted be King James to the town, daited the fourt January, 1591. Item: excerpt of sesine relating to the above, 2nd February, 1591. Item: extract of the town's original charter of this Burghe grantit be King Robert, 28th Apryll, 1395. Item: a Commission for halding of tua fairs, 30 Nov., 1592. Item: the original charter of the Brig Custome grantit be James, Erle of Dowglas, to the Freirs Minories of Dumfries, 4 January, 1452. Item: ane charter of the said custome, and of lands therein, grantit be King James to John Johnstoun in College of Lynclowden, datit 8th July, 1591." We subjoin the text of King Robert's charter:—

"Robertus, Dei gratia Rex Scotorum, omnibus probis hominibus totius terræ suæ clericis et laicis, salutem:—Sciatis quia assedavimus et ad firmam dimissimus Præposito, Ballivis, Burgensibus, et Commitati Burgi nostri de Drumfreiss dictum Burgum nostrum eis et eorum successoribus de nobis et hæredibus nostris, in feodo et hereditate in perpetuum tenens et habens cum omnibus et singulis libertatibus commoditatibus asiamentis et justis pertinenciis suis quibuscunque ad

dictum burgum spectantibus, seu juste spectare valentibus quoque modo in futurum, cum primis nostris et anuis dicti Burgi, cum suis custumis et tolloniis cum curiis et curiarum exitibus ac terris Dominicis ejusdem Burgi, cum molendinis multuris et suis sequelis; una cum piscariis aquæ de Nith ad nos pertinentibus (piscariæ tamen datæ et concessæ per predecessores nostros reges Frateribus Minoribus ejusdem loci Divini caritatis intuitu duntaxat exceptæ) ac cum omnibus aliis privilegiis tam citra Burgum quam infra quibuscunque quo iisdem Burgenses nostri et Communitatas temporibus nostris et antecessorum nostrorum reges Scotiæ aliquo tempore hac tenus habuerunt et possederunt adeo libere et quiete plenarie integre et honorifice bene et in pace sicut aliquis Burgus infra regnum nostrum Scotiæ libere et quiete de nobis tenetur seu possidetur per omnes cectas melas suas antiquas et devisas suas; Solvendo inde nobis et heredibus nostris, dicti Prepositus, Ballivi, Burgenses, et Communitas qui pro tempore, fuerint ac eorum successores annuatim pro perpetuo in cameram nostrum viginti libras usualis monetæ regni nostri, ad Festa Pentecostes et Sancti Martini in hieme proportiones equales. In cujus rei testimonium presenti cartæ nostræ sigillum nostrum precepimus appari; testibus Veneralibus in Christo, Patribus Waltero et Matheo, Sancti Andreo et Glasguæ Ecclesiarum Episcopis; Comite de Fyffe et de Menteith; fratri uno charissimo, Archibaldo, Comite de Dowglass, Domino Galwidiæ; Jacobo de Dowglass, Domino de Dalkeith, Thoma de Erskyn, consanguineis nostris dilectis militibus; et Alexandro de Cockburne, de Langtown, custode magni nostri Sigilli. Apud Glasgow, vicessimo octavo die Aprilis, anno gratiæ millesimo ccc. nonagesimo quinto, et regni nostri anno sexto."

[TRANSLATION.]

"Robert, by the grace of God King of Scots, unto all trusty men of his whole realm, clergy and laity, greeting:—

"Know ye that we have granted to the Provost, Bailies, Burgesses, and Community of our Burgh of Dumfries our said Burgh, to be held by them and their successors, of us and our heirs, in feudal inheritance for ever. With all and every the liberties and privileges, the immunities and just pertinents whatsoever, appertaining to the said Burgh, or which may afterwards in any way rightly belong to it. Together with our feus and rents in the said Burgh, with their customs, tolls, courts and court revenues, markets and roads thereof, and our Lord's lands in the same Burgh. As also the thirlages, multures,

and their pertinents. Together with the fishings in the Water of Nith belonging to us, excepting only the fishing granted by our royal predecessors out of Divine charity [or love] to the Minorite Brothers of the same place, and with all other privileges both without and within the said Burgh which our said Burgesses and Communities have at any time formerly held or possessed in our reign or that of our royal ancestors in Scotland; and that as freely, equally, fully, wholly, and favourably, in peace and comfort, as any burgh within our realm of Scotland is held or possessed from us freely and peaceably in all its old and righteous boundaries and adhesions. Upon condition that the said Provost, Bailies, Burgesses, and Community at present, and their successors for ever, shall pay into our exchequer twenty pounds current coin of our realm yearly, in equal shares, at Whitsunday and Martinmas.

"In testimony whereof, we have caused our seal to be affixed to this charter before these witnesses:—The Venerable Father in Christ, Walter, Bishop of St. Andrews; Mathew, Bishop of Glasgow; Robert, Earl of Fife and Menteith; our most beloved brother, Archibald, Earl of Douglas, Lord of Galloway; James de Douglas, Lord Dalkeith, Thomas de Erskyn, our trusty cousins and knights; and Alexander de Cockburn, of Langtown, Keeper of our Great Seal. At Glasgow, the twenty-eighth day of April, year of grace one thousand three hundred and ninety-five years, and the sixth year of our reign."

A grant more comprehensive than is here conveyed can scarcely be imagined. In the first instance, the Burghal authorities get a present of the Burgh itself. It once belonged to the King—was as much his own property as any other portion of the royal dominions—but now he surrenders it to its magistrates and the community whom they represent, giving along with it the revenue derivable from its land and trade, its multures and fishings; the only condition attached to the munificent grant by the royal donor being that its recipients shall pay him a small nominal sum per annum.

Not only so: "all other privileges without and within the Burgh," previously conferred upon it, are ratified by this charter. These words have an extensive meaning, including,

among other things, the fundamental right of the Royal Burgh, as such, to monopolize all trade, foreign and domestic, within its jurisdiction. And as the charter does not specify in detail all the exclusive privileges given to the community, neither does it enumerate all the valuable equivalents exacted by the King. It says nothing of the liability of the burgesses to be called upon to serve in the royal host like other military tenants of the Crown—of their being obliged to maintain an effective police—of their being subject to direct taxation on special occasions—and of their having always to pay into the State exchequer the "great custom," an impost levied by means of his Majesty's own *customarii* on all staple commodities of foreign trade. Yet we know, from other documents, that such conditions were imposed on the towns that were royally chartered: so that the privileges conferred by Robert III. on Dumfries were paid for at a much higher rate than £20 a year. It is right to remark, however, that the Burgh could not be taxed for Government purposes till after it came to be represented in Parliament, which would be many years prior to 1395—the claim of all the King's Burghs, to form a distinct estate in the senate of the nation, having been recognized in the days of Bruce.

While the Great Chamberlain received the customs on foreign trade, for behoof of the Crown, he left what were called the "petty customs" unmeddled with: these, imposed upon articles of domestic consumption, were collected by the Burgh Chamberlain, and, with ground-rents, fishing-rents, market dues, and court fines ("exitus curiæ"), made up the municipal income, as specified in the charter.

At an earlier period, as we have seen, the rulers of Royal Burghs were elected by the inhabitants at large: but, long before the days of Robert III., the suffrage was restricted to owners of property; and doubtless the Provost and Bailies spoken of in the charter granted by him to Dumfries, were chosen by the wealthier class of burgesses—acting, however, in the name of the general community. Within the course of another century, even this qualified form of popular election was taken away, by a statute of James III.,* which, on the plea of silencing the clamour of common simple persons at the

* Acts of the Scottish Parliament, 1469, vol. ii., p. 95.

yearly choosing of new officers, provided "that the aulde Counsail of the toune sall cheise the new Counsail, in sic nowmyr as accordis to the toune; and the new Counsail, and the auld of the yeir before, sall cheise all officiaris pertenying to the toune. . . . And that ilka craft sall cheise a persone of the samyn craft, that sall have voce in the said electioune of the officiaris for that tyme; in like wise yeir be yeir."

The Dumfries charter of 1395 recognizes the existence of privileges conferred on the Burgh by preceding sovereigns. Some of these would probably include nearly all the rights and immunities specified in that document. Indeed, the charter of erection, by which William I. raised it from humble villagedom to be one of the King's own burghs, must necessarily have conferred upon it rights so extensive as to render future charters rather confirmative of old grants than donative of new privileges. No reference is made in King Robert's charter to any distinction between merchants and craftsmen, because as yet the artizans had not acquired a political position in the realm. In some places they were beginning to form guilds, which incipient organizations provoked the jealous opposition of the merchants, who did not relish the idea of having their exclusive rule in the burghs endangered by a rival class. The smiths, the tailors, the tanners, and the cordwainers of Dumfries would probably be longing, like their brethren elsewhere, to obtain a share of royal favour and of municipal privilege: but as yet they were few in number, disunited, without a head, without a seat at the Council Board; and the "blue blanket" —grand banner of the incorporated trades—had not even been seen in vision by the artizans of the Burgh. But when, in course of years, the tradesmen came to be numbered by hundreds instead of tens, and each craft was systematically organized under its own deacon, no power in the realm could long keep them unrepresented in the local parliament. Conscious of their own strength, they then determined that their officers, besides looking after the apprentices, and seeing that all fabrics operated upon were of good stuff, should try their hand at burgh-craft, and not allow the venders of their wares, and the holders of the soil, to do everything according to their own will and pleasure. The deacons occupied their position in

virtue of an Act passed in 1424, which authorized them to "assay and govern all werkis made be the wurkmen, sud that the Kingis lieges be nocht defrauded and scathyt in tyme to cum, as thai have bene in tyme bygane, through untreu men of craftis."* They wished to get justice done to their own body, not less than to the general community; and, for somewhat rudely seeking to bring about that result, they were looked upon as unsafe demagogues by the Crown. An Act of Parliament set them up; but a second Act, passed two years afterwards, to put them down, failed of its object.† The Trades were too powerful for the mercantile interest—could even sometimes overawe the King: their deacons, therefore, continued in office, waxing stronger and bolder, till eventually, in Dumfries, as in the other Royal Burghs, they took their place at the Council Board, along with the merchants, as rulers of the town. At first only the principal trades acquired a right of incorporation, including self-government. This privilege was conferred upon them by the Town Council granting what were termed "Sigillum ad Causas," letters under the Burgh Seal, which protected the recipients from all rivalry, prescribed the mode of admitting members, of electing office-bearers, and of enacting bye-laws.‡ At one time there were at least eleven different crafts incorporated in Dumfries, namely: the smiths, the wrights, and masons, the websters, the tailors, the shoemakers or cordwainers, the skinners, and gauntlers or glovers, the fleshers, the lorimers or armourers, the pewterers or tinsmiths, the bonnetmakers, and the litsters or dyers; the latter four of which became defunct, or were absorbed by some of the other trades. These acquired a monopoly within the Burgh, not in virtue of any charter, but solely, as we have said, by the Burgh's own Seals of Cause. Probably, however, when the Trades, while still maintaining their individuality, joined in one aggregate corporation, which they did before the end of the sixteenth century, they obtained the requisite authority from the Crown —no longer jealous of its loyal, though independent, craftsmen.§

* Acts of Scottish Parliament, vol. ii., p. 8. † Ibid, vol. ii., p. 14.

‡ Royal Commissioners' Report on Municipal Corporations, p. 79.

§ As illustrative of the text, we quote the following curious extract from the Records of the Convention of Royal Burghs (p. 31), Stirling, 20th October,

In accordance with a practice that sprang up at an early period of the middle ages, Dumfries was placed under the guardianship of a spiritual patron. No saint of the Romish calendar was fixed upon for this purpose: soaring ambitiously above all canonized mortals, the rulers of the Burgh selected as their special protector the chief of the heavenly hierarchy. Till this day, the figure of St. Michael remains the heraldic symbol of the Burgh, and is to be seen on its official seal, and carved in low relief on the Provost's chair; also, in a bolder form, on the south front of the Mid Steeple, with wings outspread, armed with a pastoral staff, treading on a writhing serpent, yet calmly surveying his tutelary charge, as if the overthrow of the foul fiend below his feet were but an ordinary affair.* The proper arms of the town were a chevron and three *fleurs de lis* on a shield argent, which device was visible eighty years ago above the gate of the old prison, that stood nearly opposite the Mid Steeple; and the stone bearing it was said to have been taken from a preceding jail, that was built as far back as the beginning of the fifteenth century.† This escutcheon has been long out of use, Michael the archangel doing duty in its stead. At a very early date, as we have seen, the name of the patron saint was given to the Parish Church. The armorial shield above noticed bore the word "Aloreburn;" and the motto is engraved on the ivory head of an ebon staff put into the

1574:—"John Douglas, alledgit Provost of Haddingtoun, being ane cordinar [shoemaker] of his occupatioun, presented ane comissioun; . . . but the saidis comissionaris all in one voice fyndis and delyveris that na craftisman has ever had, nolder aucht or suld haif, voit or comissioun amangis thame;" and they ordered the said John Douglas to withdraw, and admitted "John Seyttoun bailie thereof" in his stead.

* Though the patron of Dumfries is not exclusively a Romish saint, he has always been held in the highest reverence by the Church of Rome. He is described as follows, in a document of our own day, by the Cardinal Vicar of the Pope:—"The Invincible St. Michael, Archangel, the Captain of the Celestial Phalanxes, the first Support of Divine Justice, the glorious Conqueror of the earliest revolt—that of the rebel angels—the Defender of the Church of God under the Old and the New Testament dispensations, the Patron of privileged souls at the tribunal of the inexorable Judge of the living and the dead—he, moreover, who is destined to confound and enchain Lucifer, in the consummation of the ages, for the eternal triumph of Jesus Christ, of his immaculate mother Mary, and his immortal Church."

† Burnside's MS. History.

Provost's hand at the time of his election. A memorable term it is, full of high significance, suggestive of forays and broils, of invasions and sieges. Often, from the reign of Robert III. till the Rebellion of 1715—a period of three hundred years—did this ominous word, shouted from street to street, shake the echoes of the town, calling all its male lieges, between the ages of sixteen and sixty, to arms; their familiar place of meeting being the margin of a sluggish little stream west of St. Christopher's Chapel, anciently named the Lordburn—a term which, when slightly altered, furnished a slogan to the Burgh.* Much of the ground which lay between this rivulet and the Castle was as swampy as if it had been a continuation of Lochar Moss. This marsh, especially in rainy weather, would be felt as an unpleasant neighbour by the inhabitants; but, unhealthy as it was, it helped to guard the Castle, especially at a time when the Burgh had no mural defences. Early in the fourteenth century, however, a wall was built around it, which afforded more security than the swamps, mosses, and trenches which had been previously relied upon. Stone was chiefly employed in its erection, the height being generally eight feet. As, however, that was a scarce material in mediæval times, it was, when the nature of the ground allowed, dispensed with, and a deep ditch, having an earthen bank on its townward side, formed an excellent link in the defences; while, at other intervals, both wall and ditch gave place to horizontal piles of wood, formed in breastwork fashion, between the natural loopholes of which the townspeople could securely reconnoitre the enemy, and salute him with their feathered shafts, their cross-bow bolts, or the culverin balls of a later period. The wall, starting from the Moat overlooking the Nith near the Castle, stretched almost in a straight line to St.

* We have repeatedly met with the word Lordburn, as applied to the little brook in question, in old records. Mr. Bennet, in his History (*Dumfries Magazine*, vol. iii., p. 11), takes a different view of the origin of the term. "The place of rendezvous was appointed," he says, "near a low, swampy piece of ground to the eastward, where, in rainy weather, a considerable quantity of water is collected, which discharges itself into the Nith by two small rivulets, or rather ditches, the one running northward, the other towards the south. These two rivulets, which, connected as they are by their common source, form to appearance only one, are known by the name of Lowerburn, or rather, according to the popular elision which they have undergone, Lorburn."

Christopher's Chapel, forming an acute angle on the townward side of that building; it then took an oval sweep, coming round the north side of the Parish Church, and terminating at the river, a little to the south of what is now called Swan's Vennel. Three huge gates strengthened the wall, and allowed communication with the country lying north and east: one, called the North Port, stood near the Moat; the second, called the East Port, adjoined the Chapel; and the third, called the South Port, rose near the Church. The bridge was also fortified by means of a port; and in course of time a series of inner ports—the Vennel Port, the Lochmaben Gate, and the Southern Gate—were added to the defences of the town.

Lochar Moss, which is now felt to be a noxious blot on the face of the County, was then of profitable service to Dumfries. Stretching from the shores of the Solway to the base of Tinwald Hills, it formed a natural protection which no force or artifice of an enemy could neutralize or overcome. Then it was more marshy, as well as more extensive, than it is at the present day; and woe to the rash marauders who, for the purpose of avoiding the forts which defended the more accessible way to Dumfries, tried to cross its treacherous expanse. It was rarely, indeed, that invaders from the south made such a hazardous attempt; the road usually taken by them being an indirect one round the western extremity of Tinwald Hills, which was indifferently guarded by the Towers of Torthorwald and Amisfield, or a more direct, but dangerous one, that lay between the Castles of Carlaverock and Comlongan, and between the western fringe of the morass and the Solway. By means of this vast wilderness of peat, intersected by bogs and ditches innumerable, and fringed by an array of strongholds, beginning at the shore seven miles south of Dumfries, and ending at Dalswinton, five miles to the north-west, a regular line of defence retarded, though it too often failed to repel, the English visitors to Nithsdale, on foraying or fighting bent, and quite prepared to engage in both.

When an invading force, though signalled by blazing balefires, challenged by angry garrisons, and, it may be, confronted by opposing bands, succeeded in reaching the gates of Dumfries, and evinced an unmistakable desire to get inside, the wall

would stand inconveniently in their way. When the mural impediment was at length breached or scaled—a degradation to which it was often doomed—and the assailants had fairly entered the town, its defenders had other resources left, which they were in the habit of exhausting before they yielded to the enemy. They could, and often did, resist the advance of the intruders, by disputing with them every inch of ground; but their common practice was to retire into certain strong peels, or fortified town houses, belonging to the neighbouring gentry, where their wives and children, goods and gear, had been previously placed, and there remain, whilst the enemy, perhaps, was employed in appropriating movables that lay unprotected elsewhere, or in setting the defenceless parts of the Burgh in a blaze.

Besides these peel-houses, small and great, some of which rose into existence at a very early period, many of the more private houses were turned into places of defence in times of need; and some of the closes connected with the High Street were furnished with iron gates, and turrets overhead, capable of giving a stout resistance to the foe. One side of a gate of this description was visible at the head of Assembly Street so recently as 1826; and, only a few years before, a part of the superincumbent arch was also standing. In prosecuting this domestic warfare, if it may be so termed, the females of the period are said to have exhibited Amazonian strength and courage, so that they not unfrequently rivalled the actions of their parents, husbands, or lovers;* and, if we are to place full reliance on what is said respecting their achievements, the glowing picture given of the heroine of Saragossa will correctly represent the warlike damsels of Dumfries when defending their household shrines:—

"Her lover sinks—she sheds no ill-timed tear;
Her chief is slain—she fills his fatal post;
Her fellows flee—she checks their base career;
The foe retires—she heads the sallying host."†

* Their females caught the warlike spirit of the country, and appear often to have mingled in battle. Hollinshed records that, at the conflict fought near Naworth (1570) between Leonard Dacres and Lord Nunsden, the former had in his company many desperate women who there gave the adventure of their lives, and fought right stoutly.—*Border Antiquities*, p. 81.

† Byron's Childe Harold.

To this mode of defence the narrowness of the streets and the numerous high houses gave peculiar facility. With brands of fire, boiling water, stones, and other weapons of promiscuous warfare, showered from doors, windows, and gate-surmounting turrets on the heads of the invaders, they were often compelled to decamp altogether, or commence operations at some more vulnerable portions of the Burgh.

A picture is extant, which professes to represent Dumfries as it appeared a century or so after the date to which the preceding remarks chiefly refer. The town wall has the range already assigned to it; the Castle at the head of the Burgh, St. Michael's Church at the foot, and "Christy's" Chapel at the east, forming an angle with them, are the only objects that have a prominent bulk—no tall spire having as yet risen patrician-like above the other buildings. The Castle looks large and massive—quite a Titan, as compared with the wooden fortalice of Celtic times: a series of battlemented turrets, extending to the verge of the river, is crowned by a tall square tower looking down High Street—the whole built in the Norman style, and suggestive of colossal strength. St. Michael's Church is seen occupying a site a little eastward of the present building, the only imposing feature about it being a square turret above the main entrance; the Chapel, with its painted buttresses, fine east window, two side windows, and stepped gables, presenting a more ornate appearance.*

* We have heard it vaguely reported, that the original painting was sold at Drumlanrig Castle about fifty years ago. A sketch of it from memory, as supplied by the late Mr. John M'Cormick, Dumfries, an intelligent and enthusiastic local antiquarian, has been lithographed.

CHAPTER XIV.

GROWTH OF THE DOUGLASSES IN THE DISTRICT — ARCHIBALD THE GRIM — WILLIAM THE BLACK, FIRST LORD OF NITHSDALE—HIS ASSASSINATION AT DANTZIC—MORE ENGLISH RAIDS INTO DUMFRIESSHIRE—DUMFRIES AGAIN PLUNDERED AND BURNT—ARCHIBALD TYNEMAN: HIS WIDOW MARGARET BURIED IN LINCLUDEN COLLEGE — ARROGANCE AND ASSUMPTIONS OF WILLIAM, SIXTH EARL OF DOUGLAS — HE AND HIS BROTHER DAVID ENTICED TO EDINBURGH, AND PUT TO DEATH — WILLIAM, THE EIGHTH EARL, ENDEAVOURS, BY PLAYING THE COURTIER, TO OBTAIN THE CHIEF DIRECTION OF AFFAIRS—DUMFRIES AGAIN LAID IN ASHES—HOUSE BUILDING IN THE BURGH—THE EARL, AS WARDEN OF THE MARCHES, CONVENES A MEETING OF HIS BROTHER NOBLES AT LINCLUDEN, AND WITH THEIR AID FORMS A CODE FOR THE REGULATION OF THE BORDER WARFARE.

At this period the Douglasses begin so to occupy the canvas that Nithsdale and Galloway are scarcely seen except associated with some of them. Archibald (younger brother of Bruce's companion-in-arms, the good Sir James Douglas) acquired the lordship of Galloway, as a marriage dowry, with the daughter of John Comyn. When slain at Halidon Hill, as has been already stated, he left two sons—William, who succeeded his uncle Hugh as Earl of Douglas, and Archibald, surnamed the Grim, who became Lord of Galloway. William was succeeded in the earldom by his son James, the hero of Otterburn; and the latter, at his death, was heired by the Galloway chief, who in this manner effected a junction between the two branches of the family. In 1369, David II. granted to Sir Archibald Douglas that part of Galloway which lies between the Nith and the Cree. Two years afterwards the ambitious Earl, by an enforced purchase, acquired from Thomas Fleming, Lord of Wigtown, all the rest of Galloway. Alan de Dunfres, the hereditary ruler of that province, was called by Buchanan "Scotorum longe potentissimus;" and now, after the lapse of a hundred and forty years, the same expression might have been truly applied to Alan's successor. Archibald Douglas, the Grim, became the

most powerful subject in Scotland: having a giant's strength, he used it like a giant—the huge Castle of Thrieve, rebuilt by him on an island in the Dee, being the chief seat of his power, and the centre of a grinding despotism that stretched over the whole district. Yet he partly made up for his cruelty and rapacity at home by his valour in the field. On the termination of the truce which followed Lord Talbot's defeat, the Lord of Galloway, with other nobles, laid siege to Lochmaben Castle. It surrendered to them on the 4th of February, 1384; the English thus losing the solitary relic in Dumfriesshire of all their sanguinary conquests. When, some time afterwards, Richard, King of England, penetrated to Edinburgh, with the view of foreclosing a threatened attack upon himself, and was so galled by guerrilla bands that he had to hurry home again, Archibald the Grim, at the head of one of them, entered England by the Esk before Richard had time to return, devastated the country as far as Newcastle, demolishing in his route the formidable Border fortresses of Wark, Ford, and Cornhill.

William, surnamed the Black Douglas, a natural son of this mighty autocrat, became first Lord of Nithsdale. His bodily strength is said to have been prodigious. According to Hume of Godscroft, a single blow from him was sufficient to prostrate any one, however stout and well accoutred. So fearless was he in the field, that the exploits attributed to him by reliable historians wear an aspect of romance. He was distinguished also for his wit, sagacity, and benevolence. This paragon knight was not less fortunate than good and brave. The Black Douglas obtained in marriage Egidia, King Robert's daughter, the fairest woman of her age; getting with her fair Nithsdale as a dowry, also the sheriffship of Dumfries, the wardenship of the Western Marches, the offices of justice and chamberlain, besides an annual pension of £300 sterling, paid from the customs of certain burghs—Dumfries among the rest.

Another truce having been entered into between England and Scotland after Otterburn, William Douglas of Nithsdale, tired of inactivity, took farewell of the beautiful Egidia, and, joining the Teutonic knights of Prussia, aided them in a crusade against the pagan natives of the country. Fortune

still smiled on the adventurous Dumfriesshire baron. Many victories, due chiefly to his valour, were munificently rewarded. He was made Admiral of the Prussian fleet, Duke of Prussia, and Prince of Dantzic. But his heart was in pleasant Nithsdale, with its fair lady, who waited long and wistfully for his return. He never saw her or home again. While Egidia was counting the hours that would intervene before his arrival, he—woefully unfortunate at the last—was lying stiff and gory, basely murdered on the Bridge of Dantzic by a band of assassins in the pay of Lord Clifford, an Englishman with whom he had had a quarrel. The memory of the hero was long preserved in Prussia, by his family escutcheon being sculptured on a gateway near the spot where his blood was shed. A brother-in-arms of Douglas, Mareschal Boucicant, went repeatedly from France to Prussia for the purpose of avenging the assassination of his friend, but was told, in answer to his challenge, "that vengeance belonged only to the Scots."* The sorrowing widow of the Black Douglas did not long survive him. Their only child, inheriting her personal charms, came to be known as the Fair Maid of Nithsdale. This lady was married to Henry Sinclair, Earl of Orkney, a descendant of the Norman knight St. Clair, who followed David I. into Scotland. The fruit of their union, William, acquired the lordship of Nithsdale and the sheriffship of Dumfries.

Archibald the Grim, dying in 1400, was succeeded by his son Archibald, surnamed Tyneman, because he "tined," or lost, more battles (Homildon among the rest) than he gained. Peace prevailed till 1415, in which year Douglas and the Earl of March made a foray into Cumberland—Penrith suffering severely, as was usual on such occasions. On their return, a large English force retaliated by a raid across the Esk into Dumfriesshire.

The capital of the County had for more than a generation been exempt from the penalties of war; but this year it was doomed to suffer from both fire and sword. It appears that no effort was made to stay the march of the invaders as they approached menacingly from the south; and soon the clear waters of the Nith reflected the gleams of a fire which raged

* Note by Aikman in Buchanan's History of Scotland.

in various parts of Dumfries, and attested the triumph of the enemy.* Doubtless, the town would be plundered before the torch was resorted to; and, at all events, the unwelcome visitors returned unharmed to their own land, laden with booty. What Tyneman, Lord Mawxell, and other local chiefs were about all the time, is not explained by the historians of the period. The Earl of March, who had acquired the lordship of Annandale, having fallen into disfavour with King David, it was taken from him, and conferred upon Archibald Tyneman, who thus experienced a share of good luck to make up for his failures in the field. The King also gave Douglas his daughter Margaret in marriage; and, in reward for some brilliant exploits performed by him with the Scottish Legion in France, he was created Duke of Touraine by Charles VII.—an honour he did not long enjoy, as he was slain a few years afterwards at the battle of Verneuil, in 1424.

The superiority of Galloway then devolved upon his widow. In the following year she received from her brother, James I., a confirmation of the lordship; and, taking up her residence at Thrieve, dispensed her rule with such benignity and wisdom as made her highly popular throughout the province. On the death of this amiable lady—who was at once a princess, a countess, and a duchess—about 1440, her remains were brought from Thrieve to the College of Lincluden, and there interred in a magnificent tomb that had been built into the north wall of the choir, near the altar, when that part of the edifice was erected by Archibald the Grim. The recess formed to receive the body was canopied by a spacious, richly ornamented arch, having at its apex a heart—which became the leading symbol of the house of Douglas after Sir James Douglas was slain when carrying the heart of Bruce to the Holy Sepulchre—with three chalices, and a mullet or star accompanying each. On the back wall of the recess the words "A l'aide de Dieu!" were cut, and further down was engraved the epitaph, "Hic jacet Dna. Margareta, Regis Scotiæ filia, quodam Comtissa de Douglas, Dna. Gallovidæ et Vallis Annandiæ"—"Here lies Lady Margaret, daughter of the King of Scotland, Countess of Douglas, and Lady of Galloway and Annandale." Sculptured on the

* Hume's House of Douglas, p. 134.

front of the tomb were nine shields, two of them blank, one bearing a St. Andrew's cross, one with three stars—the original coat of the house—one having a heart added to these symbols, the others being emblazoned with the arms of the family as Lords of Galloway, Annandale, and Eskdale. Finally, over the stone cover of the recess was placed a full-length sculptured figure of Lady Margaret, recumbent, the head resting on two cushions. A truly magnificent tomb it was, worthy of its royal occupant; and, though now sadly defaced, it still forms the finest feature in the beautiful remains of the College.*

When James II., a boy of less than seven years of age, ascended the throne, after the murder of his father in the Blackfriars' Monastery at Perth, the administration of affairs devolved on Sir Alexander Livingstone, as Regent, and Sir William Crichton, as Chancellor—the latter a direct descendant of William de Crichton, who acquired half of the barony of Sanquhar, in the thirteenth century. These two ministers, instead of faithfully discharging the onerous duties assigned to them, began a protracted duel, each seeking to circumvent the other, till their respective factions brought the country to the verge of a civil war.

There was one potentate who cared for neither Regent nor Chancellor—William, who had succeeded his father, Archibald Tyneman, as sixth Earl of Douglas and Lord of Galloway; and who, had he possessed as much patriotism as influence, might have saved his country from a host of evils. Scotland at this crisis needed a man like the Good Sir James Douglas: unhappily, his present successor had none of his disinterested virtue, but, like the Grim Baron, his grandfather, was boundless in his arrogance and ambition.

When Earl William rode out, his customary following was a thousand horse. His household was conducted with regal magnificence. He affected royalty in other respects—conferring knighthood, and doing many things which right or usage restricts to the sovereign. It was no rare incident for this puissant and

* Pennant, who visited the ruins in 1772, states that the figure at that time was still to be seen, though mutilated; and he adds, the bones of the deceased "were scattered about in an indecent manner, by some wretches who broke open the repository in search of treasure."

audacious nobleman to appear with a little army of mounted adherents before the gates of Edinburgh, as if for the purpose of letting the young King see that there was a power in the land that laughed at the sovereign's will, and looked with contempt on the representatives of royalty. And this was no empty display on the part of Douglas; it was full of significance: as he not only wished to look like a king, but strove to act as unlike a subject as possible. He did not convert his strong fortress on the Dee into a palace, nor style himself William, King of the Southern Scots; but he kept up princely state in Thrieve, and publicly proclaimed that no man within Douglasdale, Galloway, Annandale, and his other Dumfriesshire estates, should pay any heed to the authority of the Government, but take law from himself alone. Though he held no office in Dumfries, the influence of his family was paramount in the town, and its burghers must have felt themselves placed in a bewildering predicament when this ukase appeared. Their loyalty looked to Edinburgh; their fears were operated upon by Thrieve.

Crichton and Livingstone, finding at length that their feuds made them weak in presence of the mighty Douglas, became friends; and a plan to get rid of him was the first fruit of their reconciliation. "All the King's horses and all the King's men" would have been insufficient to effect their object. Fraud must be resorted to, since force would be of no avail. Accordingly, the Regent and Chancellor suddenly discovered that the Earl of Douglas was King James's best friend, and the chief prop of the monarchy. Why was such a mirror of patriotism and chivalry a stranger to the Court which he was so well fitted to adorn? Let our good cousin, by all means, pay a visit to Edinburgh, that the King may have an opportunity of thanking him personally for his public services, and of cultivating his friendship.

Such glozing language told on the heart of Douglas. It flattered his vanity, fostered his self-esteem, set his fancy a-castle-building. Impetuous in all his thoughts and movements, he in an unhappy hour resolved to accept the invitation sent to him in the name of the sovereign, and set out for Edinburgh, accompanied by his brother David and a few personal friends. He was courteously received by the Regent, and introduced to the

King, who soon formed a genuine attachment to his gallant and distinguished guest. A few days elapsed, and the infamous plans of Livingstone and Crichton were fully matured. Whilst the brothers were seated with them at a banquet, several ill-favoured men, in no festal guise, presented themselves. The arms which they bore were in perfect keeping with the murderous glances directed by them against the Douglasses. "Spare them! spare them!" cried the King, as the ruffians seized the Earl and his brother. The young monarch pleaded for their lives in vain; he even, Lindsay of Pitscottie tells us, "grat verie sore," without effect, when he saw his guests bound with cords and hurried out of the hall.

Never had merry feast a more mournful interruption and sequel. The next minute the sullen sounds of the headsman's axe told all within hearing that the great, proud chief of the house of Douglas was lying a mangled corpse, alongside that of his brother. The youths, whatever might have been their faults, were lovely and affectionate towards each other; and "in death they were not divided." The rapaciousness and inordinate ambition of the unfortunate Earl were forgotten by the public, in contemplation of his fate; and the popular indignation was forcibly expressed by a contemporary minstrel in the dread imprecation:

> "Edinburgh Castle, town, and tower,
> God grant thou sink for sin!
> And that even for the black dinner
> Earl Douglas gat therein."

James, uncle of the murdered youths, succeeded to the earldom; many of the estates, however, in Nithsdale and Annandale, passing to Beatrice, sister of the previous Earl, on account of their being unentailed. The new chief was a Douglas in name only. Of a heavy, corpulent body, he was surnamed the Gross: of an indolent turn of mind, he manifested no resentment towards the men who had treacherously put his nephews to death. His successor, William, a thorough Douglas, threatened them openly, and used all his power and artifice to effect their overthrow.

In William were concentrated much of the talent and all the characteristic pride and ambition of his family. He began well

—restoring it to its territorial opulence by marrying his cousin Beatrice. He did not, however, like the sixth Earl, aim at an independent sovereignty, but sought to obtain the chief direction of affairs, whilst remaining nominally subject to the King. Into the twelve years during which he flourished as the chief magnate of the kingdom, many important incidents, associated with Dumfriesshire and the country at large, were crowded. His secret intrigues against, and public opposition to, the Regent and the Chancellor—his dexterous attempts to ingratiate himself with, and become the chief minister of, King James—and the league he formed with the Earl of Crawford and the Lord of the Isles, for the purpose of gaining supreme authority by force, when other means failed—are themes which occupy a prominent place in the histories of the period. The lawlessness which prevailed on the Scottish Border, in consequence of its chief ruler being absorbed by these ambitious projects—the misery thus entailed on the inhabitants—the wasting English incursions it provoked—and his energetic endeavours to remove these evils, and prevent their recurrence —are matters which must have made a deep impression at the time, and have exercised no inconsiderable influence on the condition of Dumfriesshire.

We learn from Hume of Godscroft,* that immediately on the accession of William to the earldom, he convened the whole of his friends and retainers at Dumfries, choosing from among them "a number of councillors, besides officers for collecting his rents and casualties, and made such other arrangements as he deemed necessary for the administration of his affairs." It has been supposed, with good reason, that, besides these ostensible objects, the crafty chief secured from the meeting a concurrence in the aspiring political schemes which he had thus early already formed: at all events, the influence of himself and followers was, throughout his career, employed in the prosecution of these unpatriotic measures, more than in furthering the well-being of the district in which, for good or evil, the Douglasses exercised an unrestricted sway for nearly a hundred and fifty years.

Whilst Earl William was away in the north, playing out his perilous game of chess in real life for the possession of the

* Hume of Godscroft, p. 237.

King, the English (to continue the figure) captured some of the pawns which he should have done his best to defend. A truce entered into between the kingdoms had still some years to run, when, in 1448, the Earl of Northumberland entered Scotland by the Western Marches, and the Earl of Salisbury by the Eastern Marches, each leading a large army. The insults and injuries received from the Scottish Borderers were alleged by the invaders as an excuse for their hostile movements; but the probability is that they were prompted in a great degree by a knowledge that the country was ill-defended, owing to the absence of Douglas. Northumberland advanced to Dunbar, pillaged and then set fire to it, and returned unmolested, burdened with spoil.

Dumfries was once more destined to pass through the fiery ordeal to which it was subjected only thirty-three years before, and from which it had several times previously suffered. Crossing the little stream, that may be looked upon in some respects as the Border Rubicon, Salisbury swept along the Solway shore, pounced down on Dumfries, and, entering it without resistance, took possession of the Castle, and began to act the part of conqueror in the old English style. Seated in the fortress, he issued orders to his men to sack the town. Forth they went, nothing loath, visiting all the principal houses, and carrying off what property they could find. This done, they set fire to the Burgh, and then, greatly enriched by their foray, recrossed the Esk into Cumberland.*

House building in Dumfries must, once in every generation or so, have received a powerful stimulus from these periodical visits. It was fortunate that huge oaks abounded in the forests of Nithsdale, so that materials were always at hand with which to restore the streets destroyed by the English incendiaries. Very likely some of the fire-raisers of 1415 reapplied the torch at the bidding of Salisbury in 1448: if so, they must have been surprised to see the town that they had half reduced to ashes larger than ever, as if the new streets had literally grown like the timber of which they were formed. The Earl of Salisbury and his men probably thought that this time, at any rate, they had ruined Dumfries: but it possessed a wonderful vitality; and

* Hume of Godscroft, p. 254; and Pitscottie's Chronicle.

before many years more elapsed, the charred embers left by the devouring element had disappeared, and the Burgh was "itself again."

Neither the Earl of Douglas nor any of the other barons in the district, lifted a finger to save Dumfries on this occasion. James Douglas, however, brother of the Earl, soon afterwards put Alnwick into similar plight, as if the stripes inflicted on that town could mollify the wounds received by Dumfries. But of this unreasoning retaliatory course of procedure the wars of the time were in a great degree made up; and it is, need we say, a leading characteristic of all wars, ancient and modern.

The turbulent conduct of his own retainers, and the wasteful incursions of the English, drew Douglas home for a season, and constrained him to pay attention to his duties as Warden of the Western Marches. His predecessor, Archibald the Grim, whose power extended over all the Marches, had drawn up a code of rules for his regulation; and the present Earl, who liked to do things on a large and imposing scale, resolved, with the assistance of all parties concerned, to revive and improve these laws so far as they related to his own territory. He accordingly called a meeting of the whole lords, freeholders, and heads of Border families within his wardency.

In ordinary circumstances, perhaps, this gathering would have taken place in the Castle of Dumfries; but, on account, we suppose, of that building being left in a dilapidated condition by its last English occupant, the Earl of Salisbury, the little parliament was held in the religious house of Lincluden, which had become the property of the Douglasses.

Since its erection by Lord Uchtred, it had experienced important changes. It was no longer a nunnery—Archibald the Grim having, about fifty years before, expelled its inmates, enlarged the building, and then converted it into an ecclesiastical college for the benefit of his own family. The chroniclers of the change seem rather at a loss to give a good reason for it. The Grim Earl, in spite of his gross misdeeds, kept on good terms with the Church; and, with all his hardihood and cupidity, he would scarcely have ventured to suppress the convent if its character had been irreproachable. One author affirms vaguely that the "insolence" of the female devotees provoked their

dismissal;* while Major boldly assumes that they must have been conspicuous for their incontinence, or "the good Earl" would never have expelled them; and, improving on this hint, Hume declares that Douglas had solely in view "an eye for religion, and a special care for the pure and sincere worship of God"—though the suspicious admission is made by the same historian, that the Earl did thereby "greatly increase his revenues, and enlarge his dominions."†

From whatever cause, the Sisters of St. Benedict were forced to vacate the Abbey, to make way for a brotherhood of twelve bedesmen and a provost—for whose maintenance its opulent revenues were assigned. A magnificent church was added to the original fabric, also a domicile for the provost: so that the building in 1448 differed essentially from the original edifice, with

> "Its massive arches, broad and round,
> That rose alternate row on row,
> On ponderous columns, short and low,
> Built ere the art was known;
> By pointed aisle, and shafted stalk,
> The arcades of an alley'd walk
> To emulate in stone."‡

All the additions made to the Abbey of the twelfth century by Earl Douglas were in the Florid Gothic of the fourteenth century; and as, later still, some other portions were added in the Scotch Baronial style, the picturesque ruin, which still overlooks the "Meeting of the Waters" a mile above Dumfries, combines three orders of architecture, though the distinctive features of the primitive Saxon are overlaid or lost.

Lincluden College was made up of buildings that enclosed a spacious court, the east side of which was occupied by the Provost's residence, looking down upon the river Cluden, and by a tall octagon tower;§ the south side comprised a choir, with transepts, nave, and side aisles; the north, a refectory and

* Extracta e Chronicis, p. 207.

† History of House of Douglas, p. 114. ‡ Scott's Marmion.

§ The octagon tower, which formed a very prominent and interesting portion of the edifice—the more so, as the royal arms of Scotland were sculptured on its front—suddenly fell, with a tremendous crash, on Sabbath the 16th of February, 1851; and thus one fine feature of the ruins was utterly destroyed.—*Visitor's Guide to Dumfries*, p. 69.

dormitory; the western boundary being formed by a high wall, with a general entrance-gate to the interior. At the date of Earl William's visit, the choir especially must have presented a beautiful aspect. Though of small dimensions, the large size of its details, as in the case of Michael Angelo's statues, gave it a colossal effect—a peculiarity shown in the massive corbels and capitals of the vaulting shafts from which the groined arches sprang, in the moulding round the priests' door, in the still bolder crocketing of the public entrance, and in the flamboyant tracery of the windows, all fashioned on strictly geometrical principles.* Much of the inner ornamentation ministered to the pride of the family, speaking as it did, in heraldic language, of their rank and achievements; and a gorgeous tomb, with a sculptured effigy in its recess, formed a meet monument for a countess of Galloway, the wife of a Douglas, and the daughter of a king, who, as already noticed, had been laid there not long before, to neighbour in "the narrow house" the dust of Uchtred, the lord of that ancient province.

Here, then, at Lincluden, in the closing month of 1448, Earl William held his court, and took counsel of his brother nobles—all "lesser lights," compared with him as the central luminary—and of the freeholders and others who had responded to his summons. How the proud lord demeaned himself when presiding at the meeting, is not recorded; but we can easily conceive that his habitual haughtiness gave place to a courtesy not unknown to the members of his house when mingling with those who readily bowed to their supremacy. The Harleian Collection bears unmistakable witness to the ability and wisdom which signalized the deliberations under his guidance, embodying as it does "the ordinances of war sett doune at Lincludan College, by all the lords, freeholders, and eldest borderers of Scotland, on the 18th of December, 1448, by the commandment of Earl William of Douglasse."

We learn from the document in question, that old statutes were revised, and a number of new rules drawn up, and that the code thus completed prohibited intercommuning with the enemy; enjoined that all men were to keep by their own

* Billings's Antiquities of Scotland, vol. iv.; in which valuable work views are given of the windows as restored.

respective companies; that they were to answer to their names when the host was arrayed; that all were to fight on foot, except such as got special leave from their chief to be on horseback; that it regulated the conditions of ransom, and prescribed the penalties incurred by desertion and other offences. The eleventh clause runs thus: "Whatever he be that brings a traytor to the warden or his deputy, he shall have his reward, a hundred shillings; and he that puts him away fraudfully shall underlie the pain of death, like as the traitor should have done." The thirteenth clause is in the following terms: "Whoever he be—an host of Englishmen arriving in the country, the bales being burned—that follows not the host on horse or on foot, ever till the Englishmen be passed off Scotland, and that they have sufficient witnesses thereof, all their goods shall be escheat, and their bodies at the warden's will, unless they have lawful excuse for them." Before departing, the presiding Earl, we are told, made all present swear upon the Gospels that they would, within their respective jurisdictions, observe, and cause to be obeyed, all these ordinances, and assist him in carrying them into effect.

At this important conference, also, the system of signalling the approach of an enemy by balefires was brought to a perfection unknown before. It was enacted that nine beacons should be erected in Nithsdale on the following eminences, and fired in time of need: Wardlaw, Rachochtoun, Barloch, Pittara, Malow, Corsincon, Corswel, Dowlback, and Watchfell; and that other eleven should be kept ready in Annandale—on Gallowhill, Kinnelknock, Blois, Browanhill, Barrow Skenton, Dryfesdale, Quitsoun, Cowdens, Balehill, Penchathill, and Trailtrow. It was also arranged that on the Sheriff of Nithsdale, and the Stewards of Annandale and Kirkcudbright, should devolve the responsibility of employing proper persons to erect, maintain, and fire the beacons.* When the whole of them, in a winter's night, threw their ruddy glare on high, the effect must have

* Introduction to Nicholson and Burns's History of Westmoreland and Cumberland, p. 59.

The names are incorrectly given in the book from which we have quoted. We should probably read Tynron-Doon for Rachochtoun; Brownmuirhill and Barr (in Hoddam) for Browanhill and Barrow; Quhytwind, or Whitewoollen, (at Lockerbie) for Quitsoun; and Pendiclehill (in Tinwald) for Penchathill.

been grand as well as startling; and hundreds of households must have been protected from pillage, and thousands of lives been saved, by the timely alarm thus communicated. No doubt, Dumfries sometimes owed its safety to the arousing flame seen streaming up from Wardlawhill on the Solway, and responded to by the friendly light on Corsincon.

It is whilst thus employed, as a local legislator, that we like best to look upon the eighth Earl of Douglas. Pity it is that we can rarely view him so beneficially employed. Had he attended more to such matters, and less to the promptings of lawless ambition, he would not have provoked the violent and premature death that awaited him, and his memory would have been held in more honour by his countrymen.

CHAPTER XV.

CUMBERLAND RAVAGED BY THE SCOTS—THE DOUGLAS RAID—THE ENGLISH PREPARE TO MAKE REPRISALS—A LARGE SOUTHERN ARMY ENTERS DUMFRIESSHIRE, AND ENCAMPS ON THE BANKS OF THE SARK—BATTLE OF THE SARK, AND UTTER ROUT OF THE ENGLISH—INCREASING AUDACITY OF DOUGLAS—HIS IMPOSING JOURNEY TO ROME—OPPRESSIVE CONDUCT OF HIS SUBORDINATES—A FINE LEVIED ON HIS CHIEF REPRESENTATIVE—THE ROYAL COMMISSIONER TRIES TO EXACT THE FINE IN NITHSDALE BY FORCE, AND IS COMPELLED TO RETREAT—KING JAMES ENFORCES HIS AUTHORITY IN THE DISTRICT—DOUGLAS, IN RETURNING HOMEWARDS, HEARS OF THE ROYAL VISIT TO HIS DOMAINS, VOWS VENGEANCE, BUT POLITICALLY SMOTHERS HIS RESENTMENT—HE RECEIVES THE KING'S FORGIVENESS—ENTERS INTO A TREASONABLE ALLIANCE WITH OTHER LORDS—INSTANCES OF THE EARL'S CRUELTY AND TYRANNY—HE IS DECOYED TO STIRLING CASTLE, CARESSED AND FETED BY KING JAMES, AND THEN BASELY STABBED BY THE ENRAGED MONARCH, BECAUSE HE REFUSES TO BREAK THE REBELLIOUS BOND INTO WHICH HE HAD ENTERED—JAMES, NINTH EARL OF DOUGLAS, REBELS AGAINST THE KING—SOME OF THE DUMFRIESSHIRE BARONS TAKE ARMS AGAINST DOUGLAS—HIS THOROUGH DEFEAT AT THE BATTLE OF ARKINHOLM—HE AND ALBANY ENTER INTO AN ALLIANCE WITH KING HENRY OF ENGLAND, AND INVADE DUMFRIESSHIRE AT THE HEAD OF AN ENGLISH ARMY—THE INVADERS ARE ROUTED AT LOCHMABEN, AND DOUGLAS IS MADE PRISONER—FALL OF THE HOUSE OF DOUGLAS.

AFTER the burning of Alnwick, a truce for seven years was agreed upon between the two kingdoms; but, owing to the commotions in both, resulting from the weakness of their respective Governments, it was soon broken, the English in this instance being the aggressors. A large body of them, under the command of the younger Percy, son of the Earl of Northumberland, made an incursion into Annandale, burning several villages, and carrying off all the goods they could lay hands upon. Luckily, Douglas was not far distant from the post of duty and danger. Falling upon the retiring Southrons, he made them accelerate their retreat, and yield up all the spoil with which they were burdened. So far, so well; but Douglas, for reasons of his own, wished to widen the area of the war-field,

in order to counteract the coalition formed against him by King James, now aged seventeen, the questionable Crichton, and Kennedy, the patriotic Bishop of St. Andrews. He therefore mustered a large army, and, under the plea of revenging a wrong for which he had already exacted a heavy penalty, entered Cumberland. Not contented with imposing upon it an ordinary amount of punishment, he acted with such merciless severity that it was reduced to the condition of a desert. Not only the barons on the English side of the Border, but the whole nation, felt aggrieved and indignant on account of this ferocious Douglas raid: forgetting how often Dumfriesshire had been gratuitously pillaged by them, and that for one complaint against the Scots, the latter could have preferred fifty against those who were loudly crying for vengeance, and busy preparing to exact it with all their might.

Early in 1449, an army, that has been variously estimated at from 14,000 to 40,000, entered the County by the ordinary passage, and encamped on the banks of the Sark—the little stream that, after forming the boundary line between the kingdoms for a few miles, flows into the Solway. The force, which probably did not exceed 20,000 men in number, was commanded by the Earl of Northumberland and his son, the latter anxious to wipe out the disgrace of his defeat in the preceding year. Not encountering any opposition, the invaders began forthwith to pillage and destroy. Whilst so employed, news was brought by their scouts that a Scottish army was advancing, as if for the purpose of giving them battle—information which proved strictly correct, the force from the north being about 12,000 strong, under the leadership of Douglas's brother, George, Earl of Ormond. The conflict that ensued was, says Chalmers, "one of the greatest fought between two spirited nations, from the engagement at Homildon, in 1402, till the battle of Flodden, in 1513;"* and it certainly was the most important battle fought in Dumfriesshire since the formation of the Scottish monarchy.

As the Scots drew near, the English recalled their marauding parties, and prepared for the threatened encounter. They had the advantage of choosing their own ground; and, having selected

* Caledonia, vol. iii., p. 89.

what seemed to be a favourable spot, adjoining their tents, they calmly waited the coming onset. The centre was commanded by the two Percys; the right by one whose valour, bodily strength, and implacable hatred of the Scots, gained for him that distinction—a warrior whom the chroniclers of the period call Magnus Redbeard; while the left, composed chiefly of Welshmen, was entrusted to Sir John Pennington.* The centre of Ormond's force was directed by himself; Herbert, the first Lord Maxwell of Carlaverock,† and Sir Adam Johnstone of Lochwood, led the right wing, in opposition to Sir John Pennington; while Wallace of Craigie, a lineal descendant of the great patriot, conducted the left against the redoubtable Magnus.

Ormond, we are told, delivered a spirited address to his countrymen, based chiefly on the idea that "thrice is he armed who hath his quarrel just." He prudently said nothing about his brother's excesses, but dwelt strongly on the fact that the guilt of first breaking the truce lay with their old enemies the English. Justice was on the side of his countrymen; and they might therefore, he said, expect victory to smile upon their efforts. They had their homes to protect, their country's honour to maintain—considerations which ought to stimulate their valour; and then, if success crowned their bravery, they would cover themselves with glory, and purchase a lengthened peace for the district and the nation. If the leader of the invaders said anything to them, the burden of it would doubtless be revenge for the cruel Douglas raid; but he either was silent, wishing to speak by deeds, and not by words, or there was no reporter in the camp to take down his eloquent address, or chronicler to put one into his mouth worthy of the occasion.

As usual, most of the Scots were armed with the national weapon—a pike or spear—the length of which was fixed by

* Pitscottie.

† He was twice married: first to a daughter of Sir Herbert Herries of Terregles, by whom he had two sons, Robert, second Lord Maxwell, and Sir Edward Maxwell, from the latter of whom are descended the Maxwells of Linwood and Monteith; and secondly to a daughter of Sir William Seton of Seton, by whom he had, with other issue, George, ancestor of the Maxwells of Carnsalloch, and Adam, of the Maxwells of Southbar.

Parliament at six ells, or eighteen feet six inches. A phalanx so armed was all but invincible. "Standing at defence," says the author of the "Journal of Somerset's Expedition," "they thrust shoulders likewise so nigh together, the fore ranks well nigh kneeling stoop low before, their fellows behind holding their pikes with both hands, and therewith in their left their bucklers, the one end of their pike against their right foot, and the other against the enemy, breast high, their followers crossing their pike's point with them forward; and thus each with other so nigh as space and place will suffer, through the whole ward, so thick, that as easily shall a bare finger pierce through the skin of an angry hedgehog as any encounter the front of their pikes."

Had the Scots at Sark been on the defensive, and attacked hand to hand by the enemy, the pikes would have vindicated the truth of the national motto, as they had often done on former fields: but when Wallace of Craigie marshalled his spearmen, there was no foe within reach; and a shower of missiles was rained down upon them from a distant eminence with irresistible effect. In this ominous way the battle was initiated, and seemed almost on the point of being decided against the Scots. Great gaps were formed in their left wing, which wavered in consequence, and appeared on the verge of being thrown into inextricable confusion—the sure prelude of a general panic and flight.

It is at a crisis such as this that generalship is invaluable. Wallace possessed military genius worthy of his great ancestor: he apprehended at once the full import of the danger in which, not only his own division, but the whole army, was placed; and he was not slow in devising relief. Addressing his soldiers, he said, "Why do we stand thus, to be wounded afar off? Follow me, and let us join in hand-strokes, where true valour is only to be seen!" His men were reanimated by this appeal. They had not the passive endurance to enable them to stand much longer the arrow flights that were drinking their hearts' blood; but they had courage sufficient to assail a host, however numerous or strongly posted.

The leader's words were followed by corresponding action. What avail bow and arrow to the gallant English archers,

who had so nearly decided the day, now that two thousand Scottish spearmen have crossed the intervening ground, and are grappling in close quarters with their assailants! Magnus the Redbearded stands aghast as he sees his ranks thinned and reeling. Why, when the right wing is decimated and threatened with total ruin, does no supporting force come to it from the centre? Whether it was that the nature of the ground forbade such a movement, or that Northumberland was so engaged in baffling Ormond that he had no men to spare, certain it is the leader of the English right found, to his dismay, that it was doomed to fight and suffer unaided. If the prowess of an individual could have redeemed the fortunes of the field, the superhuman exertions made by Magnus would have accomplished that result. He could not revive the courage of his followers, nor arrest the merciless march of their assailants; but he could die in harness like a dauntless warrior as he was. Surrounded by a few personal adherents, he kept his ground, nay, actually advanced in face of that bristling forest of spears, anxious, it is supposed, to engage in a personal combat with the Scottish chief—a fate which was not vouchsafed to him, as he fell, by some unknown hand, among heaps of slain.

The overthrow of the right division of the English might not in itself have led to their entire defeat; but when that disaster was followed by the death of Magnus, and both events became known over the entire army, a sore discouragement was the result. It would seem that the fighting on other parts of the field was mere child's play, as compared with that in which the divisions led by Magnus and Wallace were engaged. The English fully anticipated that their archers would decide the battle in their favour; and being disappointed in this respect, they appear to have lost heart. At all events, they made no adequate effort, in the centre and left, to atone for the loss of the right division and its leader. They fought on doggedly, however, for a while—hopeless of success, yet loath to retire—till, pressed on all sides by the impetuous and exulting enemy, they at length gave way along their whole line. When the general retreat took place, the slaughter in their ranks was terrific. Three thousand of their number fell whilst the battle

raged, and more than that number perished by the sword of the pursuer, or in the blood-dyed waters of the Sark, on whose banks they had the day before indulged in merry wassail. The Sark, as has been mentioned, is only a small river, but the retreating English found it swollen by the tide, and rushing fierce, like the conquering Scots, as if the latter had been in league with the Solway against the enemies of their nation.

Many men of rank, including the younger Percy and Sir John Pennington, were made prisoners, together with hundreds of gentlemen and common soldiers. According to Buchanan, the spoil in money, arms, and equipments that rewarded the victors "was greater than ever had been known in any former battle;" and a tradition, still current in the locality, tells of fabulous heaps of gold pieces being found by fortunate rustics on the banks of the Sark, generations after their luckless owners perished by flood or field. In this memorable battle the Scots lost only six hundred men, in addition to the wounded, who may be estimated at three times that number. There was, however, one sad drawback to their triumph—the brave Wallace of Craigie, to whose skill it was chiefly due, having died three months afterwards of wounds he received during the heat of the conflict.*

A truce was concluded, which lasted for several years; but Dumfriesshire, though freed for a lengthened period from the presence of a foreign enemy, continued to be distracted by its own barons—and Douglas was still the chief offender. Actuated by a variety of motives, the chief of which was probably a love of display, the proud Lord, with a most imposing retinue, visited the city of Rome, proceeding through Flanders and France into Italy. Sir John Douglas, Lord Balveny, was left to act as his procurator or representative,† a post which was no sinecure; and its difficulties were aggravated by the increased licentiousness shown by many retainers during the absence of their chief, he being the only one able to restrain them, when he chose so to act. Complaints of their tyranny and oppression were daily poured into the King's ear; and

* The authorities relied on for the account given of this battle are chiefly Pitscottie and Buchanan.

† Pitscottie, folio edition, p. 34.

Balveny himself was murmured against, as one who encouraged rather than checked the offenders. On the procurator being summoned to appear in Edinburgh, and plead to the charges brought against him, he, imitating his haughty master, despised the citation till he was taken thither by force. He underwent a regular trial; and it having been proved to the satisfaction of his judges that certain acts of extortion had been committed by himself and others in the name of Earl Douglas, heavy fines in money were imposed as a penalty—the same to be paid out of the Earl's rents. Balveny, protesting that he durst not interfere with the revenue of his chief, prayed that the fines might be allowed to stand over till the Earl's arrival, who was expected to return in the course of a few months. This evasive proposal did not satisfy King James, who, though wishing to be lenient, was resolved not to be trifled with; and he commissioned Sinclair, Earl of Orkney, to take means for collecting such an amount from the rents of the Douglas estates as should discharge the damages adjudged by law.

Easier said than done. A king gave the order; but barons, who acted in the name and according to the spirit of one who was mightier in Galloway and Dumfriesshire than himself, treated it with scorn. The very idea of the thing was laughed at by the relatives and dependents of Douglas. To be mulcted in their own district by a royal commissioner—and that as a punishment for deeds they gloried in—was totally out of the question; and when Sinclair, "accompanied with a small number of folks," made his appearance in Nithsdale as a penal rent collector, he was received with such a storm of ridicule that he was fain to hurry northward without obtaining a plack of the damages. James, enraged by the contempt thus poured on his authority, summoned "by a herald all men whatsoever, of high or low degree, pertaining or favouring a Douglas to underly the law," and declaring all disobeyers to be rebels and traitors.*

No response having been made to this comprehensive summons, the King found there was no alternative left him but to give up his sovereignty over a great part of the south of Scotland, or enforce it by the sword. He resolved to adopt the latter course;

* Pitscottie, p. 34.

and, putting himself at the head of a considerable army, he marched into Galloway to break the power which had defied him—"to beard the lion in his den—the Douglas in his hold." He encountered no opposition in the open field, the enemy he came to punish having prudently retired to their places of strength, which they defended with such valour that those who followed to assail them were "very contumeliously repulsed."* When a portion of the royalists entered Annandale, they were dealt with in a similar fashion. The fortresses of Thrieve and Lochmaben, and other lesser strongholds, displayed each a rebel flag; and the King, unable to capture them by storm, had to subject them to a regular siege, which proved in most instances successful: after which result, the royal authority was—nominally at least—re-established in the district.

Even in his hour of triumph, the King tempered justice with mercy. No frowning gibbet, with its human "tassel," rose to glut judicial vengeance: all he required was submission, and the money penalty originally imposed. The former was no longer refused, and the latter was promised in full, and partially paid. Well content with having humbled the haughty Douglasses, and, as he thought, taught them a lesson in loyalty, the King broke up his army, and returned to Edinburgh.

It may readily be conceived, that when the news of what had occurred in Nithsdale reached Douglas at Rome, he was overwhelmed by rage and shame. Whilst basking in the sunbeams of the Papal Court, "the observed of all observers," to have his ancestral domains despoiled and his family degraded, was indeed mortifying to his proud mind; and, as he hastened homeward, schemes of "vaulting ambition," rife with vengeance against his sovereign, would doubtless occupy his thoughts and give a colour to his dreams. But as he passed through England on his way, he learned that King James had so consolidated his regal authority that it could not be any longer safely defied, even by a Douglas. Smothering his resentment, he, on reaching the Border, sent his brother James in advance to sound the disposition of the King towards him, which was found to be conciliatory.

On presenting himself at Court, he was received not as an enemy, but as a friend—a treatment he did not look for, which

* Pitscottie, p. 35.

soothed his wounded spirit, and made him, for the time being, one of his Majesty's most loyal subjects. The King, indeed, acted towards Douglas with an excess of tenderness, as if desirous of melting him with kindness rather than of crushing him with the rigour he had provoked. The incensed monarch and the turbulent baron became like sworn brothers to each other. "The Earl," says Pitscottie, "was received right heartfully by the King, and was remitted of all things bygone: wherefore he promised faithfully to rule all things within his bounds at the King's command and pleasure; and then he received all fortalices and strengths again out of the hands of the King's men of war; and thereafter was holden in such great estimation and favour by the King, that he was made lieutenant-general of the kingdom."*

How sad to find the Earl of Douglas, a few months afterwards, intriguing personally with the King of England, and justly exciting the suspicions of the sovereign from whom he was receiving so many favours. James was naturally indignant at such conduct on the part of Douglas; but the placable monarch once more extended his forgiveness to the offending noble, though he removed him from the lord-lieutenantcy, and entrusted the administration of affairs to Sir William Crichton and the Earl of Orkney. Douglas was more offended by what he had lost than gratified by what he had regained. There was an old feud between him and Crichton, which the elevation of the latter caused to flame up afresh. Douglas hated his successful rival: and no love was lost between them; Crichton, enjoying the royal sunshine, being in no ways disposed to help his enemy out of the shade.

The ambitious and infatuated Earl had been more than suspected, half a year before, of treasonable tamperings with England: he now openly entered into a league with the Earls of Crawford, Ross, and Murray, to overthrow the King's ministers—ay, and if need be for that end, to dethrone the King himself. Whilst his Majesty was highly exasperated at this combination, fresh causes of offence were given by Douglas, which called aloud for punishment; the chief of these being his treatment of Sir John Herries of Terregles and M'Lellan of Bombie, whom he put to death—hanging the former, and

* Pitscottie, p. 35.

beheading the latter—because they were not sufficiently submissive to his rule.

James II., now aged twenty-one, had acquired increased energy with his years. Fully prepared for the pending emergency, he resolved once more to try fair means with his contumacious subject; and should these fail, to crush him, and be truly king. The result is well known. Douglas, placated by a conciliatory letter from his sovereign, visited the Court at Stirling, and, after being luxuriously banqueted, was summoned to a private chamber by his royal master, and there required to break the covenant entered into between him and other nobles. The Earl gave an evasive answer; but the King was not to be trifled with, and pressed the question: upon which Douglas, after saying he must first consult his associates, emphatically refused to comply with the King's demand. James, losing all self-control, then exclaimed, "If thou wilt not break the bond, this shall!" plunged a dagger into the heart of Douglas, and some of the royal attendants who rushed in completed the deed of slaughter.* Thus perished, in his prime and pride, William, the eighth Earl of Douglas. Rebellious and tyrannical though he was, his assassination by the King is utterly indefensible, and is a dark blot on the reputation of that prince. The atrocious deed was no more premeditated by him than the slaughter of Comyn at Dumfries by his royal ancestor; but that he should have allowed himself to be betrayed by passion into the perpetration of such a crime, aggravated by the breach of his word, and of the sacred rights of hospitality, is truly deplorable.

Though the eighth Earl of Douglas involved Dumfriesshire in a "sea of troubles," his death did not purchase tranquillity. James, brother of the slaughtered nobleman, and ninth Earl of Douglas, took up arms to avenge his death; and the strife which ensued involved not the district merely, but the king-

* In an Edinburgh newspaper of 14th October, 1797, there is the subjoined paragraph:—"On Thursday se'nnight, as some masons were digging a foundation in Stirling Castle, in a garden adjacent to the magazine, they struck upon a human skeleton, about eight yards from the window where the Earl of Douglas was thrown after he was stabbed by King James II. It is thought, and there is little doubt but what it is his remains, as it is certain that he was buried in that garden, and but a little distance from the closet window."

dom. It continued for upwards of two years; and, during its course, it was at times uncertain whether the Stewarts or the Douglasses should reign in Scotland. The general current of the contest need not be traced; and, confining our attention chiefly to its course in Dumfriesshire, let us state that the King, about eleven months after the outbreak of the rebellion, led a large army into the country, in order to punish Douglas in the chief seat of his power and pride. Being winter, however, he could not carry out his design effectually. "He burnt the corns and houses, herried the countries, and slew some spies;"* and, in spring, sent his troops back to renew the destructive warfare. Annandale became the chief theatre of hostilities. In that district Douglas, notwithstanding numerous reverses, was still lord and king: but other parts of Dumfriesshire boldly disavowed his rule; for which act of independence and loyalty they were much harassed by his three brothers, the Earl of Murray, the Earl of Ormond, and Lord Balveny. Highly imprudent it was for these noblemen to inflame still further in this way the resentment of barons who would rather have served both Douglas and King James, had the conduct of the former not rendered that impossible. It was a bad day for this domineering family when they arrayed against them the chiefs of a County over which they had long exercised an unrivalled sway, and many of whom were of their own kith and kin. "A house divided against itself cannot stand."

On the 1st of May, 1455, the ground now occupied by the town of Langholm, in Eskdale, was the scene of an engagement which sealed the doom of the house of Douglas. The three noblemen named above led one party of the belligerents, who were confronted by the men of the County, headed by Maxwell, Johnstone, Scott, Carlyle,† and other chiefs. A brief sanguinary

* Pitscottie, p. 35.

† This was William, Lord of Torthorwald. He presented a bell to the Parish Church of Dumfries, inscribed thus: "Guilielmus de Carleil, Dom. de Torthorwald, me sicut fecit fiere in honorem Sancti Michaelis. Ann. Dom. MCCCCXXXIII.", "William de Carlyle, Lord of Torthorwald, caused me to be made in honour of St. Michael. The year of our Lord, 1433." This bell still survives. It hangs on the bartizan of the Mid Steeple, and was, down till about ten years ago, employed in the secular duty of warning the lieges when fires broke out in the Burgh.

battle resulted in the utter rout of the Douglasses. Archibald, Earl of Murray, was slain, and his head sent as a trophy to King James; Hugh, Earl of Ormond, was taken prisoner, tried for treason, and executed; and John, Lord Balveny, fled to the Earl, his brother, in England. Those who were chiefly instrumental in freeing Dumfriesshire from the rule of this imperious family, were liberally rewarded for their services. Johnstone and Carlyle obtained a grant of the forty-pound land of Pittenain, in Clydesdale; Sir Walter Scott acquired the lands of Abington, Phareholm, and Glengoner, in the same district—thus making broader and deeper the basis of the noble house of Buccleuch; while the Maxwells and Beatties were not overlooked. In the following year an act of Parliament completed what the sword at Arkinholm had begun.

It attainted the Douglasses—deprived them of their rank and estates by one fell swoop—their lordships of Eskdale and Galloway becoming the property of the Crown, and Annandale, with its appendant Castle of Lochmaben, being granted by King James to his second son, Alexander, whom he created Earl of March, Lord of Annandale, and Duke of Albany. It was not, however, till the King marched with an army into Galloway, that that province acknowledged the royal authority, and the Castle of Thrieve submitted to receive a royal garrison. Another fortress of the family, Lochrutton Castle, was placed in the keeping of Herries of Terregles, son of the loyal chief whom the eighth Lord of Douglas hanged like a felon, for the crime of being loyal to his sovereign. The exiled and disinherited Earl made repeated attempts to redeem his fortunes. In 1456 we find him undertaking a foray into Berwickshire, encountered and defeated by one of his own blood, George, Earl of Angus, descended from William, first Earl of Douglas, by his third wife, Margaret, Countess of Angus—which overthrow gave rise to a popular saying, founded on the different complexions of the two branches of the family, that "the Red Douglas had put down the Black."

Before he comes again prominently on the scene, James II. is killed by the bursting of a cannon employed in the siege of Roxburgh Castle, which had been held by the English since the battle of Durham; and his son James, a boy who had just seen

seven summers, ascends the throne. It is not till July, 1484, twenty-four years after the latter event, that James, ninth and last Earl of Douglas, is seen engaged in another enterprise, with the view of blotting out the sentence written against him in the records of Parliament and the book of fate. Alexander, Duke of Albany, the late King's second son, and brother of the present sovereign, had long been inflamed by guilty ambition; and, fancying that, with the help of Douglas and the King of England, he might make a successful stroke for the throne, he entered into a negotiation with the expatriated nobleman, the result of which was their joint invasion of Dumfriesshire with an English army. The arrangement was of this nature: in the event of success, Albany to become King of Scotland, acknowledging Henry of England as his superior; Douglas to receive back his rank and estates. Once more the smaller proprietors in the County saved it and the nation from ruinous disaster. Dreading the restoration of a family whom they had good reason to dislike, and devotedly loyal to the throne, they turned out in great force when summoned by the signal fires which announced the approach of an enemy. The Master of Maxwell, Johnstone of Johnstone, Murray of Cockpool, Crichton of Sanquhar, Carruthers of Holmains, and Charteris of Amisfield, were the principal leaders of the Dumfriesians, as they proceeded in the direction of Lochmaben, again to cope with their old enemies the English, and their old oppressor the Earl of Douglas.

The invaders supposed that, as soon as they appeared, many of the country people, lured by hopes of pillage, would join them. In this expectation they were disappointed; but they expected, at all events, to succeed in doing a little in the way of plunder on their own account. Actuated by this motive, they prepared to make a ravenous descent on the rich wares exposed for sale in the streets of Bruce's ancient burgh during the fair held on the 22nd of July, St. Magdalen's Day. This scheme was equally abortive. The patriotic men of the County were there before them, to defend things small and great—the movables of the market—the permanent institutions of the kingdom; and had they not, by fighting heroically, rolled back the aggressive tide, the deluge of a destructive

revolution would have swept over the land, engulfing perhaps the monarchy in its waters. An obstinate conflict took place. It commenced early in the forenoon; and when the summer's sun sank, victory still hung in the balance. The clouds of night that gathered above failed to separate the combatants; but, long before the early dawn of another day, Albany, thoroughly beaten, was on the south side of the Border, with his back to Scotland—the remnant of his routed followers accompanying him; and Douglas was a captive.* The veteran warrior was struck from his horse towards the close of the fight, and might have been trampled to death in the tumult, had not one of his old vassals, Kirkpatrick of Ross, stepped forward and claimed him as a prisoner.† The victors were liberally rewarded by their grateful sovereign—one of them, Sir Robert Crichton, being created a peer, under the title of Lord Sanquhar.

It is said that Kirkpatrick, stirred by a lingering love for his former chief, offered to set him at liberty, and that Douglas despairingly declined the offer, as if impressed with the feeling that his game of guilty ambition was fully played out, and irretrievably lost. When the distinguished captive was carried before King James, actuated by shame—perhaps by pride, or a mixture of both—he turned his back upon royalty; and when, instead of being sent to the scaffold, as his crimes merited, he was sentenced to confinement for life in the Monastery of Lindores, he muttered despondingly, "He who may no better, must needs turn monk."‡ In this inglorious way the proud earldom which had existed for ninety-eight years (an average of only eleven years to each possessor of the title), and the noblest branch of the lofty line of Douglas, became extinct.

Some few of its members were, as we have seen, virtuous as well as brave. Its chiefs, with perhaps one exception, were intellectually great; and several of them were highly accomplished,

* Acts of Parliament of Scotland, vol. ii., p. 173.

† Actæ Domin. Concilii, 19th January, 1484. The barony of Ross, in Mid-Annandale, was held by a branch of the Kirkpatricks at a very early period. On 22nd April, 1372, William Kirkpatrick of Ross granted a charter to John of Garroch of the two-merk land of Glengys (on the west side of the water of Wamphray), and Galvilgil.—*Writs of the Carlyle Family.*

‡ Hawthornden, Hist., p. 150; and Hume, p. 381.

considering the age in which they lived. Ambition, "the last infirmity of noble minds," was, however, the besetting sin of the family. Dumfriesshire, for a century, was so mixed up with their fortunes, that the history of the one during that period is almost the history of the other. Had the talents and influence of the Douglasses been always wisely directed, what a blessing they would have been to their native district and to the kingdom! We like to dwell on their indomitable valour, their military genius, their magnificent hospitality; but the tendency to yield them hero-worship is kept in check, when we reflect upon the wicked uses to which their natural gifts and power were often turned. None of the earls, except the stainless warrior who, though dead, conquered at Otterburn, was worthy of the epithet "good," which their progenitor, Sir James, acquired. Speaking of them generally, they were mighty men of war, indifferent landlords, and bad subjects. Heavy penalties some of them paid; but punishment brought no reformation. The lessons taught by adversity were despised; and now we see the haughty house, that would not be curbed or counselled, utterly overthrown.

CHAPTER XVI.

PEACE WITH ENGLAND—RISE OF THE ANGUS BRANCH OF THE DOUGLASSES—THE BARONS TAKE UP ARMS AGAINST JAMES III.—BATTLE OF SAUCHIEBURN, AND THE PART TAKEN IN IT BY THE DUMFRIESSHIRE BORDERERS—MURDER OF THE KING—HIS SUCCESSOR, JAMES IV., HOLDS A CRIMINAL COURT AT DUMFRIES—HIS TRAIN OF MINSTRELS—HIS GAY, PLEASURE-LOVING CHARACTER—INSTANCES OF HIS JUDICIAL RIGOUR AGAINST THIEVES, OUTLAWS, AND REBELS—HIS PILGRIMAGE TO THE LADY CHAPEL AT DUMFRIES—DEADLY FEUD BETWEEN LORD MAXWELL AND LORD SANQUHAR—DEFEAT OF THE SCOTS, AND SLAUGHTER OF THE KING, AT FLODDEN—THE COUNTY DEVASTATED BY LORD DACRE.

SCARCELY had the reign of James III. commenced, than Warwick (known in England as "the king maker") is said to have come to Dumfries, and obtained an interview there, in 1462, with Mary of Gueldres, for the purpose of soliciting her consent to a marriage with his royal master, Edward IV. So it is stated by Wyrcestre, a contemporary annalist. The match, if ever projected, did not take place; and the very next year Warwick appeared in the County, not as a peaceful matrimonial agent, but as a destructive soldier—the venerable town of Lochmaben suffering especially from his visit. Hostilities were not long continued; and on the 1st of June, 1464, they were followed by a truce, the terms of which were arranged by Warwick and the Scottish Commissioners, at Lochmaben Stane, which frequently figured in these times as a place of rendezvous and treaty.*

* Lochmaben Stane stands on the farm of Old Gretna, in the parish of Gretna. It measures eight feet in height, and twenty-one in circumference. It was formerly neighboured by a number of smaller stones, enclosing, in oval form, half an acre of ground—the remains, probably, of a Druidical temple. The Stane, which still remains, is specifically referred to in many old charters and other deeds, and doubtless derived its name from the circumstance that it

The Angus branch of the Douglasses now began to flourish. When the turbulent nobles of the kingdom rebelled against their weak sovereign, Archibald, fifth Earl of Angus, agreed, in the words of the well-known parable of the rats and mice, propounded by his confederate, Lord Grey, to "bell the cat;" that is, seize the King's powerful favourite, Cochrane, who, from being an architect, had been created Earl of Mar. How the cat's prototype was entrapped and hanged, and the King himself was for a while imprisoned by the rebel chiefs, we need not describe in detail. Other six years filled up the measure of the King's reign, which "treason, malice domestic, foreign levy" continued to embitter. When the final crisis came, and the barons, in open rebellion against their sovereign, gave him battle at Sauchieburn, Liddisdale, Annandale, and Galloway furnished a large proportion of their force; and when the royal army broke up, utterly undone, its defeat was chiefly due to the long spears from the Western Border. Thrown from his horse as he galloped off the field, the monarch, maimed, and bleeding, was borne into a neighbouring cottage. On being asked his name by its female tenant, he answered, incautiously, "I was your king this morning;" adding, "let me have a priest." The woman went out, calling wildly for a priest to shrive the suffering King. "I am a priest; lead me to him," said a straggler who presented himself. Whether he was so or not has never been properly determined. According to Buchanan, the stranger was actually a priest named Borthwick, who had joined the rebel army; and certainly not one of the vengeful barons arrayed against the sovereign could have

was situated within the barony of Lochmaben. The following are extracts from Pitcairn's Criminal Trials, vol. i., part i., p. 398:—"May 12, 1557.—Roger Kirkpatrick of Closeburn, William Kirkpatrick of Kirkmichaell, and Thomas Kirkpatrick of Freirkerse, got remission from the Queen for abiding from the army ordained to convene at Lochmaben Stane on February 16 last, to meet the Warden before sunrise, to push forwardt with him to the day of trew, for meeting of the Wardone of England." "May 14.—Alexander Stewart of Garleise, John Dunbar of Mochrame, John Gordoune of Barskeoche, John M'Culloch of Torhouse, John Jardine of Apilgerth, Robert Moffet (senior and junior) of Grantoune, Thomas Moffet of Knok, Robert Johnnestoune of Coittis, and John Creychtoune, tutour of Sauchare, found caution to underly the law at the next aire of Dumfreis, for abiding from the Queen's army ordained to convene at Lochmaben Stane."

acted towards him with more felonious hate. The ruffian, on finding that the illustrious sufferer's bruises were not likely to prove fatal, exclaimed, in reply to his request for absolution, "This shall presently absolve thee!" and plunged a poniard repeatedly into the King's heart.

The dreadful dagger scene in which the royal victim's father was the actor, and William, Earl of Douglas, the sufferer, twenty-six years before, in the same neighbourhood, rises up to memory as we read, horror-stricken, of this parallel atrocity. The murderer of King James III. never came forward to ask from the rebellious lords a reward for his black deed: he slunk away into the congenial shadows, as if overcome by remorse—his identity and motive remaining an unravelled mystery.

It must not be supposed, because many Annandale and Liddisdale men fought against the King at the battle of Sauchie, that the County generally sympathized with the rebels. John, fourth Lord Maxwell, who was rapidly becoming the leading nobleman in Nithsdale, supported his sovereign on that fatal field; yet, after the death of James, he managed to make good terms with the victorious barons, in virtue of which he was appointed to rule Dumfriesshire jointly with the Earl of Angus, till the young King, James IV., now aged fifteen years and seven months, should reach his majority in 1494. This arrangement was made by act of Parliament. It was a tribute to the rising influence of Lord Maxwell; and, as further proof of consideration shown to him by the Government, we learn from the royal treasurer's accounts, that being in arrear, as Steward of Annandale, the sum of £3745, he obtained, in 1508, a full discharge from the King on paying £1000.

As James increased in years, he exhibited a rare combination of energy and prudence, that, together with his captivating manners, enabled him to control in some degree, without irritating, the powerful and jealous nobles who had placed him upon the throne. Scotland began to feel that the sceptre was swayed by a real, not a nominal, king; and as, by his marriage, in 1503, with Margaret, daughter of Henry VII. of England, the country was blessed with peace for a series of years, it enjoyed a measure of prosperity to which

it had long been a stranger. In the year after this seemingly happy nuptial alliance, the young sovereign paid a visit to Dumfries, for the purpose of holding an ayre, or criminal court, in accordance with an act passed by his first Parliament, which bore this striking preamble: "It is avisit and concludit, anent the furthputting of justice, throw all the Realme, that our Soverane Lord sal ride in proper persoune about to all his aieris."* Though the King came on a grave mission, it was not in the nature of the man to be morose or stern, even at such a period. In his train were harpers and pipers, as well as dempsters and executioners; and music, feasting, and revelry ruled the hours which the serious duties of the court left free. During his stay, the old Burgh would luxuriate in the radiant atmosphere of the royal presence—dreading neither Border banditti nor Southern marauders, so long as it remained. If ever "the divinity that doth hedge a king" is enhanced by mental grace and manly beauty, it must have been so in the case of our Fourth James, the most lovable, and, spite of his faults, the best, of all the Stewart line.

"The monarch's form was middle size;
For feat of strength or exercise,
Shaped in proportion fair;
And hazel was his eagle eye,
And auburn of the darkest dye
His short curled beard and hair.
Light was his footstep in the dance,
And firm his stirrup in the lists;
And, oh! he had that merry glance
That seldom lady's heart resists."†

It was in early autumn that King James arrived. On the 13th of August there was paid from the royal purse, "xiij. s. [13s.] to the pyparis of Dumfrise;" his Majesty employing "local talent" in the musical line, as well as his own staff of minstrels. After remaining in the town a day or two, making arrangements for the assize, he passed on a justiciary tour to the Western Border, taking with him an armed escort, and his customary retinue of bards, singers, and bagpipers, including a reverend personage who figures in the books of the treasury as "the cruikit Vicar of Dumfreis," who received a largesse of

* Acta Parl., cap. ix., p. 1488. † Scott's Marmion.

"xiiij. s." (14s.) for singing to the King in Lochmaben town. James's passion for music and sport is illustrated by other entries in these accounts; and they also show that he and his father-in-law stood at that time on the best of terms. The Prior of Carlisle sent a butt of Malvoisie to the Scottish monarch, the two men who carried the welcome present getting a gratuity of "lvj. s.;" "twa wiffis brocht aill to the King fra Sir Johne Musgrave," for which they were duly rewarded; and the same English knight sent his own huntsmen to beat cover and blow the horn when James indulged in the pleasures of the chase. On the 23rd of August the King played at cards in Bruce's burgh; and who should be his opponent but Lord Dacre, the doughty English Warden —both well content to enjoy for once a bloodless, friendly contest. James seems to have been worsted in the game, as there is charged against him, in connection with it, the sum of "xlvj. s. viij. d." (46s. 8d.) Happy would it have been for Scotland and himself had he never played with English warrior in a less peaceful arena for a heavier stake. That his Majesty did not spend all his time on trifles when in Annandale and Eskdale, is sufficiently shown by such dread entries as the following:—"Aug. 17.—To the men hangit the thevis at Hullirbuss, xiij. s. [13s.]; for ain raip to hang thaim in, viij. d. [8d.] Aug. 21.—To the man that hangit the theves in Canonby, be the Kingis command, xiij. s." (13s.)

On the 24th of the same month, James returned, "furth of Eskdale," to the County town, remaining there twenty-three days, during the continuance of the court. He lodged with the Cunningham family; and the likelihood is, we think, that he occupied a spacious chamber belonging to them, of which we get an inkling afterwards, under the designation of the Painted Hall. The court, sitting in the Castle, presided over by "Andrea Domino Gray" as justiciar, and, doubtless, often graced by the presence of the King, disposed of the following, among other cases, from the town or district:—"Robert Grersoune, in Drumfreis, produced a remission for art and part of the cruel slaughter of Sir John M'Brair, chaplain in the town of Drumfreis." Under what circumstances M'Brair, who belonged to a family of distinction, was put to death, is not

stated, nor is the result of the trial recorded. "Gilbert Thomesone, convicted of the theftuous taking of merchandise from the merchants of Drumfreis, at the time of the Burning thereof: Item, for art and part of the theftuous taking and concealing xlv. sheep furth of Schellop: Item, of common Theft and common Reset of Theft—Hanged." Whether the burning here referred to, of which Thomesone took advantage, was accidental or the work of incendiaries, does not appear. "Adam Baty [or Beattie], convicted of art and part with the King's rebels in Eskdale—Hanged." "James Monse,* near Lochmabane, came in the King's will for destroying the woods of Lochmabane, Bukrig, Heichrig, Rammerskalls, and Rowekellpark. Gavin Murray, brother of the Laird of Cockpule, became surety to the King." "John Pattersoun, in Tasseholme, convicted of fishing salmon in the water of Annand during the prohibited time, was amerciated in v. l." (£5). "William Jarding, called Braid-suerd to the King; Robert Dunwedy, son of the Laird of Dunwedy; and Gavin Johnstoune, were admitted to our sovereign lord the King's composition, for art and part of the stouthrief of four horses, price xl. l. [£40], two candlesticks, one goblot, with sundry other goods, worth xx. l., from Bartholomew Glendumvyne, in company with the Laird of Johnstoune and his accomplices.—Sir Thomas Kirkpatrick of Closeburne, knight, became surety for the said Robert, and Adam Johnestoune of that Ilk became surety for the said Gavin, to satisfy parties." Other minutes disclose two bloody deeds, such as were of no rare occurrence in those days of violence—the murder of the Laird of Dunwedy, or Dinwoodie, and of the Laird of Mouswald, by neighbours of their own rank. The Dinwoodies, who had been for a long time previously settled on lands called after them in Applegarth, were at feud with the Jardines, the chief proprietors of that parish. Some time in 1503 a band of armed men made sudden entrance into Dinwoodie Tower, slew

1504

* This name appears to be the same with that now known as Mounsey. It is a singular coincidence that Dr. Mounsey, who sprang from the lowest origin in the vicinity of Lochmaben, lived to become the proprietor of the estate of Rammerscales, &c., here described.—*Note in* KINCAID'S *Criminal Trials*, vol. i., part i., p. 40.

Thomas, the chief of the clan, and then disappeared. The mysterious outrage was, naturally enough, attributed to the Jardines, but was never fairly traced home to them. John Jardine, in Sibbald-besyde, and Robert Brig, residing with Alexander Jardine of Applegarth, were specially charged with the crime. As, however, they presented "a remission from the King," when brought before Lord Grey, at Dumfries, they were set at liberty—their chief engaging to reproduce them, if called upon.* Justice seems to have been also baffled in the other murder case. Thomas Bell, of Curre, or Currie, and Stephen Johnstoune, arraigned for the crime, kept out of the way; as also did their sureties, the Laird of Castlemilk, and William Purdum, portioner in Middlebie; and all that the judge could do in the matter was to "denounce" the accused, at the horn, as rebels, and "amerciate" their sureties. During the sittings of the court the judge was paid forty shillings per day—in all, forty-six pounds. It broke up about the middle of September. On the 13th of that month, James cleared off scores with his landlady, as recorded in the following quaint note of payment:—"To William Cunnynghame's wif in Drumfreise, for the Kingis bele chere [belly cheer], x. li." (£10). A few days before, his Majesty gave a dole to the Minorite Brethren in the Vennel, which is thus entered:—"Sep. 8.—To the Freris of Drumfreis, xiiij. s." (14s.) The King's sojourn, so curiously made up of work and play, being now over, he bade farewell to his loyal burgesses of Dumfries, all sorry, we doubt not, that such a sunny episode in their annals had come so soon to an end.†

* "Only nine years afterwards," says Anderson, in his Manuscript History, Advocates' Library, "the Laird Dinwiddie was slayne in Edinburgh by two persons, who eschaped, by taking the Sanctuarie of Holyroodhouse." Sir James Balfour (Annales, vol. i., p. 235) says that this second act of assassination was committed by the Jardines.

† For the proceedings at this justice ayre, and the extracts from the Accounts of the Lord High Treasurer in the reign of James IV., we are indebted to the first volume of that most valuable work to the historian, Pitcairn's Criminal Trials. Subjoined are a few more entries:—"Aug. 2.—For twa hidis to be jakkis to Thomas Boswell and Watte Trumbull, minstrals, agane the raid of Eskdale, lvj. s. To James Hog, tale-teller, to fee twa hors in Eskdale, with kingis harnes, in part payment, xxxiij. s. For foure corse bowis and ane hundreth canyais [arrows], agane the raid of Eskdale, xij. li. [£12]. Aug. 8.—

Truly a gay, genial, pleasure-loving monarch was James IV.; yet, with all his habitual mirthfulness, he was subject to fits of gloom, that usually came upon him in midsummer, and under the influence of which even his outward man sometimes underwent a strange alteration.

> "In offices as strict as Lent
> King James's June was ever spent."*

He had, as a boy, taken part with the barons when they joined in warlike array against his father; and, though scarcely a voluntary agent at that time, he wore a macerating iron belt round his waist by way of penance, to which some ounces were added annually, and every recurring anniversary of Sauchieburn found him in a bitterly penitential mood. It was on one of these occasions that the King appeared at the gates of Our Lady's Chapel in Dumfries, habited as a lowly Franciscan—the royal devotee, in his gown of coarse grey serge, appearing as unlike as possible to the jovial, care-defying prince who, a short while before, held court in Dame Cunningham's Painted Hall. After making his offerings at the altar, he proceeded, staff in hand, to pay his devotions before the shrine of St. Ninian, at Whithorn, whither he often went to bewail his fancied parricidal guilt, and the unlawful indulgences for which, unlike it, he was truly responsible.†

Payit for v. pair spurs to the King, twa paire sterap irnis, xij. riding girthis, xij. housing girthis, iiij. hors collaris, x. hors houses, and for hors schoing, v. li. x. d. To ane man of Sir Alexander Jardinis, that come to the King with thingis [tidings] of the taking of Gib Lindesay and his complicis, xiiij. s. Aug. 13.—In Drumfrese to menstrales to fe thaim horsis to Eskdale, and syne agane to Drumfrese, xlij. s. To twa Inglise women that sang in the Kingis pailzeoune [pavilion], xxiij. s. Aug. 31.—Be the Kingis command, to Sir A. Jardine and his men for the taking of Gib Lindesay and uther twa with him, xxx. li."

* Marmion.

† There are some vague traditions in Dumfries regarding the visits paid to it by James IV., and his son, James V.; one of these being that King James (which of them is not specified) slept all night under a huge tree that grew a little to the north-east of the town, near the present English road. The following inscription, taken from a tomb-stone in St. Michael's churchyard, is adduced in corroboration of the tale: "In memory of John M'Niel, of Royal Oak, near this town, who departed this life, April 30th, 1836; aged 101 years." The epitaph is curious in itself, as being, we believe, the only one in the same cemetery in memory of a centenarian. That any of the Jameses should have

Four years after King James held his justice ayre at Dumfries, Lord Maxwell, to whom he had been so considerate, showed extreme disrespect to the royal authority, as represented by Robert, second Lord Sanquhar, Sheriff of Nithsdale. The Crichtons, like the Maxwells, had grown greatly in favour since the fall of the Douglasses. There had been long a deadly feud between the two houses, which was at this time intensified by the circumstance that Lord Sanquhar seemed to be extending his influence over Lower Nithsdale, at the expense of Lord Maxwell, who, though Steward of Annandale, did not like to see the neighbouring sheriffdom possessed by his rival. The idea that a district occupied by many of his own adherents should be legally presided over by any other than a Maxwell, was the reverse of pleasant to Lord John; that it should be placed under the sway of a Crichton, was deemed by him intolerable. "We must teach this aspiring chief a lesson—let him see who is the real master of Dumfries," muttered the wrathful Steward. Probably Maxwell gave a readier effect to this menace because he knew that the Sheriff of Nithsdale had a charge of disloyalty hanging over his head.

Lord Sanquhar held a court in the Shire town towards the close of July, 1508. On the 30th of that month no trials were proceeded with—the "dittays" having been deserted—

spent a night in the open air, in the vicinity of Dumfries, cannot be credited; but James IV. might, by resting himself, when on his barefooted pilgrimage, below an umbrageous oak, have originated this tradition.

The Rev. Joseph Duncan (now of Torthorwald), who drew up the notice of Dumfries Parish, dated 1833, for the Statistical Account, says (p. 12): "A curious relic of antiquity was some time ago discovered by Mr. Affleck, ironfounder, while employed in selecting some pieces of old metal to throw into the crucible. It is circular, fully two inches in diameter, and about the thickness of a penny. Upon being struck with a hammer, a crust of verdigris came off, and on one side of it was discovered, engraved, a lion rampant, in the midst of a shield bordered with *fleur de lis*, and surrounded, in reversed characters, by the legend, 'Jacobus Dei Gra. Rex Scotorum;' after which is a figure nearly similar to the letter S, which we conclude must have been intended to represent the buckle of the belt on which the inscription is engraved. The seal, for such it is supposed to be, is formed of a compound of copper with some other metals, and is, with some plausibility, supposed to have been the privy seal of one of the kings of Scotland." Very likely this relic belonged either to Mrs. Cunningham's royal lodger or his son, James V.; and if to the latter, may have been dropped by him when out on some of his nocturnal revels.

the hall of justice abandoned for the Lower Sand-beds that skirt the Burgh, where the warlike vassals of the noble Sheriff stood drawn up in battle array, prepared in some degree for the threatened onset, of which he had received timely notice. Lord Maxwell, at the head of a considerable force, and accompanied by William Douglas of Drumlanrig, entered the town by the Annandale road from the south, and attacked the Crichton party with a fury that proved irresistible. How long the engagement continued is unknown. Sir James Balfour speaks of it as "a grate feight"*—that it was a sanguinary one is beyond any doubt. The same annalist records that "Lord Sanquhar was overthrowen, and many of his frindes killed."† Bishop Lesley, describing the issue of the affray, says: "Lord Creychton was chaissit with his company frae Drumfreis, and the Laird of Dalyell and the young Laird of Cranchlay slain, with divers uthers, quhairof thair appeared greit deidly feid and bludshed." Thoroughly routed, Lord Sanquhar was chased from the town over which he professed to hold rule in the King's name—driven for refuge to his castle among the hills; leaving his exulting rival, if not Sheriff of Nithsdale, undisputed chief of its principal Burgh.

Maxwell, however strange it may appear, was allowed to go unpunished. Whether it was that extenuating circumstances were brought forward to palliate the grossness of the outrage, or that its perpetrator was too powerful to be meddled with, he was not proceeded against judicially. "Partley be justice, and partley be agreement, the whole cause [against him] was suddenly quyeted and stanched;"‡ but his chief colleagues in the affray, William Douglas of Drumlanrig, John Fergusson of Craigdarroch, with his son Thomas, and their accomplices, went through the form of a trial on the 30th of September, 1512, at Edinburgh, for the murder of Robert Crichton of Kirkpatrick (one of the Sheriff's party, and probably a near relative), and were acquitted, on the ground that the deceased Robert Crichton was "our soverane lordis rebell, and at his horne," when the conflict occurred.‡ The still unsettled and unsatisfactory

* Annals of Scotland, p. 231. † Ibid.

‡ The Magna Assisa, or Great Assize, consisting of twenty-one lords and gentlemen, presided over by Archibald, Earl of Angus, in giving a verdict in

state of Dumfriesshire may be inferred from the circumstance, that the steward of one portion of it could, in this flagitious way, commit a murderous outrage on the sheriff of another with impunity.

If peace had continued, however, and length of days been vouchsafed to the King, he would, there is no doubt, have done much more to strengthen the power of the Crown, and extend the influence of the law, than he was privileged to accomplish. Henry VIII. of England having proclaimed war against France, Scotland, as the ally of the latter, after years of comparative tranquillity, again rang with the sound of hostile preparations—James, actuated by knightly devotion to the French Queen, as well as friendship to her consort, having resolved to cross the Border with an invading army. Her Majesty, as the poet tells us,

> "Sent him a turquoise ring and glove,
> And charged him, as her knight and love,
> For her to break a lance;
> And strike three strokes with Scottish brand,
> And march three miles on Southern land,
> And bid the banners of his band
> In English breezes dance."*

Many Dumfriesshire chiefs, including Lord Maxwell, joined the King's unfortunate expedition. It is not necessary that we should follow its fortunes, by telling again "red Flodden's dismal tale," with which every reader of British history is familiar. Flodden was indeed a

> "Fatal field,
> Where shivered was fair Scotland's spear,
> And broken was her shield."†

the case, counselled the King's Highness "that the said allegit crimes be na ditty; And that Lettres be written of Discharge; and Inhibitioun be gevin and direct to Justice and Justice-Clerk, be our Souverane Lorde, and till all utheris officiaris, that nane of thame tak in Dittay, attache, arrest or accuse the said William Douglas, or his complices forsaide, for the saide actioun, and na crime be imput to thairapoun, because it was funde obefore be the said Lordis that the said umquhile Robert, the tyme when he was slane, was our Soverane Lordis rebell, and at his horne, and for uthir resonable cause, moving the said Lordis; except Fergy Fergussoun and Robin Fergussoun, to quham this declaratioun and counsall sall nocht extende, and thaim to be punist, as is contenit in the decret and deliverance be certane of the said Lordis thairapoune." —PITCAIRN, vol. i., part i., p. 79.

* Marmion. † Ibid.

James fell fighting desperately, and reckless of life, on seeing the ruin he had provoked. Among the "chiefs, knights, and nobles, many a one," slain alongst with him in the disastrous battle, were John, Lord Maxwell, with his four brothers; Robert, Lord Herries, with Andrew his brother; the two sons of the Earl of Angus; two hundred gentlemen of the Douglas name, and numerous other men of note connected with Dumfriesshire and Galloway. In all the Border district, among high and low, there was great lamentation for friends or relatives left lifeless on the field.

This memorable battle was fought on the 9th of September, 1513. Stunning and terrible was the blow which it inflicted on the Scots; but, though thus deprived of their King and chief nobility, they rapidly recovered from its effects. Surrey, the victorious leader of the English, suffered so severely in the conflict that he was unable to enter Scotland and gather in the full harvest of his triumph. At first Margaret, the widowed Queen, was made Regent, but, as she was mistrusted on account of being the sister of the English monarch, and of having hurriedly contracted a marriage with Archibald, sixth Earl of Angus, she was soon deprived of the office, which was then conferred on John, Duke of Albany. As his accession was opposed by Angus, one of the new Regent's first acts was to banish the Queen and her husband out of the country.

Though no general invasion of Scotland took place, in consequence of the late defeat, the English King let loose large bands of armed men upon the devoted Border territory, which they wasted with fire and sword. One of these marauding parties, headed by Lord Dacre, entered Dumfriesshire in the spring of 1514; his motive being very different from that which drew him to Lochmaben, ten years before, to encounter, in a card-playing tourney, Scotland's chivalrous King. The leading men of the country, with hundreds of their followers, had been "wede away" in the carnage of the preceding autumn, so that the invaders met with little resistance; and they ravaged the district nearest them in a style of wanton barbarity. Dacre, in writing, on the 17th of May, an account of his destructive achievements to the English Council, says that he had laid waste Ewisdale, in which there were 140 ploughs

(plough-lands); that he had almost depopulated Lower Annandale and Eskdale, in which there were more than 400 ploughs; that he had wholly destroyed the town of Annan, and thirty-three other townships. He boasts that all these ploughs and townships "are now clearly wasted, and no man dwelling in any of them at this day, save only in the towns of Annan, Stepel, and Wauchope." The sanguinary and remorseless Warden concludes his report by intimating that he meant to continue his service "with diligence, from time to time, to the utmost annoyance of the Scots." Had not the Steward of Annandale been mouldering in his grave, and had not his son Robert, Lord Maxwell, been young, inexperienced, and with few retainers left on his muster-roll, Dacre would not have been in a condition to make such a report.

CHAPTER XVII.

JAMES V. VISITS DUMFRIESSHIRE, TO OVERAWE AND PUNISH THE TURBULENT BORDERERS—JOHNNIE ARMSTRONG ENTERS INTO A BOND OF MARNENT WITH LORD MAXWELL AT DUMFRIES—VISIT OF THE "GUDEMAN OF BALLENGEICH" TO AMISFIELD TOWER—THE KING PROCEEDS TO ESKDALE—TRAGICAL FATE OF JOHNNIE ARMSTRONG—CONDITION OF THE DEBATABLE LAND—BEGINNING OF THE REFORMATION—OPPOSITION GIVEN TO IT BY JAMES—ABORTIVE ATTEMPT OF ANGUS TO REGAIN HIS INFLUENCE BY ENGLISH AID—HENRY OF ENGLAND REVIVES THE CLAIM OF HIS PREDECESSORS TO THE SOVEREIGNTY OF SCOTLAND—VILLANOUS SCHEME OF LORD WHARTON TO CAPTURE THE KING OF SCOTS—BATTLE OF SOLWAY MOSS—ROUT OF THE SCOTS, AND CAPTURE OF LORD MAXWELL AND OTHER CHIEFS BY THE VICTORS—WHARTON'S REPORT OF THE BATTLE TO KING HENRY—KING JAMES DIES OF A BROKEN HEART.

DURING the new King's minority, the Earl of Angus kept him almost as a prisoner, and ruled the country at his pleasure; but the youthful monarch having acquired his freedom by an ingenious stratagem, banished his autocratic keeper, and began to administer public affairs with extraordinary vigour. Turbulent chiefs and predatory bands kept the Border districts in (to use an expressive old term) perpetual "broilery." "These disturbers," said the King, "must be subdued, and rendered loyal and peaceable, at all hazards." For this purpose he entered Dumfriesshire at the head of a large army, letting it be known beforehand that he meant to "make the rasch bush keep the cow;" in other words, that he would put down cattle-stealing—the chronic offence of the Borders—and render all ranks, high as well as low, amenable to his rule.

At this period the predatory clan of the Armstrongs occupied a large portion of the Debatable Land and its vicinity—their chief, the Laird of Mangerton, having become a feudatory of the Earl of Bothwell, when he acquired the lordship of Liddisdale, in 1491. When Lord Dacre wasted Eskdale and Lower Annandale in 1514, there is reason to suppose that he received a helping hand from the Armstrongs. The following

extract from the records of the Justiciary Court shows, at all events, that a few years afterwards they had been legally proceeded against on some serious charge:—"15th May, 1517.—Respite to the Armstrongs, Tailyors, and all their kinsmen, friends, servants, and other dependants on them of the clan Liddisdale now dwelling in the Debatable Land and Woods, that will deliver to the Governor sufficient pledges to remain for good rule where they sall be assigned." This act of grace was not appreciated by the lawless tribe. "Elliots and Armstrongs ride thieves all," was still a true proverb so far as they were concerned; and the King's representative in the district, Robert, the fourth Lord Maxwell, finding the Armstrongs irrepressible by force, endeavoured to keep them in check by means of a treaty obligation. That nobleman had a special interest in the matter. He was next door neighbour to the turbulent reivers of the Debatable Land: all around that den of doughty thieves lay rich possessions inherited by his family; and the corn and oxen upon them were not a bit more secure than others in the district, because they happened to belong to the Lord Warden of the Marches.

William, surnamed of Mangerton, seems to have been too tamely respectable for his position as a bandit chief; and on his brother, the renowned Johnnie Armstrong, devolved the virtual leadership of the clan. All Maxwell's overtures were therefore made to Johnnie, who, with all his love for fighting and foray, was willing, if tempting terms were offered, to turn over a new leaf. In obedience to a request received from Lord Maxwell, he, late in the autumn of 1525, left his Tower of Gilnockie, on the Esk, and, in company with his son Christie, met his lordship at Dumfries.* What transpired at the interview is not recorded, but the result is known: a bond of marnent signed for Johnnie on the 3rd of November, 1525, "with his hand at the pen, as he could not subscribe his name;"† in which document the bold marauder swore submission to the Lord Warden, on condition of receiving his protection, and obtaining a grant of the lands of Langholm, with other pendicles in the same locality. Christie Armstrong entered into a similar bond on his own behalf—the material

* The Terregles Papers. † Ibid; and Barjarg MSS.

"consideration" in his case being a ten-pound land in Eskdale. These bonds were not very strictly interpreted by the Armstrongs. Perhaps they thought that all that was meant by them was immunity to the Warden's cattle from their ravages: but if they spared these, they continued their raids elsewhere; and when news on the subject reached King James, it was accompanied by the aggravating report that his own representative, whose special duty it was to keep the peace of the Border, was protecting the lawless, and living hand and glove with "broken men."

The first act of the young monarch, on entering Dumfriesshire, was a bold one. The Maxwells had all along maintained his cause against the Douglasses—and their influence was paramount in the County; but neither the memory of past favours, nor the apprehension of converting a friend into an enemy, prevented him from doing what he felt to be his duty. Maxwell was thrown into prison; Lord Home, the Lairds of Buccleuch, Polwart, and Kerr were also placed in ward: which chiefs, says Pitscottie, deserved punishment, since, instead of restraining the thievish Border clans, as in duty bound, they had "winked at their villanies, and given them way."

The King had also, if tradition is to be relied upon, a score to settle with the Laird of Amisfield. Before setting out from Stirling, a poor widow, it is said, who had travelled all the way from the neighbourhood of Lochmaben, laid before him a tale of cruel hardship, and claimed redress. A party of Englishmen had penetrated to her little toft, carried off her only son, and whole stock of cattle—two cows; and when Sir John Charteris, who was Deputy-Warden of the Marches at the time, was told of the outrage, he, instead of capturing the marauders, as he could easily have done, treated the complaining widow with rudeness and contempt, protesting that he had something else to do than to look after her paltry concerns. The gracious monarch dismissed the petitioner with the assurance that her case would be attended to.

On arriving in Nithsdale, he proceeded in disguise to Amisfield Tower, and, "tirling at the pin," apprised the porter who answered the summons that he was the bearer of an important message to his lord. "Sir John is at dinner, and cannot be

disturbed." "But, my good fellow," rejoined the King, "the English have crossed the Border in great force, and the Warden must cause the beacons to be fired;" and the porter, propitiated by a few silver groats, broke in upon his master's revels with the tidings—only, however, to receive a curse for his intrusion. When another servant, pale with emotion, bore to Sir John a second message from the King, to the effect that the Gudeman of Ballengeich* had been long waiting at the gate, seeking admittance, but in vain, the terrified knight changed his tune, and knowing rather too late that his visitor was King James himself, he on bended knee craved pardon for his misconduct. The humbled Laird was then told in angry tones that he had something else to be sorry for and to atone—his gross neglect of the Annandale widow. "Her loss you must repay tenfold," said the indignant monarch; "and as for the poor woman's son, unless he is ransomed within ten days, you shall die for it on the gallows." As a further punishment, a large portion of the royal troops was billeted on the offending Deputy-Warden during his Majesty's sojourn in the district.

After this characteristic episode, James proceeded, at the head of several thousand men, on his justiciary excursion through the worst parts of the country. During his progress many men of substance submitted themselves quietly to the King's will, giving security that they would appear if called upon to underlie the law, in all crimes laid to their charge. Other offenders, whom he deemed incorrigible, were relentlessly dealt with. Over a hill situated on the north side of St. Mary's Loch runs a tract (now barely visible) that is still termed the King's Road, as by it James passed from the Braes of Yarrow into Ettrick.† An old song embodies a tradition to this effect, and a reference to the "roving" gallantry of his disposition, which "The Jolly Beggar" and other ballads of his own commemorate.

"The king rade round the Merecleuch-head,
Booted and spurred, as we a' did see;
Syne dined wi' a lass at Mossfennan yett,
A little below the Logan Lee."

* The name usually assumed by James V. when roaming, according to his wont, through the country in disguise.

† Chambers's Picture of Scotland, p. 163.

Be the amour here hinted at true or false, there can be no doubt as to James's tragical dealings with a gentleman-reiver who lived hard by—William Cockburne, of Henderland. Cockburne was seized by James's orders, sent forthwith to Edinburgh, where he was tried, condemned, and executed—the charges against him, besides the general ones of high treason and common theft, being that he had, in company with certain Englishmen, plundered Archibald Sommerville and the lands of Glenquhome. There is a prevalent tradition that the luckless Laird of Henderland was in "red-handed" style hanged over his own castle-gate, and that his widow Marjory buried him at a spot which is still shown as his grave in Meggetdale; but the facts are that he was regularly tried as above, on the 16th of May, in the following year (1530), and beheaded in Edinburgh.* Adam Scott of Tuschelaw was taken at the same time as Cockburne, tried by the same tribunal two days afterwards, and was also convicted and beheaded: the charges against him were that he had theftuously taken "black maill" from certain parties, among others the tenants of Elsieshiels, and the poor tenants of Hopcailyow.

To the luckless Laird of Gilnockie, Johnnie Armstrong, James determined to show as little mercy. If the bandit chief had resolved on eluding the King, he could easily have done so by crossing into Cumberland; or, if he had been bent on a boldly-

* Both Sir Walter Scott and Robert Chambers, accepting the tradition, considered that the tragedy was embalmed in the beautiful ballad of "The Border Widow's Lament," which tells how the King "broke into her bower," "slew her knight," and "left her in extremitie;" and then the mourner is made to say, with touching pathos:—

"I sewed his sheet, making my maen;
I watched the corpse myself alane;
I watched his body, night and day—
No living creature came that way.

I took his body on my back,
And whiles I gaed, and whiles I sate;
I digg'd a grave, and laid him in,
And happed him wi' the sod sae green."

Pitcairn's matter-of-fact minute (vol. i., part 1, p. 145) shows that the ballad was not inspired by the fate of Cockburne.

defiant course, he might, by entrenching himself in one of his strong keeps on the Liddel, or by retiring to the fastness of Tarras Moss, have held out for a long period against the royal army. None of these steps was pursued by him. Was Johnnie mad or infatuated when, with thirty-six of his followers, he rode within the infuriated monarch's reach? or is the tale of the old ballad true, that "the King had written a loving letter, with his ain hand sae tenderlie," promising pardon to the freebooter if he would only submit to ask for it? "He came before the King," says Pitscottie, "with his foresaid number, richly apparelled, trusting that in respect of the free offer of his person he should obtain the King's favour. But the King seeing him and his men so gorgeous in their apparel, with so many brave men under a tyrant's commandment, frowardly turning him about, he bade take the tyrant out of his sight, saying, 'What wants that knave that a king should have?' But John Armstrong made great offers to the King—that he would sustain himself, with forty gentlemen, ever ready at his service, on their own cost, without wronging any Scottishman; secondly, that there was not a subject in England—duke, earl, or baron—but, within a certain day, he should bring him to his Majesty, either quick or dead."* To all such tempting offers the King's ear was deaf, and to every entreaty of the outlaw the King's heart was sealed.

> "Away, away, thou traitor strang!
> Out o' my sicht soon mayest thou be!
> I granted never a traitor's life,
> And now I'll not begin with thee!"

At length Johnnie, seeing, when it was too late, that his doom was irrevocable, retorted proudly, "It is folly to seek grace at a graceless face! But had I known this, I should have lived on the Borders in despite of King Harry and you both; for I know that King Harry would downweigh my best horse with gold to know that I were condemned to die this day!" "God grant our men weel back again!" cried the ladies of Gilnockie and Tarras, as they looked from the turret windows when the gay cavalcade rode off to meet King James; and the words

* Pitscottie, p. 146.

of another ancient ballad well express the sad fidelity of their forebodings:—

> "O lang, lang may their ladies sit,
> Wi' their gowd kaims in their hair,
> A' waiting for their ain dear lords,
> For them they'll see nae mair."

Neither Johnnie nor one of his goodly company was allowed to revisit the glades of Eskdale; they were led forth to instant execution, by command of the Rhadamanthine King, and hanged on growing trees at a place called Carlenrig Chapel, about ten miles above Hawick, on the high road to Langholm.

Of Gilnockie, long the outlaw's principal hold, no trace is now left, the last relics of the Tower having been removed to make room for a bridge over the Esk. On the opposite bank of that river, a little further up, still stand the ruins of Hallows, or Hollas, where, according to Sir Walter Scott, Johnnie Armstrong usually resided; but that is more than doubtful. Hollas Tower was held in fee or wardenry by Lord Maxwell; and though he granted lands in Liddisdale to the outlaw, it is nowhere mentioned that Hollas was included in the gift.*

After the King had, by these tragical proceedings, done his utmost to break up the system of robbery and terrorism that prevailed on the Borders, he relented so far as to set Lord Maxwell, and the other chiefs whom he had imprisoned, at liberty. He then returned, with his army, to Edinburgh. There is every reason to suppose that his Majesty soon came to see that no very heinous crime had been committed by the Lord Warden. On the 5th of July, 1530, the latter received, as a royal gift, the escheated estates, heritable and movable, of Johnnie Armstrong—a clear proof that he had regained the favour of King James.

Christie Armstrong, luckily for himself, escaped his father's fate, by avoiding an interview with royalty. On learning what had occurred, he took refuge in Cumberland, and became henceforth the sworn enemy of the Scottish monarch, and the enthusiastic ally of the English in their raids across the Border. The ballad from which we have already quoted

* Manuscript Account of the Debatable Land, by Mr. Thomas Carlyle, of Waterbeck.

states, with some truth, that Johnnie Armstrong performed patriotic service in defending the frontier line between the kingdoms—he being such a terror to the Southrons, "that nane of them durst come near his hauld." On this account, perhaps, it would have been politic had the King come to terms with him: the hanging of the outlaw was, at all events, bitterly remembered by his clansmen, and for many a day cost the country dear. The reader will learn afterwards how fearfully, when fighting under the invading banners of Dacre and Wharton, they revenged the fate of their lamented chief.

In 1579, the Master of Maxwell (afterwards the celebrated Lord Herries), while acting as Deputy-Warden during his father's captivity in England, drew up a report on the Debatable Land for the King, in which he states, that after Gilnockie's execution the inhabitants had been reduced to twenty or thirty, but that they now numbered from 300 to 400 men-at-arms, and had during the interval built eight or nine peel-houses, so strong as to be "impregnable to any power at the disposal of the Warden." The names of these strengths are not given; but they were probably Morton or Sark, Woodhouseleys, Bomglush, Hollas, Irving or Auchenriffoch, Mumbyhool, Hallgreen, and Harelaw: all of which rose up in the district during the sixteenth century, though none now remains but Hollas,* hoar and roofless—"a brotherless hermit, the last of its race." The Armstrongs at that period, and for some time afterwards, were still the principal occupiers of the Debatable Country, residing in their houses of Sark, Hollas, Hallgreen, and Harelaw, all in the parish of Canonby: the Grahams, though less numerous, mustered strongly in Kirkandrews parish, the other portion of the disputed district. These septs usually kept on friendly terms, intermarrying frequently, and foraying together. The Grahams had also settled down on the land lying between the Lyne—then called the Levyn—and the Liddel, a notorious spot of ground, where formerly hordes of self-expatriated Armstrongs, Elliots, Scotts, and other "broken" outlaws, rendezvoused, and were known in their day as "the traitors of the Levyn." Surrounding the Debatable Land were the Armstrongs, in other parts of Liddisdale and Middlebie, the Irvings

* Mr. T. Carlyle's MS.

on Kirtle-Water, and the smaller clans of Rome and Liddel in Gretna.

In his fondness for adventure, and in some other respects, James V. resembled his father very much. Under the influence of a romantic sentiment, he projected a "love chase" among the fair ladies of France—not in "the Gudeman of Ballengeich" style, but with a view to marriage. This royal "Cœlebs in search of a wife," disguised as a private gentleman, and accompanied by Lord Maxwell (for whom he entertained a fraternal affection), embarked in a ship freighted for the purpose; but, a storm arising, the vessel had to sail back, landing the disappointed King at Whithorn. Next year, however, he realized the object of this singular expedition in a regular way, by proceeding with a magnificent retinue to France, and marrying Magdalene, the eldest daughter of its king. The young Queen—she had only seen sixteen summers—was as delicate as she was beautiful. Within forty days after the arrival of the royal pair at Leith, on the 19th of May, 1537, the "Lily of Scotland" pined away, and died, leaving James and the country plunged in grief.

James V. paid another visit to Dumfriesshire in 1538, but under very altered circumstances, as, during the twelve years that had elapsed since his justiciary tour, events of vast importance had occurred to himself and to the nation. It might have been supposed that a prince of his disposition, who curbed the nobles, and took pride in being called "King of the Commons," would have encouraged the Reformation from Popery. That great revolutionary movement was already progressing rapidly throughout the kingdom; and if James had placed himself at its head, how much happier might have been his fate, and from what trials and conflicts would he have saved his country! At one time he seemed to be on the point of dismissing his priestly counsellors, when he rated them as "a pack of jugglers," and bade them reform their own lives, instead of urging him to punish heretics;* but, unhappily, he

* William Eure, a correspondent of the English Government in Scotland, writing to Lord Cromwell on the 26th January, 1540, says he learns from one of King James's Privy Councillors that he favours the Reformation, and that he is "fully mynded to expell all spirituall men [priests] from having any authoritie within the realme."—*State Papers*, vol. v., p. 170.

succumbed to their views, wedded Mary of Guise, a Roman Catholic princess, instead of his cousin, the daughter of Henry VIII., whom he had half promised to espouse—Lord Maxwell being in this instance the negotiator of the marriage*—sanctioned the persecution of the Reformers, and eventually placed an impassable gulf betwixt himself and them. Patrick Hamilton, the protomartyr of Scottish Protestantism, perished at the stake in 1525; soon after, three "godly men, who professed the Evangel of Christ, were called before the bishops and kirkmen, and condemned and burnt by the King's commission."† These were the Vicar of Dollar, Norman Galloway, and David Straiton; others shared their fate: but all the rigour which James and his ecclesiastical advisers could put forth failed to avert the downfall of Popery. Meanwhile, the monarch's own end was rapidly approaching. For several years, though there had been no settled peace, there had been no decided hostility with the English; but, in 1541, the latter made a predatory foray into Scotland, and when restitution was applied for, King Henry, who was now eager to hasten a rupture with his nephew, returned an unsatisfactory answer. James, in anticipation of such a result, levied an army of ten thousand men, which was placed under the command of the Earl of Huntly, that nobleman being at the same time commissioned to act as Lieutenant-General of the Borders.

King James sometimes went southward for the purpose of inspecting the troops; and it was on one of these occasions, and while war between the realms was still undeclared, that Sir Thomas Wharton, the English Warden, laid an important project

* A Manuscript Account of the Family of Maxwell (quoted in History of Galloway, vol. i., p. 452) says that King James, in reward of Lord Maxwell's services on this and other occasions, confirmed to him the lands of Ewisdale, Eskdale, and Wauchope, by a charter under the Great Seal. "He was," it is added, "possessed of an immense estate, and had no less than fourteen charters from the King of different lands and baronies—inter 1530 et 1540." In one charter there are confirmed to him the lands of Maxwell, in Roxburghshire; Carlaverock, in Dumfriesshire; Springkell, in Annandale, with the office of Steward thereof, and of Kirkcudbright; the lands of Garnselloch, Dursguhen, and Balmacruth, in Perthshire; Gordonston and Grenan, in Kirkcudbright; with the lands and baronies of Mearns and Nether Pollock, in Renfrewshire, &c., &c.

† Pitscottie, p. 150.

before his royal master. He represented to King Henry that his youthful nephew was in the habit of visiting Dumfries and its vicinity with a small retinue; and that it would be no very difficult matter to seize him during some unsuspecting moment, carry him across the Border, and become the dictator of Scotland by being the captor of its King.

This scandalous proposal found great favour with the English monarch.* He wished, above all things, to get the King of Scots in his power, and was perfectly indifferent about the means that might be employed for that purpose. He had a perfect confidence, also, in Wharton—knew him to be a bold, crafty, unscrupulous soldier—the very man, in short, for carrying his own vile scheme into effect. Henry commended it to the careful consideration of his "right trustie and well-beloved Counsailours, enjoining them to report upon it with all due speed."

The Privy Council read and re-read the letter from Wharton in which his audacious scheme was developed; and the more they perused it, it pleased them the less. Nor did they mince matters with his Majesty—they had the honesty and courage to say that they disapproved of the base stratagem laid by the Warden for capturing the King of Scots; and to counsel its abandonment. They told Henry that they "wold have been afrayd to have thought on suche a matier touching a Kinges persone," had they not been enjoined by him to consider it; and, after pointing out the discreditable character of the device, they affirmed that it was full of difficulty and danger. Using the language of remonstrance, they said: "But, Sir, we have also wayed that matier aftre our symple wittes and judgementes, and we fynde in it many difficulties. First, we considre that the castle [Carlaverock] whereunto He [King James] resortethe is [ ] myles within the grounde of Scotlande. We considre also that the cuntrey betwene that and Englande is so well inhabited, that it should be very difficile to conveye any suche number of men to the place where

* The plot seems to have escaped the vigilance of Tytler, though, in writing his excellent History of Scotland, he drew extensively upon the State Papers of the period. Our account of it is taken from a letter of the Privy Council to King Henry, in vol. v. of the State Papers, p. 204.

he shuld be intercepted, but the same wold be discovered. We considre again that Doonfrese, oon of the best townes in Scotlande, is in that parte where the entreprize shuld be doon; and the cuntrey so inhabited at their backes, that if it were doon, it wold be harde to bring Him thens, specially alyve." Then, in the event of discovery and failure, what "slaunder" would grow out of it! what "deidlie feud" would ensue! And should King James be taken, would there not be a rescue, or such tumult and deray as would put the royal life in peril? For all these reasons, expressed or implied, the Council declared that they durst not advise the adoption of the enterprise, "but rather thinke it mete that Wharton (who hathe, we think, had a good meanyng in it) should nevertheless surcease, and make no living creature privye to any such mater." Henry bowed reluctantly to the decision of his ministers, and sought to realize his object by tardier and less dishonourable means.*

In the summer of 1542, an English force, ten thousand strong, crossed the Eastern Marches, in the direction of Jedburgh and Kelso; and who should be the leaders of it but the banished Earl of Angus and his brother George: to such debasement were they willing to stoop, in order to wreak their vengeance on King James, and recover their influence in Scotland. Huntly, hearing of their movements, interposed in time to save the threatened towns; and, at Hadden-Rig, encountered and defeated the enemy, taking prisoner many men of note, Angus himself only escaping a similar fate by despatching his captor with a dagger. On receiving the news of this disaster, Henry proclaimed war in due form, revived the obsolete claim of his predecessors to the superiority of Scotland, and sent the Surrey of Flodden, now Duke of Norfolk, across the Border, at the head of a large army. A Scottish force, encamped on Fala Muir, checked the progress of the invaders, who, after doing some mischief, withdrew comparatively unmolested.

To follow them was the first impulse of the impetuous King. He longed to meet the slayer of his father face to face in the battle-field; but the chiefs whom he had with him doggedly

* State Papers, vol. v., pp. 204–5.

refused to cross the Border, averring that their military service only extended to the defence of their own country, while some of them did not scruple to say, "The King is king of the priests; let him ask followers from those whose counsel he has acted upon, and not from the nobles whom he has humiliated and despised, and who have no heart to fight his battles." James could do nothing with such a contumacious host but disband it; and, having done this, he returned to Edinburgh vowing that he should on an early day cause another force to be raised, and invade England, and that if the barons opposed his resolution, Scotland would no longer hold both him and them.

Before many more months elapsed, a second army was formed, chiefly through the exertions of the clergy, who sent rescripts for a military muster to all over whom they had any influence. Some of our historians allege that Robert, the fifth Lord Maxwell, was appointed general of this new force; and that Oliver Sinclair, one of the King's household servants, was only nominally associated with him in the command. Others, again, with more credibility, state that Sinclair (who was a tool of the priesthood, as well as a royal favourite), received secret letters from the King, appointing him sole leader of the invading army, enjoining him, however, to keep his commission secret till the time of action arrived. According to Buchanan, Maxwell, with the view of mollifying the King's rage against his nobles, engaged, with ten thousand men, to cross the Esk, and retaliate upon the English; but his Majesty could not accept the offer, as he had previously committed himself to another course — one by which he designed still further to punish those who had traversed his policy.

King James accompanied the army, and perhaps by his presence encouraged the idea that he would himself assume the command. He had no such intention, however, and remained at Carlaverock Castle, there to wait the result of the enterprise, and as if he feared that it would prove a failure.

It would have been extremely marvellous had it prospered, as it wanted nearly every element of success. The soldiers had no great relish for the expedition on which they were sent; they had no acknowledged leader; some of those barons whose

retainers swelled the ranks, had a standing grudge against the sovereign: and when the Esk was crossed, and a cry arose, "Who is to lead us against the enemy?" and it was answered by Oliver Sinclair being raised shoulder high, and proclaimed General with sound of trumpet, secret discontent merged into open mutiny. Many scenes of tumult and disaster have been witnessed on the banks of the little Border stream, but none so wild and strange as that which now ensued. In vain the Popish lords who had approved of the invasion sought to calm the storm: discipline was gone—rank mingled with rank—hoarse cries of disapproval, interspersed with curses on the low-born caitiff insultingly thrust upon them as commander, rose like thunder from a thousand voices, till the mighty host became nothing better than a riotous mob.*

Its confusion did not pass unseen by the English, a party of whom, fourteen hundred strong, led by Sir Thomas Wharton and Sir William Musgrave, sallied forth on horseback, and, seeing how matters stood, dashed headlong upon the disordered throng. Only a faint show of resistance was made by the Scots. A few of them fought single-handed, under the instinct of self-defence; but there was not even the semblance of a general engagement. To surrender without a struggle, or escape by flight, were the alternatives which the great mass adopted. To fight might have saved themselves, but it might also have secured a victory for the King's detested favourite; and, rather than bring glory to him, they covered themselves with disgrace. Upwards of a thousand yielded without striking a blow; and the rest, numbering nearly nine thousand, turned their faces homeward, throwing away the weapons which they did not use, and which only encumbered their flight. Night came down upon the fugitives, adding much to their bewilderment. They recrossed the Esk with little loss, though the tide had flooded it four fathoms deep. "We are safe now," they fancied: "our own land has been reached, and there is a dark rolling sea between us and the enemy." But it is not land on which they have stumbled; it is a treacherous

* In the Diurnal of Occurrents, p. 25, the disaster to the Scots at Solway Moss is expressively spoken of as "ane unhappie raid, begylit be thair awne gyding."

morass!—and down—down—perishing ignobly in the dismal swamp—go many stout warriors, and are seen no more, till, centuries afterwards, some of them are accidentally disentombed!

Whilst the retreating Scots were doing their utmost to cross this appalling quagmire, a party of their pursuers approached, and, by raising hideous shouts, increased their confusion. At this stage of the deplorable rout, numerous additional prisoners were taken; and it is stated by Buchanan that not a few Scots were captured by the predatory bands of the neighbourhood, and sold to the English. What proportion of the army arrived at home in safety is not recorded: the likelihood is, that the loss in killed and prisoners was nearly one-third of its whole array. Comparatively few fell by the sword; though Pitscottie must, we think, have greatly understated the number, when he says there were only twenty-five persons slain—ten Scots, and fifteen English. How many were swallowed up by the morass, was never known. Among the prisoners of rank were the Earl of Cassilis, the Lords Maxwell, Fleming, Sommerville, Oliphant, and Grey, and Oliver Sinclair, the officer of an hour, and the main cause of the disaster.*

Wharton's report of this triumph to King Henry is still extant. It is a plain, soldierly document, containing no boasting, and attributing the result to good fortune and the Divine favour. "It may please your Majesty," says Wharton, "to be advertised that herewith I do send into your highness the names of the noblemen and gentlemen prisoners which I delivered at Darnton to my Lord Scroop, and the names of their takers in the same. I do send also to your Majesty the order of that fortunate service done by the power of Almighty God to your highness against your highness's enemies, and the names of such gentlemen and the numbers [of followers] with them, in that your majesty's service; together with such communication in effect as I have had with the Lord Maxwell and Oliver Synclere. I shall attend your Majesty's most noble command-

* In the State Paper Office, London, there is a paper showing the resources of the prisoners. It includes the following entries:—"The Lorde Maxwell, in landes, per annum, 4000 merkes Scottishe, which is sterling 1000 merkes; and in goodes, 2000 £ Scottishe, which is sterling 500 £. Henry Maxwell, brodyr to the Lorde Maxwell, in landes, per annum, nothinge; and in goodes, nothinge." —*State Papers*, vol. v., p. 233.

ment for all the other prisoners according to my most bounden duty . . . ; and shall daily pray to Almighty God that your majesty may most long in prosprous health reign over us. At Carlisle, the 10th of December."

The capture of the Warden is thus entered in the list:—"The Lord Maxwell, Admiral of Scotland, Warden of the West Marches of the same, and one of the King of Scots Privy Council. Edward Aglionby, or George Foster, his taker." Batill Routlege is represented as having taken the Earl of Cassilis, only "John Musgrave claimeth a part for the loan of his horse to the said Routledge;" and poor "Oliver Synkeler" is stated to have been borne off and claimed by one "Willie Bell."*

Such was the rout of Solway Moss, and some of its results. It constitutes one of the most remarkable and disreputable incidents of Scottish history. Its evils are not all summed up in the disloyal mutiny, the mockery of a resistance, the tame surrender, the panic-flight, and the devouring bog: it crazed the brain and broke the heart of the obstinate, yet, in many respects, noble-minded King of Scots. The news of the inglorious discomfiture of his army reached him, late in the day, at Carlaverock Castle, and the royal halls echoed all night long with the lamentations which it wrung from him. He was thoroughly unmanned—prostrated—wrecked—by the terrible tidings; and the image of his favourite, a fugitive and a prisoner, figured prominently among the tormenting phantoms that crowded round his couch. "Fie! fie! is Oliver fled! Is Oliver taken!" shrieked the poor King, ever and anon, in an agony that no one could minister to, far less remove. He retired to his Palace of Falkland, only to die. When the tide

* Solway Moss is about seven miles in circumference, and lies in the English portion of the Debatable Land; the Sark flowing along its western side, and the Esk forming its boundary on the east. The battle, such as it was, must have taken place in the neighbourhood of Longtown, on the left bank of the Esk. Gilpin describes the Moss as covered with grass and rushes, presenting a dry crust and fair appearance, but shaking under the least pressure—the bottom being unsound and semi-fluid. He states that the adventurous passenger who sometimes, in dry seasons, passes this perilous waste to save a few miles of travel, picks his cautious way over the rushy tussocks as they appear before him—for on these the soil is comparatively firm; but if his foot slip, or if he venture to desert this mark of security, it is possible he may never more be heard of.

of life was ebbing rapidly, the intelligence was brought to him of the Queen's safe delivery of a child. "Is it male or female?" he asked. "A fair daughter," replied the messenger — an intimation that aggravated his sufferings, and hurried on the end, by calling to his remembrance how the Stewart race had succeeded to the Crown. "It came with a lass," said the dying monarch, bitterly, "and it will go with a lass." Then the engrossing woe of Solway Moss came back upon his mind, eliciting the old wail: "Is Oliver fled! Is Oliver a prisoner!" Speaking little from that time henceforth, but commending himself to the mercy of Almighty God, he "turned his back unto the lords, and his face unto the wall,"* till his spirit passed away.

The death of James V., at the early age of thirty years, added to the woes of Scotland. His daughter Mary was but a few days old when the melancholy event occurred, so that the country was again doomed to a long interregnum, during which angry factions contended for supremacy; and Henry VIII. and his successor strove to take advantage of the weakness thus produced—Dumfriesshire, as usual, suffering much from the machinations of its Southern neighbours. A new element of strife was also introduced by the Reformation; the conflict it originated in the end becoming so engrossing as to swallow up, or at least to subordinate, all other rivalries and matters of debate. Both Nithsdale and Annandale clung with some tenacity to the old creed after other districts had flung it aside; but, as we shall see, before Mary Stuart came from France to enter upon the government of her kingdom, in 1561, the cause of Protestantism prevailed extensively over the County, though a few of its leading chiefs continued to oppose it.

* Pitscottie, p. 177.

CHAPTER XVIII.

HENRY VIII. SEEKS TO NEGOTIATE A MARRIAGE BETWEEN THE PRINCE OF WALES AND THE INFANT QUEEN OF SCOTS—HE LIBERATES THE PRISONERS TAKEN AT SOLWAY MOSS, ON CONDITION THAT THEY SHALL PROMOTE THE PROJECT, AND HELP HIM, BY ITS MEANS, TO SUBJUGATE SCOTLAND—LORD MAXWELL, ON BEING RELEASED, PROCEEDS TO THE SCOTTISH COURT—HE ADVOCATES THE ENGLISH INTERESTS; AND THE CATHOLIC PARTY TRY IN VAIN TO MAKE HIM BREAK FAITH WITH KING HENRY—MAXWELL CARRIES A BILL THROUGH THE ESTATES TO PERMIT THE LIEGES TO POSSESS AND READ THE SCRIPTURES IN THE VULGAR TONGUE—BENEFICIAL EFFECT OF THIS MEASURE ON THE PROTESTANT CAUSE—MAXWELL RETURNS TO HIS CAPTIVITY, ACCORDING TO PROMISE; AND, ON BEING HARD PRESSED AND THREATENED BY HENRY, AGREES TO PURCHASE HIS FREEDOM BY THE SURRENDER OF HIS TWO CASTLES, CARLAVEROCK AND LOCHMABEN—CURIOUS ARRANGEMENTS FOR CARRYING THE SURRENDER INTO EFFECT—CARLAVEROCK OCCUPIED BY AN ENGLISH GARRISON—ITS CAPTURE BY THE REGENT ARRAN—DEATH OF LORD MAXWELL.

WHEN the news of King James's death reached his royal uncle, that scheming potentate hit upon a new device for extending his rule over Scotland. This was to unite in marriage his only son, Prince Edward (then little more than five years old), to the infant Queen of Scots. Henry gained over to his views the Scottish lords taken at Solway Moss. To them the prospect of a long captivity in England was the reverse of pleasant; and, in order to avoid it, they came under a written obligation, not simply to promote his matrimonial project, but his desire, through that means, to become the virtual master of Scotland.* They were liberated on these degrading conditions, engaging at the same time upon oath to return to their prisons if they failed in their object, or if required to do so by the King. The terms imposed on Lord Maxwell seem to have been peculiarly harsh. Henry, knowing that he could obtain no permanent hold of southern Scotland unless the Castles of Carlaverock and Lochmaben were

* Sadler's State Papers, vol. i., pp. 69, 74, 75.

garrisoned by English soldiers, pressed their prisoned owner to give them up—plied him alternately with threats and entreaties, but at first without effect; and Maxwell, without submitting to these superadded obligations, was set at liberty. He proceeded to the Court of the Regent Arran, remaining there for some months, and forming at least a nominal member of the English party, whose objects were to promote the ascendency of Henry and help on the Reformation, as opposed to the Catholic party under Cardinal Beaton, who aimed at maintaining the old corrupt faith and the old French alliance.

The State Paper correspondence of the period supplies a revelation of the compulsory influences brought to bear upon Maxwell when in England—of his anxiety to escape from the life-long activity held above his head, without sacrificing his loyalty and patriotism—and of the *finesse* with which he tried to foil the machinations of King Henry. One of the papers, entitled, "The Confeschyon of the Lord Maxfyld," brings out the curious facts, that Maxwell was allowed to pass into Scotland in the interests of the King, on giving his word of honour to return; that, when there, Arran and his Council strove to induce him and the Earl of Angus to take part against the English army that had crossed the Border; and that the Nithsdale chief, resisting the tempting offers made to him, remained true to his plighted word. They offered, we are told, a thousand pounds in spiritual benefices, and a pension of three thousand francs from the French King, to the Earl; and a thousand merks of benefices, and the money named for his ransom (a thousand merks sterling), to Lord Maxwell. Whereupon the latter answered, "I am the Kingis Majestyis prisoner, trustyng ye wyll not have me dysonneryd. But, if I do go, what are you the wekar? But here my frendis do tarry: ye may command them to do seche servys as ye wyll have them; for they be undur youer powyr."*

Angus, who, false to his blood and country, was the paid agent of King Henry, declined to be patriotic on such terms; and both of the noblemen were placed in ward, but liberated after the lapse of five weeks—Maxwell, in spite of a requisition made to him by the Regent, declaring that he would return to

* State Papers, vol. v., p. 428.

England, and reasoning thus: "Ar not you Governer? Do I not leve behynd me all my servauntes, all my tenauntes, my landes, and my goodes: what nede you fere, whethur I go or tary?"* He appears to have advocated the marriage scheme, and in other respects to have fulfilled his promise; but Henry rated his services at little value, and gave him no credit for good faith.

There was another scheme, of lasting interest, which Maxwell seems to have done his utmost to promote—the diffusion of the Holy Scriptures in the vulgar tongue. During his enforced sojourn in England, he acquired a bias towards Protestantism; and if, on his temporary return to Scotland, he had had full liberty of action, the likelihood is, that he would have fairly cast in his lot with the Reformation party, and the house of Maxwell would have been divorced from the old creed, to which in after times it clung so persistently. The period of his return was a critical one, the spring of 1543, when the ecclesiastical edifice was beginning to totter, and men of all ranks to determine whether they would aid in trying to keep it up, or lend their influence to pull it down. Lord Robert Maxwell was ranked with the most reckless of the latter class, when, on the 15th of March, he submitted to the Estates a revolutionary proposal, making it lawful for all "our Soverane Ladyis lieges to possess and read copies of the Bible in Scotch or English."† Arran, the Regent, approved of the measure, so did the Lords of the Articles. Beaton would have opposed it to the uttermost, had he been outside the prison to which Arran had consigned him; and, in his absence, Gavin Dunbar, Archbishop of Glasgow, cried it down as a pernicious device. A reference was made to Tyndale's English version, with the view of showing that it, at all events, was free from any poisonous ingredient; and all the answer made by the Most Reverend Father was, that Tyndale had corrupted the text by using the word "love," instead of the canonical term, "charity," in the well known passage, "Now abideth faith, hope, and love." With feeble argument, but bitter hatred, the prelates opposed Lord Maxwell's bill. It was sanctioned by Parliament in spite of them; and soon a Government proclamation, read at the Market Cross of

* State Papers, vol. v., pp. 429, 430. † Appendix G.

Edinburgh, announced that it had become law. By this act the fountain of truth was unsealed, and its refreshing waters were made free, for a time at least, to all. "This was no small victory of Jesus Christ," says Knox, "fighting against the common enemies of his verity; no small comfort to such as before were holden in such bondage, that they durst not have read the Lord's Prayer, the Ten Commandments, nor the articles of the faith, in the vulgar tongue, but they should have been accused of heresy. Then might have been seen the Bible lying almost upon every gentleman's table. The New Testament was borne about in many men's hands. We grant that some, alas! prophaned that blessed Word; for," adds the historian, with a flash of the peculiar humour that sometimes lights up his page, "some that perchance had never read ten sentences in it, had it most common in their hand, they would chap their familiars on the cheek with it, and say, 'This hath lien under my bed-feet these ten years!' Others would glory, 'O how oft have I been in danger for this book! how secretly have I stolen from my wife at midnight to read upon it!' And this was done, we say, of many to make court and curry favours thereby: for all men esteemed the Governor to have been one of the most fervent Protestants that was in Europe. Albeit we say that many abused that liberty granted of God miraculously, yet thereby did the knowledge of God wonderfully increase, and God gave his Holy Spirit to simple men in great abundance: then were set forth works in our own tongue, besides those that came from England, that did disclose the pride, the tyranny, and the abuses of that Roman Antichrist."*

We learn from Keith, that though the Earl of Arran took certain steps for promoting the success of Lord Maxwell's wise measure, he could not summon up sufficient courage to identify himself thoroughly with the leaders of the Protestant movement—the Lords of the Congregation.† Soon afterwards he fairly deserted them—"turning his tippet" (to use a phrase then in vogue), and appearing as a flaming Romanist.

From Lord Maxwell as the enlightened advocate of religious freedom, to the same nobleman the pining captive of a tyrant

* History, p. 77. † Keith, p. 37.

king, there is a painful transition. Before the year ended, Maxwell was again in durance, experiencing the exactive demands of the English monarch. The correspondence already specified shows that he resisted them resolutely for a lengthened period, till a threat of sending him to the Tower was tried, under which he fairly broke down. The Earl of Hertford, writing to Secretary Paget, on the 29th of July, 1545, states that the harassed prisoner was reduced to so great "a perplexitie and hevynes, that he coulde neyther eate, drynke, nor sleepe"—that he was ready to serve as a red-cross English soldier, if required, rather than be sent southward, from which, if once there, "he knewe well he shuld never returne on lyve."* The threat was not enforced, as its mere emission served the purpose for which it was designed.

It was arranged that Lord Maxwell's second son, John, who held Lochmaben Castle, should at once give it up to the English, and that, on a future day that was fixed, the liberation of Lord Maxwell, and the surrender of his other fortress, Carlaverock, should take place contemporaneously; the eldest son, Robert, giving personal security for his father's good faith. But Robert Maxwell, instead of fulfilling the bargain, made a raid across the Border, accompanied by his uncle, John Maxwell of Cowhill; and both had the ill-luck to be captured by the enemy. The next step was to despatch Cowhill with letters from Lord Maxwell to his second son, John (afterwards the celebrated Lord Herries), soliciting the latter to repair to Carlisle, and lie in pledge for his father, and enjoining him to deliver the house of Lochmaben into his uncle's hands.

The result is narrated by the Earl of Hertford, in a letter to Sir William Paget, dated Newcastle, 5th October, 1545. He refers the Secretary to an inclosure from Wharton, conveying the unpalatable information that Lord Maxwell's practices for the surrender of his houses "cometh to nothing"—his second son declining to give them up, or become hostage for his father. Not only so, Cowhill, safe on the Scottish side, a willing captive among his countrymen, refuses to come back. "So," says the wrathful Hertford, "can I judge non otherwise of the same, but that yt is a mere practise and devise of the said John Maxwell

* State Papers, vol. v., p. 479.

of Cowhill, whereby, being a prysoner, and appoynted to retorne agayne into England furthwith, in case John Maxwell, sonne to the Lorde Maxwell, wold not accomplishe the tenour of his letter, he may nowe excuse his entree, and saye that he ys taken and holden against his wille." The noble Earl proceeds to express his belief that the Scottish Lord himself is privy to all this deceit, and is selfishly bent on acquiring his liberty, and at the same time keeping his castles.

In a second letter, dated a few days afterwards, addressed by Hertford to the Privy Council, he expresses more confidence in Lord Maxwell, and repeats a statement made by him, to the effect that the house of Carlaverock, being his own inheritance, and in the keeping of a priest his kinsman, he doubteth not, with the help of Lord Wharton, so to handle the matter that the said priest shall deliver the place to any one duly authorized to receive it for the King's Majesty's use; and that, this being done, should his Highness send him home, he feels assured that he will be able to put him in possession of Lochmaben also, and reduce the whole country to his obedience.

Hertford consulted with Wharton on this important business; and his report of their interview is so interesting, that we must introduce its principal passages. "To the first he [Wharton] saithe, that uppon the West Marches of Scotlande, the countrey of ytsilf being a wylde and waste grounde, there is no exployte to be don uppon that frontier nerer than Drumfreys, whiche is twentie miles within Scotlande, except that he shuld make a rode yn to overthrowe and caste downe a certen chirch and steple called the Steple of Annande, which is a thinge of litle importaunce and lesse annoyaunce to the enemye. And to go to Drunefreyes, he sayeth the countrey is so stronge of nature, and the passages thither so straight and narrowe, that he thinketh yt over harde and dangerous to be attempted with a Warden's roode. So that, by his saynge, the West Marches of Scotlande being so bareyn a countrey, and alredy wasted by the conteynenance of the warres, ther is non exployte to be don there other then aforsaide. To the seconde poynt: for Carlaverok we have also devised with the said Lord Wharton and the Lord Maxwell howe that matier may be accomplished. And after some reasonyng and communication therof, wherin

outwardly the said Lord Maxwell showeth himsilf very ernest, he hath taken uppon him that, yf he might have lycence to go to Carlisle with the said Lorde Wharton, that in case the priest that kepith the house for him woll at his sendyng comme to him to Carlisle (whereof he putteth no doubte), that then he will so handell the matier, as he doubteth not but the house shal be delyvered into the Kinges Majestes handes."

Accordingly, Maxwell and Wharton proceeded to the Border city; "and," Hertford goes on to say, "because the said priest had the charge of the said house of Carlaverok commytted unto him by Robert Maxwell, and for that yt may be that he woll do as moche or more for Robert Maxwell then for his father, as the Lord Maxwell himself doth also suppose, the said Robert was therefore called to this matier; and showyng himself no les desirous to serve the Kinges Majeste, both in this matier and all other wayes to his power, then his father, he hath by the devise of me wrytton to the said priest one letter, requyryng him furthwith to make his entree to Carlisle for the discharge of his band, because he is a prysoner, and the said Robert Maxwell bound for his entree whensoever he shall be called; and an other letter he hath also wrytton to be delyvered by his father to the priest at his commyng to Carlisle, whereby the priest shall perceyve that the said Robert ys bothe willing, prevye, and consenting to do in all things as his father woll devise for the delyvere of the said house of Carlaverok to the Kinges Majestie. An nowe, because you shall knowe what ys thought emonges us here to be the best waye to come by the said house, yt is devised, that ymediatly uppon the commyng of the said priest to Carlisle there shall be a convenyent nombre appoynted to go with him furthwith to Carlaverok in the night tyme, to receyve the house; and the priest shall never be out of theyr handes till the house be delyvered, wherin yff he shall make any staye or difficultie, he shall be sure to dye for it—which is also a pece of the Lorde Maxwelles owne devise."

On the 28th of October,* the banner of England once more

* In the Diurnal of Occurrents, a manuscript of the sixteenth century, in possession of the late Sir J. Maxwell of Pollok, Bart., and printed by the Bannatyne Club, the following entry occurs under date 28th October, 1545:—"The Lord Maxwell delyvert Carlaverok to the Inglishmen, quhilk was great discomfurt to the cuntrie."

floated above the turrets of Carlaverock; an adventurous soldier, Thomas Carleton, of whom we shall afterwards hear much, being entrusted with its defence. His office was no sinecure, as we learn from a report sent by Wharton to the King, dated on the 28th, in which he informs his Majesty that the Lairds of Johnstone, Drumlanrig, and Lochinvar had, with the countrymen of Nithsdale, Annandale, and Galloway, beleaguered the fortress, and that he had in vain tried to relieve the garrison. Wharton, in a second letter, dated on the following day, furnishes his royal master with a curious, but not very correct, topographical sketch of the great Border stronghold and its vicinity. "It may please your Highness to understande," he says, "that the Castle of Carlaverok standdithe from your Highness citie of Carlisle 28 myllis, as the same must be passid with a powre [army], wherin er many strait passagies, amongst which one is called Lokermosse, thorowe whiche mose is maid a way with earthe, wherupon ther may pase foure men in renk, and not above; and within fyve houres, no gret nombre of folkes may cutt the same earthe and dam the passage; and if that may be dammyd, then the powre must be carried 8 mylles about. The same mosse standdith 4 mylles on this sidde Dumfreis. The powre must pase within a mylle of the town of Dumfreis: so that, albeit the Castle of Carlaverok standithe nerer Carlisle then Dumfreis, yet the passaig of the waves, having noon other by lande thene is aforsaid, makithe the same furder from Carlisle then Dumfreis is. And if the weyther chaunce so contagious [stormy] as at this present it is in these parties, ther can no watters be passid for a day or twoo, having dyvers great rivers between Carlisle and Carlaverok." Wharton further informs the King that he had engaged a number of boats capable of holding from four to six men each, or three hundred in all; but that they "can not cume nere the lande at Carlaverok by more than a mylle, except at a hie springe and a full sea;" and the owners of the little craft did not care to venture on the troubled waters of the Solway at that time of the year.

In a third communication, dated the last day of the same month, Wharton tells his Majesty that a spy from Carlaverock had informed him that the Laird of Johnstone and his col-

leagues had received a letter from the Scottish Regent, thanking them for their services against the defenders of the castle, and exhorting them to continue in good cheer, as he meant to join and reward them on the following Tuesday. Wharton also intimates that he intended, at the head of two hundred horsemen, "within three or foure nightes, to prove ane enterprise for the comfort and relief of Thomas Carleton, and the others that servythe your Majestie in that holde."

We know, rather by inference than from any direct statement, the result of all these machinations on the part of King Henry, and of the operations to which they gave rise. Wharton succeeded in reinforcing the garrison of Carlaverock: the castle was held by the English during the whole winter and spring; it surrendered to the Regent in May, 1546, and was eventually restored to Maxwell. That unfortunate lord did not long survive the harsh treatment given to him by the King, and the torturing abasement to which he had been brought. When set at liberty with his friends, a written instrument of protection was furnished to them, available "so long as they should serve the King truly;" and the next glimpse we get of him is in the "Diurnal,"* which states that, about the close of October, the Regent held a council with Cardinal Beaton, the bishops and abbots, where it was resolved: "That all maner of men should meet the Governour at Carlaverok, with ten days' victuall," on the 2nd of November; that, on the army going thither, it was found to have been vacated by the English; that, on the 21st of November, the Scottish force captured Lochmaben (which had, like Carlaverock, been given up to the enemy), and set siege to Thrieve, which latter hold "was in my Lord Maxwell's handis," and "was gevin over tua or thrie dayes after, be appointment;" that Lord Maxwell was had to Dumfries, with certain Englishmen, as a traitor; and that the Laird of Garlies had been made Captain of Thrieve, and the Laird of Lochinvar, Captain of Lochmaben.

Traitor, undoubtedly, Lord Maxwell was; but his new captors, knowing the trying circumstances in which he had been placed, showed him great forbearance. He executed an instrument of

* Diurnal, p. 41.

protest, dated at Dumfries on the 28th of November, 1545, declaring that his surrender of his castles, and his engagements with the English, had been wrung from him under terror of his life; that he was truly loyal at heart; and that he would live and die a faithful subject of Queen Mary.* All his faults were freely forgiven; and, as a proof of the renewed confidence placed in him by the Scottish Government, he was soon after appointed Chief Justice of Nithsdale, Annandale, Kirkcudbright, and Wigtown, and received commission again as Warden of the Western Marches, on the 3rd of June, 1546.† What availed the honours thus heaped upon him? His lease of life, shortened by the sufferings he had undergone, was about to close. On the 9th of the following month, Robert, the fifth Lord Maxwell, was numbered with the dead. The elements of his nature were "antithetically mixed," and his life was full of inconsistencies; but his services to Protestantism must be accepted as a set-off against his political faults. As the first of Scottish statesmen to recognize the right of his countrymen to read God's revealed Word in their own language, he occupies an honoured place in history. The Scottish army at Solway Moss was emphatically a Papal host; but the conquerors there did less harm to Romanism than the captives taken by them after their return to Scotland. From this point of view, the rout, which in the long run promoted the cause of the Reformation, was the reverse of disastrous; though in other respects, as we have seen, it was ruinous and disgraceful.

* Terregles Papers. † Ibid.

CHAPTER XIX.

SCHEME OF HENRY VIII. FOR A MARRIAGE BETWEEN HIS SON AND THE INFANT QUEEN MARY OF SCOTLAND—ITS FAILURE—MARY IS WEDDED TO THE DAUPHIN OF FRANCE—HENRY MANIFESTS HIS RESENTMENT BY SENDING RAIDING PARTIES ACROSS THE BORDER—DUMFRIES IS AGAIN PARTIALLY DESTROYED BY FIRE—WHARTON, THE ENGLISH LEADER, TRIES TO FOMENT A QUARREL BETWEEN THE MAXWELLS AND JOHNSTONES—DEFEAT OF ANOTHER INVADING FORCE AT ANCRUM MOOR—RETALIATORY FORAY INTO CUMBERLAND—DUMFRIESSHIRE AGAIN ENTERED BY AN ENGLISH ARMY—CURIOUS CONTEMPORARY ACCOUNT OF ITS ACHIEVEMENTS—THE COUNTY TOWN OCCUPIED—KIRKCUDBRIGHT ATTACKED—IMMENSE SPOIL CARRIED OFF BY THE INVADERS IN THE SHAPE OF SHEEP, CATTLE, AND HORSES—HOW THEY WON LOCHWOOD TOWER—DESOLATE CONDITION OF NITHSDALE AND ANNANDALE—DEFEAT OF THE SCOTS AT PINKIE—DUMFRIESSHIRE ONCE MORE UNDER THE ENGLISH RULE—LIST OF ITS CHIEFS WHO SWORE FEALTY TO ENGLAND—A TRUCE BETWEEN THE KINGDOMS—PACIFIC SETTLEMENT OF THE DEBATABLE LAND.

THE scheme of Henry VIII. for uniting the two kingdoms under the Prince of Wales, by marrying him to the young Queen of Scots, fared no better than his former attempt to effect a matrimonial alliance between his daughter and James V. Beaton, and the Catholic party still in power, preferred wedding Mary to a French prince rather than to the son of the Pope-abjuring King of England. She was accordingly married, in Paris, on the 14th of April, 1558, to the Dauphin, who soon afterwards became King of France: but his early death left her a widow at the age of eighteen; and, on the invitation of the Scottish Parliament, she returned to her native country in the autumn of 1561. During Mary's absence of twelve years the Romish Church in Scotland had been completely overthrown, the celebration of mass forbidden, under heavy penalties, the Protestant Confession of Faith ratified, and the Presbyterian system of ecclesiastical polity established by Parliament, though the Queen viewed these proceedings with aversion, and had steadily refused to sanction them.

Before noticing the collision between the Reformers and the sovereign thus provoked, we must glance at the way in which Dumfriesshire was affected by the rejection of the English alliance. During the three years in which Henry was cruelly operating upon Maxwell and the other captive lords, as already related, he was trying to accomplish his ends in Scotland by other agents and influences; and, whether he should gain or lose, he was resolved, at all events, to make the inhabitants of the Border district mourn with him that his matrimonial project had proved a failure.

On the 28th of September, 1543, a council of war was held by his command at Darlington, to consider what should be done "to Scotlande this wynter by the Westmarchers of Englande." Wharton, as a matter of course, took part in the deliberations. The proposals made by him, and concurred in by three other chiefs, Lowther, Leigh, and Aglionby, which are still extant, illustrate strikingly the savagery of Border warfare.* The style in which they proposed to "annoy" their neighbours of the north was thus explained by themselves after a devout prelude, expressing their trust in God to assist them—which sounds rather incongruously. They "trust," in the first instance, to "burne, distroye, and maik waist" all the land watered by the Annan and the Milk; then to enter Eskdale, Ewisdale, Wauchopedale, and the Debatable Land, sparing none of them; taking special note of the "towne of Anande, which is the chief towne in all Anerdaill except Dumfreis,† and all the townes, steids, beuldinges, and corne" within the whole parishes of the same, and those of "Dronoke, Reidkyrk, Gretnoo, Kyrkpatrik, Eglefleghan, Penersarkes, and Carrudders; and in Wawcopdaill, the parishing of Wacoppe; in Eskdaill, the parishinges of Stablegorton and Watsyrkett; and in Ewsdaill the Over Parishing and the Nether Parishing, with all the townes, steids, beuldinges, and corne, within every of the said peryshings:" no one to receive immunity unless by agreeing to serve the King's Majesty of England. Detailed plans for the devastation of the Middle Marches were also submitted; and though the

* State Papers, vol. v., pp. 344–5.

† Occasionally, in very old documents, the modern spelling of the town is anticipated, or nearly so, as in this instance.

Darlington programme was not carried out to the letter, it was acted upon in spirit.

The winter that was to see an immense tract of Dumfriesshire and Selkirkshire turned into a howling desert passed harmlessly away; and the wild-flowers of the next spring were just beginning to decorate the waysides and fields of Nithsdale, when Wharton's armed host, passing northwards, trampled them into nothingness, while hurrying on to treat human beings in the same way with as little remorse. Encountering no opposition, they were encouraged to advance further than was at first designed, and the people of Dumfries, who had suffered much at Solway Moss, saw, to their dismay, the Southern army approaching, as they were conscious of possessing no adequate means of resistance or defence. The Burgh was entered and occupied by the invaders, who seem once again to have had their own wild wasting way. No more deadly visitation had Dumfries ever before experienced. They came for the purpose of leaving tokens of their vengeful presence in the County town, and obtained their wish—no one appearing with voice and look of authority to bid the ravagers begone. Entire streets were burned or demolished; and when the barbarous enemy disappeared, a large portion of the Burgh looked (to use the expressive Eastern term) as if it had been "sown with salt," so desolate was its aspect.* Bearing with them all the valuable movables they could seize, and driving before them many herds and flocks "lifted" from the fields around, the plunderers withdrew to carry on their depredations in other parts of the County. Wharton, as may have been inferred, was the chief agent in these ruthless incursions; and that he might prosecute them with less molestation and more fatal effect, he enlisted some of the lawless tribes of Eskdale and Liddisdale, the Armstrongs, Beattisons or Beatties, Thomsons, Littles, and other "broken men," under his brigand banner, giving them an unrestricted commission to ravage and slay.

With the same base ends in view, the English chief fomented a quarrel between the Maxwells and Johnstones, who, had they co-operated in defending the County, might

* Haynes, in whose work Wharton's reports of his expedition are embodied, pp. 43–51.

have made him pay dearly for his visits. His perfidy in this respect is depicted in a letter written by himself to the Earl of Shrewsbury, on the 10th of February, 1545, in which, after mentioning that he had placed in Langholm Tower a considerable body of foot and a troop of fifty horse, he says he had long used a follower of Johnstone as an emissary to fan the flame of discord between the chief of the Johnstones and Lord Maxwell's son (Maxwell himself being a prisoner with the English), and that a feud between them had broken out in consequence, which the Scottish Council in vain tried to allay; that he had offered Johnstone three hundred crowns for himself, one hundred for his brother, the Abbot of Soulseat, and one hundred for his followers, on condition of the Master of Maxwell being put into his power; that Johnstone had entered into the plot, but, unfortunately, he and his friends "were all so false" that the writer "knew not what to say"—was not sure of trusting them; but he added, that he would be "glad to annoy and entrap the Master of Maxwell, or the Laird of Johnstone, to the Kings Magestie's honour and his own poor honesty." Yet the knight who could thus coolly write himself down a knave, was about this time ennobled, under the title of Lord Wharton, by his royal master, Henry of England! He could not trust Johnstone; and we suppose the latter felt no remorse when, though pocketing the proffered bribe, he resolved to shew his antipathy towards the Maxwells in some less dishonourable way, than by betraying the heir of their house into the hands of the English.

While Wharton was thus engaged in the Western Marches, Sir Ralph Evre and Sir Brian Latoun emulated his destructiveness, if not his artifice, in the Eastern Marches: for which service the former received, by deed of gift from Henry, the rich counties of Merse and Teviotdale—the King forgetting that he would thereby be sure to incense the Earl of Angus, some of whose estates were included in the donation. Angus, since the period of his disgrace, had, as already hinted, favoured Henry's designs; and his marriage with Margaret, that monarch's sister, together with a sum of money settled upon him by his royal brother-in-law, rendered him additionally devoted to the English party in Scotland. When, however, the

proud old Earl—whose attainder had been removed soon after the death of James V.—saw his patrimony ravaged, and then conferred upon an English chief, his blood boiled within him; and his services having been accepted by the Regent Arran, he rushed to arms, and, with five hundred men, encountered and utterly routed the invaders on Ancrum Moor, though they numbered five to one. Pitscottie attributes the credit of this extraordinary triumph to the Laird of Buccleuch, at whose suggestion the small Scottish force withdrew into a hollow, making the enemy suppose that they had taken flight. As was anticipated, the English advanced tumultuously, eager to annihilate the fancied fugitives; but they, "lighting on the ambush of the Scots all wearied and out of breath," met with a fierce reception, which soon issued in a disastrous repulse. The Douglas party were favoured by having the sun and wind on their side—the former darting its beams, and the latter blowing the cannons' smoke in the eyes of their opponents: "besides, the Scottish men's spears were an ell longer than the English" ones. The assailants' first line was driven back upon the second, the second upon the third, till inextricable confusion was produced, and something like a parallel to the Solway Moss catastrophe ensued, only that the slaughter of the defeated party was more extensive, and the success of the victors more due to real valour, than on that memorable occasion. Evre and Latoun, the two English leaders, with about five hundred of their followers, including many gentlemen, were slain, and the prisoners taken numbered one thousand; the Scots, as a small set-off to these gains, losing only two men—killed by the recklessness of their own artillery.* After the battle, "the Governor, calling for the Earl of Angus, highly commended his valour, resolution, and wisdom; and thanked Sir George Douglas, his brother, for his valiant service, assuring them that that

* When Henry received news of this defeat, he accused Angus of black ingratitude, and threatened him with his deepest resentment; to which the Earl characteristically replied, "What!" said he, "is my brother-in-law offended because, like a good Scotchman, I have avenged upon Ralph Evre the defaced tombs of my ancestors? They were better men than he, and I ought to have done no less; and will the King take my life for that? Little knows King Henry the skirts of Kernetable: I can keep myself there, against all his English host."—HUME'S *House of Douglas*, vol. ii., p. 123.

day's service had cleared them of all aspersions of disloyalty, and love to England, laid upon them by their enemies."*

In the following year we find Johnstone and the Master of Maxwell friends once more, and, in company with Gordon of Lochinvar, leading a successful expedition across the Western Border; while, with the view of protecting the Scottish side, its two principal fortresses, Carlaverock and Lochmaben, were strengthened by the direction of the Government. But neither the victory in Teviotdale, nor the retaliatory raids made by the chiefs of Dumfriesshire, nor yet the increased attention paid to its defences, served to keep the English in check; as, early in 1547, they succeeded in overrunning a large portion of the County.

Sir Thomas Carleton, of Carleton Hall, Cumberland, who commanded the invading force under the orders of Lord Wharton (and with whose name, as Captain of Carlaverock in 1545, the reader is already familiar), has left a manuscript account of his predatory mission, from which we gather many particulars of it, interesting in themselves, and richly illustrative of the fighting times on the Border, and from which, therefore, we borrow extensively in the following narrative.

Carleton tells us that, in February, 1547, he made "a road into Teviotdale, and got a great booty of goods." Lacking proper shelter in the sore weather for both men and horses, they pushed into Canonby; and after lying there "a good space" proceeded to Dumfries—the lieges of which town submitted themselves to him, and "became the king's majesty's subjects of England." "The morrow after coming to Dumfries," he goes on to say, "I went into the Moot-hale [Moat-hill, probably, on the north side of the town], and making a proclamation in the King of England's name, that all manner of men should come in and make oath to the king's majesty, every man at his peril, they all came and swore; whereof I made a book [list of names], and sent it to the Lord Wharton. And so I continued about ten days: and so making proclamation that whoso should come in and make oath and lay in pledges to serve the king's majesty of England, he should have our aid and maintenance, and who would not, we should be on him with fire and sword, many of

* Pitscottie, p. 186.

the lairds of Nithsdale and Galloway came in and laid in pledges."

"The town of Kircobree," to its credit be it mentioned, set the proclamation at naught, so that Carleton was moved by Lord Wharton to give it "a preiffe [proof, threat] to burn it." "And so we rode thither one night, and coming a little after sun-rising, they who saw us coming barred their gates and kept their dikes: for the town is diked on both sides, with a gate to the water-ward, and a gate in the over end of the fell-ward. There we lighted on foot, and gave the town a sharp onset and assault, and slew [wounded] one honest man in the town with an arrow, in so much that one wife came to the ditch and called for one that would take her husband and save his life. Anthon Armstrong, being ready, said, 'Fetch him to me, and I'll warrant his life.' The woman ran into the town and fetched her husband, and brought him through the dike, and delivered him to the said Anthon, who brought him into England and ransomed him." The invaders, however, did not get all their own way. M'Lellan, the tutor of Bombie, coming to relieve the town, "impeached them with a company of men;" "and so," continues the English reiver, "we drew from the town, and gave Bombye the onset; where was slain of our part Clement Taylor, of theirs three, and divers taken, and the rest fled."

Though the outside defenders of "Kircobree" seem to have been scattered, its assailants did not persevere with the siege. In retiring, they "seized about 2000 sheep, 200 kye and oxen, and forty or fifty horses, mares, and colts, and brought the same towards Dumfries." Whilst thus employed, a force of "Galloway folks, from beyond the water of Dee," came in sight, bent on recovering the booty, and prepared to cross the interposing river at Forehead Ford. "So," says Carleton, "we left our sheep, and put our worst horsemen before the nowte and nags, and sent thirty of the best horse to preake at the Scots, if they should come over the water, and to abide with the standard in their relief: which the Scots perceiving, stayed, and came not over. So that we passed quietly that night to Dumfries, leaving the goods in safety with a good watch."

Next morning a curious scene occurred. The party repaired to the place where the plunder had been stored, a mile beyond

Dumfries, in order to divide it; "and some claimed this cow, and some that nagg," while, "above all, one man of the Laird of Empsfielde came amongst the goods, and would needs take one cow, saying that he would be stopped by no man, insomuch that one Thomas Taylor, called Tom-with-the-Bow, being charged with the keeping of the goods, struck the said Scotsman on the head with his bow, so that the blood ran down over his shoulders. Going to his master there, and crying out, his master went with him to the Master Maxwell [afterwards Lord Herries]. The Master Maxwell came, with a great rout after him, and brought the man with the bloody head to me, saying, with an earnest countenance, 'Is this, think ye, well; both to take our goods, and thus to shed our blood?' I, considering the Master at that present to be two for one, thought best to use him and the rest of the Scots with good words, and gentle and fair speeches, for they were determined, even there, to have given us an onset, and to have taken the goods from us, and to have made that their quarrel. So that I persuaded him and the rest to stay themselves; and for the man that hurt the other man, he should be punished, to the example of all others to commit the like, giving him that gave the stroke sharp words before them; and [commanding that] the goods should all be stayed, and none dealt till the next morrow, and then every man to come that had any claim, and, upon proof, that it should be redressed: and thus willed every man quietly, for that time, to depart."

It seems to us marvellous in the extreme, that the Master of Maxwell, instead of being cozened in this fashion by the pawkie Southern leader, did not at once try to settle the question at issue between them by sword and spear. The English influence must have been indeed overpoweringly great in the district, to have made its chiefs and their retainers so spiritless and submissive.

Carleton, fearing that the Scots might be ashamed of their own apathy, and might try to catch him at a disadvantage, made ready for war. On returning to Dumfries, "about one of the clock in the afternoon," he gave "every one of the garrison secret warning to put on their jacks, and bridle and saddle their horses," and ordered them to join him immediately

at the Bridgend. They having obeyed his commands, he sent forty-two men for the goods, with instructions to meet him at a ford a mile above the town—Martinton Ford, probably. At that point the booty was conveyed across the river, and taken forthwith to Lochmaben, where it was quietly divided that night. The party then returned to Canonby, Carleton concluding this part of his narrative by complacently remarking, "And thus with wiles we beguiled the Scots." He has evidently been a smart, clever, unscrupulous moss-trooping chief, not overstocked with modesty, and prone to swagger in his speech. The way in which he won Lochwood Tower is so graphically recorded by him that we must give the history of the achievement in nearly his own words. The ruins of this old castle, once the chief seat of the Johnstone family, are still to be seen in the north end of the parish of Johnstone. It was built in the fourteenth century, and from the thickness of its walls, its insulated situation, surrounded by almost impassable marshes, it must have been difficult to take by storm or siege.

Carleton, before telling how he captured it by stratagem, says: "Considering Canonby to be far from the enemy (for even at that time all Annerdale, Liddesdale, and a great part both of Nidsdale and Galway, were willing to serve the King's Majesty of England, saving the Laird of Drumlanricke, who never came in, nor submitted himself, and with him continued Alexander Carlel, Laird of Bridekirk, and his son, the young laird), I thought it good to practise some way we might get some hold or castle, where we might lie near the enemy. . . . . Thus practising, Sander Armstrong, son to Ill-Will Armstrong, came to me and told me he had a man called John Lynton, who was born in the head of Annerdale, near to the Loughwood (being the Laird Johnstone's chief house), and the said laird and his brother (being the Abbot of Salside) were taken prisoners not long before, and were remaining in England. It was a fair large tower, able to lodge all our company safely, with a barnekin, hall, kitchen, and stables, all within the barnekin, and was but kept with two or three fellows and as many wenches."

Lynton's opinion was that the fortress might be captured; and with this end in view the whole English troop set off,

arriving in the vicinity of it an hour before sunrise. Most of the men lurked outside the wall; while, according to previous arrangement, about a dozen climbed over it, "stole close into the house within the barnekin, and took the wenches, and kept them secure in the house till day-light." So far the plot had proved successful; and now for its full development. "Two men and a wench" were in the tower, and, at dawn, one of the former, rising in his shirt, went to the tower-head, and seeing no one astir, he bade the woman who lay in the tower to get up and open the tower door, and call up them that lay beneath. "She so doing, and opening the iron door and a wooden door without it, our men within the barnekin brake a little too soon to the door; for the wench, perceiving them, leaped back into the tower, and had gotten almost the wood door to, but we got hold of it, that she could not get it close to. So the skirmish rose; and we over the barnekin, and broke open the wood door, and she being troubled with the wood door, left the iron one open: and so we entered and wan the Loghwood." A most valuable capture it proved, as the castle was well stocked with salted beef, malt, butter, and cheese.

Leaving Armstrong in charge, Carleton rode off to Carlisle, and reported his success to Lord Wharton, who constituted him keeper of Lochwood. At his lordship's instance, he then proceeded to Moffat, and made a proclamation there similar to the one issued at Dumfries; intimating also, that "whoso did others wrong, either by theft, oppression, or otherwise, that he should order it amongst them, and refer all weighty causes to his Lordship and his council." "So," proceeds the writer, "I continued there for some time, in the service of his majesty, as captain of that house, and governor and steward of Annerdale, under the Lord Wharton. In which time we rode daily and nightly upon the King's majesty's enemies; and amongst others, soon after our coming and remaining there, I called certain of the best horsed men of the garrison, declaring to them I had a purpose offered by a Scotsman, which would be our guide, and that was to burn Lamington, which we did wholly, took prisoners, and won much goods, both malt, sheep, horse, and insight, and brought the same to me in the head of Annerdale, and there distributed it,

giving every man an oath to bring in all his winnings of that journey; wherein, truly, the men offended so much their own conscience, every man layning [concealing] things, which afterwards I speired out, that, after that time, my conscience would never suffer me to minister an oath for this, but that which should be speired or known to be brought, and every man to have share accordingly."

This miniature Cæsar, the congenial chronicler of his own doughty deeds, closes his record in the following terms:—"After that I made a road in by Crawfurth Castle and the head of Clyde, where we seigèd a great vastil [bastile] house of James Douglas; which they held till the men and cattle were all devoured with smoke and fire: and so we returned to the Loughwood, at which place we remained very quietly, and, in a manner, in as civil order for hunting and pastime as if we had been at home in our own houses. For every man within Annerdale, being within twelve or sixteen miles of the Loughwood, would have resorted to me to seek reformation for any injury committed or done within the said compass, which I omitted not, but immediately after the plaint either rode myself, and took the party complained of, or sent for him, and punished or redressed as the cause deserved. And the country was then in good quietness: Annerdale, Nidsdale, and a great part of Galloway, all to the Water of Dee, were come in and entered pledges;" and "Kircobree," vanquished at last, "came in and entered pledges also."

In the summer of this year (1547)—a disastrous one to Dumfriesshire—Robert, Lord Maxwell, son of the chief who was captured at Solway Moss, proceeded to the Court of the Regent Arran at Edinburgh, to ask for aid against the enemy. He stated that the fields of Nithsdale and Annandale were as so many wildernesses; that the fortresses of the district were in the hands of the English; that the cultivators of the soil, expelled from their paternal roofs, had been reduced to beggary—all which miseries they endured rather than renounce their allegiance; but that if no steps were taken for their relief, they would be forced to swear fealty to the King of England, and that others, fearing similar misfortunes, would be in danger of doing the same.

The Regent, moved by these representations, led a small force into Dumfriesshire, and captured the Tower of Langholm, which the Armstrongs had, three years before, treacherously taken when its owner, Lord Maxwell, was a prisoner in England, and had delivered it to Lord Dacre. Arran was preparing to attack other garrisons, when he was under the necessity of returning with his troops to join a French auxiliary force that had landed in the Forth, for the purpose of besieging the Castle of St. Andrews—then held by the conspirators who, in the preceding year, assassinated the tyrannical Cardinal Beaton. Scarcely had the foreign allies departed, after accomplishing their task, than the Duke of Somerset, who had been appointed Protector on the death of Henry VIII., entered Scotland by the Eastern Marches, at the head of fourteen thousand soldiers, gave battle to the Scots under Arran, on the field of Pinkie, and defeated them with great slaughter.

At the same time, Lord Wharton appeared in Dumfriesshire with a powerful force, and carried on the work of subjugation which his lieutenant, Sir Thomas Carleton, had already half accomplished. The invaders set fire to the town of Annan; but the inhabitants garrisoned the church, and from its tower, which had been strongly fortified, proved "very noisome" to the enemy, who took it with difficulty, and sixty-two of its brave defenders, and then blew it up with gunpowder.* Castlemilk surrendered to their arms; but Lochmaben and Carlaverock defied the assaults of the English, as they had frequently done before.† AD 1547

The successive raids made this year by the enemy, coupled with the disastrous defeat at Pinkie, resulted in rendering the Shire all but completely submissive; and it probably suffered as much as during any year since the Southrons began to menace the independence of Scotland. A record has been preserved of the chiefs of Dumfriesshire and East Galloway, with their followers, who swore fealty to England at this dismal period. It is here subjoined:—William Johnstone, the Laird's brother, with one hundred and ten followers; Johnstone of Coites, with one hundred and sixty-two; Johnstone of Lochmaben, with sixty-seven; Johnstone of Malinshaw, sixty-five; Johnstone of

110
162
67
65
404

* Patten's Account of the Expedition, p. 95. † Ayscu's History, p. 321.

Crackburns, sixty-four; the Johnstones of Dryfesdale, forty-six; the Johnstones of Craigyland, thirty-seven; Gavin Johnstone, with thirty-one; Jardine of Applegarth, two hundred and forty-two; the Laird of Kirkmichael, two hundred and twenty-two; Patrick Murray, two hundred and three; the Laird of Ross, one hundred and sixty-five; the Laird of Amisfield, one hundred and sixty-three; the Laird of Holmains, one hundred and sixty-two; the Laird of Wamphray, one hundred and two; the Laird of Tinwald, one hundred and two; the Laird of Dunwoodie, forty-four; Lord Carlyle, one hundred and one; Irving of Coveshaw, one hundred and two; Jeffray Irving, ninety-three; the Irvings of Pennersacs, forty; Irving of Robgill, thirty-four; Wat Irving, twenty; the Lairds of Newby and Gretna, one hundred and twenty-two; the Laird of Gillenby, thirty; Sir John Lawson, thirty-two; the Bells of Tintells, two hundred and twenty-two; the Bells of Toftints, one hundred and forty-two; the Romes of Torduff, thirty-two; the Moffats, twenty-four; the town of Annan, thirty-three. The chiefs of Nithsdale mentioned in the catalogue were the Master of Maxwell, one thousand and more; Edward Maxwell of Brackenside (afterwards of Hills), and the Vicar of Carlaverock, three hundred and ten; Kirkpatrick of Closeburn, four hundred and three; Grierson of Lag, two hundred and two; the Laird of Cowhill, ninety-one; the Laird of Cransfield, twenty-seven; Edward Crichton, ten; the town of Dumfries, two hundred and one. In Eskdale, the Beattisons and Thomsons, one hundred and sixty-six; and in Eskdale and Liddisdale, the Armstrongs, three hundred.

Another list of a different kind, and extending over a longer period, probably, is preserved in the "Talbot Papers." It professes to give "the names of such Scottish pledges and prisoners as were taken since the war began in these West Marches; with an estimate of their values and estimations, and where they were bestowed at the first:" it being explained that "nertheless divers of them are dead, part exchanged and let home upon ransoms and otherwise." A few extracts are subjoined:—"Robert Maxwell, now Lord Maxwell, an ancient baron, of great lands, himself remaining as yet in Carlisle; the Laird Johnstone, a gentleman of 100 marks sterling or above, for whom the King's

Majesty has paid 100 merks in part payment, for ransom to his taker, and remains himself in Pontefract Castle; the Laird of Cockpole, a gentleman of £100 lands sterling, or thereabouts, himself remains with Sir William Ingleby; John Maxwell, the Lord's brother, who answers for all upon his brother's lands, having at that time no lands, and now, by marriage, fair lands, his pledge Hugh Maxwell, his nephew, for one thousand men and more; the Abbot of Newabbey [Gilbert Brown] of 200 merks sterling in right of his house, his pledge Richard Brown and Robert Brown, his cousins, for one hundred and forty-one men; the Laird of Closeburn, £100 sterling, and more, his pledge Thomas Kirkpatrick, his cousin, for four hundred and three men; the town of Dumfreis, a fair market town, pledge for it, Cuthbert Murray, worth little or nothing, for two hundred and twenty-one men."

If the Duke of Somerset had followed up his victory at Pinkie, he might have imperilled the independence of Scotland; but as pressing business, involving his own influence at Court, recalled him to London, the country, which he had half subdued, gradually recovered its courage and freedom. Dumfriesshire was nominally under English rule for a year or more after the date of the battle. In 1548 and 1549, it was the theatre of several conflicts, caused by the chiefs having risen up against Lord Wharton's authority. On the 24th of March in the following year, they, and their countrymen generally, participated in the benefits of a treaty entered into between France and England with Scotland, whereby hostilities were brought to a close, and a welcome peace was secured, which continued unbroken by the English for nearly ten years. Robert, Lord Maxwell, was one of the Commissioners who formed this treaty, which was signed at Norham in June, 1551.*

It comprehended in its provisions the settlement of the famous Debatable Land, which, as already explained, formed part of Scotland originally,† but had, in the course of the Border warfare, been often occupied by England, and had

* Rymer's Fœdera, p. 265.

† "The tract," says Chalmers (vol. iii., p. 98), "certainly belonged to Scotland, as many charters of the twelfth, thirteenth, and fourteenth centuries evince with full conviction." He refers to Rymer, pp. 245, 289, 337, in corroboration of the statement.

at length become a sort of neutral territory, claimed by both kingdoms, really possessed by neither, and ruled by laws of its own: that is to say, when these were not set aside by the sword. In times of peace, the subjects of both countries pastured their herds on its untilled fields during the day time, but were required to remove them before sunset at their own peril; and when they did foolishly run the risk of leaving their cattle exposed during the night watches, the likelihood was that they would be carried off before morning by Clym of the Cleugh, Hobbie Noble, or some other reiver of the same stamp; and in that case no redress was obtainable by the owners.

The tract lay along the Scottish side of the Esk and Liddel, was bounded on the west by the Sark, and was eight miles long and four broad. After several conferences between the commissioners of both nations, assisted by an envoy from France, a division of the Debatable Land was resolved upon; according to which, it was intersected by a line drawn from the Sark on the west to the Esk on the east—the northern portion, or parish of Canonby, being assigned to Scotland; the southern, or parish of Kirkandrews, to England. By this arrangement, a tract of country that was fruitful of violence and strife, but in other respects little better than a waste, was brought under culture; and the little stone pillars put up to form the line of partition, looked like the literal pale of civilization, within which the territory and its turbulent population had at length been brought. The treaty of Norham struck at one of the main sources of the warfare that had desolated the Border districts for more than two hundred and fifty years; and whilst its beneficial effects were felt by both England and Scotland at large, it was more especially a boon to Cumberland and Dumfriesshire, both of which had often reason to regret their indissoluble connection with the Debatable Land.

CHAPTER XX.

THE "COMMON GOOD" OF THE BURGH—THE DIFFERENT CLASSES OF ITS POPULATION—NOTICES OF ITS LEADING FAMILIES AT THE ERA OF THE REFORMATION: THE M'BRAIRS, THE CORSANES, THE IRVINGS, THE LAURIES, THE ROMES, THE CUNNINGHAMS, THE SHARPES, THE HALLIDAYS, THE DINWOODIES, THE FLEMINGS, THE BELLS, THE GRAHAMS, AND THE KENNEDYS—THE POSITION TAKEN UP TOWARDS THE REFORMATION BY THE CHIEF BARONS OF THE COUNTY—FREQUENT INTERMARRIAGE OF COUNTY FAMILIES.

Up till this period, Dumfries retained possession of all, or nearly all, its ancient landed patrimony, extending over a large portion of the Parish. The income arising from it, and the tolls and customs levied by the Council, must have been quite sufficient to keep the Burghal machinery in operation, without resorting, except on rare occasions, to a personal impost on the lieges. There is too much reason to suppose, that before the death of James IV., practices were introduced which destroyed this happy equilibrium between income and outlay, and eventually left to the Burgh only a small portion of its territorial inheritance. The lands granted at various periods by the Crown were to be held for all time coming; they were, in point of law, strictly inalienable; and it was only, at all events, when the King, as overlord, sanctioned the sale or perpetual lease of any of the lands, that such proceedings were allowable. So wisely jealous was the Government lest the "res universitatis" (the "common good" arising to Royal Burghs from rents and customs), should be tampered with, that the Great Chamberlain of the nation was required to make periodical inquests into their management. Once a year at least that official, or his deputy, held a sort of exchequer court at Dumfries, at which the magistrates made "count and reckoning" with him of their "intromissions."

A salutary check to maladministration was thus supplied; but in the reign of James I. the office of the Great Chamber-

lain was superseded by that of the High Treasurer, who seems never to have exercised any efficient supervision over the revenue of Burghs-Royal. Even before this change, Parliament deemed it necessary to "statute and ordaine that the commoun gud of all our Soverane Lordis burrowis be observit and kepit to the common gude of the toun, and to be spendit in commoun and necessare thingis of the burgh, be the avise of the Consale of the toun for the tyme, and dekkynis of crafts quare thai ar — and attour that the rentis of burrowis, as landis, fishingis, fermes, myllis, and utheris yerely revenuis be nocht set bot for thrie yeris allenerly." * Freed from a strict Government inspection, the magistrates of burghs became, in some instances, careless or culpable stewards of the trusts committed to them; and when, in 1503, Parliament passed an Act permitting the King to give permanent tenures of Crown property in lieu of short leases, and barons and freeholders to do the same thing, a vicious precedent was introduced, which the rulers of towns were eager to follow; and they were soon allowed to do so — Edinburgh, Aberdeen, and several other Royal Burghs, obtaining, in the first instance, special licenses from the sovereign for converting their common property into heritable estates, given in feu-farm, in return for what ere long became little more than a nominal quit-rent. From this period "may be dated the commencement of that system of maladministration which, with greater or less rapidity, ultimately tended to the destruction of the far greater portion of the common good of Burghs-Royal." †

When James IV. was in Dumfries, however, the deteriorating process had scarcely, if at all, begun; and this circumstance, in conjunction with others of a favourable kind, leads us to the inference that, during his reign, the Burgh reached its feudal meridian. In after times it acquired increased municipal privileges, more trade, more population; but it never was so richly endowed with territorial wealth. Under the same sovereign, also, the Trades, who had hitherto been subordinated to the merchants, took high social rank in the town; and it may be safely inferred, acquired a direct representation in the Council,

* Acts of Scottish Parliament, 1491, vol. ii., p. 227.

† Report of Municipal Commissioners, p. 23.

though the precise period at which the deacons became members of that body cannot be ascertained.

When the reign of James V. is reached, we can speak in more precise terms than hitherto regarding the constituents of society in Dumfries. Seven different grades are distinctly visible:—1. The patrician class, possessing land in the neighbourhood, obtaining for payment, or by favour, the freedom of the Burgh, in order that they may share the honour and patronage that arise from the direction of its affairs. 2. The merchant burgesses, consisting of men actually engaged in business, who may, or may not, be also landed proprietors. 3. The master craftsmen, trying, not without success, to hold their heads as high, and wear their furred gowns as jauntily, as the merchants. 4. The ecclesiastics, consisting of the dean and his clergy, the vicar, the parish priest, the Minorite Friars, and other churchmen, regular or secular, making altogether a numerous body. 5. The artizans and mechanics, who work for wages. 6. The yeomen, or free farmers. And, 7. The cotters—"hewers of wood and drawers of water"—rapidly casting away their serfdom, though some of them are still in a state of absolute slavery.

The earliest provosts of the Burgh were, in all likelihood, cadets of the Douglasses, Maxwells, Kirkpatricks, Carlyles, Johnstones, and other families who owned land and held rule in the district. In the early half of the sixteenth century, when the Burgh was becoming increasingly independent, some of its own sons—merchants as well as lairds—took a leading part in the management of its affairs. Among the first of these were the M'Brairs. Of Celtic origin, we find them at an early period settled in Dalton, Mid-Annadale; and it is as the M'Brairs of Almagill, in that parish, that they first appear in the records of the Burgh. A *retour*, dated 19th December, 1573, warrants the supposition that they occupied Almagill at least a hundred years before that date,* as in it Archibald M'Brair, Provost of Dumfries, is entered as heir "to his great

* We find the following minute in Pitcairn (vol. i., p. 39), of a case tried at Dumfries, August 15th, 1504:—"Robert Grersoune, in Dumfreis, produced a precept of remission for art and part of the cruel slaughter of Sir John M'Brair, chaplain, in the town of Drumfreis.—William Douglas of Drumlanrig became surety to satisfy parties." (See *ante*, p. 184.)

grandfather, William M'Brayre of Almagill, in the 100s. land of Almagill, in Meikle Dalton, and the three husbandlands in the town of Little Dalton called Hallidayhall."* When the Convention of Royal Burghs met at Edinburgh, on the 4th of April, 1552, John M'Brair, Provost of Dumfries (probably the father of Archibald), appeared as Commissioner for the town. Provost Archibald M'Brair and Bailie James Rig were its representatives in the Convention of October, 1570. On the 5th of January, 1561, John M'Brair, by obtaining a charter of The Mains, which constituted part of the church lands of Dumfries, acquired a still stronger footing for his family in the town; though they do not appear to have given to it any chief magistrates after 1577. How, before the lapse of another hundred years, this family had increased in opulence, may be inferred from the following list of the lands belonging to Robert M'Brair on the 10th of January, 1666:—The five-pound land of Over and Nether Almagill, with the two husbandland of Hallidayhill; the one-merk land of Cluserd; the five-merk land of Little and Meikle Cloaks; two merks of the four-merk land of Corsenloch (parishes of Urr and Colvend); the five-pound land of Nether Rickhorne; the half-merk land of Glenshalloch; the twenty-shilling land of Auchrinnies; the two-merk land of Little Rickhorse; the forty-pound land of Over and Nether Wood, and Longholm, holding of the Crown; part of the twenty-pound land of Rigside, with mill and salmon fishing; the lands of Spitalfield, with the salmon fishing formerly belonging to the Friars Minors of Dumfries, holding of the Crown; the lands of Castledykes, holding of the Crown; four acres of land lying between the Doocot (or Dovecot) of Castledykes, on the south of the Burgh of Dumfries, Sinclair's tenement on the north, King's High Street on the east, and the river Nith on the west; and two merks of the fifteen merks of the Kirkland of Drumfries, feu of the King.

We find Herbert Raining Commissioner for Dumfries in the Convention of 1578, Mathew Dickson and John Marschell its

* The parish of Dalton, prior to the Reformation, was divided into Meikle Dalton and Little Dalton; but, since their union in 1633, the Church of Meikle Dalton is used by the parishioners of the united parishes as their place of worship.—*Statistical Account of Dumfriesshire*, p. 371.

Commissioners in 1582, and Symon Johnnestown its Commissioner in 1584—all these being familiar household names at this early period.* In the Convention of 1585, Dumfries was represented by no fewer than four members, "Alexander Maxwell of Newlaw, Provost, Maister Homer Maxwell and Herbert Ranying, tua of the Baillies—James Rig, thair Conburges." Bailie Homer Maxwell was also Commissary of Dumfries, and held the lands of Speddoch, which originally belonged to the Monastery of Holywood.

The Corsanes, or Corsons, a more ancient family than the M'Brairs, emulated them as municipal rulers. They claim to be descended from the patrician Corsini, and say their first ancestor in Scotland came from Italy to superintend the erection of Sweetheart Abbey and Devorgilla's bridge over the Nith. Some time before 1400, Sir Alexander Corsane was witness to a charter granted by Archibald the Grim, Earl of Douglas, to Sir John Stewart, of the lands of Collie. In 1408, Dominus Thomas Corsanus, perpetual Vicar of Dumfries, granted a charter for certain church lands within the royalty. The Corsanes took the designation of Glen, till, in the reign of James IV., the barony so called passed with Marion, sole child of Sir Robert Corsane, to her husband Sir Robert Gordon, who thereupon styled himself of Glen, but afterwards of Lochinvar, on the death of his elder brother at the battle of Flodden. From Gordon of Lochinvar and his wife Marion sprung the barons of that ilk, and the Viscounts of Kenmure.

Sir John Corsane, next heir male of Glen, settled at Dumfries, the head of a far-descending line, which for eighteen generations presented an unbroken array of heirs male, all bearing the name of John—pedigree occurrences that are perhaps without a parallel. John Corsane, the twelfth in descent from Sir John, was Provost of Dumfries, and its Parliamentary representative in the critical year 1621. He married Janet, daughter of the seventh Lord Maxwell (slain at Dryfe-Sands), by whom he had several children, one of whom was wedded

* At this session of the Convention of Burghs, four of the members (one of whom was the Commissioner for Dumfries), were unable to write, and had to sign the minutes "with our handis at the pen led be the notaris underwritten at our commandis, because we can nocht wryte ourselves."—*Records of the Convention.*

to Stephen Laurie of Maxwelton. This Provost Corsane was one of the richest commoners in Scotland. Besides his country estates, the chief of which was Meikleknox, he is said to have owned a third part of his native town; and at one time, not very far back, many of its old houses bore the family arms: the head of a pagan pierced by three darts, with warriors as supporters, and the motto—"Præmium virtutis gloria." His life seems to have been inspired by that noble sentiment. He died in 1629, in his seventy-sixth year, and was buried near the entrance-gate of St. Michael's Cemetery, at a place where eleven of his ancestors had been laid before him. His eldest son, John Corsane of Meikleknox, by whom he was succeeded, married Margaret, daughter and co-heiress of Robert Maxwell of Dinwoody, obtaining with her the lands of Barndennoch. He was also Provost of the Burgh, and, as we shall see, took an active part in the popular struggle against the aggressions of Charles I. The ruins of a once magnificent monument erected by him over his father's dust, remain to attest his filial love, and the lines upon it were meant to inform the meditative stranger that an honoured Dumfries worthy sleeps below; but time has so defaced the inscription that it is quite illegible.

A somewhat faulty copy of the epitaph, however, is preserved in the late Mr. W. F. H. Arundell's Manuscripts, and which, as conjecturally restored, runs thus:—

Ter tria fatales et bis tria lustra sorores,
Dimidiumque ævo contribuere tuo,
Ter tria civiles humeros circumdari fasces
Lustra dedit Sophia gratia digna tua.
Ter tribus ac *binis* tandem prognatus eodem,
Et *cum* Corsanis *contumularis* Avis.

These lines may be thus translated:—

The fateful sisters assigned thrice three and twice three lustres and a half [year] to thy lifetime [*i. e.*, seventy-five and a half years]. Regard due to thy wisdom, caused thy shoulders to wear the badges of civic authority for thrice three lustres [forty-five years]. Sprung at length from thrice three and two [eleven] progenitors of [the] Corsane [family], thou also art buried with them in the same place.*

* We submitted the inscription to several good Latinists, among others to Rector Cairns of the Dumfries Academy, whose emendations are embodied in the text, and given in italics. To his kindness we are also indebted for the English version of the epitaph.

John Corsane of Meikleknox, who died in 1777, was the last of the male line. Agnes, a daughter, was married to Mr. Peter Rae, minister of Kirkconnel, in Upper Nithsdale. They had twelve children; the eldest of whom, Robert, was, at his mother's request, to assume the name and arms of Corsane of Meikleknox when he came of age, but all the children died minors. In this way the stem of this ancient house was unexpectedly broken. The Corsans of Dalwhat, parish of Glencairn, were a branch of the family. The name Corson, often written Carson, is still common in Dumfries; and about a hundred and sixty years after the death of Provost Corsane of Meikleknox (in 1671), James Corson, a probable descendant, was Provost of the Burgh.

The genealogical tree of Coel Godhebog, already noticed, gives, as one of its goodly branches in the fifth century, the prolific Annandale family of Irving. Another account transplants them from Orkney to Eskdale, in the middle of the eleventh century. There were two gentlemen of the name in Bruce's royal household, with whom he had become acquainted, probably, when ruling his hereditary lordship on the banks of the Annan. One of them, William de Irwyn, who acted as the King's secretary; and the other, Roger de Irwyn, who seems to have officiated as his chamberlain.* An Irving, possibly the former of these two, in Aberdeenshire.† His descendant, Sir Alexander Iruinge, of received from the same gracious monarch the lands of Drum, Drum, was among the slain warriors for whom

> "The coronach was cried on Benachie,
> And doun the Don an' a',

* The Accounts of the Chamberlain of Scotland, for 1329–1331, include several entries in which their names occur; *e. g.*:—"Et clerico Rotulorum pro feodo suo, viz., Willielmo de Irwyn, quamdiu fuerit in dicto officio capienti per annum viginti libras de terminis Pentecostes et Sancta Martini hujus compoti £20." "Idem onerat se de 348 ulnis tele linel et 3 quarteriis recept. superius per emptionem. De quibus Rogero de Irwyn, 311 ulnis de quibus respondebit."

† Dr. C. Irving, in a MS. account of the family, says, that Bruce, flying one stormy night from the English, came to Bonshaw Tower, where he was hospitably entertained. He took a younger son of the family, Sir William, of Woodhouse, to be his secretary and companion. As a reward for his services, the King, when settled on the throne, conferred upon him the lands and the forest of Drum, and the pricking bay-tree or holly, for his armorial bearings, with the motto, "Sub sola, suo umbra virescens." (See a valuable little work, *Walks in Annandale*, originally published in the *Annan Observer*.)

When Hieland and Lawland mournfu' were
For the sair field o' Harlaw."*

The representative of the family in the reign of Charles I. espoused the cause of that sovereign, and when lying under sentence of death by the Covenanters, was opportunely rescued by Montrose.†

In Bonshaw Tower, on the classic banks of the Kirtle, resided the acknowledged head of this great Border clan. Other offshoots of the family having as their domiciles, Cove, Robgill, Woodhouse, and Stapleton—the ruins of which give a romantic interest to a district that is dowered with rich natural beauty, and ever vernal in the minstrel's magic verse — Kirkconnel Lee.‡ The Irvings of Bonshaw signalized themselves on many

* Balfour's Annals, vol. i., p. 147.

The battle was fought on the 25th of July, 1411. Irving was buried on the field; and a heap of stones raised over the spot was long known by the name of Drum's Cairn.—KENNEDY'S *Annals of Aberdeen*, vol. i., p. 51.

† This cavalier is the hero of the favourite old ballad, "The Laird of Drum," written on his marrying, as his second wife, a damsel of humble birth, named Margaret Coutts, an alliance which gave sore offence to some of his kindred. The taunt of one of them, and the Laird's rejoinder, are well worth quoting from the ballad:—

"Then up bespak his brother John,
Says, 'Ye've done us meikle wrang, O;
Ye've married ane far below our degree,
A mock to a' our kin, O!'

"'Now haud your tongue, my brother John,
What needs it thee offend, O?
I've married a wife to work and win,
And ye've married ane to spend, O!'"

‡ The reference here, it need scarcely be explained, is to the old ballad of "Fair Helen of Kirkconnel," supposed to have been an Irving, and who, in attempting to save her lover, Adam Fleming, was inadvertently shot dead by his envious rival. The entire ballad is exquisite; and poetry has produced scarcely anything more pathetic than the closing verses in which Fleming wails forth his sorrow:—

"Oh Helen fair! O Helen chaste!
If I were with thee, I were blest,
Where thou lies low, and takes thy rest,
On fair Kirkconnel Lee.

"I wish I were where Helen lies!
Night and day on me she cries;
And I am weary of the skies,
For her sake that died for me."

occasions by their valour and patriotism. Like most Scottish families, they suffered at Flodden—Christopher, their chief, with his son, falling on that dismal field; while his grandson, "Black Christie," of Robgill and Annan, perished in the pitiful catastrophe—for battle it cannot be called—of Solway Moss. A grandson of the latter, also named Christopher, became closely connected with two other distinguished Border houses, by marrying, in 1566, Margaret, sister of Sir James Johnstone, the victor of Dryfe-Sands, and whose mother was one of the Scotts of Buccleuch.

Soon after that period the Irvings begin to be noticeable in Nithsdale; and we must now somewhat abruptly leave the chief stem, to see how one of the branches fared in Dumfries. It flourished exceedingly. Francis Irving, on returning to the Burgh from France, where he was educated, married the heiress of Provost Herbert Raining, already mentioned as Commissioner for Dumfries in the Convention of 1578, acquiring with her a rich fortune of lands and houses. We find him sitting as Member for the Burgh in the Parliament of 1617, and high in favour at Court, receiving from King James VI. bailiary jurisdiction over some Crown property in the County; still, however, carrying on his business, that of a merchant, in which capacity he was the first to form a trade connection with Bordeaux for the purpose of importing French wines into the Burgh.* This merchant prince of the olden time frequently occupied the chief magistrate's chair; and when, in the early autumn of an honoured life, he breathed his last, his remains were laid close by the mouldering dust of the Corsanes—an imposing monument, like theirs, being raised in due time to commemorate his worth.† The tomb, which was renovated about thirty years ago, has several Latin inscriptions, the chief of which may be freely rendered as follows:—"A grateful spouse and pious children have dedicated to Francis Irving, Consul [or Provost], a very dear husband and a prudent father, this monument, which is far inferior to his worth. He died, 6th November, 1633, aged 68." "Ane epitaphe," in the

* Family Tree of the Irvings, compiled by Mr. J. C. Gracie.

† Like the Corsane monument, it is built into the churchyard wall, and forms the fifth monument from the entrance-gate.

vernacular tongue, on the lower part of the structure, is in these terms:—

> "King James at first me balive named,
> Dumfreis oft since me provest clamed,
> God hast for me ane crowne reserved;
> For king and countrie have I served."

For more than a century afterwards, municipal honours flowed upon the Dumfries branch of the Irvings, some of them being also called, like their founder, to represent the Burgh in Parliament. John, his eldest son, did so in 1630 and 1639, and was repeatedly elected Provost. He left two sons, John and Thomas, both of whom filled the latter office; and Thomas also sat in Parliament for the Burgh.

According to the same doubtful pedigree which traces the descent of the Irving family from a Cumbrian prince, Lywarch-Hen, another of the race was the progenitor of the Lauries, one of whom, Stephen, was a flourishing Dumfries merchant before James VI. became king. Prior to 1611 he espoused Marion, daughter of Provost Corsane, proprietor of Meikleknox, getting with her a handsome marriage portion. About the same time he obtained a charter from John, Lord Herries, of the ten-merk land and barony of Redcastle, parish of Urr. His wealth enabled him afterwards to purchase, from Sir Robert Gordon of Lochinvar, Bithbought, Shancastle, and Maxwellton, for which estates he received a royal charter, dated 3rd November, 1611. Stephen Laurie, now a man of many acres, took the designation of Maxwelton, leaving at his death the lands and title to his eldest son, John, married in 1630 to Agnes, daughter of Sir Robert Grierson of Lag. The next head of the house, Robert, was created a baronet on the 27th of March, 1685. He was twice married, and had, by his second wife, three sons and four daughters. The birth of one of the latter is thus entered in the family register by her father:—"At the pleasure of the Almighty God, my daughter, Anna Laurie, was borne upon the 16th day of December, 1682 years, about six o'clock in the morning; and was baptized by Mr. Geo." [Hunter, minister of Glencairn].* The minute is worth quoting here, seeing that the little stranger, whose entry into life

* Barjarg Manuscripts.

it announces, grew up to be the most beautiful Dumfriesian lady of the day, and the heroine of a song which has rendered her charms immortal:—

"Her brow is like the snaw-drift,
Her neck is like the swan,
Her face it is the fairest
That e'er the sun shone on—
That e'er the sun shone on;
And dark blue is her e'e!
And for bonnie Annie Laurie
I'd lay me down and die."

The well-known lyric of which these lines form a part, was composed by Mr. Douglas of Fingland, an ardent admirer of "Bonnie Annie;" she did not reciprocate his affection, however, but preferred his rival, Alexander Ferguson of Craigdarroch, to whom she was eventually united in marriage.* While the Irvings held rule on Kirtle Water and the western fringe of the Debatable Land, they were neighboured in Gretna by the small clan of the Romes, some of whom settled in the County town during Archibald M'Brair's burghal reign, if not before, acquiring a good position in it, as it proved by the frequent appearance of their names in the sederunts of the Council. We find traces of them soon afterwards as landed proprietors. A *retour* of 1638, represents John, son of John Rome, of Dalswinton-holm, as enjoying the multures of the thirty-six pound land of Dalgonar, including the lands of Milligantown. In a general inquest in 1674, Robert appears as heir to his father, John Rome of Dalswinton; so that the estate which the Red Comyn owned had, after the lapse of four hundred years, fallen into the hands of this Annandale family. The lands of Cluden were acquired by them at a later period; and the first Provost of Dumfries chosen after the Revolution, belonged to the family.

Long before Flodden was fought, the Cunninghams (of whose origin something was said in a preceding chapter) ranked among the Corinthian pillars of the Burgh. The lucrative

* One of the Fergusons of Isle married a sister of Annie Laurie. He was buried in the family vault in Dunscore Churchyard; and probably the old tombstone there having upon it the inscription:—"Here lyes entombit ane honest and verteus mane, Alexander Fergusone," was placed above his remains His wife would doubtless be laid in the same grave. We have not been able to ascertain where Bonnie Annie was buried.

office of town-clerk was frequently held by members of the family; and the returns of property, in 1506 and 1510, show that one of them, William, must have been in the receipt of considerable house rents. The family mansion, situated on part of what is now Queensberry Square, was the wonder of the town, on account of its "Painted Hall:" a capacious chamber which seems to have been lent by them for public purposes, and which acquired a historical interest, as in it Protestantism was first preached to a Dumfries audience, and James VI. gave to it the prestige of the royal presence on a memorable occasion; while there is good ground for supposing that that King's grandfather, the fourth James, lodged in it during his memorable visit to the Burgh in 1504.

A few more prominent names require still to be mentioned. Among the merchant Burgesses of Dumfries, at the opening of the seventeenth century, were Ebenezer Gilchrist, of Celtic origin, the name signifying, in that language, "a servant of Christ;" John Coupland, belonging to a family who claim descent from the Yorkshire warrior by whom David II. was captured at Neville's Cross; George Grierson and Bailie William Carlyle, both members of old local houses—the latter, by marrying Isabella Kirkpatrick, about 1630, adding another nuptial alliance to the many ties of that nature by which their "forbears" were made one. Other marriage contracts, of which a record lies before us, furnish forth both old names and new:—Thomas M'Burnie, merchant, on wedding Isabel, eldest daughter of Bailie Edward Edgar and Agnes Carlyle, his spouse, got with her a tocher of 1000 merks. This was on the 2nd of January, 1663; and, on the 24th of August, 1697, Agnes, the first fruit of the union, gave her hand to James Grierson of Dalgonar, the tocher given with her being simply the remission of 2000 merks out of 5500 owing by the bridegroom to the father of the bride. On the 21st of September, 1667, John, son of George Sharpe, also a merchant in the Burgh, espoused Elizabeth, eldest daughter of John Hairstens of Craigs. The happy swain in this instance was Commissary Clerk of Dumfries, which office was held a short time before by James, son of John Halliday, advocate, cadets of an Annandale clan, who gloried in recognizing as their founder the chief of whom

Wallace spoke so fondly: "Tom Halliday, my sister's son so dear!"

At least four other families, from the same district, had at this time representatives among the lairds and merchants of Dumfries: the Dinwoodies, long settled in the parish of Applegarth, descended, it is supposed, from Alleyn Dinwithie, whose name appears in the Ragman Roll; the Corries, who took their name from the old parish of Corrie (a Celtic compound, meaning "a narrow glen"), where they first appeared as vassals of Robert Bruce; the Flemings, sons of enterprising traders from Flanders, who gave their name to a Dumfriesshire parish, Kirkpatrick-Fleming—where, on the left bank of the Kirtle, rose Redhall, their ancient baronial hold; and the Bells, whose chief occupied Blacket House, on the right bank of the same stream, and who at one time mustered so strongly in the neighbouring parish, that "the Bells of Middlebie" became a proverbial expression in the County.*

A few Grahams from the east bank of the Esk, descendants, it is thought, of a brave knight, Sir John Graham, named Bright Sword, were to be found in Dumfries at this period; also some members of a celebrated Celtic family, the Kennedys, who look upon Roland de Carrick as their founder, and whose great grandson, Sir John Kennedy of Dunure, was the first to assume that name instead of Carrick.†

* These two last named families are both intimately associated with the tragical story of Fair Helen of Kirkconnel Lee, already referred to. Two neighbours, one named Adam Fleming, and the other supposed to have been a Bell of Blacket House, sought her hand, and she gave the preference to Fleming. The disappointed suitor, meditating vengeance on his favoured rival, traced the lovers to their usual nocturnal tryst on the banks of the Kirtle, and, by the light of the moon, aimed his carabine at Fleming, and fired. Fair Helen threw herself before her lover in order to save him, received in her breast the fatal bullet, and died in his arms. A desperate combat followed between the two men, in which Bell was "hacked in pieces sma'." Poor Fleming fled to foreign lands, seeking in vain for the peace of mind he had lost for ever; and then, following the impulse of his heart—

"O that I were where Helen lies!
Night and day on me she cries"—

returned home and died upon her tomb; and now the ashes of the lovers mingle together in the churchyard of Kirkconnel.

† Nisbet (System of Heraldry, vol. i., p. 161) considers that the old Celtic thanes of Carrick, which was originally a part of Galloway, were ancestors of

It appears from these details that Annandale and the Western Border contributed much more to the population of Dumfries than Nithsdale; and it is interesting to observe, that all the household names we have enumerated, except M'Brair* and Rome, are still more or less common in the Burgh—a remark which also applies to those of Turner, Lawson, Stewart, Mundell, Blacklock, Carruthers, Waugh, Clark, Paterson, Nicholson, Scott, Beck, Welsh, Thomson, Henrison or Henderson, Menzies, Dickson, Anderson, Lindsay, Gordon, Affleck, Ramsay, Forsyth, Goldie, Moffat, Simpson, Farish, Gibson, Crosbie, Pagan, Tait, Muirhead, Dalyell, Neilson, Gass, Weir, Glover, Coltart, Black, Reid, Wilson, Craik, Lorimer, Shortridge, Newall, Rigg, Barbour, Spense, Martin, Milligan, M'Kie, M'George, and M'Kinnell, which names, like the others, frequently appear in the ancient burgess rolls, showing that most of their owners have had "a local habitation" in the capital of Nithsdale for at least three hundred years.†

the Kennedys. So far back as the eighth century, Kennedy, father of Brian Boru, was Prince of Connaught; and, in 850, Kennethe was Thane of Carrick. The earldom of Cassillis (now Ailsa), in Ayrshire, is held by this family. The Rev. Alexander Kennedy, minister of Straiton, Ayrshire, born in 1663, acquired the estate of Knockgray, in the stewartry of Kirkcudbright. His great great granddaughter, Anne, married, 10th September, 1781, John Clark, Esq., of Nunland, also in the stewartry of Kirkcudbright; and their eldest son, Colonel Alexander Clark Kennedy, succeeded in 1835 to the estate of Knockgray. An honourable augmentation was granted to his arms, in commemoration of his having, when in command of the centre squadron of the Royal Dragoons at Waterloo, captured the eagle and colours of the 105th Regiment of French infantry with his own hand. (Scottish Nation, vol. ii., p. 609.) His son, Colonel John Clark Kennedy of Knockgray, born in Dumfries, also a distinguished officer, unsuccessfully contested the representation of the Dumfries Burghs with Mr. William Ewart, in 1865.

* The name Robert M'Brair appears in the list of burgesses for 1708, after which we lose trace of the family.

† Most of the local names mentioned in this chapter occur in the *Retours*, or Town Council Minutes, at dates extending from 1506, downwards till the middle of the following century. The reader will recognise modern localities in the old names of places in the second of the two extracts that we subjoin:—"1506. Wm. Cunyngham, 9 merk land 20s., et 12 do.; 3 tenements in burgo de Dumfries, val. 4s., de terr de Lordburn, ac itiam 4s.; di orto infra territorium dicti burgi." To this valuation return the following are witnesses:—"Dom. Fergusis Barbour, vic de Trawere [Troqueer], Hug Rig, Gul. Maxwell, David Welsche, John Lorymare, John Rig, Thos. Cunyngham, Thos. Stewart,

These statements will enable the reader to see by whom the town was ruled, and its public opinion guided, during the Reformation period, and for a century afterwards. Let us now explain what part the old leading County families took in the conflict of creeds which had long been raging. Many of them remained neutral, or kept the Romanist side; yet a considerable number cast in their lot with the Reforming party. Lord Maxwell's two sons, as well as himself, the Earls of Angus and Glencairn, the Laird of Johnstone, the Laird of Closeburn, the Laird of Amisfield (son of the knight whose memorable visit from the "Gudeman of Ballengeich" is narrated in a previous chapter), and James, chief of the Drumlanrig Douglasses, promoted the Protestant movement from motives of policy or religion, or a mixture of both — the last-named nobleman manifesting special zeal on its behalf. He was descended from William, son of the hero of Otterburn, who, by receiving the barony of Drumlanrig, in the parish of Durisdeer, from his father, acquired the designation of Dominus de Drumlanrig. In 1470 his direct descendant, James, married the eldest daughter of Sir David Scott of Branxholm, ancestor of the Dukes of Buccleuch and Queensberry. William, the son of James, fell at Flodden, leaving two sons, the younger of whom, Robert, was Provost of Lincluden College—the last who held that lucrative appointment; the elder, James, being the nobleman under notice, and who signalized himself in endeavouring, with Sir Walter Scott of Buccleuch, to rescue King James V. from the grasp of Angus in 1526. James Douglas of Drumlanrig was knighted by the Regent Arran, and subscribed the Presbyterian Book of Discipline in 1561, remaining ever afterwards true to his profession. Sir Cuthbert Murray of Cockpool was also a decided Reformer; his mother's family, the Jardines of Applegarth, adopted the Reformed doctrines; so did the Griersons of Lag; and all these houses were matrimonially

Herb. Patrickson, burgos de Drumf." Also, "Dom. Tho. Makbraire, Gilbert Bek, et John Turnour, capillanis apud Drumf. 1510. William Cunyngham and his wyfe, de tenementi dict burg [in the said burgh of Dumfries], 12s.; de tenementi in dict burg. in le Sewtergait, 10s.; de tenementi in capiti dict burg., 6s. 8d.; de tenementi in Lochmabingait, 8s.; de alio tenementi, 4s.; de orrio et orto prope le Mildam, et le Clerkhill, 10s." Testified to, among others, by "Dom. Jon Walker."

united to the Protestant Douglasses—the eldest surviving son of Cockpool having wedded one of Drumlanrig's daughters, and their daughter having been married to the heir of Lag.*

* Many of the leading families of the County were allied by intermarriage in this and succeeding centuries; and it not unfrequently happened that those families who were thus united took opposite sides in the wars that sprang up. The mother of Stewart of Garlies, who, as is afterwards shown, initiated the Reformation in Dumfries, belonged to the Catholic house of Herries. The marriage contract, dated 12th February, 1550, sets forth that "James Hamilton, Duke of Chatelherault, taking burden on him for John, his second son, as his tutor and administrator, on the one part, and Katherine Herries, with consent of James Kennedy of Blairquhan, her guidsire, on the other, hath contracted her to be married to Alexander Stewart, son and heir apparent of Alexander Stewart of Garlies, and is bound to pay 2300 merks of tocher with her; and grants to her, in conjunct fee with the said spouses, the £20 land of Dalswinton, and the £30 land of Bishoptown and Ballaghuyre." After the lapse of another generation, Barbara Stewart, the fruit of this marriage, was wedded by a Kirkpatrick, in terms of the following nuptial contract:—"Contract of marriage between John, heir apparent to Thomas Kirkpatrick of Alisland, and Barbara Stewart, wherein Alexander Stewart of Garlies [the Reformer], her brother, and Dame Katherine Herries, her mother, burden themselves with her tocher, 7000 merks from Alexander, and 400 from her mother on the one part; and on the other part, Thomas, the bridegroom's father, engages to maintain them in his house, and to give them 100 merks yearly to buy clothes." Dated at Kirkcudbright, 3rd May, 1581; and attested by William Maxwell, Master of Herries, Roger Kirkpatrick of Closeburn, Roger Grierson of Lag, Robert Herries of Mabie, Gavin Dunbar of Baldoon, and others. The bride's mother and the bridegroom's father were both unable to write.

Illustrations of the general statement could readily be multiplied. Michael, fourth Lord Carlyle, married Janet, daughter of Francis Charteris of Amisfield; their eldest son, William, married Janet, daughter of Johnstone of Johnstone; their second son, Michael, married Grisel, daughter of John, fourth Lord Maxwell; John Laurie of Maxwelton married Agnes, daughter of Sir Robert Grierson of Lag; a second daughter became the wife of Alexander Ferguson of Isle; while a third was wedded to James Grierson of Capenoch.

CHAPTER XXI.

DAWN OF THE REFORMATION IN GALLOWAY AND DUMFRIESSHIRE—GORDON OF AIRDS, ITS FIRST MISSIONARY—ONE OF HIS DISCIPLES, STEWART OF GARLIES AND DALSWINTON, INVITES THE GOSPELLER HARLOW TO DUMFRIES—HIS FIRST SERMON THERE, IN THE PAINTED HALL—CONSTERNATION OF THE PRIESTS—THE DEAN OF NITHSDALE ENDEAVOURS, WITHOUT EFFECT, TO GET HARLOW APPREHENDED BY THE MAGISTRATES—PROGRESS OF PROTESTANTISM IN THE COUNTY AND BURGH—REVIEW OF THE ROMAN CATHOLIC ESTABLISHMENT: THE ABBEY OF HOLYWOOD, THE PRIORY OF CANONBY, FRIARS' CARSE, LINCLUDEN COLLEGE, ST. MICHAEL'S CHURCH, THE GREYFRIARS' MONASTERY, THE VICARAGE OF DUMFRIES, ST. CHRISTOPHER'S CHAPEL, NEWABBEY, THE KNIGHTS TEMPLARS AND THEIR LANDS, THE KNIGHTS OF ST. JOHN AND THEIR HOSPITALS.

TILL 1543, the date of Lord Robert Maxwell's Act, no one throughout the kingdom could read an English or Scottish version of the Scriptures without serious risk. Long before that year, however, the old wood of Airds, in Kirkcudbrightshire, was often rendered vocal by the Word of life, read, in the vulgar tongue, to a secret, sympathizing audience, by Alexander Gordon of Airds, a man of rare excellence, who may be fairly reckoned the pioneer of the Reformation in Galloway and Dumfriesshire. He was the third son of Sir Alexander Gordon of Auchenreach. Having gone across the Border on matters of business, he happened to fall in with some of Wickliffe's followers; and, becoming attached to one of them, he engaged him to act as tutor in the family. Returning, thoroughly embued with Reformation principles, accompanied by a Wickliffite, and possessing a copy of Wickliffe's Testament, he became forthwith a zealous missionary of Protestantism.

Gordon was of gigantic size and strength, and was the father of an immense family; and on these accounts, as well as from the pious supervision held by him over his household and

numerous dependants, the epithet of "The Patriarch," by which he was popularly known, was exceedingly appropriate. When, after the Regent Arran's apostacy, the Beaton party got the upper hand, and enacted stringent laws for the observance of holidays, the stalwart Laird of Airds set them and their laws at defiance. According to one of these statutes, every beast of burden made to labour at such seasons was liable to forfeiture. By way of practical protest against it, the Patriarch (who had a spice of humour in his composition) gave a large festive entertainment on Christmas Day; and, yoking ten strapping sons in a plough, he held it himself, whilst his youngest boy acted as "caller;" and thus, in the presence of his astonished friends, and not a few emissaries of the Church, he tilled a ridge of the land of Airds, daring either layman or shaveling to distrain his team.*

His woodland congregations for studying the New Testament were held in a less open and defiant style. Among those who frequented them was Gordon's near kinsman, Alexander Stewart, younger of Garlies, the lineal descendant of the patriotic Sir Thomas Stewart, whom Bruce rewarded with the barony of Dalswinton. Young Stewart spent some time in England as pledge for his father, the Laird of Garlies, one of the prisoners taken at Solway Moss; and, probably when there, adopted those religious views which the teachings of the Patriarch confirmed. The pupil soon emulated his master in the ardour with which he disseminated the doctrines of the Reformation. The estate of Dalswinton still belonged to the family: being thus territorially associated with Dumfries, he resolved to make that town the scene of his proselytizing labours. The inhabitants were by no means ignorant of, or unconcerned about, the great revolution that was going on in the ecclesiastical world. Some of the leading men had been induced, by the preaching of the Lollards in Kyle, a neighbouring district, to embrace Protestantism; the secret converts to it numbering, among others, several members of the Cunningham family, in accordance with the example set by their noble relative, the Earl of Glencairn. The Burgh was therefore, to some extent, ripe for Stewart's evangelizing experiment. That

* Sir Andrew Agnew's Hereditary Sheriffs of Galloway, p. 154.

it might have a greater chance of success, he invited William Harlow, a lay preacher belonging to Edinburgh (who had been forced to flee from that city by the priests), to visit Dumfries. Knox, writing many years afterwards, characterized him as "a simple man, whose condition, although it excel not, yet, for his whole and diligent plainness in doctrine, is he, to this day, worthy of praise, and remains a fruitful member within the Church of Scotland."* Harlow accepted the invitation, and, humble tailor though he was, became the Burgh's first Protestant missionary.

A document is in existence† which enables us to record the precise hour in which Harlow first denounced the mass as rank idolatry, proclaimed salvation through simple faith in the crucified Redeemer, and sounded the knell of Popery in one of its strongest citadels. This took place at early morning watch, "nine houris afore noon," on the 23rd of October, 1558—the light of the coming day symbolizing, as it were, the dawn of the pure faith which the speaker heralded. Harlow, passing to the manor-house of Garlies, began his mission there; and then, at three o'clock on the morning of the above day, "preached in the fore-hall of Robert Cunninghame, within the burgh of Dunfrese," one of his hearers being his patron and coadjutor, Mr. Stewart. What unpardonable audacity! for a mere layman —a poor, vulgar maker of material garments—a heretic proscribed and vile—thus to lift up his testimony against "Holy Mother Church," and speak of her penances, pilgrimages, and peculiar dogmas, as no better than "filthy rags!"

But the "pestilent rebel" was watched by indignant officials, sacred and secular: the Dean of Nithsdale invoked the intervention of the civil authorities; and one Archibald Menzies, a legal emissary, with a good scent for heresy, and anxious for a job, hearing of what had occurred, "past incontinent to the presence of the said Alexander Stewart of Garlies, and the said Harlo, within the said burgh of Dunfrese, and required him of quhais authoritie, and quha gaif him commissioun to preach, he beand ane lait-man [layman], and the Quenis rebel, and

* History of the Reformation, p. 117.

† Niem. Glasg. in Colleg. Scot., Paris, F. 159. See Keith's History of the Affairs of Church and State in Scotland, vol. i., Appendix, p. 90.

excommunicate, and wes repelled furth of other partis for the said causis."

The answer given was bold, and to the point: "I will avow him," said Garlies, "and will mantain and defend him against you and all other kirkmen that will putt at him." Whereupon the officer, through the agency of "David Makgee, *notarius publicus*," protested by a written deed, "quhilk instrument," we are told, "wes tain in the lodging place of the said laird of Garlies, before thir witnesses: Schir* Patrick Wallace, curat of Dumfres; Schir Jhone Ireland, parson of Rewll [Ruthwell]; Schir Herbert Paterson, Schir Oles Wilson, chaplains; Robert Maxwell, Williame Maxwell, Herbert Maxwell, Jhone Frude, John Menzies, Mark Rewll, and utheris."

With the view of obliterating the impression made by Harlow, "Schir" Patrick Wallace preached a sermon in St. Michael's, "for the weill and instruction of his parishioners;" and then the pertinacious "Maister Archibald Menzies," anxious to do his part in the matter effectually, "past to the presence of David Cunninghame and James Rig, baillies of the burgh of Dumfres," and representing that Harlow had been put to the horn at the instance of the Queen's Grace, "for sic enormities and contemptions" as he had committed in divers parts "against the privilege of Haly Kirk and Acts of Parliament," he required them, in the sovereign's name, to seize the offender, and "putt him in sure hald." To their credit be it recorded, the magistrates said nay to the solicitation. One of them, it may be inferred from his name, was related to the owner of the hall in which Harlow preached—a noted historical hall, let us not forget to say—the very Painted Chamber in which the Sixth James was afterwards entertained; and whether it was that they decidedly favoured Protestantism, or simply wished to remain neutral, they declined to interfere, even when the man of law threatened them with pains and penalties, and "asked

* This courtesy title of "Sir" was formerly prefixed to the name of all curates and such priests as had taken the academic degree of Bachelor of Arts. Justice Shallow, in the "Merry Wives of Windsor," when addressing Hugh Evans, a churchman, says: "Sir Hugh, persuade me not, I will make a Star Chamber matter of it: if he were twenty Sir John Falstaffs, he shall not abuse Robert Shallow, esquire, master parson."

instruments," which were "maid and ta'en in the parioch-kirk," to that effect. Harlow, therefore, in spite of the enraged Dean of Nithsdale, his curate "Schir" Patrick, and the mortified "Maister" Menzies, and encouraged by the bountiful heir of Garlies, continued his services in Dumfries undisturbed, preparing the field for other labourers, who soon sprang up.*

In the catastrophe that ensued, down went the deaneries of Nithsdale and Annandale; the religious houses of the County, great and small, were suppressed; the ritual of Rome vanished from public view—the revolution which these words suggest being effected with little violence, and no bloodshed.

The oldest monastic establishment in Dumfriesshire was that of Holywood. The Abbey, which occupied the south-east corner of the present churchyard of that parish, was in the form of a cross, a spacious arch supporting its oaken roof. The upper part of the edifice was used as the parish church till 1779, when the remains were absorbed in the existing place of worship; and, hung up in it, the old Abbey bells (though consecrated more than seven hundred years ago), still ring in with dulcet peal the seasons of religious service.† To the Abbey were attached many lands in Nithsdale and East Galloway, its monks enjoying a jurisdiction over the whole. Its rental in 1544 amounted to £700 Scots; nineteen chalders, fourteen bolls, and three firlots of meal; nine bolls and three firlots of bere; and one chalder of malt.‡ At the Reformation its revenue was reduced to less than £400 Scots; and in 1587

* In the following spring, Harlow prosecuted his evangelizing labours in Perthshire, for which he was prosecuted by the Government, as the following extract from Pitcairn's Criminal Trials (vol. i., p. 407) will show:—"May 10, 1559.—Frier John Christesoune and William Harlow denounced rebels, as fugitive, &c.; and their cautioners, John Erskine of Dune and Patrick Murray of Tibbermuir, were amerciated, for their not entering to underly the law for their usurping the authority of the Church, in taking at their own hands the ministry thereof, as above, within the burgh of Perth, and other places adjoining, within the shire of Perth."

† The Statistical Account (p. 559) bears testimony to the excellent tone of these venerable bells, and states that an inscription on one of them gives as the date of consecration by John Wrick, the year 1154. The late incumbent of the parish, Dr. Kirkwood, who wrote the account in 1837, states that the charter seal of the Abbot, dated 1264, was at that time in his possession.

‡ Keith, vol. i., Appendix, p. 185.

the remains of the property was vested in the Crown. Thirty years afterwards, an Act of Parliament was passed annulling this arrangement as to the temporalities of the Abbey and its spiritual jurisdiction (extending over the parish churches of Holywood, Dunscore, Penpont, Tynron, and Kirkconnel, with their parsonages, vicarages, tithes, and glebes), in order that King James VI. might grant the whole to John Murray of Lochmaben as a free barony, to be called the barony of Holywood, for a nominal yearly rent of £20 Scots, he, moreover, engaging to pay the stipends, to uphold the churches, and supply "the Elements of breade and wyne for the celebratioun of the communione within" the same.* Murray was a great favourite of the King, and had previously acquired from him the barony of Lochmaben, with other property in Dumfriesshire. Thomas Campbell, the last Abbot of Holywood, faithful to the fortunes of Queen Mary, furnished her with assistance after she had escaped from Lochleven Castle, for which he suffered forfeiture in 1568.†

At a very early date, the parish church of Dunscore belonged to the Abbey of Holywood—gifted to the brethren, it is supposed, by Edgar, grandson of Dunegal, the Lord of Stranith. A portion of land in the parish was conferred by Edgar's daughter, Affrica, on another fraternity, the Monks of Melrose, who in

* Acts of Scot. Parl., vol. iv., pp. 575–6.

† One of the greatest mathematicians of the middle ages, Joannes a Sacro Bosca, threw a lustre over this monastic establishment, he having been an inmate of it in his early years. "He was born," says Dr. George Mackenzie, "in Nithsdale. Having finished the course of his studies, he entered into holy orders, and was made a canon regular of the Order of St. Augustine, in the famous Monastery of Holywood, from whence he has his name of Joannes a Sacro Bosca. After he had staid for some years in this Monastery, he went over to Paris, where he was admitted a member of that University on the 5th of June, 1221. He was, in a few years, made Professor of Mathematics, which he taught for several years with great applause."—*Lives and Character of the Most Eminent Writers of the Scots Nation* (Edin., 1708), vol. i., p. 167. The same author sums up his notice of Joannes by saying, "He is acknowledged by all not only to have been the most learned mathematician of his age, but the noble restorer of those sciences then sunk into desuetude; and his works have been ever since, and will still be, esteemed by all learned men; and some of the most eminent mathematicians of the last age, as Gemmas Frisius, Petrus Ramus, Elias Venetus, and Christophorus Clavius, have thought their labour not ill bestowed in illustrating them with their commentaries." (Vol. i., p. 168.) Joannes died in 1256.

course of time claimed the church also.* The Abbot of Darcongal, resenting this assumption, appealed to William, Bishop of Glasgow, and received a decision in his favour; that prelate, when at Kirkmahoe in June, 1257, ruling that Melrose had no business with the church, and could only of right tithe its own lands in Dunscore.† These lands, however, were at one period very extensive, and included the classical soil of Friars' Carse, held, too, by a direct descendant of the renowned Sir Roger Kirkpatrick, and who took his title from the farm in Dunscore, long afterwards tenanted by Robert Burns. A commission given by Cardinal Antonius, dated at Rome on the 13th of September, 1465, confirmed a charter from the Monastery of Melrose to John Kirkpatrick of Allisland of the thirty-six-pound land of Dalgonar, including "Killieligs, Bessiewalla, Over and Nether Bairdwell, Dunpaterstoun, Over and Nether Laggan, Over and Nether Dunscoir, Ryddingins, Edgarstoune, Mulliganstoun, Culroy, and Ferdin, together with the lands of Friars Kars." This commission, addressed to certain dignitaries of the Scottish Church, proceeded on the curious narrative that Andrew the Abbot, and the brethren of Melrose, in augmentation of their rental, and for certain sums of money paid to them by the said John, had granted to him and his lawful heirs male, bearing the name of Kirkpatrick, whom failing, to his nearest heirs female, without division, the said lands to be holden in feu farm of the said Convent of Melrose, he paying "46 merks, 6½ lib. sterling," or 110 ounces of pure silver, at least eleven pence fine, and doubling the same the first year of his entry thereto; the said John and his heirs becoming bound to entertain each year the abbot, convent, and company with their horses—once in summer during three days and three nights, and once in winter for the same space—in their dwelling of "Friars' Kars," furnishing them with meat and drink and all other necessaries. As Kirkpatrick's landlords were proverbial for their jollity, the expense of these periodical visits would amount to a heavy rent in itself.

"The monks of Melrose made gude kale,
On Fridays when they fasted;
And wanted neither beef nor ale
As lang's their neighbour's lastit."

* Chartulary of Melrose, Nos. 103–4–5. † Ibid, No. 107.

But lest their bargain with him should seem a stingy one, they threw into it the bailiery of the thirty-six-pound land of Dalgonar, with all the privileges and profits thereof, including power to hold bailie courts; he paying for the office the nominal sum, annually, of one penny Scots.* For a while after the Reformation, the property in Dunscore that belonged to Melrose was still administered by the commendator of the Abbey, Michael Balfour by name—that officer having, in August, 1565, granted a charter to Thomas Kirkpatrick of Allisland and Friars' Carse of a 24s. 6d. land; also, the tack of the teinds or tithes in the Over part of the parish, the latter for twenty pounds Scots a year.

Next in importance, though not quite so ancient as the Abbey of Holywood, was the Priory of Canonby, in Eskdale, erected, as we have seen, by Turgot de Rosindale, and granted by him, with adjacent territory, to the monks of Jedburgh.† In Bagimont's Roll,‡ Canonby was taxed £6 13s. 4d. Scots. Its prior sat in the great Parliament held at Brigham in March, 1290; and, together with his canons, swore fealty to Edward I. at Berwick, in August, 1296. In 1341, the brotherhood received from Edward III. a writ of protection; but that did not hinder them from being frequently harassed, and their possessions plundered, in the Border wars; and both the priory and church are said to have been demolished after the rout of the Scottish army at Solway Moss, in 1542.§ The establishment was vested in the King by the Annexation Act of 1587; and it and the Abbey of Jedburgh, with which it was associated, were, in 1606, granted by the Legislature to Alexander, Earl of Home, he obtaining as pertinents of the priory, the patronage, teinds, and tithes of the churches of Canonby and Wauchope. Eventually the priory,

* No. 824, Ant. Soc., Edin.

† The revenue of Jedburgh Abbey, including the Priories of Canonby and Restennent, Angusshire, was £1274 10s. Scots, besides meal and bere.—KEITH, p. 185.

‡ A roll showing the value of all benefices, named after a Papal Legate who caused it to be made, that the revenue might yield its due amount of taxation to the Court of Rome.

§ Some vestiges of the convent are still (1836) to be seen at Halgreen, about half a mile to the east of the parish church.—*Statistical Account*, p. 490.

with its property, passed from the family of Home to that of Buccleuch.*

We have already seen how Lincluden Abbey was converted into a collegiate church by Archibald, Earl of Douglas. Its revenue was much increased by the liberality of his son's wife, Margaret, daughter of Robert III., who founded in it a chaplainry, and endowed it with the lands of Eastwood, Barsculie, Carberland, Dumnuck, and the domains of Southwick and Barns.† Many of the Provosts of the college, soaring beyond its sphere, held high positions in the State. Elese, the first Provost, was succeeded by Alexander Cairns, who became Chancellor to the Duke of Touraine; the next was John Cameron, a great favourite at Court, who died in 1446, previously to which the provostry devolved on John M'Gilhauck, rector of Partoun. The next name on the roll is that of Halyburton, whose arms, carved on the south wall of the church, bespeak his high rank. Winchester, who was made Bishop of Moray in 1436; Methven, who became a Secretary of State and a diplomatic agent; and Lindsay, who was Keeper of the Privy Seal and ambassador to England, come next in order: these in their turn being followed, says Chalmers, "by other respectable men who evinced by their acceptance, the importance, and perhaps the profit, which were then annexed to the office of Provost of Lincluden."‡

At the period of the Reformation, this lucrative provostry was held by Robert Douglas, second son of Sir William Douglas of Drumlanrig. He was appointed to it in September, 1547; and, on his death, after enjoying the benefice for more than fifty years, he was succeeded in it by his elder brother, James Douglas, who obtained, however, only a portion of the collegiate property, including "all and haill the Salmond fischeing in the water of Nethe."§ The major part was granted, in 1617, to Sir Robert Gordon of Lochinvar, and to Sir John Murray of Lochmaben, the lucky knight who, as groom of the royal bedchamber, had gained the love and favour of King James; they becoming bound to pay the feu mails to Douglas during his life, and afterwards to the

* Inquisit. Speciales, pp. 212, 242. † Caledonia, vol. iii., p. 308.
‡ Caledonia, vol. iii., pp. 308–9. § Acts of Scot. Parl., vol. iv., p. 570.

Crown. How rich the College of Lincluden was, may be inferred from the enumeration of its estates in the Act conferring them in equal shares on Gordon and Murray. In that document they are designated as "all and haill the five-merk land of Little Dryburgh; the five-merk land of Drumjarg; the five-merk land of Ernephillane; the five-merk land of Ernecraig; the five-merk land of Blairony; the five-merk land of Meikle Dryburgh; the five-merk land of Chapmantoun; the five-merk land of Blankerne; the five-merk land of Ernmingzie; the five-merk land of Crocemichell; the five-merk land of Garrantoun; the two-and-a-half-merk land of Blackpark; the fifteen-shilling land of Staikfurd [now Nithside]; the forty-shilling land of Newtoun; the one-merk land of Clunye and Skellingholme; the six-merk land of Terrauchtie; the six-merk land of Drumganis; the five-merk land of Troqueer; the one-merk land of Stotholme; the five-merk land of Nuneland; the five-merk land of Cruxstanis [Curristanes]; the six-merk land of Holme [now Goldielea]; the twenty-shilling land of Marieholme; and the four-merk land of Nuneholme:"* these comprising some of the most fertile arable farms, meadows, and grazing grounds that are to be found in the vicinity of Dumfries.

By the slaughter of Comyn, the Greyfriars' Monastery of the Burgh lost its previous high repute: it was believed to have been desecrated by the blood shed before its high altar, and to have shared in the awful curse pronounced by Pope John on the perpetrator of the murderous deed; yet the provost and chapter continued to occupy it till the beginning of the sixteenth century. Charters to houses in its neighbourhood, given by them in 1497, are said to have been seen and read at a comparatively recent period.† After the Reformation, the magistrates and community of Dumfries obtained a grant, dated 23rd April, 1569, of the whole lands, possessions, and revenues of the Monastery. Many of the inhabitants of the town worshipped within its church, till, scared from it by Bruce's outrage, they were led to frequent the undefiled sanctuary of St. Michael's Werk—the old parish church, situated at the southern extremity of the Burgh. Soon the little edifice

* Acts of Scot. Parl., vol. iv., pp. 571–4. † Burnside's MS. History.

became overcrowded, and an addition was made to it: to defray the expense of which, every person admitted a burgess or freeman of Dumfries was required to pay five merks; and when a sufficient fund for the building was thus realized, the rest of the money was spent in purchasing wine and spice for performing, with congenial hilarity, the festival plays of Robin Hood and Little John—a custom that was kept up for a century afterwards.* By an Act of Parliament passed in 1555, the obligation to devote the burgess money to such purposes was discharged.

At a very early period, the Church establishment in Dumfries was intimately associated with the Abbey of Kelso. In the thirteenth century, the Abbot of that great house entered into an agreement with the Dean of Nithsdale, in virtue of which he received certain charters respecting the benefice, and gave to the Dean all the places of worship in the Burgh, on condition that that dignitary should pay twenty merks of silver yearly to the Abbey.† A rectory, dependent on Kelso, was established with this sum, but served by a vicar, who was allowed for his maintenance only the tithes of a few acres attached to the vicarage—the tax on which was fixed at four pounds in Bagimont's Roll. As already noticed, a tuneful churchman, who possessed a merry soul though physically deformed, held the office in 1504—"the crukit Vicar of Dumfreise, that sang to the King in Lochmabane be the Kingis command." The last vicar was Thomas Maxwell, who dying in 1602, the tithes and lands were inherited by his daughter, Elizabeth—their annual value being £10 6s. 8d.

The Greyfriars' Monastery in the Vennel did not long outlive the last of its inmates.‡ When, about the middle of the six-

* Burnside's MS. History. † Chart. Kelso, No. 322.

‡ The name of John Scot of Duns, usually termed Duns Scotus, is, according to Mackenzie, the learned author already quoted, closely associated with this religious house. He was born at the town of Dunse in 1274; and, "having learned his grammar, our historians say that two Franciscan Friars falling acquainted with him, and finding him to be a youth of wonderful parts, took him alongst with them to Dumfries, where they induced him to enter into their order." (Vol. i., p. 215.) Spottiswoode gives a similar statement; but some English writers are of opinion that it was not at Dumfries, but Newcastle,

teenth century, the Castle of Dumfries needed repair, materials for that purpose were quarried out of Devorgilla's edifice. The church portion of it, however, seems to have been left untouched, as Arthur Johnston,* the distinguished poet and physician, who died in 1641, wrote a sonnet in its praise. Viewing it with intense admiration on account of its close association with the deliverance of his country from a hateful despotism, he gave expression to the sentiment in a piece of elegant Latin verse, "In laudem Dumfriesii," stating that in this town might be seen a building to which Diana's temples and anything else that Greece deemed more worthy of honour must give place, for here the valiant Bruce smote the traitor Comyn; and closing with the glowing apostrophe:—

> "Scotia! Dumfrisii reliquis altaria præfer,
> Hic tibi libertas aurea parta fuit.

"O Scotland! Prefer the shrines of Dumfries to all others in the land, because there golden liberty was born to thee."†

Part of the south wall of the Monastery, including two dilapidated arched windows, was still standing about sixty years ago in front of Comyn's Court at the Port of the Vennel; but now no relic remains of a house which superstition looked upon as accursed, and patriotism viewed with worshipful reverence, except the huge fire-place of the refectory where the food of the friars was cooked, which once turned out

where Scotus became a Franciscan Friar. He afterwards studied at Oxford, went to Paris in 1301, where, as President of the Theological College, he soon became the greatest scholastic luminary of his age, acquiring the title of "the Subtle Doctor," on account of his marvellous powers of disputation, and drawing crowds of students to the University (thirty thousand it is said, but that must be an exaggeration) by the depth and brilliancy of his intellect. He died at Cologne in 1308, at the early age of forty-three.

* Dr. Arthur Johnston belonged to a family long settled in Aberdeenshire. The first of them was Stiven de Johnston, who lived in the reign of David II., and is said to have been the eldest brother of the Laird of Johnstone in Annandale. Being addicted to learning, he withdrew from the troubles of his own district to Aberdeenshire, where he found congenial employment as Secretary to the Earl of Mar. By his marriage with Margaret, daughter and heiress of Sir Andrew Garioch, he got the lands of Caskieben, &c., also those of Kinburn, which he called after his own name; and from him are descended all the Johnstones of the north.—*Scottish Nation*, vol. ii., p. 575.

† Appendix H.

dinners for a king, and which is now doing service in the kitchen of a tavern*—remaining a tough piece of masonry after passing through six centuries of smoke and flame.†

Long after the desertion of the Greyfriars' Church, the missal service was continued in Sir Christopher's Chapel. Sir Richard Maitland states, in his account of the Seton family, that he had heard mass in the building, and that the latter was standing undecayed in 1552. In the course of a few subsequent years its doors would be closed and its endowment be secularized. For more than a century the little chapel, when falling into ruins, looked forlorn yet picturesque, till nearly all that remained of it was carried away for defensive purposes during the Jacobite Rebellion of 1715. It has been conjectured that the eminence on which it was built, and which was the scene of Seton's judicial murder, was the Tyburn of the Burgh: a supposition which receives support from a discovery of numerous human remains when, in 1837, the foundation was excavated of the edifice that now crowns the "Crystal Mount"—St. Mary's Church. On that occasion, upwards of seventy skulls were dug up. Were any of these deserted "domes of thought" tenanted by the doughty warrior who, by saving Bruce at Methven, saved his country, and proved his patriotism in the more terrible ordeal of the scaffold? Or were they only "the chambers desolate" of ordinary malefactors, or miserable suicides—for it was long the custom to bury here, also, those who violated the canon against self-slaughter?‡ The questions must remain unanswered. Undoubted relics of the sacred building by which Seton's memory was enshrined were, however, picked up whilst the present church was being founded; and these have been tastefully set up within an enclosure on the south side of the church. They constituted

* The "Grey Horse" public house, Friars' Vennel.

† An old house which, down till 1863, formed the west corner of Irish Street, had a fragment of the original gate built into its gable.

‡ In a paper by Mr. James Starke, on Sir Christopher's Chapel, he says: "There is no reason to doubt but that the patriot Seton suffered at the common place of execution at that day. . . . It was the Tyburn of Dumfries, and here also, as tainted and polluted ground, all suicides were buried."—*Transactions of Dumfriesshire and Galloway Natural History and Antiquarian Society*, vol. ii., p. 44.

part of the beautiful east window, noticed by us in a former chapter, and bear the following inscription:—"These stones, the relics of the ancient chapel, dedicated to the Virgin Mary, erected by King Robert Bruce, in memory of Sir Christopher or Chrystal Seatoun, are here placed by Major James Adair, 1840."*

Newabbey, the greatest religious establishment, founded in the district by Devorgilla, was munificently endowed: the churches of Newabbey, Kirkpatrick-Durham, Crossmichael, Buittle, and Kirkcolm, belonged to it, together with the baronies of Lochkinderloch and Lochpatrick, and other landed property; all of which lapsed to the Crown in 1587, till, in 1624, the lands, valued at £212 10s. 10½d. sterling, yearly, were erected into a temporal barony, in favour of Sir Robert Spottiswood. Afterwards, in Queen Anne's reign, the barony was burdened with a mortification, payable from the lands of Drum, to support the second minister of Dumfries, amounting, with several decreets of locality, to £141 4s. 8⅓d. What remains of the building—a nave, with aisles, choir, and transepts, an aisle on the east side, and a central square tower, rising ninety-two feet high, over the intersection of the nave with the aisles—furnishes still a vivid idea of Sweetheart Abbey in the olden time.

In addition to the monastic brotherhoods already noticed, two orders of religious knights acquired a settlement in Dumfriesshire—the Templars or Red Friars, and the Knights of St. John. The former, instituted by Baldwin II., King of Jerusalem, took their name from a residence he gave to them near the Temple of that city; the founders of the latter were certain devout Neapolitan merchants, who, trading to the Holy Land, obtained leave to build a church and monastery in Jerusalem, for the reception of pilgrims, to which buildings were added, in 1104, a larger church, with an hospital for the sick, dedicated to St. John: hence the name of the order, and

* This inscription is erroneous. The chapel, as we have seen, was built by Lady Seton, and only endowed by her royal brother; and it was not dedicated to the Virgin, but, as the charter distinctly states, was "erected in honour of the Holy Rood." Major Adair, who was a member of the kirk-session of St. Mary's, merits thanks for collecting and authenticating these relics of this interesting historical edifice.

the designation of Knights Hospitallers, by which they are also well known.*

Portions of the property that belonged to the Templars in the County bore their name long after they fell into other hands at or before the date of the Reformation. Thus we read in old records of the temple-lands of Ingleston in Glencairn; the temple-land in Durisdeer; the five-pound temple-land of Carnsalloch; the temple-land lying beside the Glen of Lag; the temple-lands of Dalgarno; the temple-lands, two in number, near Lochmaben; the temple-lands, also two, beside Lincluden College; the temple-land of Torthorwald; the temple-land of Carruthers, in the old parish so named; the temple-land of Muirfad, near Moffat; and there is a village, in the vicinity of Lochmaben, called Templand, built on ground that was once owned by this opulent fraternity. In the particular register of sasines kept at Dumfries, sasine was registered on the 16th of April, 1636, in favour of Adam Johnstone, brother of Archibald Johnstone of Elshieshields, in the temple-land of Reidhall; and the forty-shilling land called Templands, both in the stewartry of Annandale. The same register contains an entry of sasine, dated 21st May, 1636, in favour of John Johnstone of Vicarland, and Adam, his son, of the temple-land

* When the Templars were formed into an order, the Abbé de Verlot, in his History of the Knights of St. John, states that "St. Bernard ordered them, instead of prayers and offices, to say, every day, a certain number of paternosters, which would make one imagine that those warriors, at that time, knew not how to read." One of the statutes required that the knights should not eat flesh above three times a week. The holy abbot, with regard to their military service, declared that each Templar might have an esquire, or serving brother-at-arms, and three saddle horses; but he forbade all gilding and superfluous ornaments in their equipage. He ordered that their habits should be white; and, as a mark of their profession, Pope Eugene III. added afterwards a red cross placed over the heart." (Vol. i., pp. 56–7.)

De Verlot records that the idea of making the monastic inmates of St. John's Hospital into a military order, was first mooted by Raimond Dupuy, and characterizes it as "the most noble, and withal extraordinary design, that ever entered into the mind of a monk, tied down by his profession to the service of the poor and sick." They were divided into three classes—1. Gentlemen used to arms. 2. Priests and chaplains. 3. Men neither of noble families, nor ecclesiastics, who were termed *frères servans* ("serving brethren"). The habit consisted of a black robe, with a pointed mantle of the same colour (called a *manteau à bec)*, upon which was sewn a pointed cowl, and the left side of which displayed an eight-pointed cross of white linen. (Vol. i., pp. 43–4–5.)

termed the Chapel of Kirkbride, in Kirkpatrick; and an instrument is recorded whereby the five-pound Carnsalloch temple-land, already mentioned, which belonged to William Maxwell of Carnsalloch, was conveyed to Adam Shortrig, eldest son of John Shortrig, the precept being dated at "The End of the Bridge,"* 21st of December, 1619. At Becktoun, Dryfesdale, may still be seen the vestiges of a small religious house that belonged to the order, together with the Chapel-lands, by which it was endowed.†

The Hospitallers had not so much landed property in the Shire as their fellow knights, but they seem to have possessed a larger number of foundations. One of their principal houses was a preceptory, at Kirkstyle, about ten miles from Dumfries, in the parish of Ruthwell, the ancient burial-ground of which exhibited, up till a recent period, several memorials of their presence, in the shape of sculptured stones, each containing an ornamented cross, having a sword on the right, a figure resembling the coulter and sock of a plough on the left; but no names of the knights "long gone to dust, and whose swords are rust," over whom the stones were originally laid.‡ One of their establishments stood rather more than a mile south-east of Dumfries, on an estate which bore, in consequence, the name of Spitalfield, till it was bought by the late Mr. John Brown, merchant, Liverpool, who called it Brownhall. On the opposite side of the Kelton Road lies Ladyfield, with its ancient orchard and well, which may have been a pendicle of the Hospital; and we are inclined to think that "Our Lady's Chapel," at which King James IV. paid his devotions when visiting Dumfries, was situated on Ladyfield. Above the town of Annan, on the west bank of the river,

* Or Bridge-end, the name borne by Maxwellton before it was erected into a burgh of barony.

† Inquisit. Speciales, p. 291.

‡ "These memorials of the dead," says Dr. Henry Duncan, in his Account of the Parish of Ruthwell, written in 1834, "were found by the present incumbent [himself] lying in the parish burying-ground, whence he removed them; and they now form part of the wall of a summer house attached to the front wall which separates the garden from the churchyard." In the same garden is placed the celebrated Runic Cross, for the preservation of which memorable monument of Anglo-Saxon times we are also indebted to Dr. Duncan.

there was another hospital belonging to the knights of St. John, from which two adjacent hamlets, Howspital and Spitalridding, acquired their designation; and they had a second one in Annandale, at Trailtrow, the cure of which was granted by James IV. to Edward Maxwell, with the land revenues of the same, vacant by the decease of Sir Robert M'Gilhance, the last master of the Hospital.* Their largest hospital in the County, however, grew up under the shadow of Sanquhar Castle, on the northern bank of the Nith. Many ages after all traces of it disappeared, the plough turned up numerous relics of its inmates, the mouldering memorials of a brotherhood who were men of note in their day, though they are now all but forgotten throughout the district—a fate which they share in common with their more distinguished fraters, the military monks of the Temple.†

Both orders fell into decay long before the Papal establishment, of which they formed a singular feature, ceased to flourish; and when abolished at the Reformation, their remaining property was secularized: Ross of Rosile obtaining a considerable share of it; Murray of Cockpool getting what belonged to the Hospitallers in the parish of Ruthwell; Lord Herries their house and lands at Trailtrow;‡ while, as already mentioned, the Spitalfield of Dumfries was acquired before 1666 by the M'Brairs of Almagill.

* Privy Seal Register, vol. iv., p. 211.

† The masters of both orders in Dumfriesshire having submitted to Edward I. in 1296, were confirmed in their possessions by precepts addressed to the Sheriff by the King.—RYMER, pp. 724–5.

‡ Inquisit. Speciales, p. 291; and Caledonia, vol. iii., p. 154.

CHAPTER XXII.

JOHN KNOX VISITS DUMFRIES—ELECTION OF A SUPERINTENDENT OVER THE CONGREGATIONS OF THE DISTRICT—QUEEN MARY'S CONVERSATION WITH KNOX ON THE SUBJECT—SLOW PROGRESS OF PROTESTANTISM IN THE BURGH—SIR JOHN MAXWELL MARRIES THE ELDEST DAUGHTER OF LORD WILLIAM HERRIES—HE IS VISITED AT TERREGLES BY THE QUEEN—PROFESSES PROTESTANTISM—MAXWELL AND KNOX CO-OPERATE ON ITS BEHALF—RUPTURE BETWEEN THEM—THE QUEEN GAINS MAXWELL OVER TO HER INTERESTS—HE ATTEMPTS, WITHOUT SUCCESS, TO EFFECT A RECONCILIATION BETWEEN THE PROTESTANT LORDS AND HER MAJESTY—MANIFESTO ISSUED BY THE LORDS AT DUMFRIES—MARY VISITS THE TOWN AFTER THEIR DEPARTURE—SHE UPBRAIDS MAXWELL FOR KEEPING ON FRIENDLY TERMS WITH HER ENEMIES—MAXWELL FINALLY BREAKS WITH THEM, OBTAINS THE QUEEN'S FULL CONFIDENCE, AND IS CREATED LORD HERRIES—AN ANTI-REGENT RIOT IN DUMFRIES—ESCAPE OF MARY FROM LOCHLEVEN CASTLE—HER DEFEAT AT LANGSIDE—SHE IS CONDUCTED FROM THE FIELD BY LORD HERRIES TO TERREGLES, AND THEN FLEES FOR REFUGE TO ENGLAND.

FOUR years after the memorable visit of Harlow to Dumfries, the intrepid Knox arrived in the Burgh, in order to preside at the election of a superintendent, or moderator, over the various congregations formed in the district. Reference to the Reformer's mission is made in the following minute of the fifth General Assembly, as given by Calderwood:—"For the planting of kirks in the sheriffdomes of Dumfries, Galloway, and Nithisdaill, and the rest of the West daills: the Assemblie nominat in lites for the superintendentship, Mr. Alexander Gordon, entituled Bishop of Galloway, and Mr. Robert Pont, minister of Dunkell; ordained edicts to be sett forth for the admission upon the first Lord's day of Aprile, and appointed the Superintendent of Glasgow, Mr. Knox, minister of Edinburgh, Mr. Robert Hamilton, minister of Ochiltree and Mauchlin, and other learned men, to be present at the inauguration of the person elected; the place of admission to be the parish kirk of Drumfries." Gordon, one of the candidates, had occupied

many different sees under the old Papal system. He was first Bishop of Caithness, then of Glasgow, then of the Isles, then of Galloway, and was sometimes known as Bishop of Athens, which title he had received from the Pope on being deprived of the see of Glasgow. He was an able man, but full of duplicity; and in trying to curry favour with each of the two great religious parties, he lost the confidence of both. Pont, on the other hand, was an earnest, straightforward Presbyterian divine, and intellectually well fitted for the high position to which he aspired.*

A few weeks before the election, Knox, as is related in his own "History,"† had an interview with Queen Mary, at which, curiously enough, she introduced this subject. Having met her Majesty by appointment, when out on a hawking expedition near West Kinross, she, after a reference to other matters, said, "I understand that ye are appointed to go to Dumfries, for the election of a superintendent to be established in those countries." "Yes," said the Reformer; "those quarters have great need of such a one, and some of the gentlemen there so require." "But I fear," said she, "that the Bishop of Athens would be superintendent." "He is one, madam," answered Knox, "that is put in election." "If ye knew him," said she, "as well as I do, ye would never promote him to that office, nor yet to any other within your kirk." "What he hath been, madam," said Knox, "I never knew, nor yet will I enquire;

* Robert Pont, born at Culross about 1524, was a learned and accomplished divine. In July, 1574, he was, with others, appointed by the General Assembly to revise all books that were printed and published. About the same time, he drew up the Calendar, and framed the rules for understanding it, for Arbuthnot and Bassandyne's edition of the Bible. He had also a considerable share in the preparation of the Second Book of Discipline. He was elected no fewer than five times Moderator of the General Assembly; and enjoyed the rare distinction, for a clergyman, of having been appointed a Senator of the College of Justice—an office which he only accepted after receiving permission from the Assembly. Mr. Pont published several works, among others, "A newe Treatise of the right reckoning of Yeares and ages of the World, and men's lives, and of the estate of the past decaying age thereof, this 1600 yeare of Christ (erroneously called a yeare of jubilee), which is from the Creation the 5548 yeare. Containing sundrie singularities, worthie of observation, concerning courses of times, and revolutions of the Heaven and reformations of Kalendars, and prognostications, &c., &c. Edin. 1599, 4to. Latine, 1619, 4to."

† Knox's History, p. 282.

for, in time of darkness, what could we do, but grope and go wrong, even as darkness carried us? but, if he fear not God now, he deceives many more than me; and yet, madam, I am assured God will not suffer his Church to be so far deceived, as that an unworthy man shall be elected, where free election is, and the Spirit of God is earnestly called upon to decide betwixt the two." "Well," rejoined her Majesty, "do as ye will; but that man is a dangerous man." "And therein," adds the historian, "was not the Queen deceived; for he had corrupted most part of the gentlemen, not only to nominate him, but also to elect him: which being perceived by the said John [Knox], he delayed the election, and left it with the Master of Maxwell. Mr. Robert Pont was put in election (with the foresaid bishop), to the end that his doctrine and conversation might be the better tried of those that had not known him before, and so was this bishop frustrate of his purpose for that present; and yet was he at that time the man that was most familiar with the said John in his house and at table."

The election of the superintendent devolved upon the ministers settled in the district. They, after hearing the two candidates preach, and testing them in other respects—and doubtless giving due weight to the counsel of Knox and Lord Herries—chose Mr. Pont, who in virtue of his office bore a rule slightly resembling that of a bishop over Galloway and Carrick, as well as Dumfriesshire. He resided in Dumfries, but was seldom long at home, as he had to devote most of his time to the visitation of his diocese—building up new congregations, supplying them with pastors (or, when these could not be obtained, with readers); trying the life, diligence, and behaviour of the ministers, the order of their churches, and the manners of the people; seeing how the poor were provided for, how the youth were instructed; giving admonition where called for; and, finally, taking note of all heinous crimes, that the same might be considered by the censures of the Church.* This office, to which so many onerous duties were attached, was but of temporary duration, as when the fabric of Presbyterianism had been fairly erected it was not required. After Mr. Pont had for some time done pioneering work in Dumfriesshire, the

* Spottiswoode, vol. i., p. 343.

General Assembly of the Church found matters ripe enough for the erection of four Presbyteries in the County—those of Dumfries, Penpont, Lochmaben, and Annan—and for forming them into a provincial Synod. The presence and exertions of Knox in Dumfries did much to extend the congregation there which Harlow had originated, and also to consolidate its Presbytery, which, in the course of a short period, came to occupy nearly the same sphere as the abolished Deanery of Nithsdale.

That Protestantism had made little advance in Dumfries fifteen years after the Presbyterian form of it had been ratified by Parliament, is shown by the following extract from the minutes of the General Assembly, dated 6th August, 1575. "Mr. Peter Watsone, Commissiouner of Nithisdale, compleaned that the toun of Dumfreis at Christmasse-day last by-past, seeing that naither he nor the reader would naither teache nor read upon these days, brought a reader of their own with tabret and whissell, and caused him to read the prayers, which exercise they used all the days of Yuile. The Assemblie thought good this complaint should be intimated to my Lord Regent's grace." Thus we see that the inhabitants tenaciously adhered to the old "Yule" ceremonies, and observed them in spite of the Presbyterian Commissioner's example and remonstrance. We infer from another quotation that, after the lapse of thirteen years more, Popery, though losing ground, had still a powerful hold of the town.

In 1588 a General Assembly was convened for the special purpose of "repressing Jesuits and other Papists" who had come to subvert the established religion, to which Assembly the subjoined report was given in:—"In the South, about Dumfreis, Mr. John Durie, Jesuit, corrupting and practising too and fro under the name of Mr. William Laing, who with his complices had masse within the toun of Dumfreis before Pasche and Yuile last was; the Lord Hereis, the Laird* of Kilquhomate, the Goodman* of Dumrushe, Mr. Homer Maxwell, commissar, John Mackgie, commissar clerk, Johne Bryce, merchant, John Rig, notar, Paul Thomsone, My Ladie Hereis,

* The distinction formerly recognized between these two designations was this: the laird was a Crown vassal or baron, the goodman (or gudeman) was one who held land of a baron, and was often also called a feuar.

elder and younger, my Ladie Morton, the Lady . . . . the Lady Tweddail, Papists, apostats, interteaners, and professed favourers of Jesuits. *Item*, there is a certaine woman that doeth no less hurt in Dumfreis than the Jesuits, called Katherine Hairsteins.* No resorting to heare the Worde there [in Dumfries]; no discipline; holie dayes keeped by [in opposition to] plain commandement and controlling of the deacons of the crafts; all superstitious ryotousness at Yuile and Pasche, &c.;† no kirks planted there."

As previously stated, during the absence of Queen Mary in France, the Romish Church in Scotland was overthrown, and the Protestant religion, under a Presbyterian form, set up in its stead. It was the misfortune of Mary that she did not accept the new state of matters; and it was the madness of bigotry for her to attempt, as she did, to unmake the Reformation. Her return, in 1561, was hailed with enthusiasm by all parties. She was the most beautiful woman of her age; and there was at least room for hope that she would prove prudent and virtuous. "May God save that sweet face!" was the universal cry, as the Queen rode in procession to the Parliament; but the aspirations and wishes breathed regarding her were mournfully disappointed. Ten years elapsed, bringing with them numerous important events, most of them detrimental to the Queen—some of them involving on her part gross indiscretion, if not dreadful guilt—and ending in her deathward flight to the shores of England. Her marriage with Darnley, in opposition to the wish of her Protestant lords and of Queen Elizabeth—her further alienation from them when she joined the league formed by the Emperor of Germany and the Kings of France and Spain to extirpate the Protestant religion—the murder of her husband, and her marriage soon after with Bothwell, who was more than suspected of having planned the horrible deed—her enforced surrender to the Lords of the Congregation—her imprisonment in Lochleven Castle—her escape—her exertions to resume the power of which she had been deprived, and their thorough failure at Langside—are the leading incidents between Mary's joyous landing at the pier of Leith and her disastrous defeat by the Lords of the Congregation.

* Probably one of the Craigs family. † Wodrow's History of the Kirk.

How far Dumfries and the men of the town and district were associated with the fortunes of Queen Mary, we have now to show. Of all the hapless Queen's adherents none was more faithful, and few were more conspicuous, than Sir John Maxwell, called of Terregles because of his marriage with Lady Agnes, eldest daughter of William, Lord Herries; called also the Master of Maxwell because he was the nearest male heir of Sir John, son of Robert, the fifth Lord Maxwell; but best known in history as Lord Herries. For several years prior to 1553, he was Warden of the Western Marches. At that date he resigned the office, on the ground that he had "becum under deidlie feid with divris clans" of the Border, who impaired his influence. He took part in framing the Treaty of Norham, and other treaties with the English, in 1561 and 1563;* and was, on account of his talents, not less than his position, employed in many other acts of a national character. In right of his marriage, he became possessed of one-third of Terregles and Kirkgunzeon; and he subsequently acquired the other portions of these baronies which had belonged to the sisters of his wife. Having ability, wealth, and high rank, it was of great consequence to the Queen that he should become attached to her interests.

On the 20th of August, 1563, Mary visited Dumfries for the first time. As she was accompanied by her Council, it has been thought that the peace negotiations then going on with England occasioned her journey to the south. But she felt more interest in the chief negotiator of the treaty than in the treaty itself—was less desirous of securing peace with the English than gaining the favour of the Maxwell family, whose late chief had been lost to her service, but whose present virtual head might still be won over, though he, too, had been holding dangerous dalliance with Protestantism, and disloyal communion with her foes. Before returning to Edinburgh, Mary paid a complimentary visit to the Maxwells, in order, it may be conceived, to secure this object. Secretary Lethington†

* Keith, Appendix, p. 95.

† The Maitlands of Lethington and of Eccles, in Dumfriesshire, are branches of the same family, both being descended from the Norman knight, Richard de Mantelent, by his wife, the heiress of Eklis. (See *ante*, p. 37.) Secretary

having laid before the Queen certain correspondence between himself and the English Warden on the ostensible business that had drawn her to Dumfries, she broke up the Council, and proceeded to Terregles, where she spent the remainder of the day and the night, to the high gratification of her hosts, pleased and flattered with having an opportunity to entertain the highest lady in the land, the most accomplished woman of her time—the queen of beauty, not less than the Queen of Scots.

Five years afterwards, Mary Stuart spent a second night under the roof of Terregles Tower in very different circumstances: radiant, cheerful, buoyant, ready to believe that the few clouds that were gathering on her track would break up and usher in a golden future; downcast, frenzied, despairing —a wandering fugitive, with but a solitary meteor to twinkle on the gloom—a false meteor, leading only to a lingering captivity and a cruel death: under such contrasted conditions did the old Nithsdale fortress, on these two occasions, furnish hospitality to Queen Mary of Scotland.* What impression she made on Sir John Maxwell during her first visit, is not recorded. If she succeeded in shaking his resolution to join the Protestant Lords, she would look upon that as a great point gained. At first Maxwell openly favoured the Reformers. The Act of Council deposing Mary of Guise from the Regency, dated October 23rd, 1559, bears his signature† as one of the Protestant Lords; his name appears attached to the First Book of Discipline in January, 1561;‡ and, as we shall afterwards see, he joined Murray and his colleagues when they took up arms against the Queen, in the summer of 1565, for marrying Darnley, and thus, as they said, bringing Protest-

Lethington was also closely related to the Seton family, his grandmother having been Martha, daughter of George, Lord Seton, the latter of whom was descended from Sir Alexander Seton, the brother of Sir Christopher, who was executed at Dumfries in 1306.

* Queen Mary and her Privy Council were at Dumfries on 20th August, 1563. . . . Mary, in all likelihood, visited the town in connection with the business [the treaty of 1563]; and, to pay a compliment to the Maxwell family, she stopt at Terregles: and the Queen's room was lately shown there, till that part of the house was demolished.—BURNSIDE'S *MS. History.*

† Keith, p. 106. ‡ Calderwood, p. 30.

antism into peril. Certain it is that Sir John Maxwell's antecedents were of such a nature as to justify Knox, when he expected to find in him a powerful ally for the overthrow of Popery.

The Reformer in his "History" states that, in 1562, he passed from Ayr to Nithsdale and Galloway, and had a conference on divers matters with "the Master of Maxwell; a man of great judgment and experience."* They soon afterwards differed, however, on the question of deference to the Queen; and thenceforth they pursued opposite courses. In the following year the Bishop of St. Andrews, the Prior of Whithorn, and others, celebrated mass. On this account "some priests in the Westland were apprehended: intimation made unto others—as to the Abbot of Crossraquel, the Parson of Sanquhair, and such—that they should neither complain to the Queen nor Council, but should execute the punishment that God hath appointed to idolators in his law, by such means as they might, wherever they should be apprehended." The Queen stormed at such freedom of speech, but she could not amend it; and thereupon sent for Knox, in the hope that he would be induced by her blandishments, or overawed by her power, to be less intolerant of the mass. The conference took place at Lochleven; and there, we are told, "she dealt with him earnestly two hours before supper, that he would be the instrument to persuade the people, and principally the gentlemen of the west, not to put hand to punish any man for the using of themselves in their religions as pleased them. The other, perceiving her craft, willed her Majesty to punish malefactors according to the laws; and he durst promise quietness upon the part of all them that professed the Lord Jesus within Scotland; but if her Majesty thought to elude the laws, he said he feared some would let the Papists understand that without punishment they should not be suffered so manifestly to offend God's majesty."

With bold, outspoken words like these, Knox defended the course taken by himself and colleagues; and the Queen, in no gentle mood, abruptly closed the interview. Next morning, two messengers from her Majesty ordered him again into the royal presence; and, according to request, he met her near West

* Knox's History, p. 174.

Kinross, where she had gone on a hawking expedition. As if the exhilarating pastime had exercised a soothing influence on the Queen, she exhibited quite a friendly temper, gossipped pleasantly with Knox on secular affairs, gave him good advice regarding the settlement of a superintendent at Dumfries, as already noticed, and while still bent on carrying out her own ends, seemed equally anxious to avoid an open rupture with her unconquerable subject. Mary closed this her second interview with the Reformer by saying, "And now, as touching our reasoning yesternight, I promise to do as ye required. I shall cause to summon all offenders, and ye shall know that I shall minister justice."* Soothing words!—lightly said, and soon broken!

In the autumn of the same year, whilst the Queen lay at Stirling, mass was celebrated with great pomp in the royal chapel at Holyrood House, Edinburgh. The ministers of the Reformed faith were scandalized by this daring violation of the law; and two of them, Andrew Armstrong and Patrick Cranston, hurrying to the place, protested against the proceedings. Cranston, finding the altar covered, and the priest preparing to go on with the ceremony, cried out, "The Queen's Majesty is not here; how, then, dare you be so malapert as openly to do against the law?" Nothing further was done or said; but, on the report of the ministers' interference being conveyed to the Queen, they were required by her to find surety to underlie the law "for forethought felony," by "violent invasion" of the royal palace, and "spoliation of the same." Knox, in a letter dated Edinburgh, 8th October, 1563, summoned the brethren to meet him in that city on the 24th of the same month, in order to make common cause with the two ministers who were that day to be tried. At a Cabinet Council, held afterwards, the Reformer's letter was declared to be treasonable—an announcement which pleased the Queen not a little, as she expected thereby to get him fairly under her control.

How this matter terminated for ever the intimacy between the Reformer and the Lord of Nithsdale, is thus narrated by Knox himself:—"The Master of Maxwell gave unto the said

* Knox's History, p. 282.

John, as it were, a discharge of the familiarity which before was great betwixt them, unless that he would satisfy the Queen at her own will. The answer of John Knox was, that he knew of no offence done by him to the Queen's Majesty, and therefore he knew not what satisfaction to make. 'No offence!' said he; 'have you not written letters desiring the brethren from all parts to conveen to Andrew Armstrong and Patrick Cranston?' 'That I grant,' said the other; 'but therein I acknowledge no offence done by me.' 'No offence!' said he, 'to convocate the Queen's lieges!' 'Not for a just cause,' said the other; 'for greater things were reputed no offence within these two years.' 'The time,' said he, 'is now otherwise; for then our sovereign was absent, and now she is present.' 'It is neither the absence nor the presence of the Queen,' said he, 'that rules my conscience, but God plainly speaking in his Word. What was lawful to me the last year, is yet lawful; because my God is unchangeable.' 'Well,' said the Master, 'I have given you my counsel, do as you list; but I think you shall repent it, if you bow not unto the Queen.' 'I understand not,' said Knox, 'what you mean; I never made myself an adverse party unto the Queen's Majesty, except in the point of religion, and thereunto I think you will not desire me to bow.' 'Well,' said he, 'you are wise enough, but you will not find that men will bear with you in times to come, as they have done in times by-past.' 'If God stand my friend,' said the other, 'as I am assured he of his mercy will, so long as I depend upon his promise and prefer his glory to my life and worldly profit, I little regard how men behave themselves towards me; neither yet know I whereinto any one man hath borne with me in times by-past, unless it be that out of my mouth they have heard the word of God, which in time to come, if they refuse, my heart will be perfect, and for a season I will lament; but the incommodity will be their own.'

"And after these words (hereunto the Laird of Lochinvar was witness) they departed; but unto this day, the seventeenth day of December, 1571, yea, never in this life, met they in such familiarity as before."*

The Queen married Lord Darnley on the 27th of July, 1565;

* Knox's History, pp. 289-90.

and in the following month the Duke of Hamilton, the Earls of Argyle, Murray, Glencairn, and Rothes, Lords Boyd and Ochiltree, and the rest of the Protestant chiefs, resolved upon a warlike demonstration, for the purpose of averting the perils which they expected to arise from this inauspicious union. At the head of a thousand horsemen, they proceeded to Edinburgh; but meeting there with less encouragement than they looked for, they went to Lanark, and thence to Hamilton, where they were joined by the Master of Maxwell and the Laird of Drumlanrig.

Maxwell at this time appears to have had the confidence of both parties, though his devotedness to the Queen was gradually increasing at the expense of his Protestantism, and lessening his attachment to his former colleagues. After an interview with them, he informed her Majesty, by letter, that, on being required by the Lords to pay them a visit, he could not refuse, as being in the vicinity on his way homeward at the time; that he had counselled them to disband their army; and that they had resolved to pass to Dumfries, where they would take his advice into consideration, and apprise her Majesty of the result. Accordingly, the Lords went with their army to Dumfries, where, says Knox, they were "entertained most honourably" by the Master of Maxwell, "for he had the government of all that country."* Maxwell laboured zealously to effect a reconciliation between them and the Queen. They saw, however, that the great cause for which they had struggled was at stake—that if they winked at the Romish practices of the Court, at the favour shown by their Majesties to all who promoted Popery, and the discouragement given by them to the Protestant cause, the Reformation might by such an insidious system of warfare be rooted out, even if it were not assailed by main force; and so they would make no concessions.

"Abolish the mass, eradicate idolatry, maintain the true religion as by law established, and govern the realm by the advice of its true nobility; and we shall disperse our troops, and submit ourselves for trial." Such was the burden of the manifesto issued by the Protestant Lords at Dumfries; and it was accompanied by a remonstrance against the royal marriage,

* Knox's History, p. 324.

which would be viewed by their Majesties as its bitterest ingredient. Calderwood's quaint account of the matter is worthy of being quoted. "They proclaimed," he says, "a declaration of their grievances at Drumfreisse, the nineteenth of September. In this declaration they reported that the Queen, after arrival, craved one quiet masse to her own household only; and how they hoped that by process of time she might be converted, and therefore passed it over with silence, but to the great grief of their consciences; for from thence it proceeded, that all that resorted to her chappell royall were unpunished; from saying it proceeded to singing, and from her chappell to all the corners of the countrey."*

Maxwell failed in his efforts to propitiate the nobles, and at the same time he incurred the displeasure of the Queen. She imagined that he could not be on such intimate terms with them and be true to her. In great wrath she summoned him, as well as the remonstrant Lords, to her presence, and when he obeyed the citation, which they despised, she commanded him "to give over the house of Lochmaben, and the Castle which he had in keeping for the Queen."† No one knew Mary's impulsiveness of character better than Sir John Maxwell: he bowed to the storm, assured that it would soon blow over; and he managed to retain both his fortresses, and to regain the confidence of the royal lady, who, after scolding him in the heat of passion, felt as if she had rated him too severely, and then trusted him more than ever.‡

Meanwhile, the Queen made preparations with the view of overcoming the Lords of the Congregation by force. On the 8th of October, accompanied by the King, she proceeded from Edinburgh in the direction of Dumfries, "the whole body of the realm" following her, says Pitscottie; in other words, an army of three thousand men, accoutred with jack and spear, and rendered additionally threatening by being supplied with

* Calderwood, pp. 39, 40.

† The King and Queen having reposed themselves a short space at Dumfries, and visited the Castle of Lochmaben, which had been in the keeping of Sir John Maxwell (formerly one of the rebels, but at this time, on his humble submission, received into favour), they returned forthwith into Edinburgh.—Keith, p. 316.

‡ Knox's History, p. 324.

"certain carted pieces" of cannon* — war-engines that were only then beginning to come into general use. They passed the first night, after leaving the capital, at Lanark, the second at Crawford; and next day Douglas of Drumlanrig and Gordon of Lochinvar† joined the royal host. Some of the Lords clung long to the belief that Maxwell, who had not yet openly declared for the Queen, would at the last hour join their ranks; and it may easily be imagined that, whilst waiting in mingled hope and fear at Dumfries, they would send pressing messengers to Terregles House, urging its lord to join them with his retainers. Disappointed of help from that direction, they evacuated the town and proceeded to Carlisle.

When Mary arrived in Dumfries, on the 11th, she found nothing but friends. Maxwell presented himself amongst them, and received not only forgiveness, but favour, at the hands of his sovereign; and, in proof of his loyalty, he voluntarily placed the Castles of Dumfries and Carlaverock at her disposal. Though long a waverer, intriguing with the Protestant party, as if irresolute whether to swim with or resist the prevailing current, we find him steadfastly true to the Queen's fortunes ever after his interview with her at Dumfries, in the autumn of 1565, and doing what he could to roll back the tide of the Reformation. From that date, also, Mary's doubts of him seem to have vanished; but as he was viewed with suspicion by some of her counsellors, he was formally put upon his trial. The result was made known by the Queen and her husband on the 1st of January, 1566‡—a proclamation issued by them, stating that, after an examination by the Lords of Council into all the accusations brought against Maxwell, they had granted him full pardon and exoneration, believing the things laid at his door "to be perfectly untrue, and founded upon particular malice;" and "that as regards some of the charges, they understood right perfectly the plain contrary." "So far from his having been a traitrous evil doer, he has been," said the royal pair, "and is, our true servant, and our good justiciar; and, in execu-

* Pitscottie, p. 217.

† Both Douglas and Gordon were Protestants, and, though for a time gained over to the Queen's side, they eventually took an active part in promoting the Reformation.

‡ Keith, p. 321.

tion of our service, has taken great travail and pains; bearing a weighty charge in the common service of this our realm many years by-past, and execute the laws upon many and noteable offenders, defending our good subjects from such enormities and oppressions as is laid to his charge; nor has received no augmentation of any reversion, as is unjustly alleged, nor no gold from England; neither has, nor will, discover our secrets to them, nor others, to the hurt of us his sovereign, this our realm, nor subjects." Reference is made to some specific charges in the following passage:—"For that he accumpanyeit in Dumfreis of late ane number of oure subjectis quhilk now ar rebellis, and past into Ingland; for that we understand that he was nevir of mynd to ayd thame against us; and also be his continowal humane labouring to us for thame; and also that he wald on na wayis tak pairt nor assist with Ingland; nor pass with thame into that realme; nor as we knaw wes nevir of counsal, nor privy to no particularis we haif to lay to thair charge befoir cuming to oure toun of Dumfreis."*

Sir John Maxwell, now become quite a favourite at Court, was present at the baptism of the young Prince (afterwards James VI.), on the 15th of December, 1566; and it is said that on this auspicious occasion he was first honoured by his royal mistress with the title of Lord Herries,†—his lady being heiress to that estate. He thus became the fourth Lord Herries, and was the first of the Maxwell family that bore the title. When Mary, three days after the murder of the King, intimated her resolution to bestow her hand upon Bothwell, Lord Herries (according to Sir James Melville) fell upon his knees before the Queen, and entreated her not to ruin her reputation, peace of mind, and prospects, by such a disgraceful union.‡ But this is an incredible statement, seeing that his lordship, after serving on the jury that acquitted Bothwell, joined with other noblemen in subscribing a bond approving

* Privy Council Records, 1st January, 1565.

† This statement is countenanced by the circumstance, that a short time before the baptism, his name appears on the Sederunt of the Privy Council as "Joannes Maxwell de Terreglis, miles;" and, five months after the ceremony, it is entered on the list of jurors who tried Bothwell, as "Johne Maxwell, Lord Hereis."

‡ Melville's Memoirs, p. 156.

of the marriage, and engaging to promote the same by their "votes, counsel, fortificatioun, and assistance in word and deid;"* and that he was present as one of the witnesses to the nuptial ceremony.

At the Parliament held in December, after Bothwell had been ostracized, Mary immured in Lochleven Castle, and her natural brother, Murray, been made Regent, the critical condition of the country came to be discussed. Lord Herries took part in the debate; and a report of his demeanour, furnished by Sir Nicholas Throgmorton, represents him as being wonderfully reconciled to the new state of affairs, and making a notable harangue "to persuade the union of the whole realm in one mind." "Wherein he did not spare to set forth solemnly the great praise that part of this nobility did deserve which in the beginning took meanes for punishment of the Earl Bothwell; as also seeing the Queen's inordinate affection to that wicked man, and that she could not be induced by their persuasion to leave him, that in sequestring her person within Lochleven, they did the duty of noblemen. That their honourable doings, which had not spared to hazard their lives and lands, to avenge their native country from the slanderous reports that were spoken of it among other nations, had well deserved that all their brethren should join with them in so good a cause. That he, and they in whose names he did speak, would willingly, and without any compulsion, enter themselves in the same yoke, and put their lives and lands in the like hazard for maintenance of our cause; and if the Queen herself [Elizabeth] were in Scotland, accompanied with 20,000 men, they will be of the same mind, and fight in our quarrel"—that is, in behalf of Protestantism. "So plausible an oration," continues the English ambassador, "and more advantageous for our party, none of ourselves could have made. He did not forget to term my Lord Regent by the name of Regent [there was no mention at all of the Earl of Murray], and to call him Grace at every word when his speeches were directed to him, accompanying all his words with low courtesies, after his manner."† Quite the picture of a courtier; true, we doubt

* Keith, p. 381. The original document is in the Cotton Library.
† State Paper Office.

not, in its main features, though touched up a little to heighten the general effect, and the better to please the royal lady for whose special behoof it was sketched. Lord Herries was, in spite of these artful declarations, still a partizan of the deposed Queen, and plotting with others for her deliverance; and much of the antipathy shown by the people of Dumfries to the Regent Murray may be traced to his influence in the town.

Both the inhabitants and their magistrates sympathized strongly with Queen Mary; and when, about the end of August, a herald made his appearance at the Market Cross in High Street, to proclaim Murray Regent in the name of the young King, he narrowly escaped falling a victim to the indignation of the populace. Assembling in great force, they broke through the guards, and tore the dignified official from his elevated position before he had time to say a word. This violent conduct on the part of the Dumfriesians called forth a rebuke from the Government, and also a warning of what would befal the Burgh in the event of the outrage being repeated. As is shown in the books of the Town Council, of date 3rd September, 1567, the magistrates were enjoined to protect the sheriff and sheriff-officers in executing the Regent's letters, and that under the terrible penalty of "losing their freedom for ever." This threat, bad enough in itself, was aggravated by an injunction to elect, at next Michaelmas, such persons only "as were affectionat to our sovereignis service and obedience;" and by an order to remove from office all factious persons entertaining opposite sentiments.* What effect this edict had is not recorded; but, as we shall afterwards see, the inhabitants of the town soon became thoroughly leavened by Protestant doctrines, and eventually gave a cordial support to the cause of the Reformation.

On the 2nd of May, 1568, Mary escaped from Lochleven. Once more personally free, she might yet hope to reign. With the view of making that hope good, six thousand men, all too few for its realization, flocked to the royal standard —Lord Herries, Lord Maxwell, Edward Maxwell, Abbot of Dundrennan, and Gordon, Bishop of Galloway, signing a bond, with others, to do battle to the uttermost on her behalf.

* Burnside's MS. History.

With such a force, Mary resolved to risk an engagement with the Regent Murray's army; and, on the 13th of the same month, the eventful conflict took place near Glasgow, the Queen, with anxious eye, marking its varied movements from a neighbouring height. Both Lord Herries and Lord Maxwell were present; and it is said that the former, while taking an active part in the fight, wounded one of the Protestant leaders, Lord Ochiltree, in the neck. Neither individual gallantry, nor the ardent bravery of the royalist rank and file, proved of any avail. The Regent had a good position to begin with, and in virtue of that advantage, and superior generalship, he succeeded in breaking up the Queen's vanguard; and though this disaster was more than half redeemed by her "stubborn spearmen," it was the forerunner of a universal rout—of utter ruin to her unhappy cause.

On seeing the issue of the fight, Mary, accompanied by Lord Herries and a few other faithful followers, set off at full gallop, never drawing bridle till two score miles or more had been placed between her and the deadly field of Langside. Galloway had furnished a large proportion of her army, and thither fled the royal fugitive, threading the wild recesses of the Glenkens, pausing for a brief space on an eminence (since named Queenshill, for that reason), and there, for the first time on her dolorous ride, partaking of refreshment—a simple crust of bread, moistened with water from a neighbouring spring.* Rest the poor lady much needs; but, with mind distraught by terror, she cannot, dare not stay, even in the deep shadow of these friendly bowers. Crossing a wooden bridge that spanned the river Dee, about a mile above the village of Tongland, she tarries in a wayside cottage† till the bridge is broken down to retard the pursuing foe, whom her troubled fancy sees hard upon her tract. Then away to the strong mansion of Corra: it belongs to her faithful Herries, and here she may venture to remain for the night—the dark night of

* The Queen's Well is still pointed out near Tongland Bridge.

† The walls of the cottage long remained on the farm of Culdoach. They were called Dun's Wa's—Dun being probably the name of the individual who tenanted the house when it was entered by the Queen.—*History of Galloway*, vol. ii., p. 507.

a dismal day—one of the saddest in her whole sorrowful history. Tradition tells us that Queen Mary "slept" at Corra on the night of the 13th; but we fear that this is not true in a literal sense, and that the precious "balm of hurt minds" neither closed her wearied eyes nor calmed the throbbings of her harassed brain. To Terregles next morning; but even in that powerful hold of her chief protector, Mary Stuart cannot think of remaining long. On Scottish ground, so rife with angry rebels, she may not abide: she will not trust herself to any fortress, however strong—to any sanctuary, however sacred, within their reach; and so, hurrying from Terregles on the morning of the 15th, she proceeds to Dundrennan Abbey, of which Edward Maxwell, third son of Lord Herries, is superior, and spends her last night in Scotland under its hallowed roof.* Vainly do Herries and her other steadfast friends implore her, on their knees, to keep out of Queen Elizabeth's reach—to stay for awhile at Dundrennan, from which, if need be, she could take ship for France. Frenzied, and half despairing, she does not heed their entreaties, but sets sail for England: there to find a worse prison than had held her in her own country, and from which the grim headsman was to deliver her after the lapse of nineteen lingering years.†

* There is at Terregles House a most interesting *souvenir* of Queen Mary—the remains of the bed occupied by her on her visits, and which the tradition of the Maxwell family especially associates with the last night spent by her under their roof. The remains consist of a wooden scroll, some eight feet long and one foot broad; a flat cloth roof or canopy, which must originally have been supported by a timber framework; and a head-piece, measuring six feet by five, which must have hung from the roof inside till it touched the pillow which was pressed, on the sorrowful night referred to, by the head of the royal fugitive. The stuff is of serge, padded with wool, still white and fresh, and covered outside with satin that was once white, but is now no longer so, and very lavishly embroidered with needle-work—the design, a graceful-looking floral one, and which, under happier circumstances, must have looked charming in the eyes of the fair occupant of the couch. A small missal is also to be seen at Terregles which belonged to Queen Mary.

† Mary could have reached Terregles by a much shorter route had she gone direct from Langside into Upper Nithsdale, but she appears to have been undecided at first what course to pursue. We know from a letter written by her to Queen Elizabeth, dated Workington, 17th May, 1568, that after the battle "she hasted first to Dumbarton;" she then adds, "but soon changing my course, God, of his infinite goodness, preserved me to fly into your country."

CHAPTER XXIII.

QUEEN MARY IMPRISONED IN ENGLAND — LORD HERRIES REMONSTRATES, WITHOUT EFFECT, AGAINST THE TREATMENT GIVEN TO HER — WARLIKE MEASURES TAKEN BY HIM AND THE DUKE OF CHATELHERAULT ON MARY'S BEHALF — THE LAST DAYS OF LORD HERRIES — AN ENGLISH ARMY, UNDER LORD SCROPE, ENTERS DUMFRIESSHIRE IN ORDER TO PUNISH THE QUEEN'S ADHERENTS — UNSUCCESSFUL EFFORTS MADE TO ARREST ITS MARCH — SCROPE DEFEATS THE DUMFRIESIANS, AND BURNS THE TOWN — HE DEMOLISHES THE CASTLES OF DUMFRIES, CARLAVEROCK, AND OTHER FORTRESSES — JOHN, THE EIGHTH LORD MAXWELL, INCURS THE HATRED OF THE REGENT MORTON, BY CLAIMING THE EARLDOM OF THAT NAME — OUTBREAK OF A FEUD BETWEEN THE MAXWELLS AND JOHNSTONES — CONTEST BETWEEN THEM FOR THE PROVOSTSHIP OF DUMFRIES — DESTRUCTIVE PROGRESS OF THE FEUD — ARRAN, THE NEW REGENT, ENDEAVOURS TO CRUSH LORD MAXWELL — MAXWELL AND OTHER BARONS, AT THE HEAD OF A DUMFRIESSHIRE FORCE, SURPRISE AND OVERTHROW THE REGENT — AN AMNESTY GIVEN TO MAXWELL FOR ALL PAST OFFENCES — AN ACT OF GRACE PASSED IN FAVOUR OF THE BURGH — TRAGICAL FATE OF ARRAN — MAXWELL AGAIN FALLS INTO DISFAVOUR WITH THE GOVERNMENT, BY CELEBRATING MASS IN LINCLUDEN COLLEGE.

In a small fishing-boat, with about twenty attendants, the hapless Queen sailed from a creek in the parish of Revwick (since called Port Mary) to the Cumberland coast, on the 16th of May, landing at the place which received from her the name of Maryport: thence she was conducted by the local authorities, with many tokens of respect, to Carlisle. From that city Mary penned several letters to Elizabeth, soliciting her protection and assistance. On the 5th of July she wrote to her sister sovereign: "I am come to make my moan to you, the which being heard, I would declare unto you mine innocency, and then require your aid." In the same letter the Queen, sighing in heart for the presence of a true friend, said, "In meantime, I beseech you to send to me my Lord Herries, for I can't be without him." A few days afterwards Mary was removed, in spite of her complaints and remonstrances, to Lord Scrope's castle at Bolton, on the borders of Yorkshire, where

she could only with difficulty maintain correspondence with her friends in Scotland, and from which she had no chance of making her escape.

A remarkable letter from Lord Herries, addressed by him on the Queen's behalf to Lord Scrope and Sir Francis Knollys, is preserved in the State Paper Office, in which he inveighs strongly against the detention of his royal mistress, and exposes the duplicity of Elizabeth. The following characteristic passage is well worth quoting:—"Now, my Lords," he argues, "gif the Queen's Majesty of that realm [England], upon quhais promise and honour my maistress came there, as I have said, will leave all the French writings, and French phrases of writings, quhilks amongis them is over meikle on baith the sides unfit, and plainly, according to the auld true custom of England and Scotland—quherein be a word promist truth was observ'd—promise in the name of the eternal God, and upon the high honour of that nobill and princely blude of the Kings of England, quhereof she is descendit, and presently wears the diadem, that she will put my mistress in her awin country, and cause her as Queen thereof, in her authority and strength, to be obeyit; and to do the same will appoint an certain day (within two months at the farthest), as we understand this to be our weil [for our welfare] sua will we, or the maist part of us, all follow upon it, leaving the Frenchmen and their evil phrases togidder. And therefore, and for the true perpetual friendship of that realm [England] will condition, and for our part, with the grace of Almighty God, keep sic heads and conditions of agreement, as noble and wise men can condescend upon for the weill of this haill island." The letter concludes in these terms:—"This is plainly written, and I desire your lordships' plain answer; for in truth and plainness langest continues gud friendship, quhilk in this matter, I pray God, may lang continue, and have your lordships in his keeping. Off Dumfreis, the 3d day of September, 1568. Your lordships at my power to command leifully.—HERRIS."

A short time before the date of that letter, the writer of it was forfeited in Parliament; but the Regent, from motives of policy, caused the execution of the sentence to be delayed. Lord Herries continued to be a prominent character till the

day of his death. Proceeding to London, in the autumn of 1568, he there, with earnestness and ability, pleaded the cause of the Queen of Scots. Soon afterwards he went to advocate her interests at the French Court, and returned with Arran, Duke of Chatelherault, to assist the latter in making good his commission from the Queen to be Lieutenant-General of the kingdom, in opposition to the Regent Murray. Hostilities were averted at an interview between the rival claimants; the Duke agreeing to acknowledge King James, on condition that the sentence of forfeiture should be removed from those who had supported Queen Mary. With the view of cementing the friendship thus somewhat hastily formed, Arran and Herries were entertained at a splendid banquet by the Regent in presence of King James; but in the course of a few days, Murray's suspicions being aroused against them, they were both, by his order, committed to Edinburgh Castle; from which, however, they were soon released, on the barbarous assassination of Murray, in January, 1570. Some months afterwards, Lord Herries joined with the Duke of Chatelherault, the Earl of Hamilton, and others, in a last attempt to promote the cause of Queen Mary by force of arms. To give a show of legality to their proceedings, the Duke summoned a meeting of the Estates. Only a very partial response was given to this citation; but, of six burghs which sent commissioners, Dumfries was one. This small Parliament (according to the author of the Diurnal)* sat in the Tolbooth of Edinburgh, and sustained a supplication, tabled in the Queen's name, setting forth that she still claimed the crown, her surrender of it having been extorted by force. On the failure of this movement, Herries, in the summer of 1571, laboured to effect a reconciliation between the contending parties, and with such success, that a convention for this purpose was signed by the chiefs on both sides, early in the following year.

Lord Herries, towards the close of life, embraced the Protestant faith, which he was so nearly doing at the outset of his public career; and he was honoured with the confidence of King James. He died suddenly, at Edinburgh, on Sabbath the 20th of January, 1582, under the following circumstances,

* Diurnal, p. 220.

as related by Calderwood:*—When at dinner, he remarked that he found himself so weak that he durst not trust himself to go to the afternoon's preaching. He then went out, with the intent of going "to an upper chamber in William Fowler's lodging, to see the boys bicker." On the way, he "fell down by little and little," exclaiming feebly, to a woman that followed him, "Hold me; for I am not weale:" after which he expired, four years before the execution of the unfortunate Queen, to whose cause, so long as it was in the least degree hopeful, his services had been devoted. John, fourth Lord Herries, was one of the ablest Scotchmen of his day; and while on some occasions he was vacillating and inconsistent, his character exhibited many points of excellence which we cannot but admire.

In 1570, Dumfriesshire, owing to the support given by some of its leading men to the cause of Mary, was ravaged by an armed force, sent by her rival Elizabeth, under Lord Scrope. John, eighth Lord Maxwell, nephew of Lord Herries, Lord Carlyle, and several other chiefs, mustered their followers, in order to resist the invaders, and were opportunely joined by a large body of burgesses from Dumfries, who, responding to their gathering cry of "A Loreburn!" appeared armed at the usual place of rendezvous, headed by the magistrates of the town. Scrope was enjoined not to injure the tenants or friends of Drumlanrig, "as he favoured the King's faction, and the Queen's Majesty of England." The allied force of military retainers and warlike merchants and tradesmen, appears to have exhibited a creditable amount of prowess. Repeated attacks were made by them upon the enemy's cavalry with varying results; but, inferior in number and equipments, they were eventually repulsed, with the loss of some prisoners, including the bailies of the Burgh.

Lord Scrope forwarded an account of the affair† to the English Government, under date Carlisle, 21st April, 1570, the substance of which we subjoin. After announcing that he had entered Scotland, and encamped at "Heclefeagham" [Ecclefechan] he states that Simon Musgrave had, at his instance, "burned the towns of Hoddame, Maynes, Troltrow, Revel, Calpoole, Blackshaw, Sherrington, Bankend, Lowgher, Lougher-

* Appendix to octavo edition, vol. viii., p. 232. † Cabala, p. 164.

wood and Hecklefeugham;" that the said Simon Musgrave and his company having come to Old Cockpool, "there was the Lord Maxwell with his forces, and the inhabitants of Drumfriese assembled, who skirmished with the couriers, and compelled them to retire; thereupon the said Simon marched into Blackshaw, where the Lord Maxwell was, and, with a hundred horsemen, did give the charge to Maxwell, and made him flee, in which flight there were a hundred prisoners taken, whereof the principal was the aldermen of Drumfriese, and sixteen of the burgesses. The chase was followed within one mile of Dumfriese. After which the said Simon returned to Blackshaw, and burnt it, and seized a great number of cattle;" and as he was proceeding to inflict a fiery visit of the same kind on "Bankend, Lowgher, and Lougherwood," Lords Maxwell and Carlyle, and "the Lairds of Holmends, Closeburne, Lagg, Hempsfield, Cowhill, and Tenoll [Tinwald], at the head of four hundred horsemen and six hundred footmen, charged Musgrave's forces very sore, forcing them to alight, and draw their company to a strong place, and to abide the charge of their enemies; and so they remained till the said Simon came to them, and alighted, and put his company in order, and set his horses between his company and the sea, and so stood in order to receive the enemy: and in this sort continued, charging and receiving their charges, the space of three hours. I being at Cembretreys [Cummertrees], sent my band of horsemen with my brother Edward, and a hundred and fifty foot with Mr. Audley and Mr. Herbert, to their relief." Thus reinforced, Musgrave compelled the Scots to flee, and captured a hundred of them, including some petty lairds—Maxwell, Carlyle, Johnstone, and the other chiefs only escaping "by the strengthe of the Laird of Cockpool's house, and a great wood and morass near adjoining."

The writer states in a postscript, that though, according to orders, Drumlanrig's tenants had been spared, "they were as cruel against us as any others;" and he closes with the ominous intimation that he had applied for five hundred men, with whom to march against Dumfries, "and lie in that town and burn and spoil it; for the open receipt of her Majesty's rebels is there manifeste."

Scrope, on being joined by a fresh body of soldiers, under the Earl of Sussex, executed his mission mercilessly. The sweep of his vengeance took in a wider field than was at first intended; but it fell always with double force on the estates of Lords Maxwell and Herries, Murray of Cockpool, and such other noblemen as were noted for their attachment to Queen Mary. Dumfries suffered terribly: it had audaciously harboured "the English Queen's rebels;" and did it not deserve, on that account, to be razed to its foundations? The English leaders thought the town merited no forbearance, and they showed it none. Its desolated Castle, its flaming houses, leaving but "the blackness of ashes" to mark where the populous streets once stood, proved how well the marauders had done their work. Similar evidences of their destructive expedition were visible in many parts of the surrounding country: its results being summed up in the dry formal report made by Scrope to the English Government, setting forth that he had "took and cast doun the Castles of Carlaverock, Hoddam, Dumfries, Tinwald,* Cowhill,† and sundry other gentlemen's houses, dependers on the house of Maxwell, and, having burnt the toun of Dumfries, returned with great spoil into England." James Douglas, fourth Earl of Morton, became Regent in 1572;‡ and he having, with the aid of an English force, reduced Queen Mary's only remaining stronghold, Edinburgh Castle, the civil war was brought to a close, and Dumfriesshire was for a season relieved from the presence of a foreign enemy.

Soon afterwards, however, a deadly feud broke out between

* The old place of Tinwald, situated in what was formerly a part of Lochar Moss, and a seat of a branch of the Maxwell family, seems to have been well fitted for a place of defence. Till within a few years, part of the old building remained. It is now (1834) entirely demolished, and the materials have been removed.—*Statistical Account*, p. 44.

† Cowhill Tower, says Grose (vol. i., p. 146) stood upon an eminence commanding a charming prospect of the Vale of Nith, from Friars' Carse to Dumfries: it had long been the seat of the Maxwells, cadets of the noble family of Nithsdale. In the year 1570, the old castle being burned by the English, this tower was built in 1579. Grose took a sketch of the second tower, and a few weeks afterwards it was taken down by George Johnstone, Esq. of Conheath, who had purchased it from the previous proprietor in order that he might erect a stately mansion on its site.

‡ He was the second son of Sir George Douglas of Pittendriech, younger brother of Archibald, sixth Earl of Angus.

its two leading families, the Maxwells and Johnstones, originated by a circumstance connected with the personal history of the eighth Lord Maxwell. In right of his mother, he was heir to one-third of the earldom of Morton;* he had acquired right to another third from Margaret, her elder sister, with consent of her husband, the Duke of Chatelherault; and he was also heir apparent of the youngest and only other sister, who died childless. Lord Maxwell considered, therefore, that he had the best claim to the earldom—that certain entails executed upon the estates by the Regent were illegal; and he insisted on both the title and property being made over to him. A contemporary historian states that the Regent, as if conscious that he had no legal right to call himself Earl of Morton, "pressed by all means that Lord Maxwell should renounce his title thereto." The latter refused; and the Regent, instead of submitting the question at issue to Parliament, consigned his rival to the Castle of Edinburgh, and then to the Castle of Blackness, in the latter of which he lay for several months, till he was liberated in March, 1573. As Maxwell continued to urge his claim to be recognized as Earl of Morton, he was further punished for his pertinacity, by being deprived of the wardenship of the Western Marches: an office of great trust and profit, and which for ages had been held by members of the Maxwell family.† This degrad-

* In the Scottish Nation, vol. iii., p. 208, it is stated that the title was taken from the lands of Mortoune, in the parish of East-Calder, Mid-Lothian; but it is far more probable that it was derived from the old Castle of Morton (once the seat of Dunegal), in the parish of that name, both of which were conferred on the Black Douglas when he married the Princess Egidia. The writer of the article "Morton," in the Statistical Account, says:—"Douglas, Earl of Morton, was proprietor of the whole parish, with the exception of the Mains of Morton, lying north-west of the castle, which belonged to James Douglas, Laird of Morton. The last of this family was Captain James Douglas, who died at Baitford, Penpont, about the beginning of last century. The Earl of Morton sold his whole property and interest in this parish to Sir William Douglas of Cashoggle, who erected a house a little south of Thornhill, where he sometimes resided; but the Earl of Queensberry having obtained from Cashoggle all his lands, as well as the lands of Morton Mains from the other family, and being lord of the regality of Hawick, he obtained authority to translate that regality to Thornhill in 1610, and called it New Dalgarnock." (Page 95.)

† "The Scottish Wardens were allowed by the Crown forage and provisions

ing blow fell with double effect, as the office, when taken from Maxwell, was conferred upon the head of a rival house—the Laird of Johnstone.

On the execution and attainder of the Regent Morton, in 1581, the wardenship was restored to Maxwell; and, as representative of his mother, he obtained a charter of the coveted earldom. Thus raised in rank, he rose at the same time rapidly into favour at Court, till, as a result of the treasonable Raid of Ruthven, he had to flee with the Duke of Lennox, against whose influence it was directed. Towards the close of 1581, we find him accompanying the Duke in an aggressive movement against the capital, which, however, was not persevered in. Eventually the attainder passed on the deceased Regent was rescinded by royal letter, under the Great Seal, and the heir of entail, Archibald, Earl of Angus (grandson of Bell-the-Cat), thus succeeded to the *old* title of Earl of Morton; and thus the Scottish peerage exhibited the curious anomaly of having two noblemen possessing the same title; for though Maxwell had been concerned in treasonable proceedings, he was Earl of Morton still, in virtue of the patent granted to him in 1581. Soon a new embroglio arose, in which Lord Maxwell was involved through the cupidity of Captain James Stewart, who, upon the downfall of the Regent, received a grant of his estates, was created Earl of Arran, and obtained the chief direction of affairs—all through the unmerited favour of the King. The lands of Pollok and Maxwellhaugh, in Lanarkshire, which belonged to the Nithsdale baron, lay temptingly near those just acquired by the lucky adventurer, who, on that account, took a fancy for them, which he hastily assumed Maxwell would be ready to indulge. But Maxwell would not part with his patrimony, even when offered an equivalent for it: a decision which offended Arran's pride, as well as disappointed his acquisitiveness. In revengeful mood, therefore, he

for their retinue, which consisted of a guard of horsemen, by which they were constantly attended. These were levied from the royal domains on the Border. They had also a portion of the 'unlaws' or fines and forfeits imposed in the Warden Courts; and no doubt had other modes of converting their authority to their own advantage, besides the opportunities their situation afforded them of extending their power and influence."—*Border Antiquities, Introduction by Sir Walter Scott*, p. 90.

resolved to break the power of Maxwell, since he could not bend him to his wishes.

As one step towards this result, the Regent endeavoured to weaken the Maxwell interest in Dumfries. The Provostship was held by an uncle of the Nithsdale chief, Maxwell of Newlaw;* and with the view of getting it taken out of his hands, the Laird of Johnstone was brought forward as a rival claimant for the office; he being selected not simply on account of his local connection with the Burgh, but also because Lady Johnstone was a favourite at the Court.† Accordingly, the whole machinery of the Government, short of absolute force, was set in operation to secure the return of Arran's *protégé* at the Michaelmas election of 1584. In due time a royal rescript was received by the merchant councillors and deacons of incorporations, who formed the electoral body, exhorting them to discard Maxwell, and choose Johnstone as their municipal chief. What effect this arbitrary edict would have had upon the Town Council, had it been left to influence them, it is impossible to say, as the Provost of the Burgh took effectual means to render it a dead letter, and secure his re-election in defiance of the Laird of Lochwood, the Earl of Arran, and the Court. When Johnstone, with a few retainers, appeared on the day of election in the vicinity of the town, he was kept from entering it by a powerful body of the Maxwells, drawn up in battle array under the leadership of their lord; and after the crestfallen Annandale laird had departed without the "blushing honours" he had aspired to, Newlaw was once more chosen Provost of Dumfries.‡

Arran was not slow to support the complaints made by Johnstone regarding the conduct of his rival; and between them a new charge was trumped up against the Lord of Nithsdale, the nature of which he learned by a precept issued in the King's name, accusing him of intromitting with and protecting the predatory Armstrongs. By way of sequel, a sentence of outlawry was pronounced upon Lord Maxwell; and a commission was given to the Laird of

* Not Maxwell of Newbie, as stated by Chalmers and some other historians.
† Spottiswoode, vol. ii., p. 325. ‡ Ibid., vol. ii., p. 326.

Johnstone to pursue him with fire and sword, as a contumacious rebel who deserved no mercy—to assist in which congenial work a band of mercenaries, under the notorious Captain Lammie, was sent into Dumfriesshire by the Earl of Arran. Maxwell was composed of sterner stuff than to be daunted by these preparations. Mustering his followers, he made ready to return at least blow for blow. A detachment of them, under his natural brother, Robert Maxwell of Castlemilk, encountered the Government soldiers at the head of Nithsdale, and thoroughly defeated them—killing Lammie, and taking Cranston, another officer, prisoner.* The war, thus initiated, raged for months over the County. It seemed as if it would only end in the ruin of one or both of the great families thus relentlessly pitted against each other. When the Regent Morton tossed the wardenship, like a tennis-ball, from Maxwell to Johnstone, he little knew what a bone of contention it would prove; but the Earl of Arran seems to have been quite conscious, when he introduced new elements of discord between them, that a fearful collision would be the consequence; and he undoubtedly expected that it would prove fatal to the man against whom he had formed an inveterate dislike. Maxwell, however, had not the worst of it in this the first stage of the deadly struggle. Some of his houses were burned, and some of his estates were devasted by the Johnstone party; but he retaliated by setting Lochwood† in a blaze—"that Dame Johnstone might have light to set her hood by," as with savage humour he remarked—and also by laying waste many roods of fertile land belong-

* Spottiswoode, vol. ii., p. 326.

† The immense strength of this castle, and its position among impassable bogs and marshes, have already been noticed. A remark has been attributed to James VI. respecting Lochwood, to the effect that the man who built it, "though he might have the outward appearance of an honest man, must have been a knave at heart." We can scarcely think that our British Solomon ever uttered such a foolish saying. Lochwood was erected in a warlike and turbulent age; and if made impregnable, was on that account an evidence of the wisdom, and not the knavery, of its builder. Soon after being burned by Maxwell, it was repaired; and it was inhabited till three years after the death of the first Marquis of Annandale, in 1721, when it was deserted by the family, and allowed to fall into decay.

ing to his rival; and, worst of all, by taking him prisoner at the close of a fierce skirmish between the parties. A compromise was afterwards effected, in virtue of which Johnstone was set at liberty, though he died soon after from illness occasioned by his confinement, and a breathing time of peace was then agreed to by the combatants. Arran, thus baulked in his design, resolved on accomplishing it by a more direct way. Having, at a convention of the Estates, succeeded in obtaining a vote of £20,000 for the sole purpose of levying war against Lord Maxwell, a proclamation was forthwith issued, requiring all the King's loyal subjects on the southern side of the Forth to meet him in fighting array and march into Nithsdale. A deadly pestilence, which broke out at Edinburgh, decimated the royal army, and saved Maxwell and Dumfriesshire from the threatened attack.*

Seeing that the Nithsdale chief was marked out for ruin by the King's minion, it is not surprising when a league was formed, by Angus and other fugitives, against Arran, that it was joined by Maxwell. The associated lords aimed at nothing less than the expulsion of the royal favourite by force. With this object in view, they raised a large body of men, to meet whom there was a new muster of Government troops, who, however, were prevented from proceeding southward by the representations of the English ambassador, whose policy it was to keep Arran in check. Maxwell and his allies, however, boldly took the initiative. They made a hurried march to Stirling, with two thousand followers; beset the castle, in which the Court at that time resided, before daybreak on the 2nd of November, 1585, and took the fortress after a two days' siege. This act, not less patriotic than daring, was accomplished chiefly by the men of Nithsdale. It was productive of important results. Though Arran secured his personal safety by flight, he was deprived of his title and estates, and his pernicious domination was thoroughly overthrown. At a Parliament held a few days afterwards, an act was passed granting to Lord Maxwell, his servants and friends, entire indemnity for all their irregular or unlawful doings in the realm, since April 1569; and

* Spottiswoode, vol. ii., p. 326.

through his means special provision was made for giving the town of Dumfries the full benefits of the pacification. Of the men named in the amnesty, about six hundred were from Maxwell's estates in Nithsdale and Galloway; about the same number from his estates in Eskdale, Ewisdale, and Wauchopedale—mostly Beatties, Littles, and Armstrongs; three hundred and forty from Lower Annandale—chiefly Bells, Carrutherses, and Irvings; and about three hundred and fifty better organized soldiers, in three companies of infantry, and two troops of cavalry—one being furnished by Nithsdale and Galloway, under John Maxwell of Newlaw, Provost of Dumfries, the other by Annandale, under George Carruthers of Holmains, and Charles Carruthers, his son.

The Act referred to "in favour of the towne of Dumfreis," sets forth "that the King's Majesty, with the advice of the Three Estates of the present Parliament, understanding that his trustie cousin and counsellor, John, Earl of Morton, Lord Maxwell, with his haill kin, friends, and servants, during the time of the feid and trubles betwixit him and Sir John Johnstone of Dunskellie, knight, maid their special repair into the towne of Drumfreis, stuffit and garnissit with men of armes, victual, and all uther furnitor neidfull for thair defense, quherento the inhabitants of the said Burgh might not oppose thame selffis in consideratioun of the said noble Lordis frendis dwelling round about, and within the said Burgh." This wordy preamble is followed by a provision absolving the armed intruders and their successors from the legal consequences of any blame that might be thrown upon them by the Burgh; and also extending pardon to such of the inhabitants as had resetted, intercommuned with, or otherwise assisted them. Intimation is then made that the King out of his "special favour and clemencie" extends to "his lovittes, the Provest and Baillieis, Counsal, and Comonitie of the said Burgh, the lyk benefite, favour, and guid-will" that are contained in the Acts of abolition and general pacification, granted to Angus, Morton, and their colleagues; the Act closing thus:—"And furder declairis the electioun of Johnne Maxwell, of Newlaw, Provest of the said Burgh, to be guid and sufficient in its selff, and to stand for him, and his successors, sua long as the saide

Johnne Maxwell sal be authoriset be common election or consent of the inhabitants thairof; discharging quhmsumevir utheris rychtis, and securitie maid at any time bypast, or to be maid to any other persoun of the samyne to the contrair."*

Stewart, no longer either earl or captain, took refuge in the wilds of Western Ayrshire, where he lived secretly for many years, till, in 1596, lured by the delusive hope of regaining the King's favour, he passed to the neighbourhood of Dumfries on his way to Court. He was, it is said, encouraged to take this rash step by a "spaewife" whom he consulted. "Low as ye are now, and high as ye aince were, yere head will be raised higher yet," was the oracular response on which he acted; but he was warned by some one who did not affect the possession of superior wisdom, to beware of the Douglasses—whose leader, Morton, he had brought to the block—and more especially to avoid the dead Regent's nephew, James Douglas of Torthorwald.† To this warning Stewart returned a reply that would have been foolish anywhere, and became the very essence of folly when uttered—as it was—almost beneath the shadow of the old keep occupied by Morton's kinsman: "Fear the Douglasses who may, I shall not go out of my road for any of their blood and name." Yes; but Torthorwald will go out of his way, in order that he may take revenge on the man who could thus add impotent contempt to foul wrong. Accompanied by three retainers, Douglas, hurrying after the discarded favourite, slew him with a spear; and the weird woman's promise was "kept to the ear, but broken to the hope," when, soon afterwards, Stewart's gory head, elevated on a lance, was displayed, like a grisly ensign of death, from the battlements of Torthorwald. The chief actor in this tragedy suffered for it after the lapse of twelve years. Captain William Stewart, encountering Douglas on the High Street of Edinburgh, in 1608, ran him through the body in revenge for the slaughter of his uncle, the ex-Regent.‡

* Acts of Scot. Parl., vol. iii., pp. 398–9.

† The barony of Torthorwald had been acquired a short time previously by a branch of the Angus Douglasses.

‡ Wood's Peerage, vol. i., p. 123.

As has already been mentioned, the progress of the Reformation in Dumfries was impeded by the Maxwells. They still clung to the old faith; and in 1584 the fifth Lord Herries was accused of openly defying the law, by causing mass to be publicly celebrated in the town, and compelling the Protestant ministers to leave its bounds.*

His kinsman, Lord Maxwell, on the Christmas which followed the receipt of the royal amnesty, also signified his adherence to Romanism in the same illegal way. About this time the Castle of Dumfries was beginning to rise anew, by his order, out of the ruins in which it had been left by Lord Scrope fifteen years before; and it was probably at the chapel attached to it that he summoned a meeting of followers and ecclesiastics, for the purpose of making a defiant display of his religion. A gathering of this kind at all events was held in Dumfries on the 24th of December, 1585; and, after those composing it had been arranged as a procession, they marched to the neighbouring College of Lincluden, going doubtless by the Causeway Ford over the Nith, nearly opposite to the Castle.† On arriving at the College, mass was performed in the ancient fane with unusual splendour and effect.‡ For six hundred years Lincluden, first as an abbey and next as a collegiate institution, had been the scene of such religious rites; but the choral swell with which the venerable walls rung on this occasion, was as the dying requiem of the ancient faith—mass never having been since said or sung in the house of Uchtred. It threatened at

* Spottiswoode, vol. ii., p. 381.

† Naturally the river is still shallow at this place—a bed of sand stretching from the right or Nithside bank till within a few yards of the Dumfries side. When, early in the spring of 1867, the Caul below the old bridge was ruptured by the breaking up of ice, the water was reduced to such a small volume that the tract of the ford was distinctly traceable. In ancient times the ford led to the Castle, and also along the left shore or Upper Sand Beds to the foot of the Vennel, and to the bridge. The ford was made passable on foot, when the river was of moderate size, and was fenced from assailing floods by stakes of wood. Hence the name Stakeford. It is called Chapel-rack Ford in some documents of last century's date.

‡ Calderwood's version of the matter (page 225) is in the following terms:—"The Lord Maxwell was committed to ward in the beginning of the year 1586, for having masse openly in the Kirk of Glencluden at the Christmas before."

first to cost Lord Maxwell a heavy price. He was summoned to appear before the King in Council, to answer for the daring offence of celebrating mass contrary to the statute; and on his proceeding to Edinburgh, he was consigned to the Castle, where he lay for several months: but he was set at liberty without being subjected to any formal trial—the King probably not wishing to press with severity one who had done the State some service, and from whom he expected future favours.

CHAPTER XXIV.

GENEALOGICAL SKETCH OF THE JOHNSTONES — THE HEAD OF THE HOUSE KNIGHTED, IN 1590, AS SIR JAMES JOHNSTONE OF DUNSKELLIE — CLAN RELATIONSHIP OF HIS DEPENDANTS — EXTENSIVE RAMIFICATIONS OF THE FAMILY—MAXWELL EXPATRIATED BY THE KING — HE CO-OPERATES WITH THE SPANIARDS IN THEIR SCHEME FOR THE CONQUEST OF ENGLAND AND SCOTLAND, AND ORIGINATES A REBEL MOVEMENT IN DUMFRIESSHIRE — DUMFRIES ATTACKED BY A ROYAL FORCE, LED BY THE KING—FLIGHT AND CAPTURE OF MAXWELL—HE CONTINUES, THOUGH A PRISONER, TO CORRESPOND WITH THE CATHOLIC POWERS — MAXWELL OF NEWLAW DEPRIVED OF THE PROVOSTSHIP OF DUMFRIES BY THE KING — MURDER OF THE EX-PROVOST—SIR JAMES JOHNSTONE IMPRISONED ON A CHARGE OF REBELLION — LORD MAXWELL GAINS HIS MAJESTY'S FAVOUR, AND SUBSCRIBES THE CONFESSION OF FAITH, THOUGH SUSPECTED OF BEING STILL A CATHOLIC—COMMISSIONERS SENT BY THE GENERAL ASSEMBLY TO OPERATE ON LORDS HERRIES AND MAXWELL—JOHNSTONE IS DEPRIVED OF THE WARDENSHIP, AND THE OFFICE IS CONFERRED ON MAXWELL — A PEACE PATCHED UP BETWEEN THEM — THEY SOLEMNLY AGREE TO FORGET THE PAST, AND REMAIN FRIENDS FOR THE FUTURE — THE BOND OF PEACE IS RUPTURED BY A RAID OF THE WAMPHRAY JOHNSTONES INTO NITHSDALE.

When James heard of his mother's execution early in 1587, he consulted with Lord Maxwell and other Border chiefs as to the propriety of avenging her death by a destructive raid against the Southrons; but the King's wrath very soon evaporated, and the only foray undertaken by him into England was a pacific one, in 1603, when he went southwards to receive the English crown as Queen Elizabeth's heir. Prior to that event James laboured diligently to secure the tranquillity of Dumfriesshire: for this purpose he caused its "Capulets and Montagues" to enter into assurances of peace with each other, and to promise to submit their disputes to the consideration of his Council, instead of bringing them to "the dread arbitrament of the sword." The death of Johnstone, in 1586, greatly promoted the success of these pacific measures, and the civil war in the County was suspended for about a year; but only to be renewed on a larger scale, and with more disastrous consequences.

The origin of the Johnstone family has already been taken notice of.* John de Johnstone, who submitted to Edward I. in 1296, is supposed to have been the father of a chief of the same name who witnessed a charter of the barony of Comlongan and other contiguous lands, bequeathed, in 1332, by Thomas Randolph, Earl of Moray, to his nephew William. Prior to the latter date the family had acquired large possessions in the County, and were beginning to acquire more than a local repute by their prowess in the field. Gilbert, the next chief, was succeeded by his son, Sir John de Johnstone, who made a distinguished figure in the reign of Robert II.: he was one of the guardians of the Western Marches in 1371, and often exerted himself with good effect against the English Borderers, especially in 1378, as is recorded by Wyntoun in the following passage :—

> "When at the wattyr of Sulway
> Schyr Jhon of Jhonystown, on a day
> Of Inglis men wen cust a gret dele:
> He bare him at that tyme sa welle,
> That he and the Lord of Gordowne,
> Had a sowerane guid renown,
> Of ony that was of thar degre,
> For full thai war of gret bownte."

The grandson of this valorous knight, Sir Adam Johnstone, contributed by his gallantry to the Scottish triumph at Sark; and the latter was succeeded by Sir John Johnstone, who, by marrying Mary, eldest daughter of John, the fourth Lord Maxwell, effected an alliance between the two houses that were shortly afterwards to be arrayed against each other in deadly hate. We find James, the fruit of this marriage, and next chief of the clan, actively engaged in repelling the invasion of Scotland by the Earl of Douglas and the Duke of Albany in 1484. His heir, Adam Johnstone, died in 1508, and was succeeded by James, whose eldest son and heir, John, signalized himself at the battle of Pinkie. Two or three additional links of the genealogical chain—John, James, John, son, grandson, and great grandson of the Pinkie warrior—bring us to the immediate progenitor of the doughty chief who received the wardenship in 1579, contested the provost-

* Vide p. 43.

ship of Dumfries in 1584, and, after long warring with the Maxwells, was quietly "gathered to his fathers" in 1586, leaving his lands, and also the heritage of an implacable feud, to his eldest son, James, born to him by his wife Margaret, daughter of Sir Walter Scott of Buccleuch.

In 1580, the young chief of the Johnstones obtained a letter of provision, under the Great Seal, assigning to him the revenues of the suppressed Abbey of Holywood; he was served heir to his deceased father in 1588; and when, two years afterwards, the newly-married consort of the King, Anne of Denmark, was crowned, he received the honour of knighthood—a coveted distinction that had been enjoyed by several of his ancestors—the style assigned to him being Sir James Johnstone of Dunskellie, now called Cove, where he had a castle, which he occasionally occupied.

By the middle of the fourteenth century, an immense number of families bearing the Johnstone name were to be found in Annandale, all counting kinship with the Lord of "Lochwood's lofty towers:" their relation towards him being in every respect more like that borne by Highland clansmen to their chief than the feudal vassalage of Norman origin that generally prevailed throughout the Lowlands. As illustrative at once of the numerical extent of this great Border sept, and of the close relationship in which its members stood to each other, we quote, in an abridged form, an agreement entered into by them on the 14th of November, 1555:—"Bond by Gavin Johnstone; Ninian Johnstone in Fingland; David Johnstone in Stagwood; John Johnstone in Langside; David Johnstone in Banks; John Johnstone in Vilehol; Adam Johnstone, son to Vilehol; David Johnstone in Rayhills; Adam Johnstone his brother; Mathew Johnstone of the Thrid; William Johnstone in Kirkhill; William Johnstone in Brumewell; John Johnstone his brother; John Johnstone in Banks; George Graym; Fergus the Graym; James Grahame in Grahame of Badoch; James Graham of Bordland; Andrew Johnstone in Fuldoun; David Johnstone his brother; Edward Johnstone; Thomas Johnstone; John Johnstone; Mark Johnstone of Fairholm; Herbert Johnstone in Castlehill; and Robert Johnstone, obliging them by the faith and troth of their

bodies, if it happened any Johnstone pertaining to them, when they are pledged for man-tenant or servant, to comit stouthreif, fire, slaughter, oppression, or any crime, to seik the person that committed the crime and deliver him up to the Laird of Johnstone to be punished for his demerits; and if they can not apprehend him they obliged them to herry and put them [out] of the country, and to satisfy and redress the complainers with their own goods and gier."*

Among the branches of the family, a distinguished position was occupied by the Johnstones of Dryfesdale or Lockerbie, whose head resided in a fortalice at the town of that name, now used as a police station, which was well defended by deep lochs on three sides. "Their lands (which, up till the beginning of last century, extended to Annan Water, taking in Roberthill, Shillahill, and Tarmuir) had been always chiefly occupied by people of their own name and kindred: the 'Johnstones of Driesdale' being enrolled about 1550 to bring to the field forty-six fighting men."†

In April, 1587, Dumfries was visited by King James at the head of a considerable force, his inducements for doing so being complaints by the General Assembly regarding the attempts made in 1584, by Lord Herries, to revive Romanism, and renewed disturbances on the Border, which were laid at the door of Lord Maxwell.‡ Herries, on hearing of these proceedings, repaired to Edinburgh and offered himself for trial. The charges against him could not be substantiated; but he was

* Annandale Papers.

† Mr. Charles Stewart of Hillside, who, in a little work entitled "Rides, Drives, and Walks about Moffat," and in various communications to the local newspapers, has supplied much valuable information regarding the Johnstones, and Annandale in ancient times. "Lockerbie," says Mr. Stewart, "seems to have been one of the Saxon towns (clustering round the dwelling of the laird) which are still numerous in England, though there are scarcely any in this country now to be seen excepting Torthorwald. It would seem to have been, in 1617, in nearly the same form of street as it is now. The houses were chiefly occupied by little farmers, who possessed amongst them in Runrigg 300 or 400 acres of surrounding arable land—their cattle grazing on the extensive common of 1500 acres of moor to the westwards. Most of them had also avocations as the handicraftsmen and little traders of the district The town was, as now, the central resort of the adjacent valleys and dales; and, being on the highroad to the English border, the fairs had been long established by royal charter."

‡ Spottiswoode, vol. ii., p. 381.

found to have proved remiss in his office of Warden, to which he had been appointed on the death of the Laird of Johnstone. On promising amendment in this latter respect, and engaging to obey any summons that might be sent to him by the Assembly, he was allowed to return to Terregles.*

Lord Maxwell's followers were so reduced in number by the recent feuds, that he durst not face the royal troops as his combative nature prompted. He was unable even to stand out for terms; and, withdrawing from the neighbourhood, left these to be made for him by Lord Herries, Sir John Gordon, and other friends, who gave bonds on his behalf, that he would leave the realm beyond seas in a month; that, in the meantime, he should not trouble the country; that, when abroad, he should do nothing to injure the Protestantism or the peace of Scotland; and, lastly, that he should not return without his Majesty's license to that effect.

Behold, then, the unruly Border baron bidding adieu to his native Nithsdale, and seeking refuge in a distant land. It would have been better for him and Dumfriesshire if he had continued an exile, and closed life's discordant day by a twilight of peace, even though his dust had been left sleeping in a foreign soil. To Spain he directed his course, but found no rest there. Perhaps he did not seek repose; "for quiet to quick bosoms is a hell." The Spaniards were busy fitting out their "Invincible Armada," by which they had already, in imagination, conquered Britain, the chief bulwark of Protestantism, and annihilated the Reformation; and the expatriated Scottish lord, influenced by aspirations which so accorded with his own devotedness to Popery, resolved to assist the meditated expedition, by returning to his native country, and making a diversion in its favour.

With this evil end in view, Maxwell landed at Kirkcudbright in April, 1588, where he was joined by several of the nobility, and a large body of his own retainers. Lord Herries, disapproving of this rash and unpatriotic movement on the part of his kinsman, took counsel with the King regarding the course to be pursued in such an untoward crisis. "Summon the traitor to appear before us," said his sapient Majesty. A

* Spottiswoode, vol. ii., p. 381.

royal precept to that effect was issued forthwith, which Maxwell treated with contempt; and in a trice afterwards Dumfriesshire was in the throes of a rebellion. The Castles of Dumfries, Carlaverock, Lochmaben, and others in the Maxwell interest were garrisoned — the flags from their turrets fluttering a defiance to the King, which their booming guns proclaimed in a fiercer tone. Their resistance was merely nominal, however, except that which was given by Lochmaben. So serious did matters seem, that King James once more proceeded to Dumfries, in order to encourage, by his presence, the royal troops commissioned to cope with the insurrection. When about to enter the Burgh, they were resisted at the gates by a large party of burgesses; and Maxwell, who was in the Castle at the time, and had concluded that it would be unable to sustain a siege, withdrew from it, whilst his friendly townsmen kept the assailants in check.*

Hurrying on horseback to Kirkcudbright, he there embarked on board a vessel in the Dee. Soon another ship hove in sight, freighted from the port of Ayr by Sir William Stewart, and which the fugitive lord learned, when too late, had come to capture him. After a rapid chase from Kirkcudbright, along the Carrick shore to Crossraguel, Maxwell's vessel was run down, and himself put under arrest.

Meanwhile, though the Castles of Dumfries and Carlaverock no longer frowned rebelliously upon the royal troops, the fortress of Lochmaben, which was commanded by David Maxwell, brother of the Laird of Cowhill, held out against them bravely. They laid regular siege to it, but the walls were so stout and well defended that it made no progress. The King had only small pieces of ordnance, which made little impression on the stubborn stronghold. Heavier cannon, however, having been borrowed by him from the English Warden, a hot bombardment was proceeded with, which, after continuing two days, caused the garrison to capitulate. Its valiant commander, David Maxwell, and five of his leading men, were hanged before the castle gate—an act of severity which con-

* Spottiswoode accounts for the resistance given to the royal forces, by saying that the burgesses were not aware that the King was personally present. (Vol. ii., p. 283.)

trasts strangely with the forbearance shown towards the chief rebel and originator of all the mischief, who, after being brought by his captor, Stewart, to Dumfries, was sent to Edinburgh Castle, where he suffered but a brief and lenient imprisonment.

According to Calderwood, the plot thus crushed was first made known to the King by Queen Elizabeth, some of whose officers had intercepted letters sent by the Earl of Huntly, Lord Maxwell, and Lord Claude Hamilton to King Ferdinand of Spain, in which their plans were divulged. Even after Lord Maxwell was put in ward, a written intercourse was kept up by his party with Ferdinand and the Duke of Parma, by means of a priest named Bruce, belonging to the household of that nobleman. Bruce, in a letter to the Duke, makes the following reference to the imprisoned conspirator:—"The Earle of Mortoun, alias Lord Maxwell, to whom I have given consolation by writ in prison, hath instantly prayed me also in writ, to remember his most affectioned service to your Highness, finding himself greatly honoured with the care it pleased you to have of him. By the grace of God he is no more in danger of his life by way of justice, it not being possible for his enemies to prove against him anything which they had supposed in his accusation; as also the King's affection not so far alienated from him as it hath been heretofore; and in case they would annoy him, or that it were presently requisite for the weel of our cause to deliver him, we have ever moyen to get him out of prison, and abide nought in the meane time, but the King's will toward his libertie; only to avoid all persute, that they would make, if we delivered him extraordinarlie. When they offered him, in the King's name, his libertie, if he would subscrite the Confession of the Hereticks' Faith, he answered—He would not do it for the King's crown, nor for an hundredth thousand lives, if he had them to lose; and hath offered to confound the Ministers by publick disputation. I shall solicit the lords his friends to procure of the King his libertie very soon: for he importeth the well of our cause more than any of the rest, by reason of his forces which are neer England, and the principal town of Scotland, and the ordinar residence of our King; as also he is the

lord most resolute, constant, and of greatest execution of any of the Catholicks."*

King James, having re-established his authority, returned in triumph to Dumfries, the inhabitants of which gave him but a cold welcome—relishing his visit all the less because he summarily dismissed from the provostship Maxwell of Newlaw, brother of Lord Herries, who had incurred his displeasure by opposing the entrance of the royal troops. The subsequent fate of the ex-Provost was tragical in the extreme: he having been waylaid and slain by a party of Johnstones and Grahams, because his father, the late Lord Herries, had treated them with rigour when Warden of the Marches. Whilst his Majesty was at Dumfries, he also presided over a justiciary court held for the trial of Lord Maxwell's followers, and other offenders. After making an imposing royal progress through part of the Border district, and, in token of his ire against treason, and other forms of lawlessness, burning the Towers of Langholm,† Castlemilk,‡ and Morton, the King proceeded to Edinburgh, leaving John, Lord Hamilton, to act as his lieutenant over the whole Borders, with the assistance of Lord Herries, and other Dumfriesshire barons.

It was now Johnstone's turn to exhibit disloyalty. When Francis Stewart, Earl of Bothwell,§ with the view of obtaining pre-eminent power in the State, made a bold attempt to

* Calderwood, pp. 236–37.

† The Tower of Langholm, which still survives as a ruin, was a small square keep that belonged to Johnnie Armstrong, and was, after his execution, acquired by the Maxwells.

‡ Castlemilk, in the parish of St. Mungo, was built by one of the Bruces, and came into the family of Stewart by the marriage of Walter, the High Steward, with one of King Robert's daughters. The Maxwells eventually acquired it by marriage. A house of the same name, built in 1796, occupies its site; and a stately new mansion has just been erected near it, by the proprietor of the estate. It belongs, with the estate, to Robert Jardine, Esq., M.P. for Ashburton.

§ He was the eldest son of John Stewart, Prior of Coldingham, natural son of James V.; his mother being Lady Jane Hepburn, sister of the infamous Earl of Bothwell who stands charged with the murder of Darnley, and who afterwards married his widow, the Queen of Scots. Francis Stewart received the title from James IV. in 1576.

seize the King's person, he had for one of his accomplices the Annandale chief—for which disloyal act the latter, like Lord Maxwell, was imprisoned in Edinburgh Castle. Maxwell was liberated, by an act of grace, on the day of the royal marriage, 12th September, 1589; and Johnstone managed to break out of his prison, and, with the stigma of rebel still attached to his name, returned to Lochwood. Again the King visited Dumfriesshire, for the purpose of overawing such of the Border clans as had given assistance to Bothwell, or had in other respects poured contempt on his authority. His Majesty did not find the gates of the Shire town barred against him on this occasion. The burgesses opened them readily to his Majesty, giving him a hearty welcome; for the Superior of the town was now a favourite at Court, and had renounced his rebellious designs, and, nominally at least, his Romanist opinions. James issued a proclamation from Dumfries, offering pardon to all who would repudiate Bothwell, and engage to keep the peace. These merciful conditions were accepted by many, though not by Sir James Johnstone; and when his Majesty left the County it was still far from being thoroughly tranquillized. Whether from motives of policy or conviction, Lord Maxwell subscribed the Confession of Faith on the 26th of January, 1593, before the Presbytery of Edinburgh, the signature used by him being that of "Morton," the earldom of which he still claimed. There is good reason to suppose that he continued a Romanist at heart; and, at all events, his profession of Protestantism, and his practice in after life, were often broadly at variance.

When, in 1601, the General Assembly saw reason to bewail a great defection from the zeal and purity of the true religion, they attributed it in some measure to the want of a sufficient number of pastors "in places that are of chiefest importance, as the town of Dumfries,"* near to which Lord Herries resided. Arrangements were made by the Assembly to settle additional ministers in the most destitute localities; also to bring their influence to bear upon the Popish lords by means of personal visitation—Mr. David Lindsey and Mr. John Hall being the clergymen appointed to operate on Lord Herries.†

* Calderwood, p. 453. † Ibid.

In the Assembly of the following year, these two visiting commissioners reported that they had been unable to hold a conference with his lordship on account of the shortness of his stay in Edinburgh. The whole question was then entered upon anew; and it was resolved by the Assembly that certain noblemen's houses and families should be temporarily supplied with pastors or chaplains, able not only to instruct and confirm them in the Protestant faith, "but also to procure that their families be not corrupted with the companie and resorting of professed Papists, Jesuits, and other seminarie priests."* For these purposes Mr. Robert Wallace was appointed to wait upon Lord Herries, and Mr. Henry Blyth on Lord Maxwell.† It is curious to note the instructions given to these clerical visitors.

The Assembly, bent on subduing the nobles who stood in the way of their good work, enjoined their representatives to use an amount of moral pressure which is inconsistent with modern ideas on the subject, and the nature of which may be inferred from the subjoined quotation:—"Ye shall addresse your selves with all convenient diligence, and necessarie furniture, to enter in their companie and families, there to remain with them for the space of three moneths continuallie; during which time your principal care shall be, by public doctrine, by reading and interpretation of the Scriptures ordinarily at their tables, and by conference at all meet occasions, to instruct them in the whole grounds of true religion and godliness; specially in the heeds controverted; and confirme them therein. Take pains to catechize their families ordinarily every day once or twice at the least, or so often as may bring them to some reasonable measure of knowledge, and feeling of religion, before the expiring of the time prescribed for your remaining there; and let this action begin and end with prayer."‡

At the same Assembly, visitors were set apart for enquiring into the "life, doctrine, qualification, and conversation" of all the ministers; and in this capacity John Knox§ proceeded to Nithsdale and Annandale, taking with him Mr. Patrick Shaw

* Calderwood, p. 459. † Ibid. ‡ Ibid., p. 460.
§ Ibid., p. 461.

and Mr. John Smith as colleagues. No report from the visitors has fallen under our notice; and we are left to conjecture as to the way in which Mr. Wallace fared when he went on his proselytizing mission to Lord Herries; and whether or not Mr. Blyth succeeded in re-establishing the Protestantism of Lord Maxwell. We suspect that in both instances failure was the result. The King had begun to look coldly on Presbyterianism; he was preparing to graft upon it a strange prelatic shoot, and to hamper in many respects the action of the Assembly—thus retarding the Reformed cause, and encouraging both its avowed and secret enemies. It was scarcely to be expected that the nobles who had opposed it all along, or had only nominally embraced it, would under such circumstances change their creed or their policy.

On the 2nd of February, 1593, Lord Maxwell and Angus, the new Earl of Morton, came to an unseemly issue on the question of precedency, in St. Giles's Church, Edinburgh; and just as they were about to draw swords within the sacred edifice, the Lord Provost interfered and caused the combative barons to be sent guarded to their lodgings in the city.

Soon after this bloodless incident, Maxwell returned to Dumfriesshire, never more to leave it in life. Sir James Johnstone having by his recent rebellious acts forfeited the wardenry of the Western Marches, that office was again given to the Lord of Nithsdale; and thus armed he proceeded to the Border for the purpose of allaying its turbulence. Probably the King meant him to adopt stringent measures towards the Johnstones; but when it seemed as if the strife between the families was about to be renewed, a peace was patched up between them through the mediation of mutual friends. The rival chiefs were thereby induced not only to give up their antagonism, but to enter into an alliance offensive and defensive with relation to the wily chief of Drumlanrig, who was, for sufficient reasons, distrusted by both. This agreement, duly signed by the contracting parties, is still preserved among the Annandale papers. In accordance with it, John, Earl of Morton, Lord Maxwell, and Sir James Johnstone of Dunskellie agreeing for themselves, and taking burden upon them for their next kin, friends, tenants, and servants, "oblige them by the faith and troth of their

bodies that they nor their foresaids intromit or agree with Sir James Douglas of Drumlanrig, nor his kin, friends, tenants, and servants, without the special advice and consent of the other had thereto; and that both their assurance, and assurance with the said Sir James Douglas, should be done in one day; and in case any of them had an action of law against him, to concur, fortifie, and assist [each] other to the intensist of their power; and should take a true, upright, and aefold part with others while the feid were agreid or reconciled."

This contract is dated the 13th of March, 1592, only twenty-one months previous to the battle of Dryfe-Sands; and there is another more general one of a still later date—April 1st of that year—in which Maxwell and Johnstone come under a solemn obligation for themselves and friends to "freely remit and forgive all rancours of mind, grudge, malice, and feids that had passed, or fallen furth between them in any time bygone."* A noble resolution, truly! which, if faithfully carried out, would have had a happy effect on the rival houses, and given a slight foretaste of the millenium to the County. Unfortunately their bond of union was feeble as a thread of flax, their friendship transitory as a wintry sunbeam on snow-clad hills, their interchange of kindly words delusive—

"The torrent's smoothness ere it dash below."

The Johnstones had become hand and glove with the Lord Warden! They would therefore be able, so far as he was concerned, to enter upon predatory pursuits with impunity, if they only left unharmed the dependants of the house of Maxwell. So thinking, a party of the Annandale men, headed by William Johnstone of Wamphray, surnamed the Galliard, sweeping into Upper Nithsdale, ravaged the lands of Lord Sanquhar; but all the rich "hereship" acquired by them was no equivalent for the loss they sustained, as their trusty leader, captured by the Crichtons, was, without remorse, converted by his captors into a "tassel" for the gallows tree, though the poor fellow, in view of such an ignominious doom, prayed hard for mercy, and tried to win by bribe what he could not

* Annandale Papers.

gain from pity. "O! Simmy, Simmy!"—so he pleaded to his chief captor, Simon of the Side—

> "O! Simmy, Simmy, now let me gang,
> And I'll ne'er mair a Crichton wrang;
> O! Simmy, Simmy, now let me be,
> And a peck o' gowd I'll gie to thee."

William Johnstone of Kirkhill, on whom the leadership of the "lads of Wamphray" now devolved, mustered them in great force in order to levy more spoil, and exact what was even sweeter to a Borderer than any amount of stouthrief—revenge.

> "Back tae Nithsdale they hae gane,
> And awa the Crichtons' nowt hae taen;
> And when they cam to the Wellpath-head,
> The Crichtons bade them ''Light and lead.'"

That is to say, dismount and give battle, the very thing that Kirkhill Willie wanted, and which he promised to supply the Crichtons with to their hearts' content.

> "Then out spoke Willie of the Kirkhill,
> 'Of fighting, lads, ye'se hae your fill;'
> And from his horse Willie he lap,
> And a burnished brand in his hand he gat.

> "Out through the Crichtons Willie he ran,
> And dang them down, baith horse and man.
> O, but the Johnstones were wondrous rude,
> When the Biddes burn* ran three days blude."

In returning homewards, the exulting victors left other unpleasant memories of their foray on the lands of Drumlanrig, Closeburn, and Lag; and if the ballad from which we have quoted is to be relied upon, they—quite in character—wound up their saturnalia by a jovial carouse in a tavern at the head of Evan Water:—

> "As they cam in at Evan-head,
> At Ricklaw Holm they spread abread.
> 'Drive on, my lads, it will be late;
> We'll hae a pint at Wamphray gate.'"

And there Willie of Kirkhill, proud, exultant, elated with

* Biddes Burn, a brook which waters a mountainous tract lying between Nithsdale and Annandale, near the head of the Evan.

success, and (shall we say?) "glorious" with the "barley bree," thus complimented his gallant followers:—

> "Where'er I gang, or where'er I ride,
> The lads of Wamphray are on my side;
> And of a' the lads that I do ken,
> The Wamphray lad's the king of men."*

* Sir Walter Scott seems to have attached no small amount of historical value to the ballad from which these verses are taken—"The Lads of Wamphray;" and we have quoted from it as it is true to the spirit, if not to the letter, and the incidents tend to illustrate the character of the Border raids.

CHAPTER XXV.

THE LORD WARDEN IS APPEALED TO BY THE SUFFERERS FROM THE JOHNSTONE RAID—THE PROCESSION OF "THE BLOODY SHIRTS"—THE KING COMMANDS HIS WARDEN TO GIVE REDRESS TO THE PETITIONERS—MAXWELL PROCEEDS FOR THIS PURPOSE WITH A POWERFUL FORCE INTO ANNANDALE—A RECONNOITRING PARTY SENT BY HIM, WHEN ENCOUNTERED BY THE JOHNSTONES, TAKES REFUGE IN LOCHMABEN CHURCH—FIRE IS APPLIED TO THE CHURCH, AND THE PARTY SURRENDERS—BATTLE OF DRYFE-SANDS--DEFEAT OF THE NITHSDALE MEN—SLAUGHTER OF LORD MAXWELL—MODERN ASPECT OF THE BATTLE-FIELD—LORD HERRIES MADE WARDEN OF THE MARCHES—HE ATTACKS THE JOHNSTONES AT LOCKERBIE, AND IS REPULSED—JOHNSTONE PARDONED—APPOINTED WARDEN, AND AGAIN DISGRACED—KING JAMES VISITS DUMFRIES, AND HOLDS A COURT OF REDRESS IN THE BURGH—LORD MAXWELL MEDITATES VENGEANCE ON JOHNSTONE FOR THE SLAUGHTER OF HIS FATHER—THE KING INTERPOSES, BANISHES HIM FROM THE DISTRICT, AND EXACTS LETTERS FROM HIM, IN WHICH HE AGREES TO BE RECONCILED TO HIS ENEMY—MAXWELL BREAKS THROUGH HIS ENGAGEMENT, RECEIVES THE KING'S FORGIVENESS, AGAIN OFFENDS, AND IS CONSIGNED TO EDINBURGH CASTLE—ESCAPES FROM IT BY STRATAGEM, AND RETURNS TO DUMFRIESSHIRE.

THE sufferers from this rapacious incursion naturally complained of it to the Warden, and asked for redress at his hands—a request which placed him in an awkward dilemma. He did not wish to revive his old feud with the Johnstones; and perhaps he also believed that they had some right to reckon on his forbearance, though there was no express compact to that effect between them. Two influences, however, combined to make him resolve on warlike measures, though he was personally inclined to peace. The proprietors who had been pillaged, and were impatient for revenge, offered to enter into bonds of man-rent with him to maintain his quarrels against all and sundry, provided he would exercise his authority as Warden to punish the Johnstones: and the King about the same time issued a special commission to him, by which he was enjoined to execute justice on the guilty clan; James having been in-

duced to take this step by a singular deputation from Nithsdale, consisting, says Calderwood, of "certain poor women with fifteen bloody shirts," who presented themselves in the streets of Edinburgh on Monday, the 23rd of July, and in presence of the Court prayed for justice on those who, at the instance of the Laird of Johnstone, had cruelly murdered their husbands, sons, and servants. As their petition did not receive that prompt attention which they expected, a procession of the bloody shirts was resolved on; and these were carried through the streets "by pioneers," whilst a sympathizing crowd cried out for vengeance upon the King and Council,* till they at length paid attention to the widows' prayer.

Lord Maxwell saw in the offer of the Nithsdale gentlemen a means of increasing his "following," and strengthening the power of his family; and when to this temptation was added the positive command of his sovereign, he hesitated no longer, and forthwith took the field against his hereditary enemy. Perhaps we do the noble lord no injustice when we suspect that the prospect of wreaking vengeance on the ancient foes of his house had some influence also in determining his conduct.

Johnstone on his part was not idle. On seeing sure indications of a pending storm,† he prepared to meet it by an alliance with his maternal relatives the Scotts of Eskdale and Teviotdale, five hundred of whom came to his aid under the leadership of Sir Gideon Murray of Elibank, who bore the banner of the Buccleuch in the temporary absence of that chieftain abroad. The Elliots of Liddesdale, the Grahames of the Debatable Land, and other Border tribes, also allied themselves to Johnstone; and, as we learn from the Privy Council Records, "divers Englishmen, tressounablie brocht within this realme," swelled his ranks.

Maxwell, as a matter of form, summoned Johnstone to surrender in the King's name, and submit to be tried on the charges brought against him. The citation being treated with scorn,

* Calderwood.

† According to Spottiswoode, the bond of agreement between Maxwell and the Nithsdale gentlemen, "being negligently kept, fell into the hands of one Johnstone of Cummertrees, and was by him carried to the Laird of Johnstone," who thus got timely notice of the combination entered into against him. (Vol. ii., p. 446.)

war was inevitable; and, considering that it was a county conflict, the forces brought into the field were numerous on both sides. No fewer than two thousand men followed the royal banner, as displayed by the Lord Warden, into Annandale; and nearly as many of the Johnstone party went forth to meet them. Sometimes the fate of kingdoms has been decided by smaller armies than those marshalled against each other by these rival chiefs.

The Nithsdale men would probably assemble at the usual place of wappenschaw—the meadow watered by the Lordburn, eastward of Dumfries—and be thence led round the head of Lochar Moss towards Lochmaben. A popular modern ballad,* written on the battle that ensued, gives what is at best a doubtful list of the different companies that made up Lord Maxwell's army. Two churchmen—the Abbot of Newabbey and the Vicar of Carlaverock—are represented as leading a hundred men each into the field; but some years prior to the date of the conflict they had both been forfeited, and the days of fighting ecclesiastics had been brought to an end. The other contingents are given as follows:—Crichton, Drumlanrig, and Dalziel, fivescore each; Dalswinton and Cowhill, eighty-nine each; Kirkpatrick, Carnsalloch, and Breckenside, "full fourscore" each; Charteris, sixty; Lag, fifty-four; while, we are told,

> "The town Dumfries two hundred sent,
> All picked and chosen every one;
> With them their Provost, Maxwell, went,
> A bold, intrepid, daring man.
>
> "Lord Maxwell's own dependants rose
> Eight hundred warriors, truly bred;
> Kirkconnell doth the reckoning close,
> An hundred valiant youths he led."

It was in the dead of the year, "when dark December glooms the day," that this goodly bannered host moved from the County town—its leader, as a matter of precaution, sending a reconnoitring company on before, under the command of Captain Oliphant. The ill-fated troop went to watch the

* The Battle of Dryfe-Sands, by William M'Vitie, of which a neat edition, with notes, has been recently published by Mr. D. Halliday, bookseller, Lockerbie.

enemy's movements, but was too rash, and regardless of its own. When in the neighbourhood of Bruce's ancient burgh, a numerous body of the Johnstones, led by James Johnstone of Kirkton, rushed suddenly upon Oliphant's men and put many of them to the sword, the Captain himself falling in the fray. The rest fled for safety to the parish church;* but it afforded them no protection. Fire was ruthlessly applied to the sacred building; and as the roof was formed of straw, which fed the destructive flames, the edifice soon became literally too hot to hold the refugees, and they were forced to surrender. Thus the war opened in a manner that foreboded evil to the men of Nithsdale. Maxwell, however, on hearing of the disaster, hurried forward, hoping soon to eclipse it by a brilliant victory.

Late on the 6th of December, 1593, he crossed the Lochmaben hills with his army, encamping for the night on the Skipmyre heights, below which, at a considerable distance, flowed the Dryfe—a river so called from the driving rush of its waters when swelled by rain. Crossing it next forenoon, the Maxwells found themselves faced by the Johnstones, the latter of whom were strongly posted on an elevated piece of ground, which now forms part of the parish glebe. This ridge is about forty feet high at its north end, and slopes gradually away southward: the Dryfe flowing at that time much further westward than at present, and leaving room on its left bank for the evolutions of the combatants. Sir James Johnstone possessed no small amount of military skill; and by disposing his men on this acclivity, he was able to force the Maxwells into an engagement on ground which the latter would never of their own choice have taken up. Their position was quite exposed, and they must either fight under serious disadvantages or commence a humiliating retreat—an alternative which they never thought of resorting to. Johnstone further strengthened himself and encouraged his men by some adroit preliminary manœuvring, which Maxwell, relying mainly on sheer force, failed to counter-

* This church was a Gothic building, and dedicated to Mary Magdalene. After standing in a ruinous condition for some years, it was taken down in 1818; and during the process, the key of the old fabric was found, and afterwards sent to the Antiquarian Society of Edinburgh.

act. Had the hostile ranks closed on equal terms, and in a trial of strength alone, the likelihood is that Maxwell's high hopes would have been realized; but from the manner in which he was situated, and the mode of warfare chosen by the opposing army, he was never able to bring above the half of his men into action. Johnstone initiated the fighting by "sending forth some prickers to ride and make provocation." On went the horsemen thus commissioned, flaunting their pennons in the faces of their foemen, hurling at them stinging epithets, if not material missiles, challenging them to come on if they dared, shouting the Johnstones' war-cry, "Ready, aye ready!" as if to reproach the unreadiness of their opponents, and then riding back unharmed to their own ranks.

To be bearded in this fashion was more than flesh and blood of the Maxwell stamp could bear; and when the tormentors returned, repeated their exasperating conduct, and then exultingly retired, the Warden—enraged at a time when coolness was specially needed—sent a large detachment after them, who rushed forth impetuously, crying, "Wardlaw! Wardlaw!" varied by "I bid you bide, Wardlaw!"*—the well-known slogan of the Nithsdale chief. This was the very movement which Johnstone had wished to provoke. The retreating horsemen never thought of turning rein in a vain attempt to resist the torrent let loose upon them. Getting out of the way as rapidly as possible, they allowed it to be met by those who were standing ready to roll it back, and who did so. The Nithsdale detachment was received by a much larger body, and broken up; and its fragments, falling back, communicated to the main army of the Maxwells a share of its own confusion. This was the crisis of the battle. As yet there had been nothing but skirmishing, and little bloodshed; and if the Warden's army had stood firm when the Johnstones, in full force, charged down upon them, the fortunes of the day might still have been redeemed. As soon as the Annandale men left the heights, they gave up all the advantages of their position—only, however, to improve the advantage given by the panic into which the Maxwells were

* Wardlaw is the name of a hill in the immediate vicinity of Carlaverock Castle.

thrown. The latter never recovered from the disorder caused by the repulse of their assailing troops; and when, consequent upon that mishap, they were visited with a general assault, they, after a brief but desperate resistance, gave way on all sides. The Lairds of Lag, Closeburn, and Drumlanrig escaped by the fleetness of their steeds; but there is no historical evidence that the charge represented as brought against them by Lord Maxwell's son, in the old ballad, was well founded:—

> "Adieu! Drumlanrig, false wert aye,
> And Closeburn in a band!
> The Laird of Lag frae my father that fled
> When the Johnstone struck off his hand.
> They were three brethren in a band—
> Joy may they never see!
> Their treacherous art and cowardly heart
> Has twined my love and me."

Lord Maxwell was less fortunate than his brother barons. When resistance was useless, he retreated with the relics of his army from the field—each of the fugitives going his own separate way, but most of them proceeding in the direction of Lockerbie, the victors following hard upon their track, and ruthlessly slaying all whom they overtook. On the Holm of Dryfe, about half a mile below the old churchyard of the parish, were to be seen, till recently, two large bushes, called "Maxwell's Thorns," which commemorated this sanguinary battle and its sorrowful episode—the death of the defeated nobleman. To the spot where these venerable trees "scented the dewy air," came the Lord of Nithsdale when the fight was over and hope was gone, no way eager to survive his disgrace, and easily overtaken by a young Annandale trooper—the sanguinary hero of Biddes Burn—who had resolved to capture, maim, or kill the enemy of his clan. Some days before the battle, Maxwell, it is said, had offered a ten-pound land (that is, land entered in the cess-book at that yearly amount) to any one who should bring him the head or hand of Johnstone; which caused his antagonist to retaliate by announcing that, though he had not a ten-pound land to give, he would bestow a farm of half that value on the man who should bring him the head or hand of Maxwell. Stimulated by this tempting offer, and also, perhaps, by hatred towards the Nithsdale men, which all the blood shed at Biddes

Burn had failed to slake, William Johnstone of Kirkhill hurried after the fugitive lord, and struck him from his horse.* According to a report mentioned by Spottiswoode, the unfortunate baron held out his hand, and claimed to be taken prisoner, even as he had in similar circumstances spared the life of the Laird of Johnstone; and, instead of his plea being heeded, the supplicating hand was cut off, and then he was slain outright. Tradition, on the contrary, states that Willie of Kirkhill, after obtaining the ghastly sign-manual which attested his claim to receive a five-pound land from his chief, rode away, and that the wife of James Johnstone of Kirkton discovered Maxwell lying wounded, and beat him to death—a story which we reproduce, though it seems to us highly improbable. Soon after the battle, it is said, Dame Johnstone issued forth from Kirkton Tower, with a few female attendants, for the purpose of seeking her husband, and also of giving relief to those who might have been left wounded on the field. Locking the gates with her own hand, and having the heavy keys suspended to her girdle, she soon reached the precincts of the fatal spot, and there, in the dim gloaming, discovered the hapless warrior lying bleeding and faint under an old fir-tree. On bending down to inquire his name and condition, the sufferer gasped out, "I am the Lord Maxwell; succour me, or I die!" and caught his visitor convulsively by her garment. Thus appealed to, the Dame, cruelly dour, as if she had not had a drop of "weeping blood" in her bosom, swung the ponderous keys by the cord which fastened them, and brought them down sheer on the head of the prostrate suppliant. Blow after blow of this kind, till the chieftain's brains were knocked out, formed the sole answer given by this fiend in lady's likeness to his cry for mercy; and she strode away from the mangled carcase mightily satisfied with her evening's work. But this Annandale monster is, we believe, a mere creation of the fancy; and we notice the legend only to say that it is unworthy of credit. The likelihood is that Willie of Kirkhill, taking a lesson from the Kirkpatrick motto, made sure of his reward by cutting off the head as well as the hand of the prostrate warrior. Slain he was at all events; and the body of the brave lord, lying gory and mutilated on the

* Spottiswoode, vol. ii., p. 446.

banks of Dryfe, was a pitiful sight, had it been seen by eyes susceptible of pity: a chief of high descent, the head of a noble house, the representative of royalty, and, in spite of his turbulent temper, possessing many personal claims to respect and affection—being, as Spottiswoode says,* "of great spirit, humane, courteous, and learned"—to be thus ruthlessly slaughtered and mutilated in his manhood's prime, was indeed tragical, and strikingly illustrative of the fury too often engendered by the Border feuds.†

His followers suffered to a fearful extent. Never before had the Johnstones obtained such an opportunity of smiting their hereditary foes. Comparatively few of the Maxwells fell in the battle, but hundreds of them were cut off in the flight; and many who escaped with life were cruelly wounded, especially by slashes in the face—called, proverbially, "Lockerbie licks"—marks of which they bore till their dying day. The fugitives were pursued as far as the Gotterby ford of the river Annan, in which numbers sank, and swelled the roll of victims. Altogether, not fewer than seven hundred of the Maxwell party perished in this disastrous battle of Dryfe-Sands, the bloodiest of an internecine kind ever fought on the Border Fells.

When visiting the scene of this conflict on a late occasion, we in fancy summoned forth the opposing squadrons, and watched them closing in deadly combat. Johnstone, skilled in strategy, coolly keeping his vantage ground; the Maxwells, provoked to advance when their sole chance of safety lay in remaining still, advancing, climbing the ridge under the bewildering dazzle of a meridian sun; the terrific counter-charge as the men of Annandale, rolling down like an avalanche, broke the enemy's battalions, and turned their temporary confusion into a ruinous panic-rout; the luckless Lord of Nithsdale hurrying from the field, overtaken and mercilessly slaughtered; the other fugitives, not caring to climb the hills over which they had travelled on the previous day in hope and joy, wending their darkling,

* Spottiswoode, vol. ii., p. 447.

† Sir Walter Scott, in Tales of a Grandfather (p. 153, royal octavo edition), speaks of Maxwell as being an elderly grey-haired man—agreeing in this respect with most other historians; but Maxwell, as we learn from the family pedigree at Terregles, was born in 1553, and was consequently only forty years of age at the time of his death.

dolorous way to the south-west, and thus, as it were, rushing into the heart of the enemy's land to be mutilated or perish—all these scenes and incidents crowded vividly on our mental vision, till we forgot the glory of the natural scenery watered by the Dryfe, in the exciting reminiscences of a struggle which made its stream run red. We sought unsuccessfully for the Maxwell Thorns—those interesting memorials of the chief's violent death, and of the bloody field. Not a trace of them is now to be seen, they having been swept away by the river when in flood upwards of twenty years ago. A fragment of one of them was transplanted to a place not far distant, beyond the water's sweep; but this vestige of the monumental bushes has also disappeared.*

When news was brought to King James of the despite done to his authority by the defeat and slaughter of his representative in Dumfriesshire, he was much incensed; and had he not been detained in the north by engrossing State affairs, he would have taken active measures personally to chastise the Annandale chief. Johnstone was forthwith "put to the horn," and proscribed as a rebel; and it was announced that those who intercommuned with or harboured him would be deemed traitors to the King's majesty. But Johnstone had discomfited the royal host, had abased and slain his proud rival, the King's lieutenant, and did not care a pin's fee for the King's proclamation. James might be monarch of Scotland, and obeyed as such by barons who had not coped with him: but the head of the Johnstones was king in his native dale; and to think of outlawing him there, or isolating him from his kinsfolk, was simply ridiculous.

Nevertheless, for nearly two years after the conflict at Dryfe-Sands, Dumfriesshire enjoyed a considerable amount of repose; and it was not till an attempt was made, in the autumn of 1595, to seize some of the refractory Johnstones, that the peace of the County was again broken. On the death of Maxwell,

* Another vegetable memorial of the conflict may still be seen in the neighbouring parish of Applegarth—"The Albie Thorn," planted about half a mile distant from the locality of the battle, to denote the place where Bell of Albie, a follower of the Johnstones, fell while in pursuit of the discomfited fugitives. —*Statistical Account*, p. 183.

Lord Herries was appointed Warden of the Western Marches. He was enjoined by the King to meet with other barons in Dumfries, for the purpose of restoring quiet; and but for the steps taken by them, the banks of Nith would, in all probability, have suffered from an Annandale raid. Having maintained order in Nithsdale for many months, the new Lord Warden thought he would endeavour to tranquillize the district over which Sir James Johnstone held lawless sway. With this good object in view, Herries summoned a meeting of Maxwells in the Shire town; and as the fighting men of the clan had been much reduced by the late defeat, the Nether Pollok branch of the family furnished a welcome contingent for the meditated expedition. At the head of three hundred followers, Herries proceeded from Dumfries to Lockerbie, and daringly laid hold of several offenders belonging to the dominant clan. Other Johnstones—true to their family motto—mustered in great force, rushed to the rescue of their friends, and, after a sanguinary engagement, drove the invaders from the dale.

What to do with Sir James Johnstone now, was a perplexing question, which the King, after being puzzled with for a while, tried to solve by the singular expedient of constituting him Warden in room of Lord Herries. When the turbulent baron found himself, in April, 1596, invested with that high office, he must have been filled with wonder. It was indeed strange that he should have been made keeper of the King's peace who had broken it so often; but it was in noways strange that he felt awkward in his new office, and gained no credit for the way in which he discharged its duties.

The gossipping chronicler, Birrel, records in his diary,* under date July 13, 1597, "an feight or combat betuix the Laird of Drumlanrick and the Laird of Johnestoun, and their assisters;" and afterwards the latter fell into such disgrace that, we are told, on May 27, 1598, "the Laird of Johnestoun his pictor [was] hung at the Crosse [of Edinburgh], with his heid dounwart, and declarit ane mansworne man; and upon the 5 of Junij he and his complices wer put to the horne, and pronuncit rebellis at the Crosse, be opin proclamation."

* Diary of Robert Birrel, burgess of Edinburgh.

According to the same authority, Johnstone soon recovered from his fall, he having been, on July 2, 1600, "restorit to hes honours, at the Crosse of Edinburgh, be the proclamatione of a herald and four trumpettis." We may infer that the wardenship was again conferred upon him. For a year or more previous to the latter date, that perilous office was held by Sir John Carmichael, who was cruelly murdered by a party of "broken men" whilst going to open a court at Lochmaben —his death affording another instance of Border lawlessness at this period.

In November, 1597, James found himself under the necessity of going down to the Western Border to act as his own warden. Early in the month he arrived at Dumfries, firmly bent on repressing the turbulence of the district. "A resolution," says Moysie,* "not to return therefra till that turn was effectuale, as indeed his Majesty did meikle to it." In order to secure this object, the King established a Court of Redress in the Burgh, made up of "aucht special honest gentlemen of the County, least suspect, maist neutral and indifferent, and the best inclined to justice," with "twa or three of his Majesty's Council appointit to be present with them." A large military force attended upon the sovereign, without which his judicial efforts would have been unavailing; the individuals he had to cope with caring nothing about the majesty of the law, and totally unconscious of the "divinity that doth hedge a king." The court and its royal president had a busy four weeks of it. During that time they, after trial, "hangit fourteen or fifteen limmers, and notorious thieves;" whilst from every branch of the offending septs they seized one or two leaders, as hostages "that the haill stouths and reifs committed by them, or any of their particular branch, should be redressed, and that they and all theirs should abstene from sic insolency in time coming, under pain of hanging." These live "pledges" were not, it appears, put into the ordinary pledge-house, but distributed, to the number of thirty-six, over houses rented for the purpose, where they were required to pay rather less than twopence sterling each for their maintenance daily. In this way the

* Memoirs of the Affairs of Scotland, by David Moysie (MS.), as quoted in Chambers's Domestic Annals.

King to some extent redressed the wrongs which Johnstone had overlooked; and on returning to Edinburgh, he carried with him the hostages, as a security that the Johnstones, Armstrongs, Bells, Irvings, and others whom they represented, should continue at peace. He also constituted Lord Ochiltree his lieutenant; and that nobleman remained at Dumfries several months, doing his best, by a judicious distribution of rewards and punishments, to pacify the Shire. "In the course of that period," says Moysie, "he hangit and slew three score of the most notable thieves, and kept the country in great quietness and guid order."

But the young Lord of Nithsdale had no desire to live at amity with the Johnstones, so long as his father's death remained unavenged. He cherished a feeling of vindictive hatred against their chief, which the King (who had, as we have said, again taken the latter into favour) tried in vain by threats and entreaties to allay. In order to keep the incipient strife in check, his Majesty commanded Lord Maxwell to withdraw into Clydesdale. After remaining there, however, a year or more, he returned in the summer of 1601, without the royal permission, for the avowed purpose of compassing the ruin of his rival; and, as an earnest of his purpose, he made a destructive incursion into Annandale, which lighted up anew the flames of war. The disorders thus created brought the King again into Dumfriesshire. Probably if he had banished both Johnstone and Maxwell, and taken security that they would remain "furth of the realm," he might have secured the repose of the County.

James adopted no such resolute measures. In his usual feeble way, he ordered Lord Maxwell to betake himself again to the banks of Clyde, and, before doing so, to grant "letters of slanes," dated 11th June, 1605, on behalf of his hated rival; according to which Maxwell "for himself, and taking burden for all others concerned, in favour of Sir James Johnstone of Dunskellie, knight, his kin, friends, servants, and dependants, whereby he remits and forgives all hatred, rancour, mutual grudge, and quarrel which he had against him for the slaughter of John, Lord Maxwell, his father, and all other slaughters, mutilations, and insolencies which followed thereon."* The

* Annandale Papers.

"mutilations" here specified refer, doubtless, to the "Lockerbie licks" received by the men of Nithsdale after their defeat at Dryfe-Sands. So soon as his Majesty's back was turned, and in spite of the meek, forgiving spirit breathed in this document, the obdurate young nobleman reappeared in Dumfries —reappeared to concoct new plots and stir up fresh broils.

Edinburgh Castle, to which Maxwell was next consigned as a sort of reformatory prison, wrought no improvement upon him, and, indeed, could not cage him long. Escaping in January, 1603, he was proclaimed an outlaw. For some time neither the Government officers nor the chroniclers of the period could trace his whereabouts, till at length the latter discovered him, near the close of 1607, suddenly restored, like the hero of a pantomime, to the free enjoyment of his rank and estates; and we do not learn from them that he was ever called upon to "underly the law" for his numerous offences. At the above period, says Chalmers,* "a contest arose between Lord Maxwell and the Earl of Morton [Angus] about their several jurisdictions in Eskdale; and both parties called out their people to decide their pretensions—not in the forum, but the field. The Privy Council, which in some measure now governed Scotland, commanded the contending parties to dismiss their forces, and not approach the scene of their controversy; but Maxwell contemned the order [as might have been looked for], and challenged his antagonist to single combat. For these contempts Maxwell was committed to Edinburgh Castle (which seems never to have been a safe State-prison), and from which Maxwell again effected his escape. But he only escaped to engage in a more fatal outrage." This last sentence introduces us to a new act in the dreadful Border tragedy, which, originating mainly in the capricious disposal of the Western wardenship, culminated at Dryfe-Sands, and did not terminate till the two principal remaining actors in it, the chiefs of the rival clans, fell dead upon the stage; one treacherously shot by the other, and the assassin publicly executed for his crime.

It was by a combination of violence and stratagem that the noble prisoner effected his escape. On the 4th of December, in accordance with arrangements made between himself and his

* Caledonia, vol. iii., p. 113.

fellow-captives, Sir James M'Connell and Robert Maxwell of Dinwoodie, or the Four, he gave an entertainment to them and the keepers of the castle; which the latter, who must have been a set of jolly, easy-minded varlets, patronized to such an extent that they became intoxicated. Lord Maxwell, artfully pandering to the vanity of the inebriates, requested to see which of them wore the best weapon. Their swords being produced, he handed one to each of his friends and took one himself: but instead of comparing the arms, they hurried off with them; and when the astonished wardens reeled to the door to seize the fugitives, they found it locked. A few minutes before, Maxwell had sent his servant to Struthers, the porter, to facilitate their passage through the inner gate. The servant easily enough obtained leave to pass, but when Struthers wished to close the gate again the former put his back to the wicket, upon which the three men coming up glided out, the porter receiving a cut in the hand from Lord Maxwell, as he tried to arrest their progress. M'Connell, having his irons on, was unable on that account to surmount the outer wall, which the other two prisoners readily scaled, and secured their freedom. How wroth King James was on account of Maxwell's forcible breach of ward, is shown by a letter which his Majesty addressed to his Privy Council, on the 14th of December, 1607, the substance of which we subjoin:—"The leatt escheap of the Lord Maxwell, furth of our Castell of Edinburgh," says his Majesty, "haveing gevein to us moir nor just caus of discontentment at his foly, We have thocht meitt heirby to direct you how to proceid aganes him. And first, we will this Proclamatioun, herewith sent, to be publeissed at all placeis neidfull; and that you hairefter tak ordour fore tryale of all reseattares and suppleares, and caus the extreametie of the law to be prosequit aganes thame. And also you sall, upon ressait heirof, presentlie send chairges of tressoune for the rendering of his castellis and houssis, and you sall put garesounes and keipars in everie one of the same to be interteined upon the rentis belonging to the houssis, unto such tyme as We doctak farder order thairwith. And als, our will is, that you give particular directioune to suche as sall ressave the Castell of Lochmabene, that they mak delyverie of the same to our rycht trustie coising and counsallovr, the Erll

of Dunbar, or to ony other quhome the said Erll of Dunbar sall direct, with our uther Warrand for ressaveing thairof. Furthermore, you sall cause chairge the principallis of the said Lord Maxwell, his name and followairis, being ony way men of mark, to find cautione and suertie, under gritt pecuniall panes, that they sall noway resailt, supplie, nor intercommune with him. You sall in lyk maner geve speciall ordour to our garisoune, under the Lord of Scone's command, and als to that uther under Sir Wm. Cranstoune's chairge, that they mak specialle searche for the said Lord Maxwell, his taking and apprehending. And heiroff, willing you to be cairfull, and to omit nothing that may haisten ane exempler puneishment upon him, for his prowd contempt."

In the course of a short time after the receipt of this letter, one of the Privy Councillors, Sir Thomas Hamilton, in name of the whole, addressed a letter to the King, setting forth that it had been represented to them that, unless the crimes for which Lord Maxwell and Sir James M'Connell had been imprisoned were treasonable, their breach of ward could not import treason. "As to the Lord Maxwell," he said, "I have heard of his raising of fyre at Dalfibbill, when he slew Willie Johnestoun, callit of Eschieschielles, and ane uther Johnestoun;" but he added circumspectly, "because he has sensyne had the honour to be admitted to your Royall presence, I wald not presume to summond him for that fact, while first I sould knaw your Majestei's mynde thairanent; the knaulege whairof sall lead me to proceid or desist."

The royal reply to this request for instructions has not been preserved. That it was of an unrelenting nature, may be fairly inferred from the letter subsequently sent to the Council by the King, dated at the Palace of Whitehall, 2nd February, 1608, and which (omitting some unimportant passages) runs thus:—"We ar informed that, notwithstanding of the treassonable fact committit be the Lord Maxwell in eschaiping fourth of our Castell of Edinburghe, and in forceing and hurting of the keipares and poirtaris of the same, and of our speciall commandis and Proclamatiounes, send doune for his taking and apprehending, that nevertheles in plane contempt of our authoritie, that he oppinley travellis throuche the countrie accompaneid with no fewer than

twentie horse, and hes mead his repaire at syndrie tymes to our burgh of Drumfreis; quhiche insolence is no way tolerabill, and skairse excussabill on your pairtis, that ony of our declarit tratouris sould assume to themeselffis so mutche libertie without controlment. And thairfoir our pleasour and will is, that upon ressait heiroff, you direct that our Gaird, under the command of the Lord of Scoone, to repair to the burghe of Dumfreis, and thare, with that Gaird under Sir William Cranstoune's chairge, to make a present diligent searche for the said Lord Maxwell, and either to apprehend him or put him out of thoise boundis. Thairwith also the Baillies of Drumfreis wold be chairgit to compeir befoir you, and if you can try any thing of their knawledge of the said Lord Maxwellis being in thair toune, We ar to will you to inflict ane exemplare puneishment upone thame, baith by fynning and wairding. And als, you are to proceid in rigoure, according to the warrant of our lawis, aganes all reseattares and accompaniaris of the said Lord, that so others may be affrayed from coming within the compass of the lyk contempe."

CHAPTER XXVI.

MAXWELL PLANS A MEETING BETWEEN JOHNSTONE AND HIMSELF — THE INTERVIEW DESCRIBED—ITS TRAGICAL TERMINATION—MAXWELL SHOOTS JOHNSTONE, AND THEN TAKES TO FLIGHT — THE HUE AND CRY RAISED AGAINST THE ASSASSIN — HE BIDS HIS NATIVE LAND "GOOD NIGHT" —LEGAL PROCEEDINGS ARE COMMENCED AGAINST HIM IN HIS ABSENCE— HE IS SENTENCED TO DEATH — AFTER SOME YEARS OF EXILE, HE RETURNS TO NITHSDALE, IS PURSUED, SEEKS REFUGE IN THE NORTH OF SCOTLAND, AND IS BETRAYED BY HIS OWN KINSFOLK TO THE GOVERNMENT—MAXWELL PLEADS FOR HIS LIFE WITHOUT EFFECT—HIS EXECUTION.

It was when Lord Maxwell was in the harassing and perilous circumstances indicated by the correspondence given in the preceding chapter, that a memorable meeting was brought about between him and the man who had occasioned the slaughter of his father at Dryfe-Sands. An opinion prevails that Maxwell made the overtures that led to it, and that he planned the interview to secure an opportunity of gratifying his desire for vengeance. While it appears to us very evident that he cherished this murderous intent, and longed for a chance of carrying it into effect, it seems not the less true that Johnstone of his own accord, and for objects of his own, took steps to secure a meeting with Maxwell.

Sir Robert Maxwell of Spottes, or Orchardtoun, declared in his deposition on the subject before the Privy Council, that "the Laird of Johnstoun desyrit the deponar (being in his house of Lochwood for the tyme) to speik the Lord Maxwell quhen he fand the opportunitie, to sie iff the deponar could mak a [all] good in the materis betuix them." Sir Robert, however, declined the mission, assigning as his reasons that the matter was too weighty for him to take in hand: "that the Lord was a perellous man to haif ado with," and that Maxwell "haid evir a mislyking of him becaus he (the deponar) maryed Johnstone's sister."

Accordingly, Maxwell of Spottes did not, in the name of his

brother-in-law, bring the subject before Lord Maxwell; but he stated further in his deposition, that at the instance of Maxwell he met with the latter, who besought his advice and influence with the view of securing a pardon from the King; upon which "the deponar" told Maxwell "that he sould keipe him quiet, and do no thing quhilk micht offend the Kingis Majestie farder nor he had done; and that he (the deponar) wald move the noblemen, who were his friendis at Court and Counsell, to report the best of him to his Majestie and Counsell." A question from Sir Robert Maxwell as to the relations in which his lordship stood towards his neighbouring barons, turned the conversation on the Laird of Johnstone—Lord Maxwell asking "quhat he micht look for att his handis in tyme comeing?" Sir Robert appears to have evaded this question, and ultimately it was arranged that his lordship should write out the heads of an agreement between himself and Johnstone. At parting, "the deponar said to my Lord: 'If this be a mater that your lordship thinks in your hairte ye can tak up and remett to the Laird, I will very willinglie travell in the mater, and do the best I can; otherwise, I desire nocht to mell [meddle] in it.'"

Honest-looking and plausible was Maxwell's reply, to the effect that, "if he saw ony willingnes in the Laird to do dewtie to him, he wald willinglie pas it over, and if he resavit ane ressonnable answer of the Laird, he wald be content to meete with him, at ony convenient place; and promest that he sould keepe honnestlie, for his pairt, and these that were with him, providing it war keepit quiet for boith their weillis."

We learn from the rest of the deposition that the articles of agreement drawn up by Lord Maxwell had a suspicious mistiness about them; that at a second audience given by him to the Laird of Spottes, the latter inquired as to their true meaning, and was answered by his lordship that he was "not a good wreater," and would not again put his wishes upon paper, but that all he required was that Sir James Johnstone should show he had "not bene a dealer aganis him in tyme bigane," and "what he micht look for at his handis in tyme comeing;" that Sir Robert, bearing his relative's written answer to this verbal message, met Maxwell a third time in the forest bowers, beside the Abbey of Holywood; that the latter read the reply, and

was "weill content thairwith;" and that then "the deponar" arranged for an interview, as agreed to by Johnstone, the same to take place upon the following Wednesday afternoon, between three and four o'clock, near the House of Beal, his lordship to be accompanied only by one attendant—Robert Maxwell of the Tower—Johnstone also to have but one companion, and "the deponar" to be present as a sort of umpire between the principals. Finally, Sir Robert states that, as a security that this "tryst" should be truly kept, and that neither Maxwell nor his man should be guilty of foul play, received "my Lordis faithfull promeis, with my Lordis hand strekit in the deponaris hands," that all their proceedings in the matter should be faithful and honest, even should his projected agreement with Johnstone prove a failure.

If this "deponar" is to be received as a trustworthy witness, the Annandale chief was desirous of being reconciled to the son of the nobleman whose death he had occasioned, and was willing to secure that end by pleading for him with the King; while, on the other hand, the son seemed ready to forgive the slaughter of his sire, provided he should, through his good offices, regain the royal favour. If, however, they mutually desired to meet with each other, there is room for suspecting that the motives of one of the parties—Maxwell—were very different from those he professed to entertain. The result, we think, proves clearly that, under the guise of peace and forgiveness, he cherished implacable hatred; that he intended the interview to have a fatal issue to the enemy of his house; and that the circumstances associated with it were artfully contrived beforehand, for the purpose of making the foul murder look like an untoward accident, or, at worst, an unpremeditated case of manslaughter. So much by way of prologue: let us now endeavour to reproduce the scene itself.

On the afternoon of April 6, 1608, William Johnstone of Lockerbie visited his chief at Lochwood, by whom he was cordially welcomed. "Cousin," said the Laird, "ye must this day do a greater turn for me than ever I asked at your hands before. I am to meet with the Lord Maxwell, and ye shall go with me: push forward, then, to Little Lochwood, where I will join you presentlie; but let no one ken where ye are riding to, or on

what errand ye are bound." William Johnstone does as required; and, whilst on the road, is overtaken by two men on horseback—one of whom proved to be Sir Robert Maxwell of Spottes, and the other Sir James Johnstone (whom he had left a few minutes before), but whom he did not at first recognize, as he was differently apparelled than usual, and, for "secrecie of the tryst," was riding upon an old nag, only fit for bearing a hind of low degree. After brief converse, the three went on together, and ere long descried in the far distance the Lord of Nithsdale, attended by Charles Maxwell, "hoofing" on horseback to meet them. Whereupon Maxwell of Spottes, bidding his companions bide where they are until he returned to them, or gave them a sign to advance, rides forward—meets Lord Maxwell—remonstrates with him that he is accompanied by such an ill-conditioned individual as Charlie Maxwell, instead of Maxwell of the Tower, and is told by his lordship that he will be answerable for his relative's good faith; and he renews his own promise (suspiciously protesting too much) that, so far as both are concerned, there will be nothing but fair play.

The good-natured, well-meaning mediator, though only half assured, resolves to risk the interview. Tying a napkin on his riding-switch, he displays it as a signal; and, thus summoned, the Laird of Johnstone and his kinsman advance. Johnstone, though informed that Maxwell has with him an unlooked-for companion, seems well content, and to be troubled with no misgivings. "Ye need have no fear of the Lord Maxwell himself, at any rate," said Sir Robert, "for I have taken his oath and promise, upon his faith and honour, that he will meet fairlie and part fairlie, whether a paction is made between ye or not; and," added the good knight, "I must take from you the same oath and pledge." These are freely given; and ere five minutes more elapse, the rival chiefs meet at a place called Auchmanhill—exchange friendly greetings—ride slowly on, accompanied by their mutual friend, who, with characteristic prudence, keeps between them as they (both directing their speech to him) begin to talk about their long fierce feuds, and the propriety of forgetting them henceforth; though one of the parties, while indulging in honied words, is brimful of bitter hatred, and

bent on shedding blood before that pacific period shall come to pass.

Whilst the principals are thus engaged, the two subordinates wait near each other, as instructed by Sir Robert Maxwell, and the following dialogue ensues between them:—"Gif I had known of this tryst," said Charles Maxwell in a querulous tone, "the Lord Maxwell naither could or should have brought me here." To which remark his companion replies: "I hope in God, Charlie, ye do not rue of coming here for so good an object! for thir twa noblemen have been lang at variance, and I hope now they shall agree, and be gude friends." To which the other, working himself into a rage, retorts: "Agree! impossible! The Laird of Johnstone is not able to mak amends for the great skaith and injury he has done to the house of Maxwell!" "But," said Johnstone, soothingly, "our chief can come in his lordship's will, and do all he is able to satisfy him and his friends." "Not so," said the other, waxing more furious, or, at all events, getting seemingly into a tempest of passion; "and as for this tryst, it is only made for our prejudice; and that man"—pointing to Dunskellie—"has sought his wraik, and we should never have met you; for ye are all traitors!—all traitors!"

Most provoking language this; but Johnstone, knowing how all-important it is to avoid a quarrel at such a critical period, patiently protests that he would not enter into any altercation that day. "But," he added, his Border blood warming at the insulting language addressed to him, "send your man to me in a day or twa, and I shall satisfy you." No answer in words is returned to this remark: Charlie replies to it with a pistol shot. Johnstone raises his pistol to return the fire, but it flashes in the pan; and then, at the pitch of his voice, he shouts, "Murder! treason!" Sir James Johnstone, hearing the alarming cry, turns round to ride back; so does Lord Maxwell; the latter at the same time drawing a pistol, and preparing to take aim at Sir James. "Fie, my Lord!" cries Sir Robert Maxwell, in terror, "mak not yourself a traitor and me both." "Upbraid me not," answers his Lordship, "I am wyteless!" Yet he follows the unsuspecting Laird of Johnstone—fires—the shot takes fatal effect—for a minute or more the dying

man retains his seat—then the weak old nag below him flounders—its girths give way—prone to the earth falls the ill-fated chief, treacherously slain in the flower of his age—life's sands ebbing rapidly away. His faithful friend vainly endeavours to get him borne off on his own powerful steed. While thus employed, Charles Maxwell, with superfluous malignity, fires another pistol at the bleeding victim, who, after dolefully exclaiming, "I am deceived!" and fervently praying, "Lord have mercy on me!—Christ have mercy on me!" breathes his last, and is beyond the reach of the fiendish hate that plotted his ruin, and the help of the strong human love which his kinsman manifests by ineffectual sobs and tears!

"Come away! let us be off!" cried Lord Maxwell, when the butchery was completed. "My lord," remonstrated his demoniac emissary, "will ye ride away and leave this bludie thief, Johnstone of Lockerbie, behind?" "What wreck of him!" quoth his lordship, "since the other has had enough!" and with these words both rode away from the dismal scene, and soon disappeared. Such is the picture obtained of this fearful tragedy from the legal depositions made by those who witnessed it, and who had no motive for depicting it otherwise than correctly.

It may be received as perfectly authentic, and it is sufficiently horrible without the aggravations given to it by Shawfield, whose manuscript account of the murder closes as follows:—"Sir James, hearing the shott and his man's words, turning about to see what was past, immediately shot him behind his back with ane pistoll chairgit with two poysonit bullets, at which shott the said Sir James fell from his horse. Maxwell, not being content therewith, raid about him ane lang tyme, and pursued him farder, vowing to use him more cruelly and treacherouslie than he had done; for which it is known sufficiently what followed." We have never seen any evidence to support the allegation that Maxwell used poisoned bullets in order to render his shot more deadly; but the "dittay," or indictment, charged him with having done so, the words used being "*humerum duabus glandibus plumbeis venetatis.*" Maxwell and his colleague in crime were allowed to ride away without being called to account by the two friends of the

murdered nobleman, which remissness on their part may be accounted for by supposing that they were in some measure deprived of their self-possession by the suddenness of the attack, and were but indifferently armed. Sir James Johnstone, thus barbarously slaughtered, was a brave, accomplished knight —"full of wisdom and courage," says Spottiswoode; and his death was "severely lamented," and the manner of it "detested by all honest men."

The murder of Dunskellie created a most painful sensation throughout Annandale: it excited the indignation of the Government; and the whole machinery of the law as it then existed, local and general, was set in operation in order to bring the criminal to justice. The kinsmen of the deceased clamoured for the life of Maxwell; and it was felt by the King and his Councillors that the measure of his cup was now filled, and that he must be severely—mercilessly dealt with. He had committed a crime of the highest magnitude (that of treasonable murder, as slaughter under trust was then termed), and must be called to expiate it with his life. He was sought for in Nithsdale and on the Border, without success; a hue and cry for him was raised throughout the realm, with the same result. He durst not stay in any nook or corner of broad Scotland; and, uttering his "Good-night!" as attributed to him by the old balladist from whose lines we have already quoted, he sought for refuge in France. The supposed feelings of the fugitive are so beautifully expressed by the minstrel, that we make no excuse for again borrowing from his verse:—

"Adieu! madame, my mother dear,
But and my sisters three;
Adieu! fair Robert of Orchardstane!
My heart is wae for thee;
Adieu! the lily and the rose,
The primrose fair to see;
Adieu! my lady and only joy!
For I may not stay with thee.

"Though I hae slain the Lord Johnstone,
What care I for their feid?
My noble mind their wrath disdains:
He was my father's deid.
Both night and day I laboured oft
Of him avenged to be;

But now I've got what lang I sought,
And I may not stay with thee.

"Adieu! Dumfries, my proper place,
But and Carlaverock fair;
Adieu! my Castle of the Thrieve,
Wi' a' my buildings there:
Adieu! Lochmaben's gates sae fair,
The Langholm-holm where birks there be;
Adieu! my lady and only joy!
For I may not stay with thee.

"'Lord of the land,' that ladye said,
'O wad ye go wi' me
Unto my brother's stately tower,
Where safest ye may be!
There Hamiltons and Douglas baith
Shall rise to succour thee.'
'Thanks for thy kindness, fair my dame,
But I may not stay with thee.'"

No! Maxwell durst not trust for safety even to the princely Hamiltons (a daughter of whose house he had married), nor to the doughty Douglasses, to whom he was also related; and so—

"The wind was fair, the ship was clear,
The good Lord went away;
The most part of his friends were there
To give him a fair convey.
They drank the wine, they did na spare,
Even in that gude Lord's sight—
Sae now he's o'er the floods sae gray,
And Lord Maxwell has taen his good-night."

Meanwhile, legal proceedings were instituted against him; the relatives of the murdered knight pressing on the trial with pardonable eagerness. In accordance with a precept from King James, dated Greenwich, June 6th, 1609, a Parliamentary Commission sat at Edinburgh, on the 24th of the same month, to try the case—Sir Thomas Hamilton of Bynnie, the King's Advocate, conducting the prosecution. The indictment was in the form of a Summons of Treason and Forfeiture, drawn up in the Latin language, which set forth the several points of "dittay" laid to his charge, and was prefaced by an announcement to the effect that the summons had been found relevant by the Lords of the Articles, and Lord Maxwell been thrice called at the Tolbooth Wynd to answer it, but that he

did not "compear;" that thereupon the Advocate had been allowed to establish his case against the said Lord; and that for this purpose the depositions of the witnesses examined in the case before the Lords of the Articles and the Lords of Secret Council were read over, as also the Acts of Parliament bearing on the case, and the "Lettre of Horning aganis the said Lord Maxwell, for nocht compeirance befoir the Lordis of Secret Counsaill, to ansuer befoir thame for his breking of waird furth of the Castell of Edinburcht, for the burning made be him at Dalfeble, and for slaughter of the Laird of Johnestoun; that lykwayes the said Advocat producit in presence of the said Lord Commissionar and haill estaitts, Lettres of Relaxatioun, beirand the said Johne, Lord Maxwell, to be relaxit be James Dowglas, Messinger, fra the process of all horningis at the Mercatt Crosses of Lochmaben and Dumfreise, upon the xv. day of March, 1609 years, and at the Mercat Croce of Edinbur^t^, be Johne Moneur, Messinger, upon the xxiii. day of Marche, the yeir of God above writtin." It is then stated that the summons having again been read on June 24th, in presence of the Commissioner and the Estates, and Lord Maxwell having again failed to appear in answer to it, his Majesty's Advocate desired the Estates to declare if the reasons of the summons were relevant; and they, having found that they were so, and having again heard the evidence, at his instance gave a verdict, finding that—"The said Johne, Lord Maxwell, committit and did open and manifest Tressoun, in all the pointis, articlis, and maner, contenit in the said Summondis: and thairfoir it wes geven for dome, be the mouth of David Lyndsay, Dempster of Parliament, in manner and forme as followss: *Sentence.*—This Court of Parliament schawes for law, the said JOHNE, LORD MAXWELL, to have committit and done all the foirsaidis crymes of Treassoun and Lesemajestie, be him self and others of his causing, command, assistance, and ratihabitioun, aganis oure said Soverane Lord and his authoritie; and that he is and wes giltie and pairtaker, airt and pairt, of the samin crymes of Treassoun; all in maner at lenth contenit in the ressounes of the said summondis: And thairfoir Decernis and Declairis, that the said Johne, Lord Maxwell, aucht and sould underly and suffer the paynis competent to the saidis

crymes of Treassoun and Lesemajestie, to witt the tynsall and confiscatioun of his lyfe, and all his guidis, moveable and unmoveable, landis, tenementis, dignities, offices, richtis, and all utheris thingis belanging to him; and all the saidis landis, rowmes, and all gudis moveable and unmoveable, digniteis, offices, richtis, and all utheris belanging and pertening to the said Johne, Lord Maxwell, and quhilkis may ony way belang and pertene to him, to be confiscatt, to pertene to the said Soverane Lord, and to remane with his Majestie for evir in propertie."

Such are the terms of the sweeping judgment passed upon the Nithsdale chief; the grim official who pronounced it finishing as usual with the emphatic words, "And this I give for doom!"

Years passed away; and the expatriated lord began to cherish a hope that the lapse of time had deadened the Johnstones' desire for vengeance, and that he might venture back to Scotland, and his crime be overlooked, if not forgiven. He had bidden his native land "good-night;" but he shrunk from the idea of continuing a perpetual exile, and seeing Nithsdale no more. He thought, with the emigrant in the song, that though the sun shone fair in France, it had not the same sweet "blink" as in his own country. Mingling with regret for his guilt and its results (remorse would perhaps be too strong a term), and dread of judicial punishment, came overpowering thoughts of home—a yearning that would not be said nay—to revisit the hills and dales among which he first drew breath. Yielding to its influence, he, in 1612, returned to Scotland. The news of his arrival could not be kept a secret; and whilst lurking in the Border district, he was hunted like a wild animal by his old enemies, and was making ready to embark for Sweden, when George, Earl of Caithness, offered him an asylum in the North. Thither the wearied Lord Maxwell went, dreading no harm, as the Countess was a cousin of his own. By a singular retribution, he who had slaughtered the Laird of Johnstone under trust, was, while under trust, betrayed by his own near relative to the Government. For the purpose of currying favour with the King, the Earl of Caithness, who had by fair promises lured Maxwell to Castle Sinclair, basely gave him up to the officers of the law; and from that day forth he and death were brought face to face.

A short time afterwards, the Lords of the Privy Council addressed a letter to his Majesty, asking him how they were to deal with their prisoner. It is dated 28th April, 1613, and is in the following terms:—"Most Gracious Soverane,—According to your Majestie's directioun we [did] wryte for the Laird of Johnnstoun his moder and goode dame, to understand of thame gif they wald persest in the persute of that petitioun, exhibite unto your Majestie in their names, whairby they craved justice to be execute upon the forfeeted Lord Maxwell for the slauchter of the laite Laird of Johnnstoun? They come all to this burgh, and the Laird of Johnnston with his moder and tutour presentit tham selffis before us and declairit that thay wald insist in that persute and prosequutioun of that mater according to tennour of thair petitioun. The Auld Lady Johnnstoun, through seiknes and inabilitie of hir persone, being unable to compeir before us, haveing with grite difficultie come to this burgh for this same errand, we directit and send the Bishop of Caithnes, the Lord Kildrymmie, and Lord Prevey Seale to hir, to understand thir will and pleasoure in this mater; unto quhome scho declairit, that scho come heir purposelie for that mater, and that scho wald insist according to the tennour of the petitioun; sua that now thair restis no farder bot youre Majestei's will and pleasoure to be declairit, quhat farder youre Majestie will haif to be done; wherein, althought the conclusione of your Majestei's lettre beiris that we sould proceid to the administratioun of justice, yitt in respect of a word cassin in the preface of the lettre, beirin that your Majestie had not as yitt gevin a direct ansuer to their petitioun, we haif presumed first to acquent your Majestie afoir we proceid ony farder; and whatevir it sall pleis your Majestie to direct in this mater sall be immediatlie and without delay execute. Thair was a petitioun gevin in this day unto us be Robert Maxwell, brother to the said laite Lord, with some offeris to the pairtie; bot becaus the mater concernit not us, we wald not mell tharin; alwyse, we haif heirwith send the same to your Majestie, to be considderit of as your Majestie sall thinke goode."

In the petition or supplication of Lord Maxwell's brother, here referred to, the Lords of the Council are entreated to use their endeavours to get certain offers made by Maxwell to the

Laird of Johnstone and his relatives laid properly before them. Some of the ministers of Edinburgh had been solicited to undertake this duty, but they declined; the bishops were then applied to, with the same result: neither presbyters nor prelates wishing to be troubled with the case of the condemned man, unless authorized to interfere in it by the Council; "Sa that now," his brother wrote, "thair restis no menis quhairby the offeris may cum to the pairteis handis except your lordships will athir appoint sum persones to present the same, or otherwayis that your lordships wald convene the pairtie before your lordships, that the same in your lordships' audiens may [be] red and delyverit to thame. Theirfoir I maist humblie beseik your lordships to haif consideratioun of the premisses, and that your lordships wald gif directioun to sum of the ministrie of this burgh to present the said offeris, or otherwayes that your lordships wald call the pairtie in your presence to the effect foirsaid."

The "Offiers of Submission by Lord Maxwell for the settlement of all differences between him and the surviving relatives of Sir James Johnstone of that Ilk, Knight," which no one of note would agree to lay before the proper parties, and which never were brought under their consideration, were set forth in the subjoined letter:—"Thir offeris following ar maid be me, Johnne, sumtyme Lord Maxwell, for my selff, and in name of my kyn and friendis, to . . . now Laird Johnstoun, and his Tutouris and Curatouris, Dame Sara Maxwell, Ladie Johnstoun, younger for the tyme, his mother, Dame Margarret Scott, Ladie Johnstoun, elder, his guddame, and to thair kyn and freindes for the unhappy slauchter of umquhile Schir James Johnstoun of that Ilk, Knyte, committit be me.

"In the FIRST, I humblie confes my offens to God, the Kingis Majestie, and to the foirsaidis persones, for the said unhappie slauchtir, and declairis my selff to be maist penitent thairfoir; craveing first, mercie at the Almichty God for the same, nixt favour and grace of the Kingis Majestie, my soverane lord, and forgifnes of the great offens done to the foirsaidis persones; testifeing be my solemne aith, upon my salvatioun and condempnatioun, that the foirsaid unhappie slauchter was nawayis committit be me upone foirthocht, fellonie, or sett purpois,

bot upone meir accident: Lyk as for cleiring thairof, I am content to purge my selff be my greit aith in publict, quhair it pleissis the parteis to appoint and do quhat farder homage sall be thocht expedient.

"SECONDLIE: I am content, not onlie for my selff, but for my haill kyn and friendis, to forgiff the slauchter of umquhile Johnne Lord Maxwell, my fathir, committit be the said umquhile Laird of Johnnestoun and his complices, and to mak all persones quha wes ather gyltie, culpabill, or airt and pairt of the said slauchter, in securitie thairfoir, sua that thai nor nane of thame sall nevir be trublit for the same be me nor be nane of my kyn and friendis, directly nor indirectly, in tyme cuming; and for that effect, sall mak sik forme of securitie as sall agrie with reasoun.

"THIRDLIE: Becaus . . . Johnstoun, dochter to the said umquhile Sir James, wes by the suddant and unhappie slauchter of hir said umquhile father, left unprovydit of ane sufficient tocher, and for the better avoyding of all inmitie that may arryse betuix the houssis of Maxwell and Johnstoun, and for mair suir establisching of friendschip amangis thame in tym cuming, I am content to marie and tak to my wyffe the said . . . without ony tochir.*

"FOURTHLIE: I desyre that the Laird of Johnstoun may be mareit to Dame . . .† Maxwell, eldest dochtir to Johne, Lord Hereis, and sister dochtir to me, quha is a person of lyke aige with the Laird of Johnstone. Lyk as I sall be obleist to pay to the said Laird of Johnstoun, in name of tochir with my said sister dochtir, twentie thowsand merk Scottis; and quhat farder sall be thocht expedient, be the sicht of freindis.

"FYIFTLIE, and last: I am content, for the farder satisfactioun of the house of Johnstoun, to be Banischit his Majestei's dominions for the space of sevin yeiris, and farder at the will and plesour of the Laird of Johnstoun.

"Thir Offeris to be augmentit at the sicht and discretioun of

* Lord Maxwell was at this time a widower; Lady Maxwell—heart-broken, it may be—having died when he was in exile.

† The blanks in all these instances occur in the original; Lord Maxwell having, it would seem, been ignorant of the Christian names of the parties he wrote about.

newtrall freindis, to be chosyn to that effect. Under protestatioun alwayis, that thir offerris befoir wryttin maid unto the pairtie, be nawayis offensive to the King's Majestie, nor to his hienes Counsall."

It is to be regretted that Lord Maxwell's declaration, that the death of Sir James Johnstone was accidental, is not supported by a particle of evidence. Had it been so, or had his crime assumed any aspect short of deliberate murder, the Government would gladly, we doubt not, have commuted the sentence in spite of the Johnstone family. The matrimonial offers made by the doomed lord would be amusing, were not the accompanying circumstances so sad. It seems clear to us that the simple references in his lordship's "Submission," under the second head, to the slaughter of his father, ought finally to dispose of the outrageous legend which represents Dame Johnstone of Kirkton as having beaten the suppliant's father to death with a key at Dryfe-Sands. If the lady had really acted such a diabolical part, it would certainly have been pleaded by Lord Maxwell as in some degree a set-off to his own "unhappie" deed.

This document must have been penned by Maxwell when in prison; and on the 18th of May, less than a fortnight afterwards, the magistrates of Edinburgh visited him there, to say that his appeal for mediation and mercy had been disregarded, and that upon the following Friday, the 21st, he must be prepared to die. Their authority to this effect was given by the Privy Council, in the subjoined minute:—"Maij 18, 1613. —Ane Warrant past and exped to the Provest and Balyies of Edinburghe, to tak the lait Lord Maxwell to thair mercat croce, upon xxj. of this instant, and thair to caus strik his head from his body. The delay of tua dayis wes thocht meit to be grantit, to the effect that he micht have leaser to be resolved; and that the ministeris micht have tyme to confer with him for his better resolutioun." The prisoner received the dread announcement with composure, professed to the magistrates his willingness to abide the pleasure of God and the King, and then requested liberty for such of his friends as he named to visit him, which was readily granted. "He had," says the writer of the Donmylne MSS., "diverse conferences with sindrie of them, in

presence of ane of the Balyies, but refuised to ressave ony assistance or comfort from the ministeris, professing him selff not to be of thair religioun, bot ane Catholik Romane." When the fatal day arrived, we learn from the same author, that, whilst the unfortunate nobleman was being conveyed to the scaffold, he declared that as he had justly deserved to die, so he was ready patiently to meet his fate, asking mercy of God for his sins, and anxiously wishing that his Majesty might be graciously pleased to accept his life's blood as a sufficient atonement for his offences, and not punish his house further, but be pleased to restore his brother Robert to the rank and place that had been forfeited by himself. On arriving at the place of execution, he prayed that he might receive forgiveness from the Laird of Johnstone, his mother, and other relatives; acknowledging "the wrong and harme done to them, with protestatioun that it was without dishonour or infamie (for the worldlie pairt of it—for so wer these his wordis reported to me)." He also craved pardon of Pollok, Calderwood, and other friends present, bewailing that, though he ought to have promoted their honour and safety, he had brought to them nothing but discredit and harm. Then, drawing near to the block, he kneeled in prayer, turned to take leave of his friends, and the officials had his eyes covered with a handkerchief; and offering his head to the axe, the weapon fell, and all was over in a moment.*

Thus ignominiously perished the ninth Lord Maxwell. He merited his awful doom; but it was deplored by a host of mourners, many of whom looked upon his crime as a legitimate piece of feudal revenge. In the halls of Carlaverock and Terregles, in the Burghal residences of Dumfries, and throughout all the borders of Nithsdale, there was much lamentation and woe on account of his cruel and untimely end. His own kinsmen and people did not view him in the light of a malefactor brought to justice: they pitied him as one who had been more unfortunate than guilty. He was their chief, the representative of an ancient and honoured house, who, whatever might have been his faults to others, had done nothing to forfeit their

* The chief authority drawn upon for the incidents of this chapter is Pitcairn's Criminal Trials.

affection; and how could they do otherwise than sorrow for his fate? The execution of Lord Maxwell was, however, followed by beneficial consequences. "It put a final end," as Sir Walter Scott remarks, "to 'the foul debate' betwixt the Maxwells and Johnstones, in the course of which each family lost two chieftains: one dying of a broken heart, one in the field of battle, one by assassination, and one by the sword of the executioner." It also tended to the pacification of Dumfriesshire. As Dryfe-Sands was the deadliest party conflict ever waged in the County, so it was the last by which its tranquillity was disturbed. Four years after Lord Maxwell suffered at Edinburgh, the forfeiture included in his sentence was reversed; and as he left no issue, his estates and honours devolved on his younger brother, Robert.

In 1620, Robert, Lord Maxwell, was created Earl of Nithsdale —a new peerage conferred upon him in lieu of that of Morton, which, as we have seen, was given to his father in 1581, but afterwards restored to the Douglasses. It is deemed probable that the Nithsdale earldom was obtained through the influence of the Duke of Buckingham, as Robert Lord Maxwell's wife, Elizabeth Beaumont, was cousin to the Countess of Buckingham, mother of the Duke.*

* The Maxwells of Pollok, Preface, p. 12.

CHAPTER XXVII.

JAMES VI. PAYS A VISIT TO HIS NATIVE KINGDOM—STAYS AT DUMFRIES ON HIS JOURNEY SOUTHWARD—HE PRESENTS THE INCORPORATED TRADES WITH A SILVER GUN—HIS MAJESTY ATTENDS SERVICE IN ST. MICHAEL'S CHURCH, BISHOP COWPER OFFICIATING AS THE PREACHER—DESCRIPTION OF THE SILVER GUN—JOHN MAYNE'S POEM ON THE SUBJECT—QUOTATIONS FROM THE POEM TO ILLUSTRATE THE TRADES' COMPETITION FOR THE TROPHY—OTHER ANCIENT PASTIMES NOTICED: THE RIDING OF THE MARCHES, HORSE-RACING, PAGEANTRY OF THE MUCKMEN—ADMINISTRATION OF THE CRIMINAL LAW IN THE BURGH AND DISTRICT.

WHEN King James VI. had been fourteen years settled in the southern portion of his dominions, he, according to his own statement, felt "a salmon-like instinct" attracting him to the land of his birth; but, as events proved, there was something also of a shark-like design against Presbyterianism that drew him thither—the chief object of his journey being, says Miss Aiken, "the establishment of the ecclesiastical system of England on the ruins of that haughty Presbytery which continued to hold out an example of such encouragement to the pretensions of the English Puritans.* Wishing to dazzle the eyes of his Caledonian subjects, he set out for the North, accompanied by a splendid train of courtiers, headed by Buckingham, the dashing and handsome Duke, whom he doated on, and used to address familiarly as "Steenie." Afterwards, however, a large proportion of the King's lavish expenses had to be defrayed by a tax of 200,000 pounds Scots, levied in equal proportion on "the Spiritual Estates, the Barons, and the Burghs" of his poor ancient kingdom.† James travelled by the east coast to Edinburgh, reaching it on the 18th of May, 1617; and in returning by the west, he passed down Nithsdale with his retinue, in the closing week of next July. His Majesty was at Sanquhar on the 31st of that month, and passed the following

* Memoirs of the Court of King James the First (of England), by Lucy Aiken, vol. ii., p. 59.

† Acts of the Scot. Parl., vol. iv., p. 558.

day in the old Tower of Drumlanrig, as the guest of Sir William Douglas, first Earl of Queensberry,* the nobleman who, some years afterwards, built the present magnificent Castle of Drumlanrig. It is said that, when in the neighbourhood, James paid a visit to John, sixth Lord Herries, the grandson of his mother's friend, at the house which gave her temporary shelter after her flight from Langside. His Majesty spent the night of the 2nd of August in Lincluden College, which at that time, as we have seen, belonged to the Laird of Drumlanrig; and he would no doubt occupy rooms in the high, secular part of the building, that stands nearest the river Cluden. Next day, the 3rd, the lieges of his good town of Dumfries were honoured by his presence, and he was attended thither by the gentry of the district; the probability being also that Duke "Steenie"—"the glass of fashion, and the mould of form"—gave a crowning lustre to the royal train. On the King's last previous visit to the County, it was distracted by civil war: he now found it at peace, occupied with the pursuits of industry. Then he appeared in the Shire town brandishing the sword of Justice—figuratively, we mean, for his Majesty shrank instinctively from the sight of bare steel;† now he had no controversy to settle with its leading men, and he wore the gracious smiles of a paternal monarch. So recently as 1608, he had complained to his Privy Council of the audacious way in which the proscribed traitor, Lord Maxwell, had been countenanced in the Burgh, and he had ordered its bailies to be taken to task on that account; but in 1617 he has no faults to find with, and nothing but favours to confer on, the magistrates and people.

How to give a fitting reception to the grand party, must have been rather perplexing to the local authorities. The gentleman then at the head of the Burgh—Provost Weir‡—conferred on

* Sir William Douglas was the eldest son of Sir James Douglas of Drumlanrig, grandson of the baron of the same name who actively promoted the cause of the Reformation. Sir William had three brothers; Sir James Douglas of Mouswald, David Douglas of Airdoch, and George Douglas of Penziere.

† In the Fortunes of Nigel, chapter fifth, James is made to say of himself: "I am accounted as brave as maist folks, and yet I profess to ye I could never look on a bare blade without blinking and winking."

‡ So says tradition; but we have not been able to learn from any document the name of the Provost in 1617.

the subject not only with his Council and the town-clerk—Cuthbert Cunningham—but also with the Burgh's Parliamentary representative, Francis Irving, and the Commissary, James Halliday; all of whom, after "laying their heads together," adopted a programme for the occasion, which included a presentation from the ladies of the district, and a festive entertainment from the gentlemen of the town.

The first part of the proceedings must have made an effective scene, performed, as it was, in the open air. King James, though now venerable with age, and though rather odd-looking in his bulky dagger-proof coat of green velvet and scarlet braguette to match, would, of course, be the principal figure; but the Duke of Buckingham, stately and graceful in the picturesque attire that will ever live in the canvas of Vandyke, would receive a large share of notice, and be beyond the reach of rivalry from any of the local magnates that were present. So popular, however, was the member for the Burgh, that he would be sure, on making his appearance, to receive an ovation from the assembled crowd; and when, following him and introduced by him, a bevy of fair matrons graced the scene, hooded, ruffed, and farthingaled, as became ladies of their condition, the excitement would reach its highest pitch, and be expressed in such cheers as might sound rather boisterously in the sensitive ears of the King. The preliminary greetings over, out stepped Dame Irving (the fair daughter of ex-Provost Raining, and wife of the member) to perform the leading part assigned to her in the ceremony. Making due obeisance to his Majesty, she prayed him to accept a broad, massive gold coin, from an Italian mint, as a token of love and welcome from his leal subjects, the ladies of the Burgh.* How James demeaned himself is not recorded; but it may easily be supposed, that with all his natural warmth, and all the awkward gallantry of which he was capable, he would accept the offering, and tender his grateful thanks in the expressive Doric, which—Latin perhaps excepted—came most readily to his tongue.

After this out-of-doors display, the King was banqueted in great style. The dinner given to him by the Council and the

* Manuscript Account of the Irvings of Gribton.

Trades, took place, as our readers already know, in the Painted Chamber of the town-clerk's mansion—the only room probably in the Burgh adapted for it, the halls of the Castle being still in bad repair. The Provost would, of course, preside; and if he had the good-natured but exactive King on his right, and the fastidious royal favourite on his left, his social powers, whatever they were, would be severely taxed; but the jovial cheer on the table would by and by soften the starch of etiquette, harmonize all ranks, and make the convener of the Incorporated Seven feel that he was somebody, even when sacred majesty was present, and keep the dean and the deacons from being quite annihilated by Buckingham the magnificent. Indeed, the men of the Trades had good reason to be proud that day. It had been whispered beforehand that his Majesty meant to bestow upon them a tangible mark of his regard. They were to be presented with a miniature piece of cannon, all made of silver—a metal far more relatively precious in those times than it is now, seeing that three ounces of it were equal in value to one ounce of gold; and the token, besides its intrinsic worth, would let the civilized world see how the puissant King of the British Isles delighted to honour his faithful craftsmen of Dumfries. If there were present at the banquet any true-blue Presbyterians, who detested the system of chants and surplices, of liturgies and genuflexions, which his Majesty had thrust upon the Kirk, they would be prudently silent on the subject, and allow the praise of royalty to flow round as freely as the wines in which the King's health was toasted.

It is said, on what authority we know not, that the harmony of the party was sadly broken in upon by James himself. Some strange little fishes—vendaces, from Lochmaben*—were set before him, with the intimation that they were a delicacy peculiar to the neighbourhood, which it was hoped would prove acceptable to the royal palate. James, thinking they emitted a peculiar smell, and that they had a suspicious appearance, viewed them with as much horror almost as was felt by his ancestor

* The vendace is a beautiful fish, slightly resembling the parr. It is usually five or six inches in length, and when taken out of the water it has a bright silvery appearance, with a faint shade of blue along the back and part of the sides. It is nowhere found in Scotland except in the Castle Loch of Lochmaben.

Macbeth when the ghost of Banquo glided in to disturb the feast at Glammis. Starting to his feet, he shouted "Treason!" and it was not till the offending dish was removed that he resumed his seat and his equanimity. The story is an improbable one; and we must conclude, in spite of it, that the Dumfries dinner to King James passed off not only without disturbance, but with complete success.

That greater effect might be given to the presentation of the gun, the ceremony was performed on the outside stair or balcony of the hall, in sight of the general community. The crowd below would, we may be sure, include all the journeymen and apprentices specially interested in the proceedings, as well as such of the freemen as were not at the feast; making altogether, perhaps, not fewer than four hundred persons connected with the crafts. We wonder if worthy Mr. Thomas Ramsay, minister of St. Michael's, was there to invoke a blessing on the ceremony. He was, we suspect, too little of a courtier, and too fierce an anti-Prelatist to be honoured with a commission to that effect; and it is more likely that time-serving William Cowper, Bishop of Galloway, would officiate. We can easily fancy the sort of oration made by our British Solomon before handing his gift—the now far-famed SILVER GUN—to the convener. In a speech rich with pithy, vernacular sentences, racy of the Scottish soil—which would be relished by the populace, and elicit from them ringing acclamations—and well garnished with Latin phrases to astonish the burgesses with his learning, he would express his regard for the good Burgh, and his interest in its industrial welfare. He would descant upon the Trades as the bone and sinew of the State, speak of the Dumfries incorporations as a portion of the body politic which well merited his paternal favour; and ask them to accept his present as a proof that they were highly prized by the King; he telling them, at the same time, that whilst pursuing the arts of peace, it was necessary that they should be prepared for war; and that for this purpose he desired them to keep up their wappenschaws, and to improve their skill as marksmen by shooting for the token at a target yearly with harquebuse or culverin. Alas! that the precise words of the royal oration, and those of the eloquent or any other speeches made by the chief of the

Trades and the Provost of the Burgh in acknowledging the gift, have proved as transitory as the cheers that greeted them. It is to be regretted also that another address of which tradition speaks—a doggerel effusion in which the common people sang the wisdom, virtue, and liberality of King James, and expressed their own devotedness to his sacred person—has also perished, all save a small scrap which makes us wish for more, the symphonious chorus of the poem :—

> "Leal and true subjects we ever will be,
> Hal-il-lu-ah! hal-il-lu-ee!"

King James spent part of two days in the Burgh. Before bidding a final farewell to it, he attended religious services in St. Michael's Church, on the 4th of August, which were conducted in the piebald transition form which then prevailed. No liturgy was used; but Bishop Cowper, who had recently received consecration at the hands of an English prelate, officiated as the preacher; and, says Spottiswoode, his discourse was so full of melting allusions to the King's departure, that it "made the hearers burst into tears." His Majesty arrived at Carlisle on the same day, and thence proceeded by easy stages to the English metropolis.

The little "war engine" presented by King James to the Trades was about ten inches in length, and mounted on a wheeled carriage, also of silver. In some unaccountable way, the accompaniments of the tube disappeared at a remote period; and about fifty years since a butt was added to the tube, which altered the piece from a cannon to a musket—a change which improved its appearance, but lessened its archæological value.* Parliament had some years before enacted "that wappenschawings be kepit throw all the realme at twa tymes in the yeir—that is to say, the xx. of July and the tent of

* On the gun is engraved the following modern inscription:—"Presented by King James VI. of Scotland to the Seven Incorporated Trades of Dumfries, MDXCVIII." It was not till long after that period that James entertained a friendly feeling towards the Burgh or the Trades. The date is evidently incorrect. James would rather have bombarded Dumfries with real cannon, than have presented it with a mimic one, in 1598. There is every reason to suppose that Dr. Burnside and other chroniclers whom we have followed, were right in giving 1617 as the date of the presentation.

October;"* and the gift of the Silver Gun was accompanied by the condition that it was to be competed for in connection with or as a sequel to these military musters.

A piece of meadow land skirted by the river, situated about half a mile below the town, called Kingholm, was the customary arena for the competition.† Could the scene when the shooting was first inaugurated—probably on the 20th of July, 1618—be reproduced, it would be richly illustrative of a time when the usages of war and peace were strangely intermingled. The little trinket was an emblem of both, having been presented to men who lived by the labour of their hands, in order that they might become more qualified to defend their homes and country, if endangered by foreign enemy or internecine assailant. Each fair banner displayed by the freemen — as, numbering two hundred or more, and officered by their deacons and convener, they marched down to the verdant arena—spoke, in plain or heraldic terms, of peaceful industry; but the craftsmen wore weapons of war, offensive and defensive, according to an Act which required that all persons not noble, and having less than three hundred merks yearly, should be provided with brigandines, jacks, steel bonnets, sleeves of plate, pikes six ells long, culverins, halberds, or two-handed swords: provosts and bailies within burghs to see the Act carried into effect. On this occasion that most primitive of fire-arms—the clumsy culverin—would, to the exclusion of all other weapons, be shouldered by the freemen; but following them, like so many feudal retainers, would come "a plump of spears," consisting of their journeymen, partially harnessed, but wearing only pikes or swords, none but members of the master class being permitted to compete with guns for the trophy. The Provost, bailies, and merchant burgesses would take a prominent, but still only secondary part in the procession, as the Trades were rather jealous of them, and especially careful that their convener should reign unrivalled "cock of the walk," whenever it was

* Acts of Scot. Parl., vol. iii., p. 91.

† It has been supposed that King James gave not only the Silver Gun, but the ground on which it was to be competed for; but we have seen no evidence to that effect. The Holm was probably granted to the town by one of his ancestors, and took its name of Kingholm from that circumstance.

graced by the Silver Gun, or when the blue banner of the United Incorporations led the way.

The locality of the contest and its surroundings were sufficiently picturesque. The Nith took a bolder sweep westward at Kingholm than it does now; and, overlooking the broad meadow, there rose from its rocky basement "a stern old tower of other days"—Comyn's Castle—confronting which stood, as it yet stands, a still more ancient object, the mote of Troqueer. Both of them would probably be occupied by spectators of the competition; and we may be sure that it would attract to the Holm itself crowds of people from town and country. The Stewartry hills curving from the west, with huge Criffel on the south, would form a fitting framework for the pleasant low-ground picture; and if the sun shone auspiciously from an azure sky during that notable summer day, and if, at the same time, the "White Horses of the Solway"—as the crested tide from the Frith is poetically termed—hurried past Kingholm, their cool breath would refresh the rival marksmen, and they would give additional animation and beauty to the scene. Refreshing influences of a more substantial kind would be drawn upon. Many a bicker of ale and cup of claret would be drained, both by competitors and onlookers, in order to fortify the inner man, and to toast the royal donor of the prize, and the champion shot who bore it away for the first time. A proud man he would be; but his name remains unrecorded, just the same as the names of the awkward rank and file who never so much as hit the target.

A truce to such vague conceptions. Instead of pursuing them further, let us pass over an intermediate period of a hundred and sixty years, and obtain from an eye-witness of the martial pastime all its salient features, as depicted in expressive verse.* At the comparatively modern date of 1776, the shooting for the Silver Gun had become less warlike and utilitarian, and more thoroughly recreative in its character. Those engaged in it knew about defensive armour only by tradition, and the fire-arms they bore had never figured in actual warfare. The contest, divested of all its sterner features, had become a festive carnival, that was enjoyed by people of every rank; and the period of its occurrence was therefore a red-

* The Siller Gun, a poem by John Mayne.

letter day in the Dumfriesian calendar. Here is the arousing opening stanza of the poem:—

"For loyal feats and trophies won,
Dumfries shall live till time be done.
Ae simmer's morning, wi' the sun,
The Seven Trades there
Forgathered, for their Siller Gun
To shoot auce mair."

The smiths or hammermen headed the procession; then came the squaremen, the weavers, the tailors, the cordwainers or sons of Crispin, and the tanners; the fleshers or butchers bringing up the rear. After the muster, "the different bands file off in parties to the Sands," where they are reviewed; and then we are humorously told:

"But ne'er for uniform or air
Was sic a group reviewed elsewhere!
The short, the tall; fat gouk and spare;
Syde coats and dockit;
Wigs, queues, and clubs, and curly hair;
Round hats and cockit!"

And, as the aspect of the men is grotesquely diversified, so is that of their arms, which are of all sorts and sizes, while

"Maist feck, though oiled to mak them glimmer,
Hadna been shot for mony a simmer;
And Fame, the story-telling kimmer,
Jocosely hints
That some o' them had bits o' timmer
Instead o' flints!"

As the motley but imposing army moves on,

"Frae the Friars' Vennel, through and through,
Care seemed to have bid Dumfries adieu."

And,

"As through the town the banners fly,
Frae windows low, frae windows high,
A' that could find a neuk to spy
Were leaning o'er;
The streets, stair-heads, and carts forbye
Were a' uproar!

"Frae rank to rank, while thousands hustle,
In front, like waving corn, they rustle;
Where, dangling like a baby's whistle,
The Siller Gun,
The royal cause of a' this bustle,
Gleamed in the sun!"

The place of meeting is, on this occasion, not Kingholm, but a field overlooked by the Maiden-bower Craigs, situated about a mile southward of Dumfries, where the competition was occasionally held. Here a gay scene is presented—tents tastefully bedecked occupying a portion of the ground, and merry groups standing around waiting the appearance of the procession, whose approach is announced long before by the music of its band, and the cheers of the accompanying populace:

"'Out owre the hills and far awa,'
The pipers played;
And, roaring like a water-fa',
The crowd huzzaed."

Soon the sports of the day begin, and then,

"Wi' mony a dunder,
Auld guns were brattling aff like thunder.

"Wide o' the mark, as if to scare us,
The bullets ripped the swaird like harrows;
And, frightening a' the craws and sparrows
About the place,
Ramrods were fleeing as thick as arrows
At Chevy Chase!

"Yet still, as through the tents we steer,
Unmoved the festive groups appear:
Lads oxter lasses without fear,
Or dance like wud;
Blithe, when the guns gaed aff sae queer,
To hear the thud!"

The poet, after noticing the crowd of charmed spectators, and signalizing the men of mark amongst them, thus proceeds:—

"Hail! kindred spirits, ane and a',
Men of account, without a flaw,
Pushing your fortunes far awa,
Or, fu' o' glee,
Rejoicing at our wappenschaw,
Dumfries, with thee!

"How beautiful, on yonder green,
The tents wi' dancing pairs between!
In front, though banners intervene,
And guns are rattling,
There's nought but happiness, I ween,
In a' this battling!

"For miles, by people overrun,
The air resounds wi' mirth and fun,
Frae grave to gay, frae sire to son,
And great to sma',
The shooting for the Siller Gun
Delights them a'!"

At length one of the competitors—"a tailor slee"—puts a bullet through the centre of the target, gains the prize, and soon,

"Wi' loud applause frae men and women,
His fame spread like a spate wide foaming."

The homeward march is then made:

"And as the troops drew near the town,
With a' the ensigns o' renown,
The magistrates paraded down,
And a' the gentry;
And love and friendship vied to crown
Their joyous entry!

"Like roses on a castle wa',
The leddies smiled upon them a';
Frae the Auld Kirk to the Trades' Ha'
And New Kirk Steeple,
Ye might have walked a mile or twa
On heads o' people!"

As darkness comes on, the indoor festivities are proceeded with, and the streets sparkle with fire-works:—

"Ding, ding, ding, dong, the bells ring in;
The minstrels screw their merriest pin;
The magistrates, wi' loyal din,
Tak aff their caukers;
And boys their annual pranks begin
Wi' squibs and crackers!"

The toasts in the Trades' Hall almost trip each other, they follow so rapidly in honour of the King,

"And names of whilk the country boasts,
And may be proud:

"The Johnstones, Lords of Annandale;
The Douglasses and Murrays hale;
The Maxwells, famed through Nith's sweet vale;
Kilpatricks too;
And him of a' that's gude the wale,
The great Buccleugh!"

We take leave of the "Siller Gun" and its laureate, John Mayne, by quoting and echoing part of his concluding address:—

"Our closing strain shall be:
May Scotland, happy, brave, and free,
Aye flourish like the green bay tree!
And may Dumfries,
In a' her revelry and glee,
Blend love and peace!"

This was the chief pastime of the Dumfriesians after the suppression of the Robin Hood pageant on saints' days at the Reformation, which was "the darling May-game both in England and Scotland" for centuries; and for keeping up of which, as we have already noticed, every person, when made a burgess or freeman of Dumfries, was required to pay a trifling sum.

In the seventeenth century, the custom of Riding the Marches ranked next to the Silver Gun competition, as a popular recreation. Every first of October, the magistrates, Town Council, incorporated Trades, and other burgesses, assembled at the Market Cross or White Sands, and, having been duly marshalled, proceeded with banners and music along the far-stretching line which enclosed the property of the Burgh. Their course was first to the Castle, then down Friars' Vennel, and along the Green Sands to the Moat at the head of the town. As a matter of course, the cavalcade was accompanied by a crowd of juveniles, who at this stage were treated to a scramble for apples, the town-officers throwing among them the tempting fruit.* The marchers then passed through the grounds of Langlands and Lochend to the north side of St. Christopher's Chapel, and thence to the village of Stoop, at the race-ground, near which a race was engaged in for a saddle and pair of spurs. Thence they went eastwards and southwards, betwixt the town's property and the estates of Craigs and Netherwood, stopping at Kelton-well, at which point the superiority of the Burgh terminates. Here, after being refreshed with something stronger than the produce of the said well, the officials heard the roll of heritors read over by the town-clerk, a note being taken of all absentees, who were

* In the accounts for 1641, the following entries occur:—"To Patrick Crawfurd and Jon Jonstown, for paper and wryting the Town-roll at the mertches ryding, 12s.; for ane pek of apples that day, £1 4s."

liable to a fine for not being present at the ceremony. This over, the procession returned to town. The Riding of the Marches is a usage of the past, though it has been performed several times during the present century.

Horse-racing was an established sport at Dumfries from a remote period. When Regent Morton, towards the close of 1575, held a criminal court in the Burgh, for the trial of some offending Borderers, he, according to an old chronicle,* judiciously relieved his grave duties by lighter pursuits. "Many gentlemen of England," we are told, "came thither to behold the Regent's Court, where there was great provocation made for the running of horses. By chance my Lord Hamilton had there a horse sae weel bridled, and sae speedy, that, although he was of meaner stature than other horses that essayit their speed, he overran them all a great way upon Solway Sands, whereby he obtained praise both of England and Scotland at that time."

In a Town Council minute dated the 15th of April, 1662, the treasurer is ordered by the magistrates to provide a silver bell, four ounces in weight, as a prize to be run for, every second Tuesday of May, by the work-horses of the Burgh, "according to the auncient custome;" the regulations being, that whenever the bell was borne away by one rider and one horse three consecutive years, it was "to appertain unto the wooner thereof for evir." About two years afterwards the Council offered "a Silver Cup of ffourty unce weght or therby," to be run for at the ordinary course within the Burgh, by the horses of such noblemen and gentlemen in the County as were duly entered for the race. Then it was the custom, every first Monday in May, for the day-labourers and servants of heritors to parade the town on horseback, armed with swords and dirks, and bedizened with sashes and ribbons; next to proceed to Dalskairth, or other neighbouring wood; and, each furnished with boughs of the sacred birch, to return to the race-ground, and run for a silver "muck-bell" belonging to the Burgh, the winner receiving five merks by way of substantial reward, in addition to the honour of being the nominal owner of the prize for a year.

* Historie of King James the Sext, quoted in Chambers's Domestic Annals.

Even as the Trades had their convener and the Councillors their provost, so this more humble fraternity had a chief entitled the Lord of the Muckmen, who was annually appointed to that dignity by popular suffrage. In 1688, John Maxwell, the person who then occupied that high office, conceiving himself ill supported by his vassals, complained to the Council on the subject. "It is verie weel knoun unto your honours," said his *lordship*, "that it is the ancient custome for your petitioner, or any being in the office for the tyme, to ryde with his men accompanying him with their best apparel everie fyrst Monday of May yeirlie, and that the Council grant them power and warrand to poynd such of the inhabitants who meanlie refuse, and are found to be deficient, at that solemnitie." After this pompous prologue, *Lord* Maxwell descends to absolute bathos when he reminds the authorities "that it is the use and custome to grant precept upon their treasurer for as much money as will drink their honours' good health." The prayer of his petition is a sweeping one, as he asks that each defaulter shall be "poynded to the value of six shillings Scots," and that a trifle for the indispensable toast may be duly forthcoming. The Council, with mingled liberality and prudence, ordained the treasurer to give the supplicant half-a-crown, and to redeem the muck-bell for five merks, that it might be run for that year, but declined to punish offenders in the mode proposed by the petitioner. Even at that early date, the pageant was beginning to lose its hold on the populace; and in May, 1716, the Council passed an Act to abolish it altogether. The preamble states that the sport had been accompanied by "severall irregularities and misdemeanours, to the scandal of the place and dishonour of God." They therefore, "by a plurality of votes, prohibit the riding of the muckmen in all time coming; and, in order to the entire extinguishing of this custom, they appoint the treasurer to sell the muck-bell for the best advantage." Horse-racing has fallen into disrepute, there having been none in the town or neighbourhood—that is to say, on a large scale—during the last five-and-twenty years; and though the work-horse competition, which was old two hundred years ago, was brought down by the Burgh carters till our own day, it too has disappeared.

So much for the pastimes of the seventeenth century. Let us now say something on quite a different subject, the administration of the criminal law. In the early part of the seventeenth century, the periodical justiciary courts held at Dumfries had a very extensive jurisdiction—cases coming before them from the sheriffdoms of Berwick, Roxburgh, Selkirk, Peebles, and Dumfries, and the stewartries of Annandale and Kirkcudbright. A glance at the proceedings during part of a single session will show the kind of crimes most prevalent at that time in these districts, and how they were dealt with by the court. On the 21st of May, 1622, the justiciary court was opened at the Burgh by "Walter, Erle of Buccleuche; Lord Scott of Whitchesters and Eskdaill; Sir Andrew Ker of Oxnam, knight, Master of Jebrut; Sir Williame Setoune of Killismure, knyt.; and Sir John Murray of Philliphaugh, kt., commissioners appoyntit by our Souvrane Lord, under his Majesties Greit Seale for that effect; Gilbert Watt, notar-public clark; Wm. Cornwath; Robert Scott; Messrs. Steven Young, officer, and John Douglas, dempster."

A good deal of time is taken up with the fencing of the court, and other preliminary forms, after which sundry men of substance step forward, and give bond for the good behaviour of certain law-breakers, or their surrender for trial if called upon: for example, John Jardine of Applegarth becomes surety for William Carruthers, brother of Holmends, that "he, his wyf, bairnes, their tennents, nor servands," shall not trouble, molest, nor injure John Gask in Kirkstyle of Rewell, "his wyf, bairnes, servands, men tennents, cornes, cattle, guidis, nor geir uther wayes," and that he shall keep the peace, under the pain of five hundred merks; while, on the other hand, Launcelot Murray, in Arbigland, bailie to the Laird of Cockpule, gives security to the same amount that Carruthers, his family and property, will receive no harm at the hands of Gask. Next day the serious business begins—George Riddick, in Dumfries, as Procurator-Fiscal, bringing before the court no fewer than seventeen panels, or prisoners, "remitted to the tryell of ane assyze" consisting of the following gentlemen:—"John Lindsay of Auchinskeoche; Gawine Johnstoune in Midlegill; Robert Herris of Killilour; Thomas Dunbar, brother to Harbart

Huntar in Halywood; John Thomsoune in Kirkland of Tarregillis; Thomas Wricht in Carruquhane; William Glendinning of Laggane; David Neilsoune of Barnecaillie; William Veitch of Skar; Robert Scott, laitt bailie of Hawick; Robert Scott, Westport in Hawick; John Dickiesoune, provest of Peiblis; William Eliott, laitt provest of Peiblis; James Keine, late bailie of Selkirk, and William Scott, callit of the Pillaris, late bailie ther." This jury, it will be observed, is composed in equal proportions of landed proprietors, tenant farmers, and Burghal gentry; and curiously enough, as showing the prevalence of "cattle-lifting," the chronic offence of the period, nearly all the cases brought before them are of that character. The stealing of "ane kow" from Blacketrig; of "twa fatt scheip fra Andro Little in Rig;" of "twa yows from Newland;" of "four rouch unclippit scheip fra Jon Makgill in Kirkconnell;" of "fyftein wedderis pertaining to Bailie Nicolsoune in Parkburne;" of "ane meir of four yeir auld furth of the lands of Hershaw;" of "seven ky and oxen furth of Yarrowheid;" of "threttene cheises, ilk ane ten pounds wecht;" of "ane sack of fustiane fra James Lyndsay and his brother, pedleris and merchands, furth of their packs;" of "certane claithes perteneing to Jon Lytle, callit the King, furth of his house in Annane:" such are the kind of cases that come up. In each instance the accused are "clengit," or cleansed—that is to say, acquitted—by the jury; and a similar verdict is returned in the subjoined case, which is given in greater detail, as a fair specimen of the rest. George Colthart, servitor to Jaffray Irwing, "is accusit for airt and pairt of the steilling of ane stott of thrie yeir auld, perteneing to Jon Bell, in Butter-daillis; and for airt and pairt of the steilling of six ky and oxen fra Robert Mundell, in Tinwald, and William Makmorrane, the first therof, in October, 1620 years; and for the steilling of twa ky perteneing to umqule Adam Corsane, merchant burgess of Dumfreis, furth of the landes of Cocklekis; and for the receting, manteneing, and intercommuning with Ritchie Irwine, in Wodhous, and Jaffray Irwine of Rabgill, fugitives and outlawes." Witnesses are examined; the evidence is considered by the assize; the chancellor, Mr. John Lindsay, pronounces words pleasant to the ear of the panel—"Clengit and acquite of

the haill;" and away he goes out of court rejoicing. A small proportion of the trials terminate differently. Two brothers, named Irwing, acquitted on one of the preceding charges, are again brought to the bar, accused of having, so far back as 1616, stolen forty pounds Scots from a chest belonging to David Irwin, at Stapleton. One of them, Gilbert, gets "clean" off; the other, George, is "fylitt"—stained, convicted: and the dempster begins to realize the fact—pleasant or otherwise—that he will yet have something to do; something very serious he sees it will be, when the same two criminals, again indicted for the "stouthrief" of twelve sheep belonging to James Irwing of Wysbie, are "fylitt thairof."

Other capital convictions follow, providing work, not simply for the dempster, but for the executioner:—Adam Henrie, who had made too free with the cattle of Yarrow-heid; Walter Lytle, who had harried a hirsel at Elven Water "perteneing to the Ladye Johnstoune," and "burned Andro Lytle his house in Bombie;" "Bauld Jok Armestrang," who had tithed the flocks of Hairlawmill; and Thomas Moffat, in Hightae, who had borrowed without leave four hundred merks from the coffers of Bailie Wilsonne, Lochmaben—are all found guilty; and, together with the two Irwings, are "ilk of thame adjudgit and condampnit to be taken to the place of execution in Dumfreis, and ther to be hangit be the heid, ay and quhill thay be deid, as was pronouncit in judgement be the mouth of the said Jon Douglas, dempstar"—all except Bauld Jok, who, as his offence (stealing five sheep) was of a lighter hue than the crimes of his fellow-convicts, is sentenced to the less ignominious doom of drowning till "he be deid in the wattir of Nith."*

* The record of these cases was first published in a supplement to the Annals of Hawick, in which work it is stated that the original manuscript had "slumbered apparently unnoticed for more than two centuries amongst the archives of the burgh of Hawick," having probably found its way thither "in consequence of Mr. Gibbert Watt, town-clerk of Hawick for at least twenty years prior to 1658, having also been clerk of circuit." It is further explained "that no similar record of so early a date has been preserved in the General Register House at Edinburgh."

CHAPTER XXVIII.

MORE PARTICULARS ABOUT THE TRADES — THE MANUFACTURE OF WOOL — PROBABLE POPULATION OF THE BURGH AT THE TIME OF KING JAMES'S VISIT — CONSTITUTION OF THE TOWN COUNCIL — RIVALRY BETWEEN THE MERCHANT AND DEACON COUNCILLORS — EXCLUSIVE PRIVILEGES AND EXTENSIVE POWER OF THE MUNICIPALITY—INQUISITORIAL REGULATIONS FOR THE FABRICATION AND SALE OF WARES — STRINGENT "LIQUOR LAWS" IN BYGONE TIMES — TAVERN SPENDINGS BY THE MAGISTRATES AND COUNCILLORS—SINGULAR EDICTS REGARDING MARRIAGES, BAPTISMS, AND EDUCATION—INFLUENCE OF CALVIN UPON SCOTLAND.

At the time of King James's visit, the town was in a prosperous state. It had grown considerably in size, and its trade had greatly increased, since the Union of the Crowns, and the settlement of the Debatable Land. The existence in it of such a variety of crafts—each of sufficient importance to be made a corporate body, and to be invested with peculiar privileges—is in itself an evidence of the Burgh's advancement. Not only were there settled in it such indispensable trades as smiths, masons, wrights, weavers, tailors, shoemakers, and butchers, but others more suggestive of luxury and refinement —glovers, furriers, and dyers. All these, as has been already explained, were combined into one aggregate corporation before the close of the sixteenth century; and early in the seventeenth century they occupied such a good position as to merit special recognition by the King.

Long before the latter period, Dumfries had become the seat of a flourishing cloth manufacture, which gave employment to innumerable distaffs throughout the district.* Spinning wool into yarn was at that time, and ages afterwards, the chief

* Galloway was one of the principal wool districts of Scotland; and [in 1600] much of its produce was sent to the Burgh of Dumfries, to be made into broadcloth, for the manufacture of which this town had obtained much celebrity.—*History of Galloway*, vol. ii., p. 6.

indoor occupation of females in town and country; and the highest ladies in the land, like the Roman matrons of old, took delight in the labours of the wheel. From the home-spun article thus produced, the websters of the Burgh wove a substantial cloth, which, as "hoddin-gray,"* garmented common folks; or, when of a finer sort, and dyed a patrician blue by the litsters, became a fit attire for the lairdly and mercantile classes, or others of high degree. This fabric was the chief staple of the Burgh, and much money must have been turned over yearly by the regular shopkeepers who dealt in it—not to speak of what was done by plebeian stallingers, who exposed it in their street craimes,† or by pedlars, who carried it on their own backs, or by pack-horses, to all the country round; and who, when crossing the Sark with their burdens, became the forerunners of the famous "Scotch travellers," in the South, of a later day.

When the Silver Gun was presented, the freemen of the Trades, or masters, numbered, according to a rough calculation, about one hundred and eighty; and supposing their journeymen and apprentices to have been of the same numerical extent, the operative body, as a whole, would be three hundred and sixty strong. A hundred and seventy years afterwards, the Trades formed a tenth part of the inhabitants; and assuming them to have stood in the same proportion in 1617, the Burgh at that date would have a population of three thousand six hundred souls, with probably four hundred additional beyond the royalty, in the landward part of the Parish.

For a long period the incorporations had no building of their own, so that their annual meetings to choose office-bearers were held in the open air, at Kingholm, on the Upper Sand Beds, in "Adam Anderson's orchard neuk," or under such shelter as the ruined Castle, or St. Christopher's Chapel, could afford. The oldest Trade minute extant, except one, records an election by the weavers in the following terms:—"At Dumfreis,

* *Hoddin*, "homely," a corruption of "home-done."

"What though on hamely fare we dine,
Wear hoddin-gray, an' a' that?"—BURNS.

† Eventually "craimers," by an Act of Council dated 20th August, 1656, were prohibited from selling any staple ware.

the twentie-nynt day of Septtember, the year of God 1655 years, the whilk day conveint at the back of the Castell-yeard, James Fergusone, deacon; Thomas Patterson, tresserer; Robert Gibson, William Mackburny, Richard Dun, John Kennan, William Grier, Thomas Gibson, masters; Rodger Wardloa, officer—with the consent of the hale traid were ellectit for ane year to come."*

The minutes of the shoemakers go back to the 23rd of October, 1657; and as an entry of that date gives the list of the entire freemen then belonging to the trade, it is worthy of being subjoined. It runs thus:—"The whilk day the whole body of the shoemaker trade of the burgh of Drumfreis and Bridgend having convenid with the deacons, masters, and box-master of the said trade at the Chrystall Chapple, having finished their former buik, have fund it expedient that the names of all the freimen be insert in this buik, viz.:—John Maxwell, deacon; John Scott, lait deacon; Robert Neilson, treasurer; William Paterson, Thomas Hayning, Andro Grierson, John Dickson at Goatheid, and John Dickson at Porthole, masters; James Wright, officer; Thomas Kirkpatrick, Henry Grierson, John Freemont (elder), John Wright, Thomas Dickson, James Heron, James Smith, James Hayning, John Braidfoot, John Freemont (younger), William Swan, James Mason, John Batie, Archbald Edingtoun, Adam Newall, William Henrison, Robert Urie, and William M'Kinnell, freimen in Drumfreis, and indwellers there, and thereupon the said deacon, masters, and haill body of the said trade have received articles. R. Bartane, clerk. And further the same day they thocht it expedient to insert in this buik the names of their freimen dwelling at Bridgend, viz.:—Edam Kirkpatrick, Robert M'Kill, John Welsh, David Welsh, William Crosbie, John Denholm, James Wilson, John Lewis, William Irving, Thomas Williamson (elder), Thomas Williamson (younger), and Thomas Lewis. R. Bartane, clerk."†

* The oldest records the measurement by the deacon of the weavers, and other office-bearers, of some webs, in the course of their official duty—date, "the twalt day of Agust, 1654." The Minute-book of the Weavers, from which we have quoted, is in the possession of Mr. David Dunbar, Dumfries.

† Minute-book of the Shoemakers, in the possession of a surviving freeman, Mr. Williamson, Dumfries.

Such is the roll of these primitive Crispinites, thirty-nine in all, the fathers of the craft in Dumfries and Maxwellton. By 1790 the freemen shoemakers had increased to a hundred and ten; and in 1833, when the corporation was about to break up, they numbered a hundred. No such list has been preserved of any of the other trades. In 1703 the master weavers were twenty in number; in 1790 they had increased to forty-two, and in 1833 had diminished to thirty.

When the Trades acquired a right to be specially represented in the Town Council, seven members were assigned to them, consisting of the deacons of each, one of whom was also convener of the United Incorporation: as such, he was reckoned the third in municipal rank, the Provost and the oldest bailie alone taking precedence of the deacon-convener. The entire Council, down till the passing of the Burgh Reform Act in 1833, consisted of these seven deacons, twelve merchant councillors, and the members of the bench—a provost, three bailies, a dean, and a treasurer. As recorded in their charters or seals of cause at the period of the Union, in 1707, the Trades ranked thus:—(1) The gows or smiths; (2) the wrights and masons, generally termed squaremen, and with whom were also associated cabinet-makers, painters, glaziers, coopers, and slaters; (3) the websters, or weavers; (4) the tailors; (5) the shoemakers, or cordwainers; (6) the skinners and gauntlers or glovers, and furriers; and (7) the fleshers. The deacons were freely chosen by their respective freemen; but the other members of the Burghal parliament, though once chosen by their constituents, were self-elected at the time we have now reached: or, more strictly speaking, the annual vacancies that occurred in the merchant part of the body were filled up by the remaining councillors, so that the inhabitants at large had no direct voice in the election. The Trades appointed their deacons annually; but the legitimate usage was to continue them in office two years,* so that the latter were also biennial members

* Towards the close of the seventeenth century, however, the practice crept in of re-electing the deacons much more frequently. In 1684, John Dickon was chosen deacon of the shoemakers for the ninth time consecutively. An Act was passed on the 7th December, 1685, prohibiting deacons from continuing in office more than three years at a time.

of Council. A week before the annual election of magistrates, four new merchant councillors were chosen, who, with four additional votes, called "led votes, or voices," exercised by the trade members, swelled the number of voters at an election to thirty-three.

At one time, as already explained, there were four other trades incorporated in the Burgh—the lorimers or armourers, the pewterers or tinsmiths, the bonnet-makers, and the litsters or dyers—all of which became defunct, or were merged into the remaining seven; the dead, vanished corporations, however, still speaking in virtue of these "led voices," uttered on their behalf. When the Provost, bailies, dean, and treasurer were chosen, these supplementary votes lay dormant for another year; and as, a week after the annual election, the Council was purged by the ejection of four merchant members, it was thereby reduced to its legal numerical strength of twenty-five.* In 1627 a prison was erected on the site of the old Deanery, an apartment of which was occupied as the Burgh Court and Council Chamber. This "Tolbooth" stood on the east side of High Street, a little more southerly than the present Mid-Steeple. In two important respects the merchants differed from, and were inferior to, the Trades: they had no head or chief, and were not properly incorporated. Edinburgh, Glasgow, Aberdeen, and Perth possessed merchant guilds, presided over by a dean; but though Dumfries numbered an official of the same name in its list of magistrates, he had no more authority over the merchants than was exercised by the other occupants of the bench. To the dean of Dumfries was entrusted the duty of regulating weights and measures, and taking other securities for fair dealing between buyers and sellers; but he acted in this and other respects simply as a magistrate, and not as having any special connection with the mercantile community. The merchants, fully aware of the disadvantages under which they laboured for want of being organized, endeavoured, in

* Some irregularities as regards the purging of the Council appear to have taken place, so as to render necessary an Act, dated 14th September, 1724, which fixed the 22nd September as the day for electing four merchant councillors, and the 2nd of October as the day for putting off four old merchant councillors; and the 29th of September as the day for electing the magistrates.

1660, to get a bill for their incorporation passed by the Council.

The attempt aroused the jealousy of the deacons, who supposed that what was meant for a gain to the shopkeeping interest would prove a loss to the sons of labour. No sooner was the obnoxious bill introduced, on the 30th of December of that year, than up rose the chief of the deacons, and the convener of the Trades, William M'Kinnell by name, and stoutly protested against the measure. After doing so, he and his brother craftsmen in the Council rose in wrath to leave the meeting; whereupon Provost Irving bade the officer keep the door "steekit," and let no one out till the close of the proceedings. Deacon John Taylor, however, exclaimed defiantly, "Wha daur keep us in!" and the uncompromising Seven rushed out of the chamber, Bailie James Muirhead "taking instruments," and setting forth that "the haill merchants of the Counsall hes thought fitt, and hes voted that this burgh be a gild burgh, if they can get it conveniently and honorably done." At the next meeting of Council, Convener M'Kinnell followed up the opposition by protesting, in name of his constituents, that all the business done by the Council, between the last day of December, 1660, and the 5th of January, 1661, was "null and of nane effect, and sall have no binding power." In the course of a month or so, however, the irate men of the Trades became more placable, and the merchants having made some concessions, a resolution in favour of the Guild Bill was adopted unanimously, the deacons stipulating that the guild be formed on the Edinburgh and Glasgow pattern, "and that the gildrie may not prejudge them of the benefit of a former act of Counsall granted in their favour in the year 1648;" the merchants, on the other hand, requiring that both the constitution and rules of the projected body shall be referred to the Convention of Burghs.* From some cause or other, however, the guild movement did not prosper: it may have been defeated by the renewed opposition of the Trades, and, at all events, till this day the Dumfries merchants have never been incorporated.

The Town Council, constituted in the manner we have described, possessed an extraordinary amount of power in

* Town Council Minutes.

ancient times. The minute-books of their proceedings, which go back more than two hundred years, illustrate at once the manners of the people and the policy of their rulers—both of which, in the seventeenth century, differed materially from what they are at the present day. Dumfries, like every other Royal Burgh, possessed exclusive privileges, on the enforcement of which it was thought its very existence depended. Maintain these, and the town would prosper; relax them, and beggary—ruin would be the result. No stranger could settle within the Burgh unless leave was asked and obtained; and no one, even after being allowed this liberty, could open a shop for the sale of wares, or work as a tradesman, till he had become, by purchase or favour, a burgess, in the one case, or both a burgess and a freeman, in the other. The Council was the chief fountain of all this power and honour; and after the merchants and operatives, native or "fremmit," had safely passed through these preliminary ordeals, and had begun to practise their respective callings, they were tantalized by a set of inquisitorial rules and orders, all, however distasteful, being reckoned advantageous to the trade and general interests of the town. Our forefathers must have often winced under the lash of such over-legislation; but they comforted themselves with the thought, that the system under which they bought, and sold, and laboured, protected them from being swamped by a flood of rivals, and was a very good thing in spite of its defects.

It mattered not whether the article fabricated or sold was food or drink, light or fuel, raw clothing material or finished garment, each and all had to be vended or fashioned under certain specified conditions, the breach of which was punished by fine, imprisonment, and, in extreme cases, by forfeiture of burgess-ship, or banishment from the Burgh. Sometimes the Council would speculate largely in meal or fish: thus, on the 22nd of May, 1660, they accepted of "ane bargane of 40 bolles meill, meid to them be William Craik, at 20s. 6d. [Scots] à peck;" and about the same period they fined a cooper from Glasgow in ten merks because he had the hardihood to sell herrings within the Burgh to private individuals, before first offering them to the honourable the Corporation. Forestalling the market and selling goods in private houses were

deemed serious offences, and as such severely punished. A delinquent who disposed of his salmon anywhere save at the Fish Cross was liable to a fine of ten merks, and to the loss of his fish. So recently as November, 1717, we find the dean seizing a daring Annandale man because he "pactioned for the pryce" of several bundles of lint with private people—dragging him before the Council, and getting him amerced in five shillings sterling; and in the following year an Act was passed discharging the inhabitants "from buying up any fowls or eggs till first the same be brought by the owners thereof to the mercat-place, viz., the Fisherow;" the penalty for infringement being forty shillings Scots, and the confiscation of the articles. Then, it was a common thing to fix arbitrarily the market value of goods; our ancestors knowing nothing, apparently, respecting the laws of supply and demand. Cloth had to be measured in a certain specified way, as well as sold at a stated price. On the 12th of November, 1658, the Council "ordained" that all Scotch and English candles within the Burgh "shall be sold at ffour shilling six pennies Scotts ilk pund Scotts weight, and the half pund at eight-and-twentie pennies," under a penalty of five merks; and at the same sitting it was decreed that no person should sell tallow outside the town, "nor transport it furth thereof," under a fine to the same amount, and the confiscation of the tallow.

To bring grist to their own mills exclusively was a ruling object of the Council. On the 24th of January, 1645, a person was fined in five merks for getting his malt or bere ground elsewhere, and had to give besides double multure* to the miller; and on the following 25th of June an edict was issued confiscating all malt that should be brought ready ground into the town.

Ale was the national liquor of the humbler classes during the seventeenth century, whisky being then unknown. None were allowed to brew or sell liquor unless they were burgesses, and had received a license (for which only a nominal sum was charged) from the magistrates; and, by an Act passed in 1689, innkeepers were also required to possess accommodation for quartering "four footmen and two horsemen in meat, drink,

* *Multure.* "1 Nov., 1687.—The tacksman of the mills allowed to take half a peck of ilk ten pecks of malt as multure."—*Town Council Minutes.*

and bedding." Those who brewed the drink sold it also, in what were sometimes called change-houses. Then, as now, we need scarcely say, "the barley-bree" was the cause of much mischief, though we see no reason to suppose that the Dumfriesians of two hundred years ago were addicted to intemperance: we are disposed to conclude that they were the reverse, as few names of bacchanalians are noticeable in the criminal records of the Burgh. The public-houses at that time were subjected to a rigorous inspection, two councillors being appointed to do this duty in each of the four wards—the Townhead quarter, the Cross quarter, the Lochmabengate quarter, and the Kirkgate quarter; and, however wonderful it may seem, it is nevertheless true, that our Burghal legislators (who, with all their ignorance of free trade, did many wise things) actually anticipated and outrivalled Mr. Forbes Mackenzie, by limiting the hours in which it was lawful to sell intoxicating liquors in Dumfries. In accordance with this legislation, the brewers, before obtaining leave to brew and sell liquor, were required to make a declaration as follows:—"That no vitious or scandelous personnes shall be harboured or resett in our houses, and that we nor any of our families sall be found drunk, and that we sall resett no drunken personnes whatsoever, and that we sall not sell drink to any persone or personnes within our houses on the Sabbath, and sell nor resett nor give drink to any personnes after nine o'clock at nyght; and that if we sall be at any tyme found contravenors of these presents, we sall pay for the first fault five merks, for the second ten merks, and for the third fault to be depryvit of the libertie of brewing."

Wine, chiefly brought from France, was then, as at present, the favourite beverage of the upper classes. In 1661, it appears the supply had become very short; and the Council, according to their stereotyped notions in matters of trade, ordered all vintners within the Burgh "to sell their French wyne for fyve groats a pynt, under the penaltie of ten marks Scotts money." A resolution to this effect was carried, but not till "Thomas Irving, eldest baillye"—who lived in advance of his colleagues—had protested against the folly of "setting pryce upon any forraine wair."

The treasurer's accounts relating to the middle of the seven-

teenth century show that the Burgh authorities were often very liberal in their "spendings" for liquor at the public cost.* At one time—and probably the practice was long maintained—they had a tavern of their own, kept by Dame Agnes M'Kill, who ran up a regular score against them, which amounted annually to a good round sum. It was customary, too, for the Provost to keep a well-stored wine cellar and a hospitable board—the "little bill" due for which by the town amounted to £797 Scots, from the 29th of March, 1670, till the 6th of October, 1673. Not content with treating themselves and others on great public occasions, the magistrates and councillors fortified themselves for their routine duties by frequent potations. On the anniversary of the King's birth-day, at the yearly elections, at the letting of the Burgh revenues, at the allotment of the pastures, and when any notable person was made a burgess, they "pushed about the jorum" in no stinted style; but then, in addition to such allowable libations, we find in the books such entries as the following:—"10 Jan., 1669.—Item: Before the magistrates went to church, a gill of brandie and a choppin of ail, the Provest and Bailie Cowpland being present, 2s. 10d. 11 Jan.—Item: Due by them, a choppin of seck and a pynt of aill, befoir they went to the Councill, the Proveist, Baillie Cowpland, Bailie Newall, and the tua Deacon M'Kinnels being present, £1 1s. 8d." Again:—"12 Feb., 1672.—Two pynts of aill befoir the magistrates went to the kirk, 3s. 4d. 13 Feb.—Mair ane choppin of wyne and ane qwart of aill before the magistrates went to the Counsell. 28 Feb.—Mair three pynts of aill befoir the baillies went to the court, 5s."

"Leeze me on drink!" was the favourite congratulatory motto of these Burghal magnates; and how they did act upon it to propitiate their lordly patrons, as well as to "moistify their own leather," is seen in such charges as these:—"23 July, 1672.—With William of Terregles and Springkell when they came from my Lord Maxwell anent the Bridgend Mercat, seven

* It may be useful here to state that, since about the close of the fourteenth century, Scots money had become so depreciated that its value, as compared with sterling or English, was as one to twelve. One shilling Scots, after that period, was just equal to one penny sterling; and one pound Scots, to one shilling and eightpence sterling. One merk Scots was equivalent to 13⅓d. sterling.

pynts of wine, and 4 shillings for tobacco and pypes, £7 4s. 30th July.—Sent for to the Castle by the Provest, Bailie Stephan [Irving] Bailie Cowpland, and the Conveiner, with my Lord Maxwell, four pynts of wyne, and a glasse, is £4 6s. Nov. 11.—The Pro., B. Steph., B. Coupland, the Conveiner, Deacon Crosbie, and Deacon Herron, with William of Terregles, Maeby, Carnsalloch, Newlaw, and the gentlemen of the pairty, when they were made burgesses, fyftein pynts of wyne, tua pynts of ale, and one gill of brandy, £15 5s. 10d. Ap. 5, 1669.—Drunken in companie with the Erll of Nithsdaill, my Lord and Master of Maxwell, the Lairds of Mabie and Cowhill, younger, and severall uther gentlemen, the Proveist and thrie Bailies being present, £7 4s. Item, in that same companie for fyve pynts of aill, and for tobacco and pypes, 10s. 4d. 10 May, 1672.—Ane pynt of wyne sent for by Bailie Stephan to the Castle, with my Lord Nithsdale, £1; that day sent for by the Provest to the Castle, with the Earl of Nithsdale and Lord Maxwell, ane pynt of wine, £1. May 25.—With the Earl of Nithsdale, Lord Maxwell, Gribton, and other gentlemen, when Capt. Wachope was made burgess, the Provest and Bailie Stephan present, ten pynts wine, and vi. sh. for aill, tobacco, and pypes, £10 12s.

We may fittingly follow up these bacchanalian jottings with an entry or two about the magisterial feasts. When the fires of persecution were raging in the district in 1664, the rulers of the Burgh, heedless of the sufferers outside, dined luxuriously, like Dives, on the election day. They spent £6 2s. for "six pynts of wyn, four pynts of ail, and tobacco and pypes" on the preceding evening, the charges for the banquet itself being as subjoined:—"October 3, the day of the election.—Threttie-two pynts and one chopin of wyne, £28 16s.; three muchkins of seck, £1 16s.; six quarts of extraordinar ail, £1; tobacco and pypes, £1 16s.; ordinary, forty-thrie men at two tables, at 12 sh. ilk man, £25 16s.; after tables, threttie at 6 shs., 3 18s."—the whole account amounting to £69 4s. The charge for the dinner in 1667 is less extravagant:—"46 men dinner is £27 12s.; 15 later meat men, £4 10s.; 14 pynts of wyne, £14; brandie, £1 5s.; aill extraordinar, £1 10s.; tobacco and pypes, 18s.:" in all, £49 15s.

A case of assault, which occurred towards the close of 1670, and made a great noise at the time, arose, probably, out of one of these convivial gatherings. No wonder that it occasioned much excitement. The sufferer was the greatest official personage in the Burgh: his assailant, a scion of the house of Douglas. Under what precise circumstances the Laird of Kilhead "laid violent hands" upon Provost John Irving, cannot be ascertained; but it is recorded, that on the 9th of December in the above year, the Council, all in one voice, reprobated the outrage committed on their chief, and ordered letters to be sent to the Earl of Annandale and the offender's father, Lord Drumlanrig, craving redress, with the intimation, that if it were withheld they would "pursue for a legal reparation before the Lords of his Majesty's Privie Counseil." Well advised by his friends, Sir James Douglas of Kilhead, accompanied by Robert, Lord Maxwell, presented himself at Provost Irving's house, where, in expectation of his visit, were assembled the Provost; the three bailies, Stephen Irving, Martin Irving, and Francis Irving; the late bailies, John Cowpland, John Corbet, and James Kennan; the deacon-convener, Thomas Anderson; the treasurer, Thomas Richardson; and the deacon of the smiths, William M'Kinnell. In presence of this representative meeting, Kilhead, going—figuratively—down on his knees, before the offended majesty of the Burgh, "acknowledged his lait inscuradge towards the said John Irving, Provost, and humbly craved the said Provost, and the haill incorporation, pardon therefor; and declared that quhat he did was not of any prejudice against him or the town, but that, on the contrair, he loved and respectit him and the hail toun; and faithfully promised, that he should be so far from wronging of any inhabitant of this burgh quhsoevir, heirefter, that he should be a friend to them, in all tyme comeing, to the utmost of his power." A most handsome apology, which, we need scarcely say, the Council at their next meeting accepted; and thus a difficulty which might, if mismanaged at the beginning, have ruptured the friendly connection that existed between the Burgh and the Drumlanrig family, was amicably disposed of.

When Mrs. M'Kill, at whose house these Burghal entertainments were held, furnished her quarterly bill against the

Council, she also supplied the treasurer with a note of her own expenses, some items of which are curious and instructive. When the websters came to warp her sheets of home-spun, she treated them to three pints of ale, charge 3s. 8d. The landlady had a little farm, which grew not only barley and oats, but wheat; and when the wheat was reaped, an extra dinner, including "ane legg of mutton," at 10s. (tenpence sterling), was provided for the occasion. Then, for "aill at the shearing of the wheat" there was a charge of 13s. 6d.; "for the sheirers for sheiring the wheat, 11s.;" "the man that mowed the beir" received 4s.; and among the other entries at the harvest season we find charges "for aine sheip's heid and ane legg of mutton, 8s. 8d.;" for three chickens, 5s. [rather more than three half-pence farthing sterling each]; and for herring at the inning of the wheat on the 10th day of September [old style] 9d." We learn from other charges that in those days a peck of meal cost 1s. 2d. sterling, a pound of butter 4½d. sterling, and a dozen of eggs fully a penny farthing. Mrs. M'Kill's daughter or maid-servant, Marion, was supplied with a pair of shoes, the cost of which is set down at £1 2s. Scots; that is to say, 1s. 10d. sterling—no inconsiderable sum, being equivalent to the third part of a labourer's weekly hire two centuries ago.

So multifarious and heavy were the duties of the Council, that meetings were held every Monday; and the member who was a quarter of an hour late was fined 12s. Scots; while if he did not show face at all the fine was increased to 20s., unless the absentee was protected by "an excuse intimated to and accepted by a magistrate." A small annual allowance, called a "pension," was enjoyed by the chief office-bearers. In 1639, there was paid to John Corsane, Provost, £66 13s. 4d.; £40 to each of the three bailies, and to the dean and treasurer. Much of the business done at the table was deemed sacred; and woe to the reckless representative who dared to make it patent to the vulgar public!—an Act dated 3rd December, 1674, providing that "any councillor divulging any secrets moved or spoken in council shall be fined in 40 lib., and put out of the Council with disgrace."

One of the Council's wise enactments was passed on the 10th

of June, 1667, when they resolved to give effect to a permissive law adopted by the Convention of Burghs, in favour of making uniform all the weights and measures used in the town—the weights to be according to the Lanark standard; the firlot according to the Linlithgow standard; the ell-wand, rule, and foot measure to be furnished by the Edinburgh Dean of Guild; and a measure called a gauge, or jug, to be made after the Stirling model. Another Act, of a more recent date, prohibits butchers from "blowing and scoreing meat," and from offering for sale "dead kids, lambs, or spoyled meat," under pain of forfeiting two pounds Scots, and the meat besides. If at any harvest season some poor people desired to earn "a penny-fee" in reaping corn at a distance, they might be hindered by such an edict as the following, which bears date 29th July, 1661:—"It is ordaint that no persone or persones, residenters within this burghe, goe to Lowthian to shear, under the payne of [blank], as also that they nevir be resett within this burghe; and that the peats and turves now in their howses sall be takine out, and put in the tolbooth for the use of prisoners; and that all resetters of them at their home-comeing pay ten punds Scots." Sometimes the Council interfered with the Trades in a manner that must have been peculiarly repugnant to the craftsmen. Thus, on the 10th of September, 1662, a bailie was appointed to attend the election of the deacons, to tender the oath of allegiance to each freeman, to debar from voting those who refused to be sworn, and to imprison all who, in defiance of his interdict, exercised their suffrage. Not only did the Council exercise a despotic oversight of secular affairs, but they co-operated with the Church courts in efforts to enforce morality, and at least an outward observance of religious ordinances. Thus, on the 14th March, 1664, they passed an Act intended to check the practices indulged in by many of going abroad, walking idly from house to house, and gossipping out of doors on the Sabbath day—the penalty imposed for each of such offences being a fine of twelve shillings Scots, to be paid to the kirk treasurer for the use of the poor; and on the same day the Council, understanding that there were "many idle persones quho habitually curse and sweir, both publicly in the oppin markittis and streitts, and in aill-houses and inns,"

resolved to amerce each offender six shillings Scots—such fines to be also applied for the benefit of the poor.

The ubiquitous power of the Burghal parliament was specially felt in social matters: it was manifested at births and marriages, and only terminated with the grave. If a young couple wished their wedding to be signalized by imposing festivities, they had first to consider whether they might not have to pay too dearly for the indulgence. At one time, it would seem, it was customary in Dumfries to have large, costly, and protracted marriage entertainments, which provoked the Council to launch forth an edict, on the 6th of July, 1657, restricting the attendance at and expense of such convivial meetings—the former being limited to twenty-four persons, the latter to eight pounds Scots, "and that under the payne of twenty pounds, whereof the one half is to be payt by the bridegroom, and the other half by the inkeiper quher the brydle is kept." Then, if the same or any other married pair desired to make a hospitable or ostentatious display at the baptism of their first-born, they had to bear in mind a ukase, also passed at the above sitting, restricting the attendance at the sacred rite to twelve individuals, under a penalty of ten merks, *toties quoties.*

The reader, after these statements, will be quite prepared to learn that the subject of education did not escape the Argus eyes of the Council. Honour to them that they, at such an early period, set up a grammar school in the Burgh; but that they should have sought to maintain it, and crush all rival seminaries, by the means revealed in their minutes of March 14th, 1660, is not at all to their credit. The record of that date states, in effect, that the Council, considering the prejudice the town sustains by the inhabitants detaining their children from the Burgh school, and sending them to other "pettie schooles" in the town or neighbourhood, ordain "that all the inhabitants put their children, especially lads, to the High School," between the present time and the 21st of May next, "and that under the penalty of ffyve merkss, to be payit by ilk persoun faillyen for ilk manchyld they sall abstract frae the said schoole"—the same penalty to be paid by those who have children come of due age, with means to educate them, who do not put them to the Burgh school; while, further to secure a

monopoly to that favoured establishment, the "pettie" dominies who attempted to break it down by teaching any of the pupils reserved for it, were also made liable to a fine of five merks for each offence.

These false views in political economy were not by any means peculiar to Dumfries or to Scotland—they were characteristic of the age; and when the magistrates of the town undertook the censorship of morals, they only carried into effect principles that were pretty generally recognized at the time, though the influence of Calvin on Scotland, through her great reformer, Knox, gave them more prominence there than in other States—Geneva, perhaps, excepted. Calvin's ideal was that of a Christian commonwealth: "Christian in the details as well as in the general spirit of its laws, and considering itself responsible before God for all the actions of the citizens." He wished faith to occupy in the State the place which we in modern days assign to it in the individual; and consequently he wished the State "to force the individual to do, in virtue of the common faith, all that the same individual, supposing him to be a true Christian, would do in virtue of his individual faith."* It was because views of this kind, communicated from Geneva, where they were practically realized, pervaded the Scottish mind, that the magistrates, great and small, felt themselves bound to take cognizance of sins against the Decalogue, as well as transgressions of the civil law. Then, while our town councils seemed sometimes to be encroaching upon clerical rights and duties, presbyteries and kirk sessions often invaded the magisterial domain by exacting pecuniary penalties for spiritual offences. But on this topic, and others allied to it, we shall have more to say in a subsequent chapter.

* Bungener's Calvin, p. 108.

The same writer, in describing the influence of Geneva on Scotland, through Knox, says:—"Knox, on leaving Geneva, felt as a new man; and Scotland, on seeing Knox again, felt as if he had been breathed upon by a new breath of doctrine and of life. Let us leave to abler men to study how the genius of Scotland, personified by Knox, entered into communion so intimate with the genius of Calvin. Let us simply state what was, and what is. For three centuries Scotland has manifested it with noonday clearness. She has been proud and happy to be connected, through Knox, with a greater than Knox; and this gratitude, deeper now, perhaps, than at any other period, is not less glorious to Scotland than to Calvin." (Pp. 279-80.)

Other functions exercised by the Council remain still to be noticed—those of a judicial kind. They shared with the magistrates the right to try all cases, civil or criminal, brought before the Burgh court. We never read in the old minute-books of the Provost and bailies administering the law: it was the Council, inclusive of them, who dealt out justice on all persons charged with intemperance, slander, theft, assault, forgery, or other crimes which did not involve a capital sentence or transportation. The Burgh seems to have been itself a sheriffdom; and very jealous its authorities were lest their jurisdiction should be encroached upon by the County officials. On the 11th of July, 1662, the Council sentenced Thomas Johnstone, the turnkey of the Tolbooth, and William Douglas, a town's officer, to be imprisoned eight days each "for taking a country man to the Shirref-depute to be judged who commitit a batterie" in the Burgh. The same feeling is still more forcibly shown in the following minute, dated 5th September, 1663:—"The Counsel, considering the great abuse of their authoritie by Elizabeth Gibson, relict of Thomas Crawford, by writing an address to the Shereff-deput of Nithsdaill for repairing a wrong done by one of our burgesses to her, whereby she has endeavoured to move the Shereff-depute to encrotch upon the privileges of this burgh contraire to the bound fidelitie of a burgess' wife; therefore the magistrates and Counsel discharges hir of aney privilege or libertie she can pretend to of freedom of trade within this burgh." Minor offences were punished in the Burgh court by slight fines, or exposure on the pillorie or in the stocks, and those of a more serious nature by heavy fines,* lengthened imprisonments, scourgings, or banishment from the town; and often two or more of these punishments were conjoined in the sentences passed on incorrigible delinquents. A few illustrative instances will suffice.

On the 29th of January, 1668, a woman, whose "raucle tongue" had been too roughly used against a neighbour, was ordained to be "put upon the trone with great letters of

* In 1666 the Council fixed the fine for a simple assault at £5 Scots, and for assault to the effusion of blood, at £25. In 1676 it was enacted, that "the first that votes in the Council to give doun [reduce] a fine, was to pay the fine himself."—*Town Council Minutes.*

'Scandall' on her heid." On the 9th of July, 1670, a "servitor" to Yorstoun, having, when "most scandalously drunk," abused the magistrates by "scandalous speitches," was sobered by being "set upon the Mercat-cross" for four hours, and afterwards "cast into the Theivis Hole" for eight-and-forty hours. A man who had counterfeited "the subscription and hand-wryte of Major Thomas Carruthers," in a letter purporting to have been sent by that gentleman to George Maxwell of Munches, was, on the 4th of August, 1662, condemned to be imprisoned till the following Wednesday (market-day); then to be placed on the pillory, with the forged letter, and a label "making mention of his trespasse," pinned to his breast; and finally to be conveyed beyond the Burgh roods by the common executioner, with the intimation that there would be a rod in pickle for him should he venture to return. We close with the following curious case of "red-handed" justice, administered in accordance with the well-known principle of Scottish law, by which summary punishment might be inflicted on criminals "taken in the act." On the 12th of June, 1663, an individual was ordained "to be convoyed out of the town be the hand of the hangman, and nevir to return therein, and a bauk [drum] to be bait at his heills; nane to resett him in their howses under the pain of ten merks, he being taken reid-hand steiling malt out of the sack standing in the mylne."

CHAPTER XXIX.

KING JAMES'S EFFORTS TO PRELATIZE THE CHURCH OF SCOTLAND—HAMILTON MADE BISHOP OF GALLOWAY—WILLIAM COWPER, HIS SUCCESSOR—JOHN WELSH OPPOSES THE ROYAL PROJECTS, AND IS PUNISHED WITH TRANSPORTATION—CHARLES I. ADOPTS HIS FATHER'S CHURCH POLICY, AND ENFORCES IT WITH A HIGHER HAND—HE ENDEAVOURS TO IMPOSE A LITURGY ON THE SCOTTISH CHURCH—VIOLENT OPPOSITION GIVEN TO THE SERVICE-BOOK IN EDINBURGH—THE FOUR TABLES FORMED, AND THE NATIONAL COVENANT SIGNED—WAR INEVITABLE—THE COVENANTERS RAISE AN ARMY, AND MAKE OTHER PROVISIONS FOR THE PENDING CONFLICT—DUMFRIES SENDS REPRESENTATIVES TO THE FOUR TABLES, WITH INSTRUCTIONS TO SET THEIR FACES AGAINST ALL PRELATICAL INNOVATIONS—AN INDEPENDENT GENERAL ASSEMBLY EXCOMMUNICATES THE PRELATES, AND RESUSCITATES PRESBYTERIANISM—A COVENANTING WAR COMMITTEE SITS AT CULLENOCH, AND SOMETIMES AT DUMFRIES—MEANS EMPLOYED BY THE COMMITTEE TO RAISE AND MAINTAIN TROOPS—THE NATURE OF THE CRISIS NECESSITATES SEVERE MEASURES—THE EARL OF NITHSDALE AND OTHER SYMPATHIZERS WITH THE KING TRY TO THWART THE COMMITTEE—NON-COVENANTERS STRINGENTLY DEALT WITH—"THE SINEWS OF WAR" URGENTLY DEMANDED—FORCED LOANS OF MONEY AND THE PRECIOUS METALS RESORTED TO—CURIOUS CONTRIBUTIONS OF GOLD AND SILVER WORK TO THE COVENANTING TREASURY—THE SOUTH REGIMENT RAISED IN NITHSDALE AND GALLOWAY IS BILLETED AT DUMFRIES.

REFERENCE has already been made to King James's treatment of the Church of Scotland, by which its Presbyterian character was subverted; and on this subject it is necessary that we should give a few more details. He was made to believe, by the Anglican clergy, that if the Scottish Establishment were assimilated to theirs, the process would help on his own favourite scheme for the legislative union of the two kingdoms. That he might with more safety carry out his plans, he refused to summon a General Assembly; but the representatives of nine Presbyteries met at Aberdeen, in 1605, and constituted themselves into an Assembly, in the name of the great Head of the Church. The leader of this contumacious movement was the celebrated John Welsh, whose father, of the same name,

was Laird of Colliston, and other estates in Dunscore and Holywood.* Being of a romantic, adventurous disposition, Welsh, when a mere boy, left his father's house, and lived for a while a vagrant, lawless life, with a band of Border robbers. His "wild oats" were soon sown out; and the repentant prodigal, presenting himself at the door of his aunt, Mrs. Forsyth, who resided in Dumfries, was received by her with motherly tenderness, and through her good offices he was reconciled to his father. When at Dumfries, he is said to have attended the grammar school which, soon after the Reformation, was set up in the Burgh, and the first teacher of which, Ninian Dalyell, was deposed by the General Assembly, for having read the Roman Catechism to his scholars. In 1592 we find young Welsh (he was just twenty-two) settled down as a devoted Christian minister in the parish of Kirkcudbright; and in 1598 we see him entering the controversial lists against Gilbert Brown, Commendator of Sweetheart Abbey, and that with such success as to elicit a hearty eulogium from the King, who, besides praising Welsh's defence of Protestantism, rated Brown as "a foolish reasoner." If James could only bring over to his views this profound and brilliant Nithsdale divine, the battle he had with Presbytery would be more than half gained. Welsh scorned to accept the high preferment with which his Majesty sought to bribe him: he paid more regard to his own integrity than to royal favour—preferred the perilous wilderness of Presbyterianism to all the treasures of the Prelatical Egypt; and so we find him, in 1605, bearding Majesty, and courting persecution, if not death, at Aberdeen. Welsh and five of his colleagues were actually convicted of a capital crime, their offence being treated as treason by the Crown officers; but the sentence was commuted to transportation.†

* The Welshes were settled at a very early period in Nithsdale. Nicholas Welsh was Abbot of Holywood in 1488; Dean William Welsh was Vicar of Tynron in 1530: soon after the latter date, Dean Robert Welsh was vicar of the same parish; and John Welsh was Vicar of Dunscore, and he took office in the Reformed Church in 1560.—YOUNG'S *Life of John Welsh.*

† Welsh spent about sixteen years of exile in France, where he gained the favour of Louis XIII., who allowed him to exercise his vocation as a preacher. On his health failing, he was permitted to return to England in 1622; but King James would on no account allow him to cross the Border when he

James having got rid of these and other obstructives, proceeded to augment the power and influence of the Scottish bishops. They were invested by him with paramount authority over the ministers: superintending settlements and fixing stipends as they pleased. Gavin Hamilton was made Bishop of Glasgow in 1606. Since the see was occupied by a Romish prelate, thirty years before, its revenues had been reduced by alienations, annuities, and pensions to a beggarly pittance; but the considerate King dowered it with the neighbouring Abbacies of Dundrennan and Tongland, the Priory of Whithorn, and the Monastery of Glenluce, with all their churches, lands, and rents, so that Bishop Hamilton became no mean dignitary of the new Episcopal Kirk. A jovial, indolent, pleasure-loving, care-defying prelate he was. "When," says Calderwood, "Mr. Gilbert Power, a brother of the ministry in Galloway, modestly refused a carouse offered by him, he abused him in presence of other ministers, plucking his hat from his head in his furie, and casting it upon the ground. He dispensed with the marriage of a gentleman in Galloway, named Niven Agnew of Mais, having his first wife alive; notwithstanding that the brethren of the ministry in open synod opponed unto it, as a perillous preparative, tending to the overthrow of discipline in that rude diocie, and to open a door to adulterers."* After his death, in 1616, William Cowper, minister of Perth, who had in other days denounced the Episcopal system, was promoted to the bishopric, after which, says the author whom we have just quoted, he ceased to reside in Galloway, but dwelt "in the foot of the Cannongate, that he might be near to the Chappel Royal, where he preached as Dean, neglecting his diocie, where he ought to have preached as a bishop, if his office had been lawful."† Calderwood, it ought to be noticed, is especially

wished to get the benefit of his native air—his Majesty declaring that he would never be able to establish Prelacy in Scotland if Mr. Welsh revisited that country. James even debarred him from preaching in London, till informed that he could not long survive; and when the preacher at length obtained access to a pulpit, he discoursed with his wonted fire and eloquence, but, on retiring to his house, expired within two hours afterwards. "And so," says Calderwood, "endit his dayes with the deserved name of an holy man, a painfull and powerfull preachour, and a constant sufferer for the trueth."

* Calderwood, p. 648. † Ibid.

cynical and severe when handling the bishops; and if his picture of the Galloway ones be not overdrawn, it is little wonder that Prelacy made slow progress in the diocese. Besides their jurisdiction in the Stewartry and Wigtownshire, they bore rule over the ministers of Dumfries, Closeburn, Trailflat annexed to Tinwald, Drumgree annexed to Johnstone, Staplegordon annexed to Langholm, all in Dumfriesshire. When Episcopacy was abolished at the Revolution, the net revenue of the see amounted to £5,634 15s. Scots, a larger income than that of any other Scottish bishopric, and only exceeded by the two primacies of St. Andrews and Glasgow.

In 1610, the royal plot against Presbyterianism was further developed, by the erection of the prelates into two Courts of High Commission, with well nigh absolute powers over the ministers and members of the Church. They were invested with authority to try all persons accused of heretical opinions or immoral practices, and to punish them, on conviction, by fines, imprisonment, and excommunication — a power which they usually exercised in a most inquisitorial spirit, and so as, on mere pretences, to harass unmercifully the anti-Episcopal pastors of the Church. The Earls of Cassilis and Wigtown, the Bishop of Galloway, James Halliday, Commissary of the town of Dumfries, and Thomas Ramsay, minister there, officiated as members of the Commission for the southern division of Scotland;* but from what we know of Mr. Ramsay, he would have no relish for the work assigned to him. Calderwood truly says:—"This Commission put the King in possession of that which he had long hunted for, to wit, absolute power to use the bodies and goods of his subjects at pleasure, without form or processe of the common law. So our bishops were fit instruments to overthrow the liberties both of kirk and countrey." The King ventured to summon an Assembly in the same year, confidently anticipating that it would give full effect to his new device. It met at Glasgow on the 8th of June; the Presbytery of Dumfries being represented in it by Messrs. Thomas Ramsay, Robert Hunter, Robert Henrison, and Simeon Johnston; and that of Kirkcudbright by Bishop Hamilton, and Messrs. William Hamilton, Robert Glendinning, and James Donaldson. His

* Calderwood, p. 617.

Majesty was correct in supposing that the Assembly would prove subservient to his devices. Resolutions were passed by it declaring the Assembly at Aberdeen to be null, establishing the Courts of High Commission, and adopting other disgraceful measures—there being but seven dissentients, of whom the minister of Dumfries was one.*

Chiefly for the purpose of completing his victory over Presbyterianism, King James, as we have seen, visited Edinburgh in 1617. To the General Assembly, then sitting, he bluntly declared: "The bishops must rule the ministers, and I rule both;" and the Assembly of the following summer was sufficiently obsequious to adopt, with forty-five dissentients, the Five Articles of Faith, which enforced—(1) Kneeling at the communion; (2) private communion; (3) private baptism; (4) confirmation of children; and (5) observance of festivals.

When James died, in 1625, he was succeeded by his son, Charles I., who had imbibed all his father's extravagant ideas of the royal prerogative, and who proceeded to act upon them with a recklessness that soon evoked the opposition of his subjects in both kingdoms. Scottish Presbyterianism was so diametrically at variance with that passive obedience which Charles deemed his birthright, and with that ecclesiastical system of which he was a bigoted votary, that he resolved, if possible, to render Prelacy paramount in his northern dominions, and thus complete the fabric begun by his predecessor. After a few preliminary steps, he commissioned Robert, Earl of Nithsdale, to hold a Convention of Estates, in order to obtain from them an Act restoring to the Crown all the titles and church lands that had been shared among the nobility, or been otherwise disposed of during the two preceding reigns—the infatuated monarch desiring, by means of this wealth, to build up the Scottish hierarchy in a style of imposing magnificence. In vain, however, did Nithsdale press this self-sacrificing project on the assembled barons. They resisted it with such firmness, that it was hopelessly abandoned.

Though baffled in this endeavour, Charles continued to prosecute his darling scheme; and, with Laud, Archbishop of Canterbury, as his willing instrument, he resolved to impose a

* Calderwood, p. 632.

liturgy on the Church—the hazardous experiment to be tried first in Edinburgh, it being supposed that, as many of its inhabitants were dependent upon the Court, it would have the best chance of success there; and that if it really succeeded, the country at large would follow the example of the capital. How the fine-laid scheme of the King and Prelate was thwarted —annihilated, by a humble Presbyterian matron—the immortal Jenny Geddes—is known to every one. "Villain! dost thou say mass at my lug!" were the words, and a "cutty stool" was the weapon, with which the audacious innovation was indignantly challenged and repelled. The violent opposition given in Edinburgh to the Service-book met with general approval, and elicited a kindred feeling in all quarters. In order to direct it with concentrated force against the King's obnoxious measures, a meeting was held in the metropolis, comprising influential men from all parts of Scotland; a petition for redress, emanating from it, was replied to by a royal letter, arrogantly commanding the petitioners to leave the city within twenty-four hours; and the latter, finding that they need look for no concessions, formed a National Committee, or provisional government, to protect their rights, consisting of members elected from the various classes of noblemen, gentlemen, clergymen, and burgesses. Thus the Four Tables were originated, after which their constituents returned to their own homes.

The signing of the National Covenant, on the 28th of February, 1638, was the next great stage of the patriotic movement. Such a burst of enthusiasm was thereby elicited as had not been witnessed in the land for centuries. The monarch must have been infatuated, when he saw but heeded not the warning lesson which it gave. The prelates looked on in terror and dismay; and one of them, the Archbishop of St. Andrews, expressed their sentiments when he exclaimed despairingly, "All that we have been doing for thirty years is now scattered to the winds!"

The King, with the view of averting the threatened storm, sent the Marquis of Hamilton to Scotland, authorizing him to make some important concessions. These had no effect upon the Covenanters, who continued to pursue their schemes with unrelenting vigour. They invited their friends, employed

in military service abroad, to return home and assist them in the struggle that was full surely approaching; and they instituted extensive measures for procuring the munitions of war. Provision for the extension and better maintenance of the Presbyterian Church, as opposed to the Prelatical Establishment, was also made. Among the ministers settled at this time were Mr. James Hamilton, over the Dumfries congregation, and Mr. John M'Lellan, over that of Kirkcudbright; whilst the distinguished Samuel Rutherford, who had been deposed and banished from Anwoth at the instance of Sydserff, Bishop of Galloway, for preaching against the Five Articles, returned to his old parishioners, by whom he was welcomed with gratitude and joy. Hamilton was sent back to Scotland, armed with new instructions of a conciliatory kind; and thinking, by one crowning act, to satisfy the malcontents, he summoned a General Assembly, which met, according to appointment, at Glasgow, on the 21st of November, 1638. No more impolitic step could have been taken by the Royal Commissioner, as the Assembly afforded the Tables the legal machinery for carrying out their schemes; and the members who composed that venerable body proved willing agents in the work.

The Dumfries Presbytery was represented at this ever-memorable Assembly by Mr. William Macgeorge, of Carlaverock, by Mr. Alexander Train, of Lochrutton, ministers; and by Mr. John Irving, ex-Provost of Dumfries, and Mr. John Charteris, younger of Amisfield, elders. The Burgh also sent its own members to the special parliament of the Tables: these were, William Faries and John Copland, whose instructions, dated the 7th of July, 1638, ran thus:—"You are constituted our comissionaris to attend at Edinburgh, or whatsumevir other place shall be fund expedient, until the several dyattis do ces, for receiving such answer or answeris as shall cum from his Majestie, the Lordis of Privie Counsell, or any uther his Majesties Comissionaris, off our former supplicationis and complents against the Service Buik. Buik of Canons, the Comissione, and other innovations and grivancis, particularlie expresit and generally conteint in our former supplications; and the Prelatis, our pairties [enemies], as the authoris and contryveris thereoff; and to give in new remonstrances, and to prefer new petitions

to his Majestie, conforme to the laitt Covenant sworne and subscryved be us; and to treat, resolve, and consult upon such offerturis and expedienteis as may conduce for furthering the contentis of the said supplicationis and Covenant; and for eschewing any prejudiciall to the same; and to concurre be all laufull means with the Comissioniris of the nobilitie, barones, ministeris, and remanent burrowis, in all laufull means fund be comon consent to conduce to such good issues."* These thorough-going instructions were signed by Provost John Corsane and ten Councillors, who promised, in the name of the community, to "abyde, fulfill, and underly" whatever "the said Comissionaris shall laufullie doe" in the business assigned to them.

The Tables and the General Assembly vied with each other in giving effect to the declared will of the country against the King. So sweeping were the measures mooted in the Assembly that the Royal Commissioner stood aghast, and then in his sovereign's name ordered the sittings to terminate. He dissolved the Assembly with all due form, but the refractory members declined to separate; and when he left the court they coolly proceeded with the business before them; and by a succession of acts excommunicated the two archbishops and six bishops, annulled the Five Articles and the Service-book, and raised Presbyterianism up anew on the ruins of the Episcopal Establishment. The special charge against Bishop Sydserff was that of being but a half-disguised Papist. The Provost of Dumfries, in giving evidence against the accused prelate, deponed:—"That when he was in their towne on the Sabbath day, they expected his comeing to the kirk, and layd cushions for him; yet he came not, but went to an excommunicat Papist's house, and stayed all day." None of the dignitaries were present—no one had a word to say in their defence; and their downfall was the theme of general congratulation out of doors. The Assembly which had been so destructive to the Episcopate, made many important arrangements for the better development of the resuscitated Presbyterian system, and was altogether an extraordinary one—the reflex and exponent of the Scottish ecclesiastical mind at a most critical time. Much ingenuity and

* Burgh Records.

labour had for years been expended in building up the Prelatical Establishment; but it was inveterately disliked by the people over whom it was set, and it needed nothing more than the breath of their representatives to blow it down. At the close of the solemn proceedings, Alexander Henderson, the moderator, was well entitled to exclaim, as he did, "We have now cast down the walls of Jericho: let him that rebuildeth beware of the curse of Thiel the Bethelite!"

Charles, unhappily, sought to reconstruct the shattered ecclesiastical edifice, and to lay stone after stone on the arbitrary political structure he wished to build up: both schemes signally failed, and involved his own ruin. War—with the Scots first, then with the English, terminating at last with the entire defeat of the royal troops at Naseby, by Cromwell, on the 12th of June, 1645—brought matters to an end: for a while the military genius of Montrose cast a halo of splendour and success over the desperate fortunes of the King, and when that disappeared they were left in utter darkness.

Among the myriads who flocked to the Greyfriars' Churchyard, Edinburgh, to subscribe the National Covenant, were many persons of all ranks from Nithsdale; and soon copies of the document, sent down to the district, were signed there so unanimously and heartily that its inhabitants became inseparably mixed up with the terrible "fifty years' struggle" which Scottish Presbyterianism underwent before its rights were won. The subscribers of the Covenant expressed, by their so doing, their resolution "to adhere to and defend the true religion;" "to labour, by all means lawful, to recover the purity and liberty of the gospel as it was established and possessed" before the late innovations were made; "to resist all these contrary errors and corruptions" to the utmost of the power that God had put into their hands, while life continued; "to support the King's person and authority" in the defence and maintenance "of the foresaid true religion, liberties, and laws of the kingdom;" and, finally, that they would never, directly or indirectly, suffer themselves to be divided or withdrawn, "by whatsoever suggestion, combination, allurement, or terror," from this "blessed and loyal conjunction."

Within a few months after the memorable day when the

Earl of Sutherland affixed his name, the first upon the roll of this famous bond, the people, as a whole, had signed it—the Covenant had become thoroughly nationalized; and forthwith the War Committee of the Tables commenced to levy an army for its defence, which, on being formed, was placed under the command of Alexander Leslie, afterwards Earl of Leven, who had seen much hard service in Holland and Sweden, and risen from obscurity to be the favourite field-marshal of Gustavus Adolphus. A large force was needed; and eventually thirty thousand men were enrolled, ready to follow the Covenanting flag to victory or death. Immense difficulties had to be encountered before such a body of soldiers could be secured, disciplined, and placed on a permanent footing; and of these we obtain a striking idea from a work recently published, the "Minute-book kept by the War Committee of the Covenanters in the Stewartry of Kirkcudbright,"* the original of which has been carefully preserved in the charter-chest of Cardoness. As this Committee exercised jurisdiction over a part of Nithsdale, as it sometimes held meetings in Dumfries, and as the principal member of it, Thomas, second Lord Kirkcudbright, was appointed colonel of the South Regiment, which was raised on both sides of the Nith, it will be proper for us to take special notice of its proceedings.

The Committee usually sat at the village of Laurieston, then called Cullenoch. In its first minute, dated 27th June, 1640, it was resolved that a troop of eighty horsemen, demanded from the Stewartry and Wigtownshire, should be drawn in due proportion from each parish; "and that ilk horseman have for arms, at the leist, ane steill cape and sworde, ane paire of pistolles, and ane lance;" for furnishing of which each trooper was to be allowed twenty rix-dollars. At another sederunt, ten days afterwards, the captains of the regiment were assigned their different quota of soldiers; and various arrangements were made for their maintenance, by rates on land and voluntary contributions of money and goods. Gradually the free-will offerings became exhausted, and forced loans, as well as fines on non-Covenanters, were resorted to. The Committee, taking their instructions from, and acting in the spirit of, the Tables

* Published by J. Nicholson, Kirkcudbright, 1855.

in Edinburgh, relied in the first instance on the patriotism and religious zeal of friends; and then on exactions drawn from doubtful, apathetic, or niggardly individuals, or from those who were the declared opponents of the Covenant. The two latter classes were stringently dealt with. Friends and foes were required to give of their substance to support the national cause; and those who from any motive desired to remain aloof from the movement were soon made to feel that no neutrality would be allowed—that they who were not for the Covenant would be treated as enemies to it, and be forced to uphold it, if not by personal service, at least by their money and their goods. A great crisis had come; and the men who ventured their all in trying to bring out of it a new state of things, were sometimes not too particular as to the means they employed for accomplishing their object. They were terribly in earnest; they realized the tremendous issues bound up in the conflict on which they had entered; they saw that failure would be ruin, not simply to themselves, but to their country and the sacred cause of which they were the champions—that success would secure political freedom and the full recognition of the rights of conscience: and so feeling and thinking, they could not be expected to deal very tenderly with wavering adherents, much less with those "malignants" who either openly opposed them or covertly endeavoured to thwart their plans, and bring back the deluge of prelatic and regal despotism from which they had been so recently delivered.

By the arbitrary measures of the King and his advisers, Scotland had been turned into a camp; and its occupants could not, in the nature of things, be expected to regulate their proceedings by the rules of ordinary life. Peace and its amenities were gone; and the Covenanters were shut up to the necessity of adopting means that were in themselves harsh, but which the exigencies of their attitude rendered just. They would have been very well content if his Majesty had permitted them to worship God in their own way; but since he insisted on them doing it in a way which they detested and deemed unscriptural, he, and not they, were responsible for the evils which arose out of their resistance to his tyranny. We learn from the Stewartry minute-book that in each of the midland and southern counties

a War Committee, composed of influential men, was formed, which, in subordination to the Committee of Estates in Edinburgh, held military occupation of their respective localities. The chief duty of these Committees was to prepare armed levies for the pending struggle; but in doing so they had to assume and exercise a dictatorship over secular and ecclesiastical matters; and even occasionally to act as judicial tribunals.

On the 2nd of December, 1640, the Kirkcudbright Committee found, by a warrant sent from the metropolis, that they were empowered "to sit upon civil affaires;" and they accordingly resolved that all parties "having controversies betwixt thame shall upon laufull pursute have justice"—a determination which they sought to carry into effect by giving judgment in divers cases recorded in their minutes; though they never thought of superseding the usual officials when they were willing to officiate. "Treulie," say the Committee of Estates, in giving instructions on this subject to their representatives at Kirkcudbright, "it were incumbent to you, in respect to the generall calamatie throw want of justice, to advert particularlie that justice be administrate, and necessar and trew debtes satisfied, and gif your ordinar judges be deficient, being desyrit be you to doe justice, it is your pairt, in caicess of necessitie, to bring the pairties befoir you, and sie order and credit keepit within your boundes sae far as you are able."

All other matters, however, as we have hinted, were subordinated to those of war. "Give us recruits—men to fight their country's battles, and means with which to maintain them!" was the constant cry from Edinburgh. How urgently and eloquently it is enforced in the following message, dated the 30th of June!—"Because barrones and gentilmen of good soirt are the greatest and maist pouerfull pairt of the kingdome, by quhas valure the kingdome hath ever been defendit, we do maist earnestlie requyre and expect that everie barron and gentilman of good soirt shall come to the armie in thair own persones, or at leist thair ablest sone, brother, or freind. And, that all noblemen, gentlemen, and uthers may be encouraged to come out as volunteires in sua good ane cawse, for mantainance of religione and preservatioun of the libertie of this antient and

never conqueirit kingdome, which we are all sworne to mantain; it is earnestlie desyrit that all brave cavalieres will tak the business to hart, and considder that now or never is the tyme to gaine honour and eternal reputatioun, and to saive or lose thair countrie." Following up this spirited exhortation, the Committee at Cullenoch, on the 13th of July, expressed an opinion that one or more commissioners should be appointed for each parish in the Stewartry "to uplift the sogers, both the foote and horss, mantainance and armes;" and they ordained "the said commissioners to plunder any persone that shall happen no to mak thankfull peyment of the sogers pey, and that the parochinares assist the commissioners for doeing thairof."

Some of these officials, after being nominated, either refused to act or performed their work carelessly, which insubordination and neglect the Committee could not tolerate. On the 1st of September, William Lindsay, commissioner for Colvend and Southwick; John Charteris (of the Amisfield family), commissioner for Terregles; the Laird of Dalskairth and John Brown, commissioners for Troqueer; Hugh Maxwell, in Torrorie, commissioner for Kirkbean; and David Cannan, commissioner for Buittle, were cited "to compeir befoir the Committee of Estaites, at Edinburgh, the viij. day of September instant; thair to ansuer for thair neglect for not out-putting of the troupe and baggage horss." At this very time, as we shall afterwards see, the Earl of Nithsdale was in arms against the Covenanters, and maintaining the King's cause in his castles of Carlaverock and Thrieve; he having been prompted to do so by an autograph letter from his Majesty, which required "Nithisdaille" to look to himself, for that longer than "the 13th of the next month [March, 1640] I will not warrant you that ye heare of a breache betwixt me and my Covenanting Rebelles."* He was looked upon by Charles as the leader of the royalist party in the district; and, in vindication of this opinion, Nithsdale not only called out his followers, but exercised his influence, which was still strong, over many families in the district, to secure their active support, and, failing that, their neutrality. It was he chiefly who set agoing the strong undercurrent which the War

* The original letter is still preserved at Terregles House.

Committee in Kirkcudbright and Dumfries encountered in various quarters, and of which the contumacy of the above-named commissioners was an illustrative display.

It was further manifested by refusals to sign the Covenant, by evasions of the rate levied to support the army, and by desertions from its ranks. On the 30th of September, John Halliday of Fauldbey, David Halliday of Marguillian, John M'Ghie in Barnbord, and James M'Connel of Creoch, threw themselves upon the pleasure of the Committee, "for not subscribing of the Generall Bond;" and the Committee, at the same sitting, ordained "David M'Mollan, in St. John's Clauchan, for his contempt to his captaine, minister, and elderes, in not going forth to the armie, being enrolled, to pey presentlie fourtie punds, and to stay in ward, in the tollbuithe of Kirkcudbryt, until the day of the rendevouez at Milnetown of Urr, and then to march with the rest of the runawayes; and gif the said fyne of fourtie punds be not peyit befoir he march, in that caice he shall pey ane hundred merks of fyne." The Committee sat at Dumfries on the 29th of December, and determined the cases of several deserters, some of whom were excused on account of sickness. The following minute records part of the business:—"The quhilk day the Committee, finding that severall of the captaines of the parochess have been negligent of the charge committed to thame, and in especiall that of the inbringing of the runawayes, Thairfore ordaines John Reddick of Dalbeattie, captaine of the parochen of Urr; John M'Cellane of Auchengule, and John Cutlar of Orrdand, captaines of the parochen of Rerrick, betwixt and the last of this instant, to inbring thair runawayes, and delyver thame to the captaines here at Drumfries; and for ilk man they failzie to produce, to pey xl. merks money attour the production."

We subjoin another suggestive minute of the Committee's proceedings, when sitting at Kirkcudbright, on the 1st of January, 1641:—"The whilk day, anent the supplicatione presented be Johne Murray of Broughtone, in the name of Robert Maxwell of Culnachtrie, and Mary Lindsay of Rascattell, schawing that they bothe, to the dishonour of God and evil example of uthers, did kythe thamesellffes enemies to the gude caus in hand, *in verbo et facto*, which did proceed from ane

oath raschlie given be thame to thair maister, the Erle of Nithisdaill; are now maist willing to give obedience to the law of God and man, and hes beene supplicating the presbiterie to reseve thame in to the bosom of Christe's Kirk againe; desyering, in the meantyme, that the said Committie would caus thair Commissar-Depute desist in proceeding against thame, or with intromissione with thair goodes and geir, as the said supplicatione beirs. The quhilk being heard, sein, and considderit, doeth ordain the said Laird of Broughtone cautioner that thair haile gudes and geir shall be furthcummane for the use of the publict, and the said commissar to desist with anie intromissione thairwith."

In spite of numerous hindrances, the Kirkcudbright Committee managed to raise something like their full complement of soldiers. When reports to that effect were sent to Edinburgh, down came pressing demands for money, articles of silver, and clothing. "You have, as faitful servants of the Kirk, provided the men, but your duty is only half done till you provide for their maintenance also; you must collect 'the haile tenth and twentieth penny' of the lands valuation; 'the rentes and gudes of all Papists, anti-Covenanters, pretendit bischops, recusants, and uther unfreindes;' you must in addition borrow money, silver plate, and jewels; and furnish uniforms and boots and shoes for your own division of the national army." Messages of this purport were ever and anon received by the little junto sitting at Cullenoch, Kirkcudbright, or Dumfries; and dutiful attention was paid to the same. Whilst the people in general co-operated cheerfully with the Committee, paying their rates, and lending their money and goods for the support of a cause which was dear to them as life itself, there were, as we have said, a considerable proportion of recusants, from whom contributions had to be wrung, as if, instead of being required to draw their purses, they had been asked to part with their teeth.

Every day, Sabbath excepted, might be seen sitting in the Tolbooth or Town Hall of Dumfries or Kirkcudbright, from ten o'clock till two, half a dozen "substanteious" burgesses, appointed by the Presbytery and sanctioned by the Committee "to ressaive any lent monie, or silver or gold worke quhilk shall be delyverit to thame"—the lenders receiving tickets of

acknowledgment entitling them to obtain security from the Estates, that after the troubles were over, if not sooner, they would be paid at the rate of three pounds per ounce of Scots silver work, three pounds two shillings per ounce of English silver work, and twenty-eight pounds per ounce for articles of gold. If individuals known to be wealthy come with their goods or gear of their own accord, all the better; if not, a list is made out of such, and they are cited to appear before the Committee and explain why they have not responded to the call made upon their liberality. When the defaulters "compeir" they perhaps plead poverty or debt, or promise to be speedily forthcoming with the sums required of them. Thus, we find such statements as the following made upon oath:—"Johne Greggane, eldir in Newabbay, hes only jc. [one hundred] merks monie of the realm;" "Johne Broune, eldir at Bridgend of Dumfries, about xj^{xx} [eleven score] merks;" "Johne Broune, younger thair, hes iijc. [three hundred] merks, which he is awand to creditors;" "Johne M'Dowall in Kirkmabreck, nihil; and John Cutlar in Dundrennan, nihil." Then, as showing how productive the demand for wares made of the precious metals proved, we have such articles as these dropped into the Covenanting treasury:—"Twa silver piecess, ane paire long wyres, nyne silver spoones, broken and haile," weighing over twenty ounces, and containing three ounces of "evill silver," which were rejected; "four silver spoones, ane pair belt heides, ane pair silver weires, and foure uther litle peices of silver, broken and haille," weight eleven ounces, fifteen drops; "ane gilt coupe, Inglis worke," weight five ounces, fourteen drops; "ane silver peice, Scots worke, ane gilt silver saltfat, with xiiij. silver spoones," weight two pounds nine ounces; "delyverit by John Charters of Barnecleuche [formerly a stout recusant] sex silver spoones, Scots work," ten ounces in weight; "delyverit by the Lady Cardyness, in name of her husband, ane silver coupe, ane stak of ane fann and sax silver spoones," weight fifteen ounces fifteen drops. On the first of September, 1640, James Gordon of Lochinkit was taken to task "for conceiling of the monie in prejudice of the publict, and lending of the sameyn to ane uther partie;" Grissell Gordone, spouse to the deceased minister of Urr, was ordained "to present her silver worke, viz.:—The

twa piecess that was bought by the paroche of Urr for the use of the kirk, and sex silver spoones, pertaining to the aires of said minister;" and a widow, whose name is mentioned, is required "to present her bairnes silver worke, and that notwithstanding" any reasons adduced to the contrary. If moneyed men failed to appear before the Committee or collectors when summoned, they were heavily fined; and if repeated warnings and penalties proved ineffectual, a portion of their property was poinded and sold for the public service.

When the South Regiment was fairly raised in Nithsdale and Galloway, it was billeted on the Burgh of Dumfries: its presence, we suppose, being required there to keep the Maxwell influence in check. But the inhabitants, though good Covenanters, considered, reasonably enough, that the burden of providing quarters for the troops should be divided; and they having represented their grievance to the Committee of Estates, that body, in a letter dated the 10th of December, 1640, enjoined Lord Kirkcudbright to make three divisions of the army, placing one at Dumfries, one at Kirkcudbright, and one within Lord Johnstone's division (probably Annandale), unless he could manage to pay the town of Dumfries "tymelie satisfactione" for the undue draught made upon its resources. "But," said the Committee, in continuation, "if the regiment could be keipit togither, we wold rather wish it, quhilk cannot be unless your lordship caus hasten the uplifting and peyment of all that is dew within your divisione, suche as the tenth and twentieth penny, anti-covenanters' and papists' rentes, and uther dews to the publict, conforme to the generall instructiones, and cause the samen to be delyverit to the commissar at Dumfries, for the use of the said regiment." It is peremptorily stated in a postcript, that "if money cum not into the commissar, for the use of the regiment, beforre the xxth of this instant, they cannot indure longer delay, and they have orders to devyde, efter that tyme, in caice betwixt and that they get not a supplie."

CHAPTER XXX.

THE EARL OF NITHSDALE FORTIFIES HIS CASTLES IN THE INTERESTS OF THE KING—DESCRIPTION OF CARLAVEROCK AS RECONSTRUCTED, AND THRIEVE —BOTH OF THE CASTLES SURRENDER TO LIEUTENANT-GENERAL HOME, WITH CONSENT OF THE KING—TERMS OF THEIR CAPITULATION—THE "PLENISHING" OF CARLAVEROCK: ITS RICH FURNISHINGS AND EXTENSIVE LIBRARY—BOTH STRONGHOLDS PARTIALLY DEMOLISHED—PROVOST CORSANE SUSPECTED OF INTRIGUING WITH THE ROYALISTS—METEORIC CAREER OF MONTROSE—HE OCCUPIES DUMFRIES—CALLENDAR APPEARS IN THE VICINITY OF THE TOWN WITH A COVENANTING FORCE, AND MONTROSE RETIRES INTO NORTHUMBERLAND—HE COMPLAINS OF HAVING BEEN DECEIVED BY HARTFELL AND OTHER DUMFRIESSHIRE BARONS—HIS BRILLIANT ACHIEVEMENTS IN THE HIGHLANDS—HIS BRIEF DICTATORSHIP, AND UTTER OVERTHROW AT PHILIPHAUGH—DEATH OF CROMWELL, AND RESTORATION OF CHARLES II.

MEANWHILE, as we have said, the Earl of Nithsdale was fortifying his strongholds, and preparing to make a bold stand in the district on behalf of King Charles. He could do nothing for the royal cause in Dumfries, as the inhabitants were opposed to it; and its places of strength, even if they had been held by him, were of little value in a military sense. The Castle, though partially repaired, still bore evidence of the rough handling given to it by Lord Scrope in 1570. Thirteen years afterwards, a second fortress, on a small scale, was built eastward of the ancient Market Cross, and north of the present Queensberry Monument. In contrast to the old decayed Castle, it was called the New Wark. It was a dull, heavy pile, composed of two stories above the street level, with a bartizan running along the top to protect the garrison, and strong vaults underground, in which the movable property of the inhabitants was stowed away in periods of danger. The New Wark was often of good service when raiding moss-troopers from the Border paid hostile visits to the Burgh; but a party of Covenanters, armed with cannon, would have made short work with its defences.

Carlaverock and Thrieve, however, were still strong; and into each of these castles Lord Nithsdale threw a portion of his retainers, with sufficient warlike stores and provisions to fit them for a lengthened siege. When Cambden, in 1607, saw Carlaverock, it was, he tells us, "a weak house of the Maxwells," Lords Sussex and Scrope having all but ruined it. In the course of a few years it rose into a state of greater magnificence than ever; the first Earl of Nithsdale employing the best architectural and engineering skill to make it at once a palatial residence and a first-class fortress. The triangular form, with a round tower at each corner, was retained. The moats were deepened, so as to make the Solway waters, near which it stood, more available for defensive purposes. A massive gateway, pierced by a narrow curtain, and having a tower on each side, formed a colossal front. Over the arch of the gate was sculptured the Nithsdale crest—a stag attired proper, lodged before a holly-bush, with a shield resting on its fore legs, bearing the Maxwell saltier, and the motto below, "I bid ye fair." This escutcheon was surrounded by other heraldic decorations: the well-known double-headed eagle of the Maxwells occupied the sinister chief corner; in the dexter corner was displayed the royal arms of Scotland; a band between six crosslets in the dexter corner of the base marked the relationship which subsisted between the Maxwells and Douglas, Earl of Mar; and the sinister corner of the base told their connection with the Stewarts of Dalswinton, a daughter of whose house was mother of the first Lord Maxwell.

Entered by the gateway was a spacious triangular court, the east side of which, three stories high, constituted the family residence; and so florid was its outside, and so rich its furnishings, that it might have become the abode of royalty. On the pediments of the lower story were engraved the Nithsdale arms, with the initials of Robert, the first Earl, and his wife Elizabeth. A heart-shaped shield, with the plain Maxwell saltier, was carved above the first window; a shield, with the two-headed eagle, charged with a smaller shield and saltier, surmounted by a coronet, rose above the second staircase window: the third window was similarly adorned, excepting that it wanted the supporters; and the fourth bore the familiar

holly-bush, with its usual occupant the stag. Above the first court door a huge eagle, defensive-like, spread its wings, having below it a shield, and on each side a rose. Two guardian cherubs supported a shield over the first window of the second story, the shield displaying a double-headed eagle, charged as before, and having under it the mask of a human head, with hands drawing the jaws apart in such a way as to give a most grotesque expression to the face. A tree, carved above the right-hand side of the second window of the second story, bore, as emblematic fruit, a tiny shield, with the Maxwell saltier and coronet, their owner being indicated by the initials R.E.N. cut below. From a second tree, on the other side of the window, hung similar fruitage, only that the initials were E. C. N., those of the noble Countess of Nithsdale. The lavish ornamentation of this part of the castle was crowned by a series of classical groups, placed over the three third-story windows, the subjects of which were taken from "Ovid's Metamorphoses."

Such was the strong and beautiful house which constituted the forlorn hope of royalty in Nithsdale: not strong enough to resist the war-engines which were soon arrayed against it; too beautiful to be marred by the baptism of their relentless fire.

The Estates in Edinburgh were duly apprised of Maxwell's hostile preparations; and as the South Regiment, under Lord Kirkcudbright, was yet in an undisciplined condition, they sent down a body of troops under an experienced officer—Lieutenant-Colonel John Home—to lay siege to both Carlaverock and Thrieve, so as to keep them from becoming rallying points for the royalists. Colonel Home's contingent formed a portion of the Scottish army sent southward under General Leslie in the autumn of 1640; and whilst Leslie passed with his "blue bonnets over the Border," to co-operate with the Parliamentary forces in England, Home invested Thrieve and Carlaverock, and thus took one of the initiatory steps of the great civil war which convulsed the island for eleven years.

Thrieve, as has been already shown, was the chief castle of the Douglasses in Galloway. On their downfall, it became the property of the Crown; and by a royal grant, dated September 9th, 1524, this fortress, and that of Lochmaben, with all their

perquisites and appendages, and all the King's lands at Duncow, Dumfriesshire, and the office of Steward of Kirkcudbright, were given to Robert, Lord Maxwell, and the longest survivor of his sons, for a period of nineteen years. The Maxwells continued to be keepers of Thrieve till the forfeiture of the last Earl of Nithsdale, in 1715.

When Colonel Home laid siege to Thrieve, it consisted of a colossal square tower, buttressed by round turrets at each corner, the whole surrounded by a stout envelope, with curtains for cannon, and occupying an islet of sixteen Scotch acres in the river Dee. Its surviving relics still attest its ancient stability and importance. The garrison consisted of eighty men, and that of Carlaverock of a hundred, besides officers. Nithsdale held both castles bravely for thirteen weeks; but finding that he was hard pressed, and likely to be overcome, he sent a communication from Carlaverock, apprising the King of the straits to which he was reduced, and of the alternative which awaited him of accepting certain terms offered by the besiegers, or being soon forced to surrender at discretion, if not relieved. His Majesty, in reply, sent a letter suitably addressed, which ran thus:—

"CHARLES R.—Right trusty and right well beloved cosen and councellor, we greet you well. Whereas you have represented unto us by your letter of the 12th of September, that those who have besieged you so long in the Castle of Carlaverock have now offered you honourable conditions to come out; and forasmuch as our affairs permit not to relieve you so soon as we had determined, and as seemss your necessities require, and being withal most willing to free your person from further danger, and to ease you of the trouble and toyle you have sustained by so long a siege, we do hereby (graciously condescending unto your humble request) give you leave to embrace and accept the aforesaid conditions, for the safety and preservation of your person and estate, having withal a regard to our honour, so far as the necessity of your present condition will permit; and we shall still, as we have done hithertoo, continue our gracious esteem of you. Given at our Court at York, this 15th day of September, in the sixteenth year of our reign, 1640."

This royal epistle was followed by another, addressed as

before, and written later on the same day, in these terms:—"CHARLES R.—Right trusty and well beloved cousen and counsellor, we greet you well. Understanding by this bearer, that altho you were agreed with those that have beleaguered you in Carlaverock upon honourable terms, for your coming forth, and rendering thereof, yet that those conditions are not valid untill such time that they be ratified by those that have made themselves members of the great Committee in Edinburgh, and fearing that your enemies there will not give way to your coming forth on such good terms, we are therefore graciously pleased, and by these presents do permit and give you leave to take such conditions as you can get, whereby the lives and liberties of yourself, your family, and those that are with you, may be preserved: and in case they should urge the surrending of our Castle of Thrieve, which hitherto you have so well defended (and we wish you were able to do so still), our gracious pleasure is that you do rather quit the same unto them; which, if so the necessity require you, to do so on the best and most honourable terms you can, rather than hazard the safety of your own person, and those with you; and in such case this shall be your warrant and discharge. Given at our Court at York, the 15th day of September, in the sixteenth year of our reign, 1640."

In accordance with the permission thus granted, both fortresses were surrendered to the Covenanting officer, after the annexed form of capitulation had been signed by him and Nithsdale:—

"At Dumfries, the 1st day of October, 1640: The qlk day pns. of the Committee of Nithsdale, residing at Dumfries, compeared Lieutenant-Colonel Home, and gave in and produced the articles of capitulation past betwixt Robert, Earl of Nithsdale, and the said Lieutenant-Colonel at the Castle of Carlaverock, the 26th day of September last by past, and desired the said articles to be insert and registrate in the bukes of the said committee, and that the extract throf might be patent to any party havand interest, and the principal articles redilevered to him, qlk the said committee thought reasonable; of the qlk articles the tenor follows, viz.:—Articles condescended upon betwixt the Earl of Nithsdale and Lieutenant-Colonel Home,

the 26th day of September, 1640, at the Castle of Carlaverock. For the first article, it is condescended on that for my Lord, his friends and followers, that there shall no other course be taken with him and them in their religions than with others of his or their professions. Whereas it is desired be my Lord that he, his friends and followers, be no farther troubled in their persons, houses, and estates, house-guides therein, then according to the common course of the kingdom; it is agreed unto, that no other course shall be taken with him and his foresaids, then with others of his and their professions. Whereas, it is desired he and they may sorte out with bag and baggage, trunks, household stuff, belonging, on their honour and credit, to his Lordship and them, wt. safe conduct to the Langholm, or any other place within Nithsdale, is granted. Whereas it is desired be my Lord that guides intromitt with belonging to his Lordship's friends and followers, restitution thereof be made; it is agreed to what course shall be taken with others of his and thr condition shall be taken with him and them. It is condescended upon be my Lord, takend the burden on him for himself, his friends and followers, that he nor they sall not, in any time coming, tack arms in prejudice of this kingdom, nor shall have any intelligence with any prejudice thereof, upon their honour and credit. It is condescended on be my Lord and his friends and followers, that they sall contribute and do every thing lying incumbent on them, according to the general course of the kingdom. Lastly, it is condescended on be my Lord, his friends and followers, that he and they sall deliver up the house and fortalice of Carlaverock to Lieutenant-Colonel Home, wt the cannon, superplus of ammunition, and other provisions; and that he shall remove himself, officers, and whole garrison and followers, out of the said castle and fortalice; and this his Lordship obleist himself and his to perform, upon his honour and credit, betwixt this and the 29th day of September instant, 1640. *Sic subscribitur:* Nithsdale.—JON HOME."

The "bag and baggage, trunks and household stuff," "left in the house of Carlaverock at my Lord's departure," were worth bargaining about. Fortunately the list of them made at the time, and duly attested by witnesses, has been preserved, as

it affords us a singularly interesting peep into a seventeenth-century nobleman's household. The Earl of Nithsdale was addicted to literary and scientific pursuits, and on this account was popularly called "The Philosopher:" that a large stock of books should therefore figure in the catalogue, is less surprising. There were lavish furnishings for the mind, as well as sumptuous upholstery, luxurious apparel, and rich dainties for the palate. The library is stated to have "stood my Lord two hundred pound sterling," an immense sum (equal to a thousand pounds of our present money) to be spent on books at that period. In one cellar were four barrels of the wine which Falstaff favoured; in another, three hogsheads of claret. We read that in my lord's chamber there was "a bed furnished with damask, and laid over with gold lace;" that there was in my lady's chamber "a burd and a falling bed." Musical instruments and pictures enter into the list: but all else of a material kind was cast into the shade by the number and magnificence of the "household plenishings," which included five beds, two of silk and three of cloth, every bed supplied with five coverings, massive silk fringes of half a quarter deep, "and ane counterpoint of the same stuff, all laid with braid silk lace and a small fringe about; with chairs and stools answerable, laid with lace and fringe; with feather bed and bolster, blankets and rug, pillars and bedsteads of timber answerable; every bed estimate to be worth an hundred and ten pounds sterling." Then, we read of ten smaller beds, value fifteen pounds sterling; of "seventy other beds for servants, consisting of feather bed, bolster, rug, blankets, and estimate to be seven pound sterling a-piece;" of two open trunks, "full of Hollond shirts and phillabers, . . . damask table-cloths, and gallons of towels;" forty pair of sheets or thereby, and "seventy stand of neprey"—every pair of sheets consisting of seven ells of cloth, at six shillings per ell, and amounting to five pounds two shillings sterling per pair. Among the weapons mentioned were twenty-two pikes, thirteen lances, twenty-eight muskets, twenty-eight bandoleers, and a pair of two-handed swords.*

Nithsdale became bound, as we have seen, that neither he nor his friends and followers should, for the time to come, take

* The complete list is given by Grose.

up arms "in prejudice of this kingdom," which phraseology, though loose, was doubtless designed to prevent them from fighting against the Covenant in future; but it had no such effect; and when the Earl afterwards complained that Colonel Home "had suffered his followers to spoil me ane coach, the furniture of quhilk stood me fifty pound sterling," and had in many other respects broken the articles of capitulation, Home could plead as his reason that his lordship and party had, in the first instance, broken their parole, by once more identifying themselves with King Charles. The Committee of Estates, on learning Nithsdale's conduct, caused the chief fortress of the inveterate "malignant" to be partially demolished; and the injury thus done to its ancient walls has never been repaired, though, even in its present ruined state, it presents the choicest existing specimen of castellated architecture in Scotland.*

"The howse of the Thrieve," as it is termed in the documents of the period, was similarly dealt with. At a meeting of the Stewartry War Committee, held within its ancient walls on the 19th of October, 1640, it was resolved, in accordance with a warrant from Edinburgh, "that the sklait roofe of the hows and batlement thairof be taken downe, with the lofting thairof, dores and windowes of the samen, and to stop the vault of the said hows." This destructive duty was assigned to the Laird of Balmaghie, who was also empowered to dispose of the timber, stones, and iron work removed from the fortress for the use of the public; "his necessar charges and expenses" being deducted from the proceeds of the sale.† On this subject, the captor of the castle addressed the following note to Ensign Gibb, whom he had left in charge of it:—"I did heir, at the Committie at Edinburgh, that they had written to the Committie of Galloway, answering to their letter, that they had fund the Thrieve to be unprofeitable, giving orderes that they should flight [dismantle] the samen. If they have deseyerit you to cum out that they might flight the samen, seing the warrand, and taking the coppie thairof, signed under

* The siege and dismantlement of Carlaverock at this time are popularly attributed to Cromwell; but neither he nor a Puritan force ever attacked the castle.

† Minute-book of the War Committee, p. 67.

thrie or foure of thair hands. In doing heirof, cum out with your gareson. Thir presents shall be to you sufficient warand. —HOME. At Dumfries, the 17 October, 1640." And so the castle was given up to the Committee, and "flighted" by their orders; William M'Clellan, of Barscoib, who had "use for certaine friestane for building," being, it seems, the chief purchaser of the spoils. A few days after the date of the above letter, orders were received by Home from the Estates "to march up with the South Raigement to the army with all convenient dilligence."

At this period John Corsane of Meikleknox was Provost of the Burgh. On the 3rd of December, 1640, he appeared before the Kirkcudbright War Committee, and presented a commission from Colonel Home to the following effect:—"These are to give full power, commissione, and warrand to Mr. John Corsane, provest of Drumfries, to resaive from the commissares or collectores of the tenth and twentieth pennies and rentes of our friends and bischopes within Galloway, all such soumes of money as they have in readiness for the use of the South Regement; with power to him to give acceptances and discharges of his receipt thairof, quhilk shall be as valid and sufficient to the foirsaid collectores as I had given thame discharges myself; and whereanent I obleis me to renew thame discharges myselfe, upon sight of the Provest's discharge, be thir presents, wrytten be me, Mr. Cuthbert Cunnynghame, and subscribed with my hand at Drumfries, the last November, J^{m}VI^{c} and fourtie yeires, befoir thir witnesses, Roger Kirkpatrick, bailie of Drumfries, and the said Mr. Cuthbert Cunynghame.—HOME." Provost Corsane did much to promote the popular movement. He was a decided Covenanter, but was anxious at the same time to get a reconciliation effected between the contending parties. The nephew of Lord Nithsdale, and allied by marriage with another branch of the Maxwell family,* he was naturally averse to the prolongation of the war; and, on account of some pacific overtures made by him, and other acts disapproved of by the uncompromising Parliament which sat in 1644, he was fined in ten thousand merks.

The Burgh was represented in this Parliament by George

* See *ante*, p. 240.

Johnstone, and the County by Sir Robert Grierson of Lag and James Douglas of Mouswald. On the 2nd of July (to quote from the proceedings), "the House ordained commissions and letters of intercomuning to be directed against them that are fugitives, and were cited to the Committee of Drumfreis in the rebellione of the South." On the 22nd of July, the House took up the case of "Robert, Earl of Nidisdaill, and his deputies, who are Steuarts of Kirkcudbright;" and inasmuch as the Earl was found to have been guilty of "rebellione," he was deprived of his stewardship, and the office was conferred on Lord Kirkcudbright.

The Scottish Covenanters were now in full alliance with the English Puritans under Cromwell. A bond of civil as well as of religious union between the three kingdoms—the Solemn League and Covenant—was signed on the 26th of September, 1643, in St. Margaret's Church, Westminster. As a result of this alliance, Leslie, Earl of Leven, on entering England, joined his forces to the Parliamentary army at York. The organization effected by means of the War Committees was enlarged in order to meet the increased demands made upon Scotland by the widening battle-field. As illustrative of the extent to which the landed interest of Dumfriesshire was identified with the Covenanting cause, we may quote the list of the Committee for Nithsdale and Annandale in 1644:—"The Earl of Queensberry; the Earl of Annandale; the Earl of Hartfell; Lord Dalyell; the Laird of Lag; the Laird of Closeburn; the Laird of Amisfield; Maister John Douglas of Penziere; James Douglas of Morton; Thomas Fergusone of Caitloch; John Crichton of Crawfurdston; John Laurie of Maxwellton; John Wilson of Craigleme; John Hunter of Ballagan; John Douglas of Stanehouse; James Grierson of Dalgonar; Archibald Johnstone of Clochrie; the Laird of Tindell; John Dalrymple of Waterside; the Laird of Applegirth; the Laird of Mouswald; James Johnstone of Corheid; Andrew Johnstone of Lockerbie; Archibald Douglas of Dornok; the Laird of Wamfra; Francis Scot of Cairtertown; Mathew Wilson in Greenhill; John Kennedy of Halleithis; Robert Johnstone of Newtoun; the Laird of Drumcrieffe [Murray]; George Johnstone of Poldean; and John Johnstone, called Viccarland." In the preceding year,

Corsane of Meikleknox was not only on the Committee for the Burgh, but he was the convener or chairman of the whole body; but his name, for an obvious reason, does not appear in the list in 1644, the Burgh members being given in it as follows:—"John Irwin, late Provost of Dumfries; Roger Kirkpatrick, bailie there; John Johnstone, bailie there; Robert Richardson, there; John Maccleane, there"—Bailie Johnstone, convener.*

At the period now reached, James Graham, fifth Earl and first Marquis of Montrose, comes prominently upon the stage. He is seen first as a devoted champion of the Covenant. When Leslie's troops entered England, Montrose was the first man to cross the Tweed; and encountering the vanguard of the English army, he put it to the rout at Newburn on the Tyne. Soon afterwards, his jealousy of Argyle extinguished his devotedness to the Covenant; and the outbreak of the civil war found him opposed to his old colleagues, and fighting in defence of the monarchy. The Marquis of Hamilton, the King's minister for Scotland, having fallen into disgrace, Graham was called to occupy his place as lieutenant-general of the kingdom. In an interview with his Majesty at Oxford, he divulged a daring scheme that he had planned on behalf of the royal cause: it was to do battle against the Leaguers in Scotland, with the view of crushing the Covenant in the land of its birth, leaving Rupert and his cavaliers to cope with Cromwell in England. In this manner, he argued, the force of the Covenanting arms would be drawn away from the King upon himself. "But the garrisons and passes of Scotland were in the possession of the Covenanters. He requested, therefore, an order upon the Marquis of Newcastle—now opposed to Leven in the north of England—for a detachment of his troops, or at least a sufficient escort force to enable him to cross the Borders. Even with these slender resources, he undertook to reach the Highlands of Scotland, and to make such head there as wouldere long encourage the loyalists of that kingdom to rally round the standard."† Charles having sanctioned the bold design, Montrose proceeded northwards, bearing instructions from his royal master, by which he hoped to obtain the nucleus of an army.

He was accompanied by the Earl of Nithsdale, and also,

* Acts of Scot. Parl., vol. vi., p. 132.

† Napier's Life and Times of Montrose, vol. ii., p. 386.

however strange it may appear, by James Johnstone, Earl of Hartfell (son of the knight slaughtered by Nithsdale's brother), and by James Murray, Earl of Annandale, both of whom were at the very period members of the Dumfriesshire War Committee; and afterwards another recreant, Sir John Charteris of Amisfield, joined the royal army with a contingent of followers.

Montrose obtained only a small, ill-disciplined force from the Marquis of Newcastle; but, putting himself at its head, he pushed into Cumberland, crossed the Western Border, and on the 14th of April, 1644, startled the Covenanting lieges of Dumfries by entering the town with the royal banner displayed —no one attempting to arrest his progress. When the South Regiment left the district, it was comparatively undefended, and the War Committee had been weakened by defections; but for which circumstances, the champion of despotic rule could not have found such a ready entrance into Dumfries. A zealous Royalist, too—Sir James Maxwell—was Provost:* a fact which in itself proves that a reaction had taken place to some extent against the Covenant in the Burgh. The inhabitants generally were still steadfast in their adherence to it. They could give no effective opposition to the King's troops; but they received them coldly, and, indeed, so discouragingly, that Montrose profited nothing by his march across the Border.

Right or wrong, he attributed his failure to bad faith on the part of professed friends, rather than to the opposition of open enemies. If he had received the support which he anticipated, he would have made Dumfries a starting point for his meditated expedition into the Highlands; but in a disappointed mood he resolved on retiring to Carlisle—a determination that he carried into effect all the more hurriedly, on learning that the Earl of Callendar, from whom he expected assistance, had gone over to the other side, and was advancing against him at the head of seven thousand men. Before Montrose was many miles out of Dumfries, the blue banner of the Covenant took the place lately occupied by the royal flag, and was doubtless hailed with enthusiasm by the inhabitants. Callendar's troops continued for some time in the town, whilst those of Montrose ravaged Northumberland and Durham, and eventually captured Morpeth

* Spalding, vol. ii., p. 221.

Castle, in spite of a stout resistance offered by its garrison, under Captain M'Culloch.

That officer, in afterwards giving an account of the affair to a Parliamentary committee in Edinburgh, repeated the views expressed to him by Montrose as to the double-dealing of Lord Hartfell. When parleying with Montrose, before submitting to him, M'Culloch inquired "the reason of his incoming to Dumfries, and invasion of this kingdom:" upon which the Marquis "declared to the deponer that he had assurance from the Earl of Hartfell of his assistance, and raising of the country in his favour; but the said Hartfell deceived him, having promised, from day to day, to draw up his men, and yet did nothing but proved the traitor; and further, he said he thought to have betrayed him by drawing him to his house." When, some time afterwards, Lord Ogilvie was captured by the Covenanters, certain documents were found upon him which he had received from Montrose for presentation to the King. In one of these he used the following strong language with reference to his treatment by the Border barons:—"You are to inform his Majesty," he says, "of all the particulars that stumbled his service—as of the carriage of Hartfell, Annandale, Roxburgh, and Traquair, who refused his Majesty's commission, and debauched our officers, doing all that in them lay to discountenance the service, and all who were engaged in it. Your Lordship is seriously to represent the notable miscarriage of the Earls of Crawford and Nithsdale; how often they crossed the business, and went about to abuse us who had undertaken it, to the great scandal and prejudice of the service." A curious game would seem to have been played, by Hartfell and Annandale identifying themselves with the Leaguers, and at the same time professing loyalty to the Crown. They appear to have been false to both; but Nithsdale had given such evidence of his devotedness to the King as should have placed him above suspicion.

Montrose, after reducing Morpeth Castle, was required to unite his forces with those of Prince Rupert. Before he could do so, however, the battle of Marston Moor was won by the valour of Cromwell and the skill of Leslie. The royal cause was thus overthrown in England, and the plans formed by Montrose on

its behalf were hopelessly shattered. Disguised as a groom, and accompanied by only two friends, the hero, brooding over new schemes, hastened to the Highlands, there to give them birth and development. By sheer military genius, he, before many weeks elapsed, raised the fortunes of his royal master from the dust of abasement to the summit of a splendid, but short-lived, success. But at the very period when he was vanquishing the Covenanters at Tippermuir and the Bridge of Dee, the anti-Royalists were carrying all before them in the north of England. Callendar, now that the enemy he had been sent to waylay was out of the road, left Dumfries, effected a junction with the Earl of Leven; and to their united forces Newcastle capitulated in October. Among the prisoners were the Earl of Crawford, its commander, and Lord Maxwell, the Earl of Nithsdale's eldest son, who were carried to Edinburgh, and incarcerated in its tolbooth, where they and other captives lay till they were liberated by the irresistible Montrose, who, following up five previous victories, routed the Covenanters at Kilsyth, and became not only master of the capital, but virtually dictator of the kingdom. The dictatorship, however, was so brief that it must have seemed to Montrose himself, in retrospect, but a dazzling dream. On the 12th of September he experienced the stern reality of a defeat, at Philiphaugh, by the Earl of Leven, which all but annihilated his followers, and destroyed the vision of a restored monarchy, which he had built up on the basis of his six great triumphs. Not a few Nithsdale and Galloway men fought under Leslie on this famous field, and, among others, a regiment of infantry raised at his own expense by Lord Kirkcudbright, and headed by that jealous anti-Royalist. Some Dumfriesians were also present on the other side, under the Earl of Hartfell, who, though at first mistrusted by Montrose, proved his devotedness to Charles at Philiphaugh. When the royal troops were dispersed, the Earl, in company with other fugitives, lost his way, was seized by the country people of the neighbourhood, sent to Edinburgh, and sentenced to death by the Scottish Parliament, but had his life spared through the interposition of the Marquis of Argyle.

Montrose himself escaped to the Highlands, then took refuge in Hamburg; and, returning to Scotland in 1650, for the pur-

pose of renewing the war, fell into an ambuscade, was captured, and executed in Edinburgh on the 21st of May, about sixteen months after the beheading of the King, whom he had served with incomparable gallantry and devotedness.

Then followed the ineffectual attempts of the late King's son, Charles II., to restore the monarchy which Cromwell had set aside. The Scots, aggrieved by its abrogation, and deeply resenting the execution of the King, though he had treated them shamefully, proclaimed Charles a few days after that dread event; and he having subscribed the National Covenant and the Solemn League and Covenant, a Scottish army, under General David Leslie, prepared to do battle for his cause. Its defeat at Dunbar, and again at Worcester, left Cromwell "master of the situation," and the Commonwealth without an open enemy. On the death of the Protector, in 1658, he was succeeded by his son Richard, whose feeble rule only continued for a few months; and in 1660 Charles was recalled from his exile—he having first, with his usual facility for promise-making, made the "Declaration of Breda," in which he offered indemnity for the past, and liberty of conscience for the future.

CHAPTER XXXI.

A COLLEAGUE TO THE PARISH MINISTER APPOINTED—ACTINGS OF THE SESSION AND PRESBYTERY TOWARDS OFFENDERS—PUNISHMENT FOR SWEARING, BLASPHEMY, SLANDER, TERMAGANCY, SABBATH-BREAKING, AND OTHER TRANSGRESSIONS—ROMAN CATHOLICS AND COVENANT-BREAKERS SEVERELY TREATED—THE PARISH MINISTER TRIES TO SEIZE A MASS PRIEST; ESCAPE OF THE PRIEST, AND A BONFIRE MADE OF HIS VESTMENTS AND PICTURES—MORE "POPISH TRASH" CONFISCATED AND BURNT—THE PRIVY COUNCIL SCANDALIZED BY THE CONTINUED ADHERENCE OF THE MAXWELL FAMILY TO THE ROMISH FAITH—PROCEEDINGS OF THE COUNCIL IN OTHER CASES OF CONTUMACY—LORD AND LADY HERRIES, THE COUNTESS OF NITHSDALE, AND OTHERS THEIR CO-RELIGIONISTS EXCOMMUNICATED BY THE SYNOD OF DUMFRIES.

It has been repeatedly observed, that the Reformation made at first slow progress in Dumfries. By the beginning of the seventeenth century, however, Protestantism was greatly in the ascendant, nearly all the inhabitants professing it, and only a few, chiefly of the upper ranks, adhering to the proscribed faith. Not only had the Dumfriesians become Protestant, but, as we have seen, intensely Presbyterian, and, as such, hating Episcopalianism nearly as much as Popery. Detesting the Prelatical measures which Charles I. tried to thrust upon the country, they rejoiced when the public voice and the General Assembly put the Service-book and its accompaniments under ban. After the Presbyterian form of religion had been established, the old Roman Catholic place of worship—St. Michael's—was constituted the parish church of Dumfries: Mr. Hugh Fullerton was its first minister, Mr. Thomas Ramsay its second minister, Mr. James Hamilton was the third, and Mr. Hugh Henderson (settled in 1648) was the fourth. It was not till 1657 that the officiating minister had a colleague appointed to him, so that for nearly a hundred years after the Reformation the spiritual oversight of the Burgh and Parish devolved upon one incumbent;

but, as we shall afterwards see, he was supported by a large and active staff of laymen.

In the year above named the Town Council consulted the inhabitants on the propriety of obtaining the services of a second minister; and at a meeting on the 26th of September, they "having before thair eyes the glorie of God, the propagatioune of the gospell, and the putting downe of sin and iniquitie in this place, and considering that it is impossible for ony one minyster to dyscharge all the dewties of the ministrie to this populous and numerous congreggatioune," they "with consent of the hail comunalitie," and the requirements of the Presbytery and Synod, "resolvit unanimouslie with all diligens to set about the calling of ane helper and colleigue" to the incumbent, Mr. Hill. At the same sitting the Council granted a thousand merks Scots as annual stipends to the assistant, and by their signatures to the minute gave legal effect to the agreement it embodied.

An entry in the Session record, dated 19th July, 1646, shows, that on that day several elders and deacons were ordained; and about this period there appear to have been twenty-one elders and eighteen deacons officiating in the burghal, and ten of both in the landward part of the Parish. These lay office-bearers were specially entrusted with the exercise of church discipline: for this purpose they took strict cognizance of Sabbath-breakers, profane swearers, drunkards, and transgressors of the seventh commandment; and so many cases occurred that meetings of Session were held every Monday and Friday afternoon, at which they were disposed of. We may think that they and the ministers of the time often overstretched their authority, and interfered with matters which they ought not to have meddled with. Undoubtedly, they were at times guilty of intolerance; but there is abundant evidence to show that they honestly acted out their convictions, and, according to the light given to them, endeavoured to restrain iniquity, and render the people of the Parish God-fearing and moral. In this work, as we have said, the church courts were actively assisted by the civil magistrates; and, between both, the inhabitants were in danger of suffering from too much law—though we must not overlook the circumstance,

that the long wars which roughened society, and the laxity prevailing in the pre-Reformation period, had left their traces upon the people, so that a severity approaching to despotism was perhaps needed to keep them in check. At all events, the rulers, clerical and municipal, felt themselves called upon to put down vice with a high hand; and the means they adopted for this purpose are strikingly illustrative of the spirit of the times.

Some specimens of the actings of the Town Council in matters religious as well as secular have already been given. Let us now look at the Session and Presbytery in the mirror of their own minutes. At a meeting of the Session on the 19th of October, 1654, elders were ordered "to attend the four parts of the burgh ilka Wednesday, from twa till sax," bailies being elders excepted, "in respect of the great affairs that occur to them on market days;" and these ecclesiastical constables, when going their rounds, were enjoined to take note of all persons "found drunk or scandalous," and, "if they have ane officer with them," to take such offenders into custody, "there to remain during the bailie's pleasure." The power to impose civil penalties was possessed and exercised by the Session: they could fine and imprison, as well as excommunicate. Any one brought before the Session, found guilty of swearing or blaspheming in the streets, might be mulcted in two shillings, or sent to jail for twenty-four hours. Adultery was sometimes punished by the forfeiture of two or more dollars; but two persons who had sinned in this way were, on the 15th of October, 1635, ordained "to sit seven Sundays in sackcloth, and to stand the first and last Sabbath at the church door barefooted;" and a third, on another occasion, for a similar offence, was adjudged to pay one dollar, and wear the gorgets on Sabbath, between the second and latter bell, with "ane paper upon her head," announcing the nature of her guilt. On the 2nd of February, 1654, a man caught playing at cards on a Saturday, was required to pay twelve shillings to the Session treasurer. Persons guilty of slander were made to stand at the kirk-stile on Sabbath, with the branks upon their mouths muzzling the unruly member; callers of bad names were put on the pillory at the Cross; a termagant lady was liable to be imprisoned in the Bell-house, and carted through

the town to boot; and, strangest of all, we read that the magistrates were requested by the Session to do justice on an inveterate purveyor of malicious scandal, by causing her to be docked or shaven at the Market Cross.

On another occasion we find the elders calling on the bailies to visit with "civil and corporal punishment" an obstreperous miller from Troqueer, accused of cursing and swearing; and the Burghal authorities sometimes evinced a feeling of reciprocity by taking security that those whom they punished should also present themselves before the tribunals of the Church. Thus, the Council, on the 5th of March, 1660, took bail from Adam Dickson, that a friend of his who had been fined for assault in absence, should, on his first return from Ireland to Dumfries, appear before the Kirk Session, under the penalty of twenty pounds, and "satisffie the sessioune for thrie dollors of penalties imposit upon him be the sessioune, in cais the sessioune think it expedient."

The Session and Presbytery were zealous enforcers of Sabbath observance. One curious instance is recorded in a minute dated 25th February, 1685, which sets forth that a brace of apprentices, whose names are given, "being lookit upon by the Session as twa of the perversest knaves in all the burgh for Sabbath-breaking," the magistrates had caused them to be soundly whipped before the Session, and then sent to the Bell-house; the clerical court taking the opportunity which the case afforded of admonishing their masters, "and all within the Burgh, that they shall be countable for their sons and apprentices on the Sabbath day." On the 27th of September, 1638, a man and wife from Palmerland were found guilty by the Session of drinking on the Sabbath "in Joan Edgar's house," and ordained "to confess thair fault publickly out of their seat on Sunday, and withal to pay twenty-four shillings to the poor." Total abstinence was by no means insisted upon by the Session, but they earnestly strove to prevent the immoderate use of intoxicating drinks, and to abolish or check all social practices which encouraged rioting and carousing.

On New-Year's Day, 1649, the following resolution was minuted:—"The Sessioune, resenting the great dishonour done to the Lord by sundry persons in the burgh not only abusing

the creatures to excess of riot thro' drinking healths, but likewise in the height of their cups do calle for the drummer to beat the drum to them at every health, as they sinistrously term it, do henceforth dischairge the drummer to answer any persone whatever in such ungodlie demands, under the paine of inflicting upon him the sharpest measure of kirk discipline, and extruding him from his place withal." Three years afterwards, when the Commonwealth was set up, and some of Cromwell's soldiers were in the town, a professional musician, named John Laurie, craved leave from the Session "to exercise his calling of piping and playing;" but though he coupled his prayer with the patriotic condition that he would undertake never to play a spring to any of the interloping English, he found the court to be mercilessly unmusical. Conceiving "his former way of living to be useless and unnecessary," the elders "discharged him from henceforth to use the same," and required that he should "betake himself to some honest and lawful way of living."

Here is a curious illustration at once of the state of society at the period, and of the stringent discipline exercised by the Session, in a case which was more fitted to awake a smile than provoke a frown. Three young buxom brides, on their way to be wedded, started off from the sides of their intended husbands, each anxious "to obtain the foregait of ane another"—thinking, we suppose, that the first marriage would be the luckiest. For this bridal race, the amazons were, on the 23rd of July, 1657, ordered to be rebuked before the congregation on the following Sabbath, and to be handed over to the magistrates for civil punishment. Quite in accordance with a salutary edict of the Town Council, previously quoted, the Session, on the 23rd of December, 1649, appointed the minister to intimate publicly, that no person whatever was to be found drinking in tavern or ale-house after ten o'clock at night, under the pain of ecclesiastical censure.

In those times a regular attendance on the ordinances of religion was required by the Kirk Session: a demand that was right enough in itself, only that it was enforced not merely by admonition and rebuke, but by fine. By an edict passed on the 28th of January, 1641, every gentleman absent from church

was made liable to a fine of thirty shillings for each day's absence; a burgess committing the same offence had to pay twelve shillings, a farmer ten shillings, and a servant five. All the incorporated Trades had seats assigned to them in the gallery of the parish church; and, three years before the above resolution was adopted, the Session, taking into account the absenteeism of which many were guilty, "especially wrights and masons," intimated that they must be more punctual in their attendance, on peril of losing their sittings. About the same time, the inhabitants of Kelton, a village near Dumfries, then more populous than now, were, at the request of the Session, warned from the pulpit to be present in St. Michael's more regularly; the Session, moreover, desiring the minister "to publickly read the names of the indwellers in Kelton every Sabbath; and if these be found to be out of the kirk, they, and every ane of them, shall pay, for every day they are absent, six shillings."

Against Roman Catholics and breakers of the Covenant, the church courts at this period took stringent proceedings. "Young Protestantism," it has well been said, "at first partook largely of the intolerance of old Romanism;" but "if the Covenanters are to be blamed for intolerance, remember their fault was the blindness of their times, in which their opponents, and other sects and parties, were as much, if not more, involved than themselves. And Presbyterianism was at least self-curing; it carried in its bosom the antidote as well as the bane. Unlike the dark, close, unventilated hierarchies, Presbyterianism, by its institutions and opinions, threw itself open to lay influences, to the voice of the eldership, to the election of the people, to the full breeze of public opinion; and public opinion, as it became more enlightened, was sure, in the end, to blow away and dissipate the fumes of intolerance."* When we add that the clergy looked upon the Solemn League as the palladium of their civil liberties, as well as of their religious rights, and recognized Romanism as the insatiable foe of both, we shall wonder less at the steps taken by them to uphold the League, and to check, and if possible root out from their midst, the adherents of Popery. With these general explanations, we

* Dodds's Fifty Years' Struggle of the Scottish Covenanters, pp. 51-2.

shall now adduce some illustrations of the way in which professors of the old faith and contemners of the Covenant were, two hundred years ago or more, dealt with by the Government in Edinburgh and by the church courts of the district.

The Presbytery of Dumfries fully realized the fact, that within their bounds, more than in other parts of Scotland, it would be requisite to maintain a merciless warfare against Popery: if they did not do so, their own faith would be gradually undermined and eventually undone; and if there was one member of the Presbytery who felt a need for this uncompromising antagonism more than another, it was Mr. Thomas Ramsay, minister of St. Michael's. One instance of his zeal may be noticed here, and others will be given at a later period. Whilst he, with several co-presbyters, were, one day in September, 1626, passing along Devorgilla's bridge, a suspicious looking personage on horseback rode up. "A mass priest!" Not a doubt of it—a pestilent emissary of the Pope, notorious for having perverted many country folks, "not only in their religion, but in their allegiance to the King's majesty."* He was at once recognized and challenged by Mr. Ramsay; but the man of the mass, instead of surrendering to the summons, slipped off his steed, and, favoured by some sympathizers who followed him, effected his escape—leaving behind, however, his horse and a capacious cloak-bag, which proved to be as full of perilous chattels as Pandora's box, containing as it did "a number of oisties, superstitious pictures, priests' vestments, altar, chalice-plate, boxes with oils and ointments, with such other trash as priests carry about with them for Popish uses."† Forthwith Mr. Ramsay, accompanied by several of his friends, proceeded to Edinburgh, and reported the occurrence to the Privy Council; who commended their diligence, and ordered them to burn the captured articles at the Market Cross of Dumfries, excepting the silver plate, which was to be melted down for behoof of the poor.

At a subsequent period, when the Reformed faith had become firmly rooted in the town and district, one of Mr. Ramsay's successors, Mr. Hugh Henderson, manifested no less hatred towards all that savoured of "papistry." In March, 1658, he

* Privy Council Records. † Ibid.

addressed a petition "to the Honorable the Comissioneirs for adminystration of justice to the people of Scotland in caises criminall," in the following terms:—"Whairas thair ar severall preistis vestmentis, chalices, alteris, and uther idolatrous and superstitious monumentis and habitis laitlie fund within and neir to this burgh of Dumfries—the priest where they were himselle fled—which the petitioner concevis were fitt to be abolished and putt away. Thairfore humblie desires your honoris to give orders that these vestmens, chalices, alter books, and utheris, be exemplarlie put away, destroyed, and abolished, conforme to the lawis and practice of this natioun." The answer given to Mr. Henderson was according to his heart's desire. "10th Apryll, 1658.—The Comissioneirs ordaines the plates to be broken, and bestowed on the poore, and the vestmentis, bookis, and utheris, to be burnt and destroyed be the hand of the hangman at the place of execution, the first Wedinsday of May, 1658."* So that again, as in 1626, there would be a bonfire of "Popish trash" at the Market Cross of the Burgh.

Though the Lord Herries of Queen Mary's day, and the Lord Maxwell slain at Dryfe-Sands, conformed to Presbyterianism before they died, their successors adhered to the Papal Church, as also several other influential families in the district. Do what the Privy Council and the local Presbytery might, these incorrigibles persisted in their "obdured and Popish opinions and errors;" and, to the sore scandal of their lordships, demeaned themselves like "free and lawful subjects," and were "reset, supplied, and furnished with all things necessar and comfortable unto them," though they had been previously subjected to excommunication and horning. As a last resort, the Council in 1628 issued a commission for the apprehension and trial of all persons "who are suspect guilty of the reset and supply of the said excommunicat rebels;" the list of the latter including Herbert Maxwell of Kirkconnell; Gilbert Brown, formerly Abbot of Newabbey; Charles Brown, Newabbey (his brother); Barbara Maxwell; Lady Mabie; John Little, master of Lord Nithsdale's household; John Allan in Kirkgunzeon; and John Williamson in Lochrutton. Two of the Commissioners, Sir

* Burgh Records.

William Grierson of Lagg (father of the persecutor) and Sir John Charteris of Amisfield, succeeded in apprehending the ex-abbot and his brother in the parish of Newabbey. This act occasioned a serious outbreak among the females of the parish. Headed by the wife of Charles Brown, they mobbed the minister and schoolmaster, who were suspected of having been concerned in the capture of the prisoners, and subjected their wives and servants to rough usage, "pursuing them with rungs, and casting of stones." The Council looking upon this riot as nothing short of sheer rebellion, caused those concerned in it to be cited before the Commissioners at Dumfries, that they might be tried and punished.*

A few years later, we find the Privy Council flying at higher game. On the 17th of November, 1631, their lordships, considering that the Earl of Nithsdale "is vehemently suspected in his religion, and that the remaining of Lord Maxwell, his son, in his company, may prove very dangerous to the youth, and now in his tender years infect and poison him with opinions wherefra it will be difficult thereafter to reclaim him, ordered" his lordship to "exhibit" his son, that "direction may be given for his breeding and education in the true religion." "When we remember," says Robert Chambers, "that the Earl of Nithsdale was the most powerful man in the southern part of the kingdom, and had, so lately as 1625, acted as the royal commissioner to Parliament, and since conducted a large auxiliary for the service of the King's brother-in-law in Germany, the character of this interference with his domestic arrangements becomes all the more noticeable."† About the same period "ane busy and trafficking Papist," named Andrew Anderson, was consigned to a place of durance in Dumfries known as the pledge-house, on a charge of making arrangements for conducting gentlemen's sons beyond sea, that they might be educated as Roman Catholics. The Lords of the Council ordered that he should be sent to Edinburgh for examination: but the unfortunate emissary, summoned before a higher tribunal, died in the tolbooth; and they could do no more in the matter than command the magistrates to inquire into the "form, manner, and cause of his death."

* Privy Council Records. † Domestic Annals, vol. ii., p. 59.

In June, 1634, the Privy Council had on hand the cases of numerous other Dumfries delinquents; one of whom, Robert Rig, a Brigend resident, was accused of having been united in matrimonial bonds to "ane excommunicat Papist named Elspeth Maxwell, for which offence he had been previously dealt with by the Presbytery. The terrified Benedict exhibited a tearful mood when examined by the lordly inquisitors. He ruefully acknowledged his fault, craving pardon for the same. From his statement it appeared that "he was married by a Popish priest upon the 17th of November last (being Sunday), at night, with candle-light, above the bridge of Cluden, in the fields, and that four were present at the marriage beside the priest, whereof some were men and some were women, whom he knew not, because they had their faces covered." The Lords having heard the prisoner's confession, and the evidence of Mr. Ramsay, parish minister of Dumfries, as to what had been done by the Presbytery in the matter, found that "Robert Rig has violat and contravened the laws of this kingdom in marrying ane excommunicat woman by a priest, who has no power to exerce any function within this kingdom;" and they adjudged him to be incarcerated in Edinburgh jail during their pleasure, with instructions that no one from his wife should have access to him "by word or write." Meanwhile the woman herself was enduring involuntary penance in the Dumfries tolbooth, from which she was only liberated that she too might be taken before the Lords of Council. With her went other fourteen females, chiefly wives of tradesmen in the Burgh, who had been her companions in prison, "for hearing of mass, and being present thereat sundry times within thir twelvemonths bygane, as their confessions bears," all being "exhibited" before the Council by Mr. Ramsay and Bailie Williamson, "to the intent such order may be taen with them as may give terror to others to commit the like." Eight of the accused "declared that they were heartily sorrowful for the scandal they had given to the kirk by hearing of mass, and craved pardon for the same;" adding a solemn promise, "in all time coming to obey the laws, and for that effect to resort to the kirk, hear preachings, and to communicate, and that they should not hear mass nor reset Jesuits." These penitents were ordered to remain in their Edinburgh

lodgings till further notice; but seven other women obstinately "refused to conform to the religion presently professed within the kingdom; in respect whereof the Lords ordain them to be committed to ward within the tolbooth of Edinburgh, therein to remain upon their own expenses, till they be freed and relieved by the said Lords." Shortly afterwards, the seven recusants were remitted to the Archbishop of Glasgow, "to be dealt with as he might think fit."*

On the 22nd of April, 1647, the Synod of Dumfries ordered intimation to be made from all the pulpits within the bounds, that a sentence of excommunication had been passed upon John, Lord Herries, Dame Elizabeth Beaumont, Countess of Nithsdale, Dame Elizabeth Maxwell, Lady Herries, Dame Elizabeth Maxwell, elder of Kirkconnell, and about thirty other persons of a humbler degree. What this sentence implied we can scarcely say, though it was not, certainly, of such a serious nature as its name used to import when Popery was predominant. All persons were forbidden "to reset or resort to" those mentioned under ban, "without licence of Presbytery or the kirk judicatories, upon evidence asked and given, under peril of ecclesiastical censures;"† but we do not suppose that this decree of isolation would tell very terribly on the parties concerned. A week after it was fulminated, we read that the Session gave liberty to two individuals "to speak with Lord Herries, notwithstanding he be excommunicat, in respect that both of them have sundry business of good concernment with his lordship."

At a meeting of Presbytery on April 5th, 1647, Mr. George Gladstanes reported that John Herries of Croghmore had "begun his obedience;" that is to say, had submitted to certain terms imposed upon him for the purpose of being relieved from a sentence of excommunication he had incurred. It was also intimated to the court, that "whereas Elspet Herries, his mother, having been excommunicat for recusancy, had departed this life, and had by divers gentlemen and others been accompanyied to her burial," and "the brethren for purging of that scandal, thocht fitt that such as were thaire should be enquired

* Privy Council Records, as quoted in Chambers's Domestic Annals.
† Synod Records.

for, and cited for the first day." In obedience to the summons thus resolved upon, John Herries appeared penitentially before the brethren, on the following 18th of May, and he was punished no further than by being "ordained to acknowledge his fault before the congregation at Lochrutton," in which parish Croughmore is situated.* In 1648 the Presbytery brought a more serious charge against Lord Herries than the profession of Popery. He did nothing ostensibly to assist the Royalists under Montrose, but his son took active part with them. His lordship on that account was cited to appear before the court; and not being in a position to contemn its authority, he presented himself before the brethren. He appears to have fenced a little with his clerical inquisitors. When, however, he was questioned as to the furnishing of his son with troops, he "admitted that, being put upon by the Duke of Hamilton, he did what he could for his son's furtherance." Thereupon, it is stated, the Presbytery agreed "to dismiss his lordship till they be certified by the commissioners of the kirk anent his censure." Everything considered, Lord Herries was tenderly handled by the brethren; but they were at this time negotiating with him regarding a stipend to the parish minister of Terregles —which was eventually fixed at two chalders of corn, five hundred merks, with the teind of the fishings in the College water—and, perhaps on this account, they did not wish to press matters to an extremity with his lordship.† We find the following entry in the Session record dated 3rd February, 1659: —"Capt. Ed. Maxwell delate for dishaunting the ordinances and that he is suspect of Popery—instance his inviting Lady Nithsdale and Lady Semple, both excommunicat for Popery, to a publick feast. Confesses that he invited the Lady Semple, but knew not that she was excommunicat; and that Lady Nithsdale came to visit his wife in her seickness. He was ordained to consider the Confession of Faith, and be ready to declair what profesioun he was of."

* Presbytery Records. † Burnside's MS. History.

CHAPTER XXXII.

COVENANT-BREAKERS DEALT WITH BY THE PRESBYTERY—CASE OF CHARTERIS OF AMISFIELD—CASES OF WITCHCRAFT—A PRETENDED WITCH DECLARED TO BE AN IMPOSTOR BY THE TOWN COUNCIL, AND BANISHED FROM THE BURGH—THE SESSION CALLS FOR EVIDENCE AGAINST SUSPECTED WITCHES—NINE WOMEN CONDEMNED TO DEATH ON A CHARGE OF WITCHCRAFT—ADDITIONAL CASES—THE LAST TRIAL FOR WITCHCRAFT IN SCOTLAND.

In the Presbytery minutes for 1647 and 1648, numerous cases are entered of individuals being called upon to satisfy the Church for "Covenant-breaking;" "malignity and hostility;" accompanying the enemy towards Philiphaugh; for taking part in "James Graham's invasion," and the "lait sinful engagement under the Duke of Hamilton." One of the chief delinquents was Sir John Charteris of Amisfield. Though a member of the Dumfriesshire War Committee, and under a double bond to the cause of the Covenant, he proved false to his vows by following Montrose to the field, when that great captain made a daring but fruitless effort to redeem the fortunes of Charles the First. For so doing, the knight of Amisfield was called before the General Assembly, where he appeared in a submissive attitude, professing his readiness to endure any amount of punishment rather than remain unreconciled to the Church. He acknowledged his heinous offence in violating "the great oath of God taken by him in the National Covenant and Mutual League and Covenant, and in his joining in the lait rebellioune, and his being accessory to the shedding of the bloode of the people of God: which his confessioune, being maid in all humilitie before the Assembly, so far as men could discerne, and lykwise *genibus flexis* [on bended knees], he signed and subscribed, as his autographe, ordained to be preserved, will testifie." Charteris's case was an aggravated one; but he too seems to have been leniently dealt with. The

reverend fathers might, according to the views prevalent at the time, have fined him heavily. They did not so much as amerce him in a single plack, or even force him to undergo a lengthened period of probation before being received back into the fold. Probably, however, the proud knight would feel the penance imposed upon him worse to endure than the loss of world's gear; the Assembly having "ordained him to satisfie, for his scandalous offence, in the kirk of Dumfries, in a seat before the pulpit, and that there, *genibus flexis*, he should make the former declairatiounes, and such like, in his own parish kirk of Tinwal; and that at Tinwal, the minister, Mr. Humphrey Wood, receive him accordinge to the forementioned order and ordinance." All these proceedings in the Amisfield case were duly reported to the Dumfries Presbytery on the 29th of April, 1647; and the brethren, after considering it, ordained that the contrite baron be "advertised to expede his satisfactioune," in order that he might gratify his desire of being restored to the Church.

An order having been received by the Presbytery from the General Assembly, for renewing the Solemn League and Covenant, they resolved, on the 7th of December, 1648, to prohibit certain persons from subscribing it; among others, all whō had in any way promoted "the lait unlawful engagement under the Duke of Hamilton,"* special mention being made of those who voluntarily countenanced the Duke's rendezvous at Annan Moor; of all captains of parishes who took part in the rebellious movement; of all heritors who contributed troops or rations to sustain them; of all soldiers who, of their own accord, were "out" on the occasion; and of "all women malignantly disposed."† It is obvious from these and other similar intimations, that though the Covenanters were dominant over Dumfries and the district, not a few persons from the vicinity took part with the Crown against the League.

During the seventeenth century, witchcraft was an article of

* The "engagement," so called, was made between the Duke of Hamilton, as leader of the moderate party, and Charles I., in virtue of which the King was to make large concessions; but as the Covenanters could not trust his Majesty, the engagement came to nothing. In support of his views, the Duke raised an army, which obtained recruits in Dumfriesshire: it was defeated at Harlaw, and its leader made prisoner.

† Presbytery Records.

almost universal belief in Scotland, and many Acts of Parliament were passed in the reigns of Mary and James VI., as well as in those of preceding sovereigns, for the punishment of such as gave "thame selfis furth to haif ony sic craft or knowlege," or who consulted these professors of the Satanic art. Numerous instances occur in the criminal records of old women having been tried, convicted, and strangled, or burned to ashes, on such a charge. After the Reformation, as well as before, the so-called crime was taken cognizance of both by the municipal and spiritual authorities, the latter deeming themselves specially called upon to interpose for its restriction and punishment. Colonel Cleland, the laureate of the Covenanters, and one of their military leaders, in celebrating the characteristics of the district, thus notices its supernatural visitors:—

"There's as much virtue, sonce, and pith,
In Annan, or the Water of Nith,
Which quietly slips by Dumfries,
As in the rivers of old Greece.
For here, we're told, in sundry places,
Beside mill-dams, and green brae-faces,
The elves and eldrich brownies strayed,
And green-gowned fairies danced and played."

The poet might have added that other professors of *diablerie* abounded on the banks of Nith. Of reputed witches there were, at all events, more than enough; and, according to tradition, Locharbridge-hill, long used as a warlike rendezvous, was the favourite trysting-place of the weird women of Dumfries. Thither, it is said, they trooped to confer together when they had any extraordinary business on hand, encouraging each other by chanting a gathering hymn, of which the following rather apocryphal snatch has been preserved:—

"When the gray howlet has three times hooed;
When the grimy cat has three times mewed;
When the tod has yowled three times in the wud,
At the red moon cowering ahin the clud;
When the stars hae cruppen deep i' the drift,
Lest cantrips had pyked them out o' the lift;
Up horses a', but mair adowe!
Ryde, ryde for Locher-brigg-knowe!" *

* Cromek's Remains of Nithsdale and Galloway Song, pp. 276–7.

"Roused by this infernal summons," says Allan Cunningham, "the earth and the air groaned with the unusual load. It was a grand though daring attempt, for man or aught of mortal frame to view this diabolical hurry. The wisest part barred their doors, and left the world to its own misrule."

In Dumfries the church courts seem to have had a monopoly of the business—so far, at least, as the initiatory proceedings against witches went—the only notice of the Council's interference with any of "these close contrivers of all harms," being contained in the following minute, dated 14th November, 1664:—"The Counsall being informed that Janet Burnes, commonly reputed a witche, and quho hath bein banished out of severall other burghis, and put out of this burgh in the month of August last, for cheating the people upon pretence of knowledge of all things done by them in tym past, or that may fall out in tym cuming, with certificatione to be scurgit if ever she was sein within the burgh thaireafter; and being well informed that she was sein within the town on Saturday, they have ordaint that intimation be maid by touk of drum, that non of the inhabitants resset or give meit or drink unto the said Janet Burnes." Whatever belief the honourable councillors had in witchcraft, abstractly considered, they had no faith in this professor of it, and came to the sensible conclusion that she was simply an impostor, and ought to be treated as such.

The following is an extract from the Presbytery records, dated 22nd April, 1656:—"John M'Quhan in Urr, compeared, confessing that he went to Dundrennan, to a witch-wife, for medicine for his sick wife, and that he got a salve for her, and that the wife said to him, 'If the salve went in his wife would live, if not she would die.' Janet Thomson in Urr, compearing, confessed that she went to the said witch, and got a salve to her mother, and that the witch bade her take her mother, and lay her furth twenty-four hours; and said that her mother got her sickness between the mill and her ain house, and bade her tak her to the place where she took it, and wash her with [elder] leaves. She also confessed that the deceased Thomas M'Minn and his friends sent her at another time to the same witch, whose name is Janet Miller. They were both rebuked

[by the Presbytery], and referred to their own session to be rebuked from the pillar in sackcloth."

About this time the Kirk Session of Dumfries, after solemn deliberation on the subject, required the minister to announce from the pulpit that all persons having evidence to give against such as were under suspicion of "the heinous and abominable sin of witchcraft," should be ready to furnish the same to the Session without delay; and at their next meeting the elders wisely qualified the order, by resolving that any one who charged another with being guilty of "sic devilisch practises," without due reason, should be visited with the severest discipline of the Kirk. In the summer of 1658, we find the members of Presbytery girding up their loins for a wholesale *razzia* against all users and practisers of witchcraft, sorcery, charming, and soothsaying. Public intimation was made to that effect, and the brethren were each required to take notice of suspected persons, and to urge their congregations to collect evidence against them, in order to enable sessions to bring the cases in a matured form before the Presbytery.

This was no idle resolution, as the following dread entry will show, dated 5th April, 1659:—"The Presbytery have appoynted Mr. Hugh Henrison, Mr. Wm. M'Gore, Mr. George Campbell, Mr. John Brown, Mr. Jo. Welsh, Mr. George Johnston, Mr. Wm. Hay, and Mr. Gabriel Semple, *to attend the nine witches*, and that they tak their own convenient opportunity to confer with them; also, that they be assisting to the brethren of Dumfries and Galloway, *the day of the* EXECUTION." Dr. Burnside states that he examined all the records of the town and neighbourhood that appeared likely to throw further light upon this horrible judicial tragedy, but without success.

The books of the High Court of Justiciary,* however, supply the requisite information regarding it. We thus learn that the court was opened at Dumfries on the 2nd of April, in the above year, by the "commissioners in criminal cases to the people in Scotland," Judge Mosley and Judge Lawrence; and that ten women, each charged with divers acts of witchcraft, were brought before them for trial. The proceedings appear to have lasted till the 5th. One of the accused, Helen Tait, had a

* Kept in the Register House, Edinburgh.

rather narrow escape—the jury finding, by a plurality of voices, that the "dittay" in her case was "not cleirly proven." Nevertheless, before being dismissed from the bar, she was required to find security to the extent of £50 sterling for her good behaviour, and that she would banish herself from the Parish. The other nine unfortunates were all convicted, as is shown by the subjoined minute, giving the finding of the jury and the deliverance of the judges, as pronounced by the official dempster, "F. Goyyen."

"Drumfreis, the 5th of Apryle, 1659.—The Commissioners adjudges Agnes Comenes, Janet M'Gowane, Jean Tomson, Margt. Clerk, Janet M'Kendrig, Agnes Clerk, Janet Corsane, Helen Moorhead, and Janet Callon, as found guiltie of the severall articles of witchcraft mentioned in the dittayes, to be tane upon Wednesday come eight days to the ordinar place of execution for the burghe of Drumfreis, and ther, betuing 2 and 4 hours of the afternoon, to be strangled at staikes till they be dead, and therefter their bodyes to be burned to ashes, and all ther moveable goods to be esheite. Further, it is ordained that Helen Moorhead's moveables be intromitted with by the Shereff of Nithsdaile, to seize upon and herrie the samin for the king's use."

Nine women given to the flames in one day! The scene at the execution must have been so inexpressibly shocking, that we dare not examine it too closely. The planting of the stakes, and building up about them vast heaps of peats, straw, and other combustibles; the executioners with their ropes and torches; the venerable victims, frail with age, trembling with terror or palsy, crazed by a natural visitation, or the dread of a cruel death—whom the horrid functionaries bind till they shake no more; the attendant ministers striving to benefit their souls before their bodies are charred into blackened clay; the curious on-lookers, who would be pitiful, perhaps, were their hearts not annealed by the belief that the miserable women, being witches, are alike beyond the pale of sympathy or forgiveness; the first stage of torture, by which they are kept literally hanging between life and death; the second, which shortly finishes by fire what the suffocating noose and smoke had only half accomplished; the lurid blaze which, bursting forth, dispels the

vapour that for awhile in pity veiled the shrivelling forms from sight; the wild leaping—the loud crackling of the fire as it gains full mastery; its subsidence when its consuming work is done; the awful close of all, when, as the clock strikes four, the crowd, which had "supped full of horrors," can see nothing where the nine poor martyrs to superstition stood, save a morsel of blackened bones and a heap of bloody dust, which the grimy hangmen, like so many scavengers of death, are sweeping up and preparing to carry out of sight.

Just two years before the date of this fearful *auto da fé*, the Council were required to carry out a sentence of the same kind against two other females, as we learn from the following strange items of charge entered in the Burgh treasurer's books:—"27th May, 1657.—For 38 load of peitts to burn the two women, £3 12s. [Scots]. Mair, given to William Edgar for ane tar barrell, 12s.; for ane herring barrell, 14s. Given to John Shotrick, for carrying the twa barrels to the pledge [house], 6s. Mair, given to the four officers that day that the whiches was brunt, at the provost and bayillis command, 24s. Given to Thomas Anderson for the two stoupes and two steaves [to which the women were tied], 30s." At an assize held in the Burgh in May, 1671, eight or more females were charged with witchcraft: five of them, whose fate we cannot trace, were eventually sent for trial to Kirkcudbright. An official document, signed by two judges, which lies before us, thus announces the doom of the other three:—"Magistrates of Drumfreis,—Forasmuch as in ane Court of Justiciarie, holden be us within the Tolbuthe of Drumfreis, upon the fyftein day of May instant, Janet M'Muldritche, and Elspeth Thomsone, now found guiltie be ane assyze of the severall articles of witchcraft specified in the verdict given against them thereanent, were decerned and adjudged be us, the Lords Commissioners of Justiciary, to be tane upon Thursday next, the eighteen day of May instant, betwixt two and four houres in the afternoune, to [the] ordinare place of executione, for the toune of Drumfreis, and there to be worried* at ane stake till they be

* *Worried*, "strangled." The word sometimes means "smothered."

"Oh, mother dear, gie up the house,
For the reik it worries me."

Ballad of EDOM O' GORDON.

dead: And theirafter their bodies to be brunt to ashes, and all their moveable goods and geir to be escheit. You shall thairfoir cause put the said sentence to due executione, whereanent thir presents shall be your warrand. Given at Drumfreis the sixteen day of May, 1671." *

For a long season the parishes lying in the southern part of the Presbytery were kept in terror by a horde of reputed witches. These were Marion Dickson in Blackshaw, Isobel Dickson in Locharwoods, her daughter Agnes, and Marion Herbertson in Mousewaldbank. "Many grievous malefices, committed upon their neighbours and others," were laid at their door; and the Presbytery, horror-struck and indignant at the reports laid before them regarding these dangerous sybils, declared it to be "damnifying to all good men and women living in the country thereabouts, who cannot assure themselves of safety of their lives by such frequent malefices as they commit." Encouraged by the Presbytery, a party of country people made bold to lay hands upon the women and carry them to be imprisoned at Dumfries by the sheriff, who sent them to jail, on their captors consenting to appear as witnesses in the case. He then, fortified by a certificate of the witches' dread doings from the Presbytery, brought the matter by petition before the Privy Council, who ordered the delinquents to be sent to Edinburgh for trial.† The district was thus delivered from their presence; how they fared afterwards is not recorded.

On the 15th of February, 1697, the following curious case of alleged divination was brought before the reverend court, at the instance of the Session of Carlaverock. About a month before, John Fergusson in Woodbarns, Cummertrees, and William Richardson, Cummertrees-town, on coming from Dumfries, went into the tavern of William Nairns, Bankend of Carlaverock, for the purpose of enjoying a social dram; Richardson leaving his horse, which carried a sack with cheese and herrings in it, tied at the door. The latter, after the lapse of a considerable time, on going out to see about his steed, perceived to his dismay that its burden of provender had vanished. Returning to the interior, he affirmed that some one had stolen his property, whereupon his fellow-traveller and boon com-

* Burgh Records. † Privy Council Records.

panion, Fergusson, called for two Bibles, declaring that if the pilferer were anywhere in the whole "town of Bankend" he would find him out. Mine host, with a salutary regard for the reputation of his house, declared that he would allow no charming with Bibles to go on within it. The diviner swore that if they refused his request, he "would make bloody work among them;" and, under dread of this threat, "some brought two Bibles to the said John Fergusson, who brought a key out of his pocket, and put the one end of it within one Bible and the bowl end out, clasping the Bible upon it, and two holding the bowl of the key upon their fingers. The said John then read three verses of the fiftieth Psalm (out of the second Bible), beginning always at the eighteenth verse, always naming a person before he began to read, till they came to William M'Kinnell in the same town; and when they named him, and were reading the said Scriptures, the key and the Bible turned about and fell on the table. This was done three times, as attested by James Tait, mason, who is quartered in Townhead, James Fergusson, servitor to George Maxwell of Isles, George Fergusson in Bankend, and William Nairns, in whose house it was done."

Evidence to this effect having been given, the moderator was instructed to write to Mr. Gilbert Ramsay, minister of Cummertrees, to "cause summon the said John to next meeting of Presbytery," the minute of which meeting reveals the upshot of the case. "2nd March, 1697.—Compeared John Fergusson in Woodbarns, who acknowledged his scandalous carriage in charming and turning the key at Bankend, conform to the accusation, but says he knew not there was any evil in it: the Presbytery appoint him to stand on the pillar in the church of Carlaverock, and be sharply rebuked for his scandalous practice, and recommends him to the magistrates to be secured till he give bail to answer and satisfy, conform to this act."*

Before the next century was far advanced, enlightened views on the subject of witchcraft began to prevail; and exactly fifty years after the nine-fold execution previously noted, the last trial for witchcraft by the Court of Justiciary in Scotland took place at Dumfries. The accused was named Elizabeth Rule.

* Presbytery Records.

Evidence having been furnished against her, she was found guilty, and condemned to be burned on the check with a hot iron; which barbarous sentence was carried out with such merciless effect, that persons living in 1790 have been told by their parents, that the smoke caused by the torturing process was seen issuing out of the mouth of the unhappy woman.*

* Burnside's MS. History.

CHAPTER XXXIII.

THE DUMFRIES PARISH REGISTER IN THE SEVENTEENTH CENTURY—TERRIBLE FAMINE AND PLAGUE IN 1598–99—TWO BURGESSES GO ON A CATTLE-BUYING ENTERPRISE TO WIGTOWNSHIRE: THEIR PERILOUS ADVENTURES BY THE WAY—ANOTHER FATAL YEAR: 1623—DREADFUL MORTALITY IN DUMFRIES, OCCASIONED BY SCARCITY AND DISEASE—PRECAUTIONS USED BY THE AUTHORITIES TO PREVENT THE PLAGUE OF 1665 REACHING THE BURGH—RAPID INCREASE OF THE INHABITANTS AFTER THE REVOLUTION—THE BRIDGE WRECKED BY A FLOOD—IMPORTANCE OF THE BRIDGE TO THE ENTIRE COUNTRY—THE INHABITANTS, UNABLE TO OBTAIN GOVERNMENT ASSISTANCE, RESTORE THE BRIDGE AT THEIR OWN COST—INTERESTING MEMORIAL TO HIS MAJESTY ON THE SUBJECT—THE BRIDGE DUES ACQUIRED AS A SOURCE OF PERPETUAL REVENUE BY THE TOWN—SETTLEMENT OF THE FIRST GLAZIER IN THE BURGH—INTRODUCTION OF THE POSTAL SYSTEM, AND ESTABLISHMENT OF A POST-RUNNER TO AND FROM EDINBURGH.

THE Parish Register of Dumfries goes back to the 6th of October, 1605, as regards baptisms; in the following year the names of sixty infants, "bairns lawfullie begotten," are entered in the list; and it is not till the 12th of May, 1616, that marriages, and not till the 11th of May, 1617, that burials begin to be inserted in the record. In 1618 the total baptisms were 111, marriages 19, and deaths 51; though, in all probability, the latter figures considerably underrate the mortality for the year. In 1660 there were, according to the register, 116 baptisms, 31 marriages, and 122 burials; but we may very safely add a fourth to the first two of these entries, and a third to the other, to make up for omissions, which would bring up the returns to 145 births, 39 marriages, and 139 deaths. These bear the proportion of less than one to four of the registrar-general's figures for the Parish in 1860; and supposing the population to have been in the same ratio to the returns in both years, the inhabitants of the Parish, burghal as well as landward, must have numbered barely 4000 two hundred years

ago.* This is a rough mode of calculation, and can only be regarded as approximately correct. There is every reason to believe that the long desolating wars, and the cruel persecution, to which the town and district were subjected, seriously thinned their population, and otherwise checked their prosperity. Other agencies, the chief of which were famine and pestilence, produced like results.

In 1598, as we learn from the "Chronicle of Perth," "the wheat was blasted" over all Scotland, and oatmeal was so scarce that it sold for 6s. the peck; "ane great deid amang the people" being occasioned by the dearth. A virulent plague followed—Dumfries suffering much from both visitations; while, to add to its distress, it was cut off from all intercourse with neighbouring towns. A minute of the Kirkcudbright Town Council shows, that that body, on the 20th of April, 1599, took alarm on account of "the pest being verie ill in Drumfries," and prohibited the inhabitants, "under the paine of xi. s. ilk fault, and tinsall of their freidome," to enter the infected Burgh, or even to venture below the Water of Urr, or hold intercourse with any one from the east side of that river. As a consequence, the trade of the town was utterly paralyzed; the cattle of the burgesses disappeared, and none came from a distance to supply their place.

In such sad circumstances, two men, James Sharpe and John Martin, were sent into the western parts of Galloway on a cattle-buying mission. On reaching the burgh of Wigtown, they were well received by its magistrates, and allowed to bargain for as many beeves as they needed, on condition of paying the market dues, as well as the price of the stock. Whilst the men were driving their purchase—thirty-eight head of nolt—homewards, they were encountered at Minnygaff by a large armed party, commanded by the Wigtown authorities, Provost Hannay and Bailies Edgar and Tailfer, who, by dint of main force, brought both cattle and drovers back to their burgh; the reason assigned being, it is supposed, that the latter had not paid the full amount of custom. When at Wigtown the cattle were detained eight days on scanty fare, so that they were re-

* Nearly the same result is arrived at by taking the number of the Trades as a basis of calculation. See *ante*, p. 365.

duced to the condition of Pharaoh's lean kine. In the end, their purchasers, after laying down a hundred additional merks, were allowed to depart with the animals, which, by cropping the wayside pasture as they went along, would probably reach their journey's end in tolerable "fettle." This pitiable affair, which reads so strangely of Dumfries, now the scene of magnificent markets for the transfer of cattle, came under the notice of the Privy Council, and was remitted to the ordinary judges, to be settled by them as they might think best.*

Again the two fell destroyers visited the country in 1623. At midsummer, that year, Calderwood tells us, the famine was so sore that "many, both in burgh and land, died of hunger;" numerous poor folks, who flocked into Edinburgh in a vain search for succour, falling down lifeless in the streets of the city. For several months prior to Michaelmas, the mortality in Perth was at the rate of ten or twelve deaths per day:† some other towns suffered in the same proportion; and Dumfries, perhaps, in a greater degree than any. Fearful must have been the condition of the Burgh in that fatal year: many of the people pining for want—many more perishing under the "arrows of the pestilence"—some suffering from both the famine and the plague. To the names of a hundred persons who died during the year, the words, "puir," "extreme puir," or "pauper," are annexed in the register of the Parish. During the first ten months, there were no fewer than 492 deaths (those for the rest of the year not being recorded); so that the Parish must have lost about a ninth of its inhabitants by this terrible scourge.

We cannot wonder that the Dumfries Town Council, after such sad experiences of the plague, should, in the summer of 1665, when it was raging in London, have taken special precautions with the view of keeping the Burgh unvisited by the destroyer. The importation of English merchandise was strictly forbidden; and it was duly certified that any inhabitant who should receive such goods would be liable to a penalty of five hundred merks, to have his house closed up, and himself and "haill family sequestrate without the town for the space of 40 days thereafter." Then, as some of the Dumfries pedlars were away South, hawking the linen and woollen cloths manufactured

* Chambers's Domestic Annals. † The Perth Chronicle.

in the Burgh, they were debarred from returning to it under a similar penalty, unless furnished with "a bill of health;" and, finally, lest strangers should enter the ports, bringing more mischief in their wake than even the English Borderers of old, twenty-four men kept watch and ward over the town by night and day.*

When the Revolution brought peace and rest to the country, Dumfries began once more to thrive: the population of the town increased till it rose to about 5,000 in the beginning of the eighteenth century; and in 1790, as mentioned in a previous chapter, it numbered nearly 6,000, besides 1,400 in the rural portion of the Parish; the annual births in the Parish being then 200, marriages 50, and deaths 150.

In the first half of the seventeenth century, full of trouble though it was, the town acquired some new elements of material progress. Its great annual fairs, at which horses, cattle, agricultural produce, and merchandise were disposed of, became increasingly important. The most ancient of these was the Rood Fair; and to it James VI., on the 31st of November, 1592, added two others, only one of which—Candlemas Fair—has continued till the present day. These trysts, growing in importance, did much to promote the trade of the town. In 1623, Dumfries acquired what has come to be called "the backbone" of its revenue—the right to levy tolls and customs at the bridge. So early as 1425, this privilege seems to have been possessed by the Douglas family, then in the plenitude of its power; and in that year it was conveyed by Margaret, Countess of Douglas, to the Minorite Friars of Dumfries. In 1557, when monastic establishments began to feel the shock of the Reformation, the right of exaction was transferred, by royal charter, from the brethren of the Vennel to John Johnstone of Nunholm, whose sister and heiress, Marion Johnstone,† granted it to the Provost, Bailies, Council, and community of

* Town Council Minutes, and Burnside's MS.

† We find the following entry in the Retours, under date December 10, 1616:—"Mariota Jhonstoun, spousa Danilis Kilpatrick, ephiparii burgensis de Dunfreis, hæres Joannis Jhonstoun, in Collegis de Lincluden, burgensis de Dunfreis, fratris germani—in custuma seu tola nuncupata Brigcustume in omnibus locis infra territorum de Dunfreis, E. 10, m. 3s. 4d."

Dumfries, by whom it has been held till the present day.* What seemed at first a dire calamity, helped in the end to secure to the Burgh the continued possession of this somewhat lucrative source of income. One day in 1620, the Nith, which had tolerated the bridge for more than four centuries, swelled by tributary streams, the rains of heaven, and—shall we say?—its own rage, came down with tremendous force, and turned Devorgilla's useful structure into a wreck, "to the great hurt of the Burgh and countrey, and discouragement not onlie of the haill inhabitants thereof, and countrie people thereabout, but also of all his Majestie's subjects of all his Majestie's three kingdoms of Scotland, England, and Ireland, it being the onlie passage" by which they can traverse the said kingdoms to and fro. In such dolorous language as this the disaster was described, in a royal document dated 16th July, 1621.

Though the value of the bridge was thus highly rated by his Majesty, the Burgh was left to build it up anew from its own resources. When Government aid was solicited by the magistrates for the work, they were told to appeal for voluntary contributions to "his Majesties good subjects in burgh and land throughout the whole kingdome;" and this having been done without eliciting a favourable response, the Burgh single-handed and bravely proceeded with and completed the structure—nearly ruining itself by the exhaustive effort. In a second appeal to "the most Gracious and Sacred Soverane," the rulers of the town spoke of their enterprise in the following terms:—"So being left to ourselffs without all hope of help, we resolved to interpoise and begin the work ourselffs, wherein, after long stryving, and in end overiding all difficulties, with continuall turmoyle, trouble, and labour both day and night; wherefra none within the said burgh was exemit neither in their persones nor purses, we brought the work to a gude and happy conclusion; and in one yeare we performed and accomplished the samyn in a more substantionire and stately manner nor it was befoir; and now may trewlie affirme, without ostentation, or ydle or vane show, that it was the greatest work that ever was done in Scotland in so short a space be ane handful of

* Report of Robert Kemp, town-clerk of Dumfries, upon the Bridge Custom, May, 1854.

pure persones, without the help or assistance of uthers." The weakening results were thus set forth:—"For doing wherof we have exhausted the whole common rent and patrimony of the burgh, and hes not left so much as one penny therof frie; and by continuall and daylie contributione, most frelie and willinglie advanced among ourselves, our purses are so emptied, and we so disabilled from undertaking any uther, ether for the weill of the said town or comon weil of the kingdom, that we are forced to yield to necessitie, and to sink under the heavie burdens which we have so long supported, and which now indeid hes ourmaisterit us." The petitioners become more pathetic and eloquent as they proceed:—"The estate of the town is no longer yable to subsist in that positione wherein it formerlie stoode amonge the burrowes, bot as ane decayit and faillit member, will fall off from the rest of the bodie, unless your Majestie out of your accustomat princlie comiseratioun of the distresit of everie particular member of the common weill, put to your helping hand, the consideratioun whereof hes moved us in most submissive and humble attitude to prostrate us befoir your Majestie's feet, and to lay open befoir your Highnes (as the soveraine fountaine and livelie spring wherewith the politique body of the estate and everie particular member thereof is cherished and nourished) these our wants and necessities: beseiching your Majestie to consider the necessitie whereunto we are driven be this occasioun of the bridge, and accordinglie to extend such proportioun of your benevolence and favour towards us as your Majestie shall think fit for redemptioun and relief of our comon rentis engagit by us for the performing of the said work." The petitioners conclude by expressing a hope that his Majesty will send "ane favourable and gracious answer" to their request. This well-written and interesting document,* drawn up by the town-clerk, Mr. Cunningham, is signed by Provost Coupland, two bailies, and by the clerk, in name of the other councillors. A most considerate reply was given to it by the King. "Inasmuch," he said, "as the Burgh of Dumfries had re-edefeit and biggit up the brig of new agane," and put it in a better condition than before, being a work "maist

* The petition, a copy of which is among the Burgh Records, has, we believe, never been previously published.

incrediblie to have been performeit be thame without his Majestie's help," he, by way of recognition and recompense, grants and dispones to the magistrates, Council, and community of the said Burgh a right to levy the tolls and customs at the bridge as hitherto, for ever.* It must not be supposed that the bridge of the thirteenth century was thoroughly destroyed by the flood of 1620, and that what we see of the fabric just now is but the remains of what was "re-edified." In so far as we have been able to learn, five entire arches were rebuilt in that year—the old piers of these arches, or some of them, having been still retained. In other words, about a half of Devorgilla's structure, which consisted of nine arches, was rebuilt, and the remaining portion repaired.

The Burgh soon after this period claimed and exercised authority to levy custom on articles crossing the Nith, at any point twelve miles above and twelve miles below the bridge. In 1681 this claim was disputed by the noblemen and gentlemen of the district; who, in petitioning Parliament against it, went the extreme length of questioning the right of the Burgh to levy any bridge custom at all.† On the 6th of September in the same year, the case for the town was laid before the Estates, and was so well maintained that its right to exact custom at the bridge, and beyond it, within certain restricted limits, received legal confirmation, in terms of the subjoined agreement:—"It is agreed betwixt the Shyre and Town of Dumfries, anent the Customs of the Water of Nith, anent which there is a Bill depending before the Parliament, That in tyme comeing the same shall be regulat as follows, viz.:—That the Custumes and Imposition of all goods and bestiall, as the same has been in use to be exacted by the Burgh of Dumfries, shall be uplifted be them hereafter from Portractfoord exclusive, downward to the Water Mouth of Nith, whereunto they are declared to have right, for maintaining the Bridge of Dumfries and Portractfoord; and all upwards to the march of Kyleshall, in all tyme coming, be uplifted be such as shall be appointed be the Earle of Queensberry and the Commissioners of the Shyre, for repairing and maintaining the Bridge of Drumlangrig, qherunto the said Burgh are to have

* Kemp's Report. † Burgh Records.

no interest; and that ane Act of Parliament be extended in favour of both parties, giving them right to the said Custome and Imposition, as the same has been in use to be uplifted, according to the division above written. In witness qhereof, the Earl of Queensberry and Commissioners for the Shyre, and the Provost of Dunfries for the Burgh, has subscribit thir presents at Edinburgh, the 15th Sepr., 1681. *Sic subr.*, QUEENSBERRY. W. CRAIK, for the Burgh."*

This agreement, with other documents bearing on the question, having been laid before the Duke of Athole, as Lord High Commissioner, and the Lords of the Articles, they recommended Parliament to sanction the same. The result appears in the following minute:—"Edinburgh, 17th Septr., 1681.—His Royal Highness, His Majestie's High Commissioner, and Estates of Parliament, haveing considered the within written petition and report forsaid, doe approve of the said report, and appoint ane act to be extended conforme thereto. *Sic subr.*, ATHOLE, Jpd. par."†

An Act of Parliament, in accordance with this recommendation, was forthwith passed, which, whilst it put a veto upon an unauthorized assumption on the part of the Burgh, placed its rightful claims to the bridge custom on an unassailable basis.‡

The houses, at the period we speak of, were rude and poorly furnished; but stone had in a great degree superseded timber for their construction, and it was chiefly obtained from a quarry belonging to the town, situated in what is now a beautiful garden at Castledykes, and from which the burgesses were at liberty to take, for a trifling charge, as much material as they required. There must have been few masons settled in the Burgh in 1665, since the Town Council, that year, were under the necessity of sending for a quarrier to Carlaverock to "wyn" stones for them before they could erect a new meal market§ which they had resolved to build, and which in due time arose

* Burgh Records. † Ibid. ‡ Appendix I.

§ On the 20th of June, 1662, the Town Council ordained that the Commissioner to Parliament should be reimbursed for the expenses incurred by him "in getting a warrand from the Parliament to build ane meal mercat;" and they resolved to impose "four lib. Scots on everie sack of meal" sent into it for sale.

on a site north of the Tolbooth. There would, however, be no difficulty in getting any smaller public structures or private houses erected by resident workmen. A fish cross, which cost just £39 17s. 2d. Scots, was built, in or about 1640, by Herbert Anderson—a native mason, we infer from his name. His charge amounted to £13 6s. 8d.; and among other items in the account there are £3 10s. to Henry Logan, quarrier, for "70 draught of stanes, some of them great lang stanes;" and £5 5s. to Thomas Crocket and George Blunt, carters, for leading the same from the quarry to the Cross. Glass for windows was a rare luxury, restricted to ecclesiastical houses and the mansions of the affluent. The Council, in 1666, contracted with a Glasgow glazier to supply glass for St. Michael's Church at the rate of six shillings Scots per foot; and inasmuch as there was "no glassier in this countrie," they encouraged him to commence business amongst them by making him a freeman of the Burgh.*

Postal communication of a regular kind was begun in the district in 1642. That year a rebellion raged in Ireland; and the English Parliament, wishing to keep up a closer intercourse with the troops sent to cope with it, arranged with commissioners from Scotland to establish a line of posts between Edinburgh and Portpatrick, and between Portpatrick and Carlisle. To Robert Glencorse, merchant in Dumfries, was assigned the duty of making the necessary arrangements—Robert himself having the good luck to be installed as the first postmaster of the Burgh, his charge extending twelve Scots miles to the town of Annan. The other appointments were: "Mark Loch, betwix Carlisle and Annan, twelve mile; Andrew M'Min, betwix Dumfries and Steps of Orr, twelve mile; Ninian Mure, betwix the Steps of Orr and Gatehouse of Fleet, twelf mile; George Bell, from thence to the Pethhouse, eleven mile; John Baillie, from thence to the Kirk of Glenluce, thirteen mile; and John M'Kaig, from that to the Port, ten mile." These persons were looked upon as "the only ones fit for that employment, as being innkeepers and of approved honesty."†

Up till 1664, however, there was no direct postal connection

* Town Council Minutes. † Privy Council Records.

between Dumfries and the capital; the inconvenience arising from which being much felt, a committee of the magistrates was appointed, in December of that year, "to establish a constant foot-poast to go weikly betwixt this and Edinburgh, to appoynt his selarie, and consider quhat sall be payit for the post of lettres."* We thus see that, even in the stormy period of the Persecution, the material interests of the town were not altogether retrogressive—a circumstance that may partly be attributed to the favourable harvest seasons which marked the reign of Charles II., and to which the Jacobites afterwards made a boastful reference:—

> "When I see the corn growin' green on the rigs,
> And a gallows set up to hang the Whigs."

* Town Council Minutes.

CHAPTER XXXIV.

INGRATITUDE AND TREACHERY OF CHARLES II.—HE OVERTHROWS THE PRESBYTERIAN CHURCH, RE-ESTABLISHES EPISCOPACY, AND PROSCRIBES THE COVENANTS—DOINGS OF THE DRUNKEN PARLIAMENT—ADDRESS OF THE DUMFRIES PRESBYTERY TO THE KING ON HIS RESTORATION—THE STATUS OF THE PRESBYTERY DESTROYED—THE COVENANTING ELEMENT PURGED FROM THE TOWN COUNCIL—EXODUS OF FOUR HUNDRED NON-CONFORMING MINISTERS FROM THE ESTABLISHED CHURCH—HUGH HENDERSON, THE PARISH MINISTER OF DUMFRIES, RESIGNS HIS CHARGE—POPULAR DISLIKE OF AND OPPOSITION TO GEORGE CHALMERS, HIS SUCCESSOR—BESSIE HARPER REPUDIATES HIS MINISTRY, AND IS PUNISHED FOR IT BY THE TOWN COUNCIL—HEAVY PENALTIES IMPOSED FOR NON-ATTENDANCE AT CHURCH—THE TOWN COUNCIL CELEBRATE THE ANNIVERSARY OF "HIS MAJESTIE'S WONDERFULL RESTORATIONE"—MILITARY PRECAUTIONS AGAINST DISTURBANCES—RISE OF ARMED CONVENTICLES—INCREASE OF COERCIVE MEASURES—DUMFRIESSHIRE AND OTHER DISAFFECTED DISTRICTS PLACED UNDER THE RULE OF SIR JAMES TURNER—PERSECUTION OF MR. BLACKADDER, MINISTER OF TROQUEER—RIOT IN IRONGRAY AT THE SETTLEMENT OF A CURATE.

BEFORE the monarchy had been many months restored, both England and Scotland began to see that the event which they had hailed with enthusiasm ought rather to have been mourned over and deplored. Charles had learned no wisdom from adversity: he returned from exile hardened in his selfishness, debauched in his morals—resolved, in the teeth of his promises, to set up an absolute political sovereignty, and to claim unqualified supremacy in spiritual affairs. The Scottish Presbyterians had done him good service, for which he owed them gratitude and support: but he hated the views they held in regard to the royal power and the rights of the Church; and he could not brook their doctrines so sternly exactive, and which were a standing remonstrance against the immoralities which his personal example and encouragement had brought in like a flood.

His agents for enforcing passive obedience and overturning

Presbyterianism were the Earl of Middleton, whom he appointed King's Commissioner, and James Sharpe, who was made Archbishop of St. Andrews—the chief dignitary of the Episcopate which was introduced as soon as the old system was subverted. A packed Parliament, opened at Edinburgh in January, 1661, accomplished what Charles I. had for years attempted without success. In a series of sweeping decrees they annulled and overthrew those venerable institutions and wholesome enactments which their royal master and most of themselves had sworn to maintain inviolate. They conferred on the King the right of nominating to all civil offices; of summoning conventions, parliaments, and public assemblies; and of putting a veto on the renewal of the National Covenants. They passed an Act which, in its preamble, states that "the ordering and disposal of the external government and policy of the Church doth properly belong unto his Majesty as an inherent right of the Crown, in virtue of his royal prerogative and supremacy in causes ecclesiastical;" and the measure itself restored the "state of bishops" to "their ancient places and undoubted privileges in Parliament, and to all their other accustomed dignities, privileges, and jurisdictions." They next condemned and rescinded "all Acts of Parliament or Council which might be interpreted to have given any church power, jurisdiction, or government, to the office-bearers of the Church, other than that which acknowledgeth a dependence upon, and subordination to, the sovereign power of the King as supreme;" and, by way of corollary to these tyrannical decrees, the Covenanted Reformation, and all that was done for its accomplishment from 1638 to 1650, were declared to be treasonable and rebellious, the Covenants were cancelled "as in themselves unlawful oaths," and all such leagues or bonds were denounced as illegal.

This Convention of the Estates has come to be known as the Drunken Parliament: a fitting name for it, whether we look to the personal conduct of its members—not a few of whom, Middleton included, caroused and legislated at the same time—or to their measures, which were wild with the frenzy of intemperance. And these bacchanalian senators—sad to say!—shed blood as well as wine. Lest the murmurs that arose

against their iniquitous proceedings should find vent in open mutiny, the supporters of the Covenant were fined, imprisoned, and some of its chiefs put to death—the great Argyle being the principal victim.

Dumfries rejoiced, with all Scotland, "when the King came back to his own again." The Town Council voted congratulatory addresses; and the Kirk Session set apart a day of thanksgiving, in that "the Lord hath restored the King to his throne," and "taken power out of the hand of the sectary," and that the Word of God "is yet standing, in defiance of all the opposition it hath met with." On the 31st of October, 1660, the Presbytery of Dumfries took into consideration a letter sent by Charles to the metropolitan Presbytery, professing the most devoted affection for the Scottish Church, and his resolution to maintain and defend it. Regarding this royal epistle the Presbytery sent a communication as follows:—"We cannot but count our selves obleged to glorify the Lord our God, who hath put such pious resolutions in the heart of our King, as to discountenance and suppress profanity, and maintain Presbyterial government in this kingdom, as it is established by law, without violation, and to protect and encourage the ministers of the gospel in the due and faithful exercise of their ministry. As for our pairts, we resolve, by the grace of God, to watch in our stations, with Christian sobriety and faithfulness, and to promote his Majestie's just authority and greatness within our bounds, being strictly bound thereto by our constant engagement, and shall make conscience, privately and publicly, to pray for the preservation of his Majestie's person; and, as his Majestie's letter bears, we do also resolve to protect and preserve the govt. of this Church of Scotland, as it is settled by law, without violation, and government of his kingdom, that his heart may be enlarged as the sand of the sea shore, and filled with all royal endowments and graces for the advancement of religion and righteousness, that we may live a peaceable and quiet life, in all godliness and honesty. — Wm. Hay, Moderator."*

So wrote the reverend fathers, in the simplicity of their hearts. Soon afterwards the ukase of the sovereign, in whose

* Presbytery Records.

good faith they had placed firm reliance, destroyed their legal status as a spiritual court, and made them personally liable to persecution unless they abjured the principles which he, in common with themselves, had sworn to uphold.

The Town Council records bear ample evidence at this time of the terrible reaction brought about by a bad king and his ready satellites. What a change! Dumfries was emphatically an independent and covenanted Burgh; but now we begin to find in the minutes uncouth signatures endorsing a slavish oath of allegiance, and an entire repudiation of the National Covenant, the Solemn League, and all treaties or bonds of a similar import.

On the 2nd of October, 1660, according to annual custom, four merchants were elected councillors, in room of the same number who retired; and seven tradesmen, deacons of their respective corporations, were also added to the Council, in place of the deacons who had gone out of office. Thus partially made up anew, the Council elected magistrates for the ensuing year; and, significant of the revolution at headquarters, Provost Robert Graham, who had acted as such during nearly the whole of the Protectorate, was passed over, though anxious for a new lease of power, and John Irving,* treasurer, who was considered to be more acceptable to Middleton, was placed in the civic chair. But not only was it necessary that the chief magistrate should be of the Government pattern—the members of Council must also be made conformable to it. Accordingly, on the 16th of April, the Council took into consideration a letter they had received from the subservient Convention of Burghs, intended to instruct them in the mode of purging the corporation, so as that it should come to be made up exclusively of ultra-Royalists. It is gratifying to find that the people of the town had some true and stanch representatives in the local parliament, who refused to take the oath and to subscribe the declaration. Out, however, they had to go; and no very great difficulty seems to have been experienced in supplying the place of these doughty Whigs by pliant burgesses, who, like the

* The Irvings of Bonshaw and Drum took the Royalist and anti-Presbyterian side in the reigns of Charles I. and II.; and their relatives in Dumfries did the same.

Vicar of Bray, were ready to make any concessions for the sake of office.

On the following day (17th April) the clerk was instructed to answer the letter from the Convention; and in so doing he set forth the steps that had been taken to obey the requirements of that body. We thus learn that, at the first meeting of the Council on the subject, "the said oath and acknowledgement being read, was by some few accepted, and by the most part refused;" that at a second meeting, held next day, "some of the refusers did then, upon better consideration, give obedience;" that at a third meeting, on the third day, "some few more did take the oath and sign the acknowledgement foresaid," but that two bailies and divers councillors continued contumacious, the former of whom had since been superseded, and the vacancies filled up; and that eventually the Council had been completed in a satisfactory way, all the members "having asserted his Majestie's prerogative under their hand," and complied with the other conditions of office.* The men of the Trades, too, who loved the Covenant, and detested the new order of things, murmured loudly, and threatened to be troublesome. Foremost among the malcontents were certain smiths or hammermen, and glovers,† who, when others of their number chose Conformist deacons, held meetings, and elected chiefs of their own stamp; and it seemed as if the latter would at one time have taken their places in the Town Council by force. Forthwith, Stephen Irving, one of the new bailies, and another magistrate, were despatched to Edinburgh to apprise the Privy Council of this audacious procedure. Armed with instructions, the nature of which may be guessed at, the bailies returned; and in the course of a few weeks afterwards three of the clamorous hammermen publicly confessed they had sinned in ignorance, that they were sorry for their fault, prayed for forgiveness, and engaged to be more circumspect in future.‡ We hear no more of the smiths' opposition; and we suppose

* Town Council Minutes.

† It will be seen that a member of this corporation—James Callum—took a leading part in the armed outbreak which soon afterwards occurred against the Government.

‡ Town Council Minutes.

both they and their fellow-craftsmen, the glovers, were subdued, if not converted.

At a Privy Council meeting held in Glasgow on the 1st of October, 1662, a blow was struck which destroyed all the few faint remaining vestiges of religious liberty in Scotland. That body, by way of supplementing the deeds of the Drunken Parliament, passed a resolution requiring all the ministers who had been ordained from the year 1649, to take out a presentation from the patrons, and receive collation from the bishops; in other words, to renounce Presbyterianism and accept Episcopacy—extrusion from their parishes to be the penalty of non-compliance. Four hundred—fully one-third of the entire clergy of the Church of Scotland—gave up their churches, manses, and stipends, rather than submit to this outrageous mandate: braved the winter's blast, the prospects of want, of persecution—which many of them, alas! had to endure to the death—rather than purchase immunity and ease by sacrificing their Christian rights. The lapse of less than twenty years had brought with it a state of affairs that contrasted sadly with the time when the Covenant had its potent war committees and its triumphant armies: after the defeat at Dunbar, the latter never recovered their *prestige;* and Presbytery, long robustly militant, now appears as a hunted wanderer, weak and weaponless, sorrowful and forlorn. "By the 1st of November, 1662, in the five western counties, through Mid-Lothian and Fife, in the dales of the Nith and Annan, and Esk; in the uplands of the Tweed and the Teviot; in short, through all the Lowlands, wherever there was religious feeling, the darkness of night and the silence of death fell upon the churches." *

At this time, Mr. Hugh Henderson, formerly of Dalry, was still the parish minister of Dumfries. He had laboured faithfully in the town and district fourteen years, and was deservedly beloved by the people of his charge. What of that? He was a devoted, uncompromising Presbyterian; it was morally impossible for him to renounce his convictions and accept a system which he loathed: no alternative remained to him, therefore, but to bid a tearful farewell to his flock. There is a trace of rough pathos in the reference made to this subject in the Town Council

* Dodds's Fifty Years' Struggle, p. 125.

books. That body, though submissive to the Government, were attached to the minister, who had, in happier times, been the people's devoted spiritual guide; and the affection they bore to him is breathed in the record—the usual dry conventional style of the minutes being in this instance departed from. We subjoin the entry very slightly modernized:—"11th October, 1662.—The Council considdering that the Erll of Middletoun, his Matie's [Majesty's] Commissioner for the part of this kingdome, hath dischargit Mr. Hugh Henderson from preaching within this brugh, thairfoir they have enacted that thai presentlie at their removing from the tolbooth, all in one body, and with one hart and desyre, to goe deall with and earnestlie to beseatch the said Mr. Hugh Henderson, that he would give satisfactioune unto the said Lord Commissioner in his grace's desyres, that they be not frustrat of his ministrie; and to declair their grief and sorrow for the loss of a minister to quhom they are so affectionatt, in cais of his refuisall." The entreaties of the Council were of no avail: Mr. Henderson left Dumfries,* and was succeeded in his ministerial office by Mr. George Chalmers, who proved anything but acceptable to the inhabitants.

Mr. Henderson had made himself so obnoxious to the Privy Council that they levelled a special Act against him, which would have taken effect even if he had not been included within the sweep of the more general measure. According to Wodrow, the ministers of the Dumfries Presbyteries extruded

* At this time there was no manse for the parish minister; but a house was rented by the Burgh for his use, as shown by the following document:—"Acompt with Mr. Hew Henderson for the yeirly rent of his house from the tearme of Martinmas, 1648, which was his entrie to Dumfrise untill this ensewing tearme of Whitsunday, 1658, being in all the space of nine yeirs and ane half, in which yeirs he possessed ane house belonging to Mr. John Corsan, for the space of foure yeirs and an half, 100 marks yeirly, the rent will be for that space 450 marks. Also, he possessed an house belonginge to John Newall for fyve yearis come Whitsunday of the said space, at 80 marks yeirly—400 marks. Suma for the said space of 9 yearis 850 marks. Paid him as follows:—Be William Walls, treasurer, for ane year, 100 marks; out of the tythe (1648), 100 marks; Be Patrick Younge, be order of the Counsel, 100 marks; Be Baillie Cunninghame, be John Newall, be order of the Counsel, 100 marks; Bond granted to Mr. Hew, 276 marks:" in all 676 merks, leaving a balance of 171 merks, which was paid to the minister, he signing the discharge. —*Burgh Records.*

alongst with him, or soon afterwards, for non-compliance with the Glasgow Act, were George Campbell of Dumfries (who was married to a daughter of Mr. Henderson's, and was ordained as his colleague in 1658),* John Campbell of Torthorwald, William Shaw of Garran, William Hay of Holywood, Robert Archibald of Dunscore, John Welsh of Irongray, Robert Paton of Terregles, John Blackadder of Troqueer, Anthony Murray of Kirkbean, William Mein of Lochrutton, Alexander Smith of Colvend, and Gabriel Semple of Kirkpatrick-Durham. A few ministers—William Macgeorge of Carlaverock, Francis Irving of Kirkmahoe, George Gladstones of Urr, and James Maxwell of Kirkgunzeon—received the modified punishment of being restricted to their respective parishes; and we only read of two belonging to the Presbytery who absolutely conformed, namely, Ninian Paterson, whose charge is not given, and John Brown of Tinwald.†

In due course, Mr. George Chalmers commenced his ministry in St. Michael's: though, when he introduced the Service-book, no wrathful Jenny Geddes started up to oppose the innovation, the pews—chairs, rather, there being nothing but movable seats in the church at that time—were half deserted; and one Bessie Harper expressed a pretty general feeling when she reproached two individuals whom she saw going to the preaching, by saying, "It seems the word of God which they have heard formerlie had taken little ruit in their hearts, seeing they were going to heir one that preaches against the trew word of God." Rash words these, though possibly very truthful; and the same outspoken dame was heard to declare defiantly, "that though the magistrats of Drumfreis would hurle her upon a cairt, she should nevir heir one sermone of this present

* Among the Burgh records there is the following letter from Mr. Campbell—about the last receipt he wrote for his stipends in Dumfries:—"I, Mr. George Campbell, minister of Drumfrise, grants me to have received fra James Kennan, merchant burgess of the said Burgh, in name of the magistrats, Toune Counsell, and communitie, the sum of five hundredth and fourtie merks Scots money for my proportion of stipend and manse money, for the terme of Martinmas fiftie-nine; and I doe by these presents discharge the saide magistrats, Toune Counsell, and Communitie of the said sum, &c. In witness quhereof I have subscribed these presents with my hand at Drumfrise, the 20 of April, 1660 years.—Geo: Campbell."

† Wodrow, vol. i., p. 326.

minister." For these treasonable statements the poor woman was tried by the Town Council, on the 10th of November, and, on conviction, fined in twenty pounds Scots, with the alternative of lying in prison till the money was paid, or of banishing herself perpetually from the Burgh.*

Next day the town drummer startled the lieges by announcing in the streets, that inasmuch as divers persons continued to despise the order of the Council to attend service on the Lord's day, "to the great skandell of the gospell and breache of the Sabbath," it is now enacted that every master and mistress of a family within the Burgh, being in health, who shall wilfully absent themselves from the kirk on Sabbath shall be fined for each day's absence in forty shillings Scots, and each servant who shall go out of the town on that day shall be fined in six shillings Scots.† There is a good deal of the Pharisee, as well as of the persecutor, in this intimation: the Burgh authorities, at the bidding of Middleton, supersede the popular Presbyterian preacher by a time-serving Prelatist, and yet hypocritically profess to be actuated by a holy zeal for Sabbath observance, and a jealous regard for the honour of the Gospel, when they threaten those with vengeance who refrain from hearing a minister who is repugnant to them, and from taking part in a service which they utterly, and from conscientious motives, detest.

In another more telling way still, some of the good Covenanters of the Burgh testified against the tyranny of the times. Parents who had children to be baptized carried them to "the secret places of the hills," or the solitary glens, where the outed ministers were hiding, that the sacred ceremony might be performed in Nature's own temple, and according to the simple ritual of the Presbyterian Church. Such conduct being deemed intolerable by Provost Irving and his colleagues, they resolved, if possible, to put it down. Again the town-crier lifted up his voice to announce in the market-place that the inhabitants must not only attend the curate's ministry, but that he, and he alone, was the recognized administrator of the sacraments, and that those who poured contempt upon him by getting their infants baptized in the country, would be subject

* Town Council Minutes. † Ibid.

to a heavy penalty, varying from ten pounds Scots, on such as were worth less than five hundred merks yearly, to one hundred merks payable by rich offenders.*

In the year 1662, the fines levied for nonconformity in the County amounted to £164,200 Scots,† John Laurie of Maxwelton suffering to the extent of £3,600; from James Muirhead, merchant, Dumfries, was exacted no less a sum than £1,000; Robert Wallace, merchant there, had to pay £600; James Moffat, merchant there, £300; John Ewart, John Gilchrist, and John Copland, all burgesses, £360 each; James Callum, glover, £300; and John Short and John Maitland, also members of this uncompromising craft, were mulcted in £240 each for (figuratively) throwing down the glove to Middleton, the dictator.

The imposition of Prelacy in this high-handed fashion, as a result of King Charles's recall, was a bitter draught to the Dumfriesians; and, to give it a greater infusion of gall, they were forced to go through the farce of rendering public thanks for the altered state of affairs. On the 25th of May, 1663, the Council met brimming with loyalty, and on sanctimonious deeds intent. The minute informs us that they called to mind that the twenty-ninth of May was approaching, the eventful day which Parliament had ordered to be set apart for thanks and praise, "in commemoratioune of his Majestie's wonderfull restoratione, by God's blyssing, to his crown and kingdomes;" and that, therefore, not simply in obedience to the Act, "but from ther awin trew sense of God's mercie therein, they do ordain and command all the inhabitants of this Burgh" to attend the magistrates, at eight o'clock on the morning of the 29th, on the Upper Sandbed, "and thereafter accompany the said magistrats unto the kirk of this burgh, and ther to heir sermone; with certificatioune to all such as sall not give punctuall obedience to this Act, they sall pay ten merkes of fyne unforgevin."‡

About this period it would seem as if the authorities, afraid of disturbances, had taken special means to have such burgesses as they could fairly trust, better armed than usual. A partial list has been preserved of "the guns and partizans belonging to the town," on the 22nd of September, 1662, which contains

* Town Council Minutes. † Wodrow, vol. i., p. 273.
‡ Town Council Minutes.

the names of seventy-three persons, with the figure 1 attached to each, the document closing thus:—"The Counsell ordaines Thomas Irving, bailie, to goe along with Jon Mertine, treasurer, to the houses of all the persons of the list above written, who dwell betwixt the Kirkgate port and Castlegaitt, on the west syde of the towne, and to delyver to each person, or leave at their houses, ane firelock-gun; and appoynt Stephan Irving, bailie [the indefatigable Stephen], to goe throw with the said treasurer the rest of the town, and to leave one of the said pieces at everie one of the houses according to the said list, and to intimate unto them they are to pay 8 lib. 10 sh. to the treasurer for ilk piece of them, to be payit within fyftein days under the pein of imprisonment."*

It may be inferred, from subsequent events, that, in spite of the edicts against nonconformity, not a few influential burgesses of the town, and farmers in the landward part of the Parish, systematically absented themselves from St. Michael's Church, and were subjected to fines and imprisonment on that account. Passive resistance of a similar kind was extensively practised throughout the south and west of Scotland; and the stringent measures taken by the Government to overcome it, increased the disaffection, till the country seemed to be on the brink of insurrection. Armed conventicles now began to spring up; and, for the purpose of crushing them and enforcing implicit submission on the people, the standing army—raised to 3,000 infantry, and eight troops of cavalry—was sent into the insubordinate districts, with orders to maintain itself by fines, and free quarters exacted from Nonconformists. To Sir Thomas Dalziel of Binns—a fierce, unscrupulous savage—was assigned the chief command of this coercive host; and he found a congenial subordinate in Sir James Turner, an unprincipled soldier of fortune who had once professed zeal for the Covenant, and now readily placed his sword at the disposal of the Government.† As time

* Burgh Records.

† His approaching visit to Dumfries was intimated to the Town Council on the 6th of June, 1666, on which day the Provost produced a letter "fra Sir James Turnor for provyding quarter for himself and his officers and souldiers, quho are to be heir about the first of July nixt:" upon which the Council appointed a committee "to draw and lift of the brewars and others fitting for ther quarters."

rolled on it brought new rigours; and by 1666 the reign of terror instituted by the Privy Council had reached a stage of refinement and perfection not previously attained.

The Earl of Lauderdale had succeeded Middleton as King's Commissioner. His chief colleague in the administration was Archbishop Sharpe: the one was the complement of the other; and between both, a despotism in all civil and religious matters was set up such as Scotland had never suffered from before. A secret, irresponsible tribunal, called the Court of High Commission, was formed by them and their minions, on the model of the Spanish Inquisition, which set aside all forms of justice; acted independently of accusers, witnesses, and defenders; impoverished rich offenders by merciless exactions; filled the prisons with poorer recusants, whilst its armed emissaries scoured the country for the double purpose of keeping the Court in work, and of foreclosing, if possible, the threatened outbreak of popular vengeance.

Ayrshire, Dumfriesshire, and Galloway formed the district assigned to Sir James Turner, in which to carry out the measures of the Court. No arbitrary junto could have had a fitter or more faithful servant. To do him justice, he does not seem to have been gratuitously cruel. If suspected persons quietly conformed, he did not punish them to excess; but woe to the wilful, obstinate deserters from the parish churches, and frequenters of conventicles! In such cases he was utterly ruthless —his plea being, that as a soldier he was bound in duty to obey orders. He found the intruded curates useful assistants. Mr. Chalmers, of Dumfries, and others similarly situated, supplied to Sir James the names of non-attenders on their ministry, who, when found, were fined forthwith; and if they could not pay the money, they were sent to jail, or if they would not, some of his soldiers were quartered upon them till their contumacy was overcome. The following minute, dated 5th September, 1670, shows the part taken by the town authorities in this coercive work:—"The Counsall being informed that there is a company of foot and a partie of hors appoynted to quarter in this burgh, which is occasioned by several inhabitants who doe not frequent the ordinances, it is therefoir enacted that such as are able and have never as yitt come to the churche of this

burgh to hear the service of the minister, shall have sex foot soldiers quartered upon them, or two hors."

The case of Mr. John Blackadder, minister of Troqueer—a parish that is separated from Dumfries by the river Nith—may be noticed as an example of the way in which the Glasgow Act was enforced by Turner and his men. They were not satisfied with ejecting him from his parish, but wished to subject him to fine or imprisonment; and he, aware of their designs, rode to Caitloch in Glencairn, for the purpose of securing a safe residence for himself and family beyond the bounds of the Presbytery. Next day (Sabbath), a party of soldiers crossed the bridge, and, proceeding to Troqueer manse, behaved with characteristic insolence to Mrs. Blackadder and her children. One of them, a boy,* told the story of the troopers' unwelcome visit in the following simple words:—"A party of the King's life-guard of horse, called Blew-benders, came from Dumfries to Troqueer to search for and apprehend my father, but found him not; for what occasion I know not—whether he stayed beyond the set day for transporting himself and numerous family of small children ten miles from his parish church, or because he was of the number of those who refused to observe the 29th of May. So soon as the above party entered the close, and came into the house, with cursing, swearing, and damning, we that were the children were frightened out of our little wits, and ran up stairs, and I among them; who, when I heard them all roaring in the room below, like so many breathing devils, I had the childish curiosity to get down upon my belly and peep through a hole in the floor above them, to see what monsters of creatures they were; and it seems they were monsters indeed for cruelty, for one of them perceiving what I was doing, immediately drew his sword, and forced it up with all his force where I was peeping, so that the mark of the point was scarce an inch from the hole, though no thanks to the murdering ruffian who designed to run it through my eye. Immediately after, we were forced to pack up bag and baggatch, and to remove to Glencairn, ten miles from Troqueer. We who were the children were put into cadgers' creels, where one of us cried out, coming throw the Bridgend of Dumfries, 'I m

* Afterwards Dr. Blackadder, a distinguished physician.

banisht! I'm banisht!' One happened to ask, 'Who has banisht ye, my bairn?' He answered, 'Byte-the-sheep has banisht me.'" Even when removed from his parish, the outed clergyman got no rest for the sole of his foot. Byte-the-sheep Turner tracked Blackadder with the stealthiness of a ravening wolf; but, on entering the family fold in Glencairn, he again missed the object of his search, the minister having gone that very day to seek a place of securer refuge elsewhere.* He was eventually captured, however, and died on the Bass, after five years' imprisonment, in December, 1685.

In the same year as the soldiers' raid upon Troqueer manse (1663), the settlement of Mr. Bernard Sanderson as curate of Irongray caused a great deal of commotion in the latter parish. The people could not bear the idea of seeing their devoted pastor, Mr. Welsh, superseded by one of whom they knew nothing, except that he was the nominee of the arbitrary Privy Council, and a Prelatist. To Mr. John Wishart was assigned the duty of introducing the new minister, but the parishioners refused to receive either of them, and on Sanderson again applying for admission, he brought with him a retinue of soldiers, thinking thereby to overawe any opposition that might be offered. When the party drew near the church, they received a rough greeting from a shower of stones thrown over the churchyard wall by a crowd of women, led on to the crusade by a humble heroine, named Margaret Smith. They had laid in beforehand a large store of missiles, and used them with such effect that the minister and his men, armed though the latter were, faltered in their resolution to force an entrance; and fairly gave up the attempt when they saw other irate parishioners of the rougher sex flourishing swords, and heard one of them, as he set his back to the door of the sacred edifice, daring them for their lives to settle a curate in Irongray that day.

The occurrence of this popular tumult, and of a similar one at Kirkcudbright about the same time, so enraged the Privy Council, that they appointed a commission, consisting of the Earls of Linlithgow, Galloway, and Annandale, Lord Drumlanrig, and Sir John Wauchope of Niddry, to proceed to the

* Crichton's Life of Blackadder, pp. 130–2.

south, and take the requisite steps for bringing the offenders to justice. The commissioners sat at Dumfries when inquiring into the Irongray case, and on the 30th of May, 1663, reported upon it in these terms:—"In pursuance of the commission as to the trial of the abuse lately at Irongray, we caused cite before us William Arnot of Littlepark, George Rome of Beoch, and several other persons said to be concerned therein; and after we had examined witnesses, we found that there had been several unlawful convocations of the people of that place, for the opposing of the admission of Mr. Bernard Sanderson to be preacher at the said parish, especially against the serving of his edict, and thereby hindering Mr. John Wisheart to preach, who was to have admitted the said Mr. Bernard. By the said depositions, we find that the said William Arnot did keep several meetings before the tumult; and that when he was desired and required by the messengers who went to serve the edict, to assist to hold the women of them, he declared he neither could nor would do it, that he drew his sword, and set his back to the kirk door, and said, 'Let me see who will place a minister here this day!' Therefore we find him guilty of the said tumult, and ordain him to be sent into Edinburgh under a guard. We find George Rome of Beoch accessory, as being present upon the place, and not concurring for compescing of the tumult, and ordain him to go to prison until he find caution, under five thousand merks, to appear before the Council when called. And as to the rest of the persons, we find there hath been a great convocation and tumult of women; but by reason there is no special probation of any persons particularly miscarrying, more than these being there present at the tumult, we thought fit to ordain the whole party of horse and foot to be quartered upon the said parish of Irongray, upon free quarters, until Monday next; and that the whole heritors of the said parish give bond, upon the penalty of one hundred pounds sterling, for their future loyal good behaviour: And recommended to the Sheriff of Nidsdale to apprehend and try some who had not compeared, and report to the Parliament or Council, betwixt and the 28th of June."

The Council found no difficulty in convicting Arnot: he was fined in the sum of five thousand merks, and commanded,

"betwixt and the 25th of October next to come, to make public acknowledgement of his offences two several Sabbaths, at the Kirk of Irongray, before that congregation." Arnot, it appears, was but a small farmer of limited means, who would have been ruined by the exaction of such a sum; and on his making a representation to that effect to the Lords, and declaring that he was a loyal subject, and had previously suffered loss under the usurpation, they mitigated the fine one thousand merks. There is no reference in the above report to the Irongray heroine. Blackadder tells us, however, that "the said Margaret was brought prisoner to Edinburgh, and banished to Barbadoes. But when before the managers, she told her tale so innocently, that they saw not fit to execute the sentence."

CHAPTER XXXV.

COVENANTING OUTBREAK AT DALRY — THE INSURGENTS RENDEZVOUS AT IRONGRAY CHURCH, AND THEN MARCH TO DUMFRIES — THEY OCCUPY THE TOWN, AND MAKE SIR JAMES TURNER PRISONER — THEY CONVENE AT THE MARKET CROSS, AND EXPLAIN THE REASONS OF THEIR MOVEMENT—ONE OF THE BAILIES PROCEEDS TO EDINBURGH WITH THE ALARMING NEWS THAT A REBELLION IS RAGING, AND THAT THE CHIEF TOWN IN THE SOUTH IS AT THE MERCY OF THE ENEMY — THE INSURGENTS PROCEED WESTWARDS — TURNER'S DESCRIPTION OF THEIR APPEARANCE AND EQUIPMENTS—THEY MOVE TOWARDS THE CAPITAL—BATTLE OF THE PENTLANDS, AND DEFEAT OF THE COVENANTERS BY SIR THOMAS DALZIEL — JUDICIAL VENGEANCE — TWO FUGITIVES FROM THE FATAL FIELD SENTENCED TO DEATH AT AYR, AND EXECUTED AT DUMFRIES—MEMORIAL STONES OF THE MARTYRS IN ST. MICHAEL'S CHURCHYARD—THE INDULGENCE — MILITARY PREPARATIONS OF THE COUNTY—THE CASTLE OF DUMFRIES GARRISONED.

WHEN such explosive materials as these existed, it required but a trifling incident to fire the train. In November, 1666, the flames of insurrection broke forth in Galloway under such unpremeditated circumstances as we are about to describe. On the 13th of that month, a party of Turner's soldiers, stationed at St. John's Clachan of Dalry, in the hilly region of Glenkens, confiscated a patch of corn belonging to a poor old man named Grier, and threatened him with personal maltreatment unless he paid the balance of church fines with which he was charged. At this juncture, four Covenanting refugees entered the village in search of food—one of them Mr. M'Lellan of Barscobe, who had been subjected to much persecution for conscience' sake. They felt much sympathy for their fellow-sufferer, but, smothering their feelings, withdrew to a small change-house,* where,

* The house in which they sat is still standing, but was partially rebuilt a few years ago; it was called Midtown. John Gordon then occupied it as a kind of tavern. Mr. Train says: "My friend, Mr. John M'Culloch of New Galloway, kindly procured from the proprietor for me one of the old rafters, of which I intend to make some articles of *vertu.*"—*History of Galloway*, vol. ii., p. 158.

soon after, tidings reached them that the soldiers, carrying their menaces into effect, had stripped Grier naked in his own house, with the intention of subjecting him to torture, by setting him on a red-hot gridiron.

The four wanderers could remain patient no longer: hurrying to the old man's house, they remonstrated with the soldiers, who told them to mind their own business, and not to interfere, or it might be worse for them. After a brief altercation, several country people entered, and began to remove the bandages with which Grier's arms were fastened. The soldiers then drew their swords, and wounded two of them; upon which one of the latter retaliated by firing a pistol, loaded with a piece of tobacco pipe for bullet. A general fight, of short duration, ensued, terminating in the defeat of the troopers, who were all made prisoners and disarmed. What to do next became a matter for serious consideration. There was another party of ten or twelve soldiers at the neighbouring village of Balmaclellan; and, lest they should resort to reprisals, some of the country people set off early next morning, and made the whole of the soldiers captive, except one man, who offered resistance, and was killed. The outbreak was carried to its second stage, for the purpose of securing the safety of those accidentally led to engage in it: but if they now dispersed, they would certainly be pursued by the merciless soldiery belonging to the rest of Turner's force; and if they should succeed in escaping, the district would be subjected to such vengeful devastation as was fearful to contemplate. These reflections induced M'Lellan and his comrades to unfurl boldly the flag of insurrection. They were joined by another gentleman of the district, Mr. Neilson of Corsack, by Mr. Alexander Robertson, son of an outed minister, by Mr. Andrew Gray, an Edinburgh merchant, who happened to be in the district at the time; and these, the leaders of the movement, easily succeeded in raising a considerable force, the rural population all round being ripe for insurrection.

A council of war was held, at which a march on Dumfries, for the purpose of surprising Sir James Turner, was resolved upon; the place of rendezvous being fixed at Irongray Church, about six miles distant from the town. With wonderful secrecy and despatch, due notices were given and acted upon; and on

the day after the casual skirmish at Dalry, a force of two hundred infantry and fifty horsemen mustered at the appointed place; the blue banner of the Covenant, the ensign of rebellion against the Government—rather, we should say, of righteous resistance to a tyrannical faction—flying above their small but resolute ranks. Gray—who seems to have been a fussy, pretentious gentleman, without any real regard for the cause with which he was prominently mixed up—was appointed leader of the little host. Starting from Irongray Church soon after sunrise on the 15th, they marched quietly on their appointed way, reaching the Bridgend of Dumfries about ten o'clock in the morning. Sir James Turner has sometimes been spoken of as a model soldier: yet though rumours of the insurrection had reached him, he appears to have made no preparations for meeting it, even when it was rolling to his very door; and, strange to say, though in the midst of a warlike people, who bore him no good-will, he had not, on this critical occasion, a solitary sentinel posted at the entrance of the town from Galloway.

Accordingly, when Captain Gray and his men reached the place where the populous burgh of Maxwelton now stands, they were agreeably surprised at finding the bridge unguarded, and the road to the headquarters of the renegade "malignant" open before them. Matters being in such a favourable train, it was thought best to allow the foot soldiers to remain outside, while a party of the horse rode across to pay the compliments of the morning to Sir James. Corsack and Robertson were entrusted with this delicate and perilous duty. Followed by several others, about half-past eight o'clock they crossed the bridge, passed up Friars' Vennel, and then down to Turner's lodgings, in Bailie Finnie's house, High Street. Aroused too late by the ring of the horses' hoofs upon the pavement, he rose in great alarm, ran in his night-dress* to the window, and, seeing an armed band below, exclaimed, "Quarters! gentlemen, quarters! and there shall be no resistance!" "Quarters you shall have," said Corsack, "on the word of a gentleman, if you surrender at once without resistance." "Quarters he shall have none!" said Gray, who now came up; and, suiting the action to

* Sir James Turner's Memoirs, p. 148.

the words, he presented a carabine at Turner; and had not Corsack, who was the real leader of the enterprise, interposed, the unscrupulous agent of the Government would have been instantly sent to his account. One soldier only, as at Balmaclellan, resisted, and died of the wounds he received; all the others giving themselves quietly up, according to the example and orders of their commander.

According to Turner's own statement, no more than thirteen of his men were in town at the time, the rest being quartered in the country on persons who "refused to give obedience to church ordinances." "Some few of my sogers," he adds, "were taken in their lodgings. They [the insurgents] looked for Master Chalmers, the Parson of Drumfries, but found him not, yet did they bring away his horse."*

There was great rejoicing in Dumfries on account of this overthrow of the tyrant captain and his troop. "He had," says Gabriel Semple, "been reigning [there] like a king, and, lifted up in pride, with insolence and cruelty over the poor people;" and it is no wonder that, to signalize his degradation, they, as the same authority informs us, "set him on a low beast, without his vest-raiment, and carried him through the town in a despicable manner." It says much for the forbearance of the insurgents and the people of the Burgh, that Sir James Turner received no worse treatment than was involved in this pardonable exhibition of him in his new character. They then held a meeting at the Cross, where the leaders explained and vindicated their conduct; and to show that it was not the monarchy, nor the King, but his despotic ministers, against whom they had taken up arms, they expressed aloud their devoted attachment to his Majesty's person—a sentiment that was readily responded to with cheers by the listening crowd.

The Town Council of Dumfries had seen with horror the capture of the Government troops and the occupation of the Burgh by an insurgent band; and they too convened a meeting, differing very much in character, however, from the exuberant one outside. To think that their loyal town had been the scene of such a scandalous insult to the dominant powers, and that their sycophantic selves might be implicated in the

* Sir J. Turner's Memoirs, p. 149.

disgrace and its consequences! The very idea of such an affront upon the State, and such a stain upon their own escutcheon, was intolerable. Dismal faces and troubled shakings of the head were seen, lugubrious regrets and sad misgivings were expressed, at this conclave of the Burgh magnates; and, before it broke up, it was resolved to send Bailie Stephen Irving to Edinburgh,* for the double purpose of acquainting the Privy Council with what had occurred, and putting the best possible face on their own connection with it. Late on the following evening (the 16th) the magistrates announced to Lauderdale and his colleagues that a Covenanting rebellion had broken out, headed by Neilson of Corsack, M'Lellan of Barscobe, M'Cartney of Blaiket, Alexander Robertson, son of a conventicle preacher, and the notorious Nonconformist, James Callum, glover in Dumfries; that Dumfries was in the hands of the triumphant insurgents, greatly to the sorrow of its loyal lieges and their rulers; and that, in order to crush the audacious traitors, decisive measures would have to be promptly resolved upon. This was astounding intelligence indeed: alarm was the first emotion that prevailed among the Privy Councillors; rage followed; then incontrollable fury, that found vent in a resolution, which was speedily put in force, to exact a fearful measure of revenge.

Meanwhile the insurgents, now numbering three hundred, marched from Dumfries to the Church of Glencairn, situated at a distance of fifteen miles on the west bank of the Nith; and on the 16th they re-entered Dalry, still carrying with them their prisoners. Here, as we learn from Turner himself, Hugh Henderson, the outed minister of Dumfries, in the spirit of genuine Christian charity, returned good for evil to the man by whom he had been harshly maltreated. Mr. Henderson had taken refuge in the neighbourhood, and hearing of what had occurred, got permission from Gray to entertain Sir James at dinner, and even pleaded, though without success, that he should be set at liberty. "Though he and I," says Turner, "be of different persuasions, yet I will say that he entertained me with very reall kindnes."† A beautiful trait of character is thus pre-

* Town Council Minutes; and Wodrow, vol. ii., p. 19.

† Memoirs, p. 152.

sented, which those who take delight in disparaging the Nonconformist clergy of this period would do well to study. At Dalry, we also learn from Turner, Captain Gray, the "By-ends" of the movement, gave his men the slip: "for the day before he had sent away the money and other baggage, which he had got from me; and thinking he had sped well enough, resolved to retire himself before the fire grew hotter."

When the Edinburgh Covenanters heard of the rising at Dalry, many deemed it premature; but the general opinion was, that since it had occurred it ought to be supported. Not a few of them accordingly made common cause with their insurgent brethren; and among other men of note who joined them in the west country were Lieutenant-Colonel Wallace, who had earned distinction in the civil wars; Maxwell of Monreith in Galloway; John Welsh,* the outed minister of Irongray; and two other preachers also well known—William Veitch, afterwards minister of Dumfries, and Hugh M'Kail of Ochiltree. The somewhat irregular host was properly organized; Colonel Wallace was appointed commander; and a resolution was adopted to march towards the capital, with the view of calling out their friends there in greater force, and, if possible, of making a powerful demonstration against the Government. Continuing their journey during a protracted storm, they passed through Cumnock and Muirkirk, arriving at Douglas on the 24th of November, where a council was held, at which it was conclusively resolved to proceed with the enterprise at all hazards.

At Douglas another question was debated: whether the persecuting chief, delivered by Providence into their hands, should not be put to death. The propriety and duty of thus dealing with Turner were vehemently insisted upon by the more violent of the leaders; whilst Corsack and others contended as stoutly that his life ought to be spared. Sir James, as we learn from his own account of the matter, had a narrow escape. "That night," he says, "a councell or committee was keepd, where it was concluded that nixt morning, the Covenant should be renewd and sworne. And the question was, whether immediatlie after they should put me to death; they who were for it

* Grandson of the still more celebrated John Welsh, who took a leading part in opposing the Prelatical encroachments of James VI.

pretended ane article of the Covenant obliged them to bring all malignants to condigne punishment. Bot it was resolved that I sould not dy so soone, bot endeavors sould be used to gaine me. All this was told me by one of my intelligencers before two of the clocke nixt morning. Yet I have heard since, that it was formallie put to the vote whether I sould die presentlie, or be delayed, and that delay was carried in the councell by one vote onlie." Even after the insurgent army had been pelted by the elements, it made a creditable appearance in the eyes of Turner, military martinet though he was, and by no means anxious to present a flattering picture of his captors. "The horsemen," he tells us, "were armed for most part with sword and pistoll, some onlie with suords; the foot with musket, pike, sith, forke, and suord; and some with staves, great and long. There [at Douglas] I saw two of their troops skirmish against other two (for in foure troopes their cavallerie was divided), which I confess they did handsomelie to my great admiration. I wondered at the agilitie of both horse and rider, and to see them keepe troope so well, and how they had comd to that great perfection in so short a time." He closes his verdict by saying: "I never saw lustier fellows than these foot were, or better marchers; for though I was appointed to stay in the car, and notwithstanding these inconveniences [of darkness and tempest], yet I saw few or none of them straggle."*

It is not necessary that we should follow the various steps of these bold, devoted men. Their enterprise was one of the most daring of that adventurous day. Forlorn and desperate it proved; but had they received even a moderate degree of support from their suffering fellow-countrymen, the issue might have been more favourable, and "from Fate's dark book a leaf been torn." For their unpremeditated outbreak the country was not prepared. Arrived at Lanark, numerous recruits joined them, swelling their ranks to two thousand men or more: but when the vicinity of Edinburgh was reached, they had to lament numerous desertions; and, what was worse, they found the gates of the city barred against them, and no friends hurrying from it to hail their approach. In this dilemma they learned that General Dalziel was following rapidly on their

* Memoirs, p. 167.

track; and in the dead of night, faint with hunger and fatigue, heart-sore with disappointment, the wandering host, retreating to the Pentland hills, encamped on the elevated table-land of Rullion Green, there to "dree" what fortune had in store for them. Defeat, death by the sword and on the scaffold, were in the cup. The insurgents did not now amount to more than nine hundred, and they had suffered much in condition as well as in numbers, being, as a contemporary described them, "pitifully bad appointed—neither saddle nor bridle, pistol or sword, amongst the ten men of them; baggage-horses, some whereof not worth forty shillings. . . . They are mighty weary with marching."* They were encountered on the 28th of November by Dalziel, at the head of three thousand soldiers, and, after a gallant resistance, in which they thoroughly repelled several headlong charges, were put to the rout, fifty of them falling on the unequal field, and about one hundred and thirty surrendering as prisoners, on receiving a promise that their lives would be spared. But the scaffold was set up, and Sharpe resolved that it should not be cheated out of its anticipated victims.

The insurgents who spared Sir James Turner's life had no such mercy meted out to them. Twenty were adjudged to death at Edinburgh: and "all of them," says Mein, "died adhering to the Covenant, declaring they never intended in the least any rebellion; and all of them prayed most fervently for his Majesty's interest, and against his enemies." Amongst the sufferers were the heroic Mr. Neilson of Corsack, and the pious and accomplished Hugh M'Kail, who died on the scaffold in the true spirit of martyrs; and their constancy and devotedness were emulated by "a cloud of witnesses," executed on account of their being connected, some of them very remotely, with the Pentland rising. No fewer than thirty-five were hanged or shot in various parts of the country, in addition to those executed in Edinburgh; a large proportion of them being natives of Nithsdale or Galloway, as many rude memorials, scattered over our moorlands, hill-sides, and churchyards, still attest.

On the 30th of December, 1666, the obsequious Town Council of Dumfries met for the purpose of receiving orders

* Robert Mein's (postmaster of Edinburgh) report to Government, quoted in the Fifty Years' Struggle, p. 166.

for the disposal of two poor fugitives from Pentland, who, on returning to their native district, had been tracked, caught, and tried at the instance of the Government. It need scarcely be added, that they were convicted and doomed to death. A justiciary court—or rather a military tribunal, presided over by Lieutenant-General Drummond—had been held at Ayr, where these two prisoners, with ten others, were capitally sentenced;* and as they had been captured within the jurisdiction of the Dumfries magistrates, to them was assigned the duty of carrying the sentence into effect. The orders from the court enjoined the authorities "to sie their sentence for hanging the persounes, and affixing of the heides and right armes of Jon Grier in Ffour-merk-land, and William Welsch in Carsfairne, upon the eminenest pairts of this Burgh;" and this mandate having been communicated by the magistrates to the Council, the latter "condescendit that the bridge-port is the fittest place quhereupon that the heids and armes should be affixed; and therfoir appoynted them to be affixed on that place."† Martyred the two men were, as a matter of course; and we can find no trace of the Dumfries authorities being troubled with any "compunctious visitings" on the subject, though we doubt not the inhabitants generally pitied and honoured these poor victims of oppression. And when, in pursuance of their sentence, their heads and right arms were pilloried on the bridge, the gory spectacle would be viewed by many a tearful eye, and elicit many a burst of indignation.

When the severed relics of the sufferers had wasted for several weeks in the wintry air, a rumour reached the authorities that a design had been formed for removing them. How the honourable gentlemen must have been shocked by this report! They intended the bridge-port exhibition to tell with salutary terror on the people far and near, to teach them that the exercise of free thought, and resistance to "the powers that be," were treasons rightly involving death, and that there was no safety for the subject, except in entire submission to the decrees of the Privy Council; and yet, in daring contempt of these lessons, the silent teachers of their truthfulness were

* Town Council Minutes; also, Wodrow, vol. ii., p. 53.
† Town Council Minutes.

threatened with removal! Lest the menace should be carried into effect, the Town Council directed application to be made to the Earl of Lauderdale, to allow the martyrs' heads and arms to be transferred to the top of the tolbooth, for their better security, and thus to disappoint the "disloyall persounes," who, it was feared, would "take them away under cloudes of night, to the prejudice of this burgh."* Prejudice of the Burgh, indeed! Alas for the time when the honour or credit of the town was thought to be bound up in the safe retention of those ghastly mementoes of the tyrant's persecuting rage!

When other and happier days came round, the real feeling of the townspeople towards the two sufferers expressed itself in the erection of memorial stones over their honoured remains in St. Michael's churchyard; and till this day an interest is felt in the humble tombs of Welsh and Grier, or Grierson, which vies in depth with that awakened by the proud mausoleum reared beside them, above the dust of the national poet—the poet who, in one of his best moods, after reading a narrative of the Persecution in Galloway, penned the well-known lines:—

> "The Solemn League and Covenant
> Cost Scotland blood, cost Scotland tears;
> But it sealed freedom's sacred cause:
> If thou'rt a slave, indulge thy sneers!"

On the 9th of May, 1668, a royal proclamation was issued for the apprehension of about one hundred outstanding "rebels," sixteen of whom belonged to the Shire of Dumfries. The name of Mr. James Callum, glover, appears upon the list. He seems to have been a devoted, consistent, and courageous Covenanter. How terribly he suffered for conscience' sake, is shown in the following affecting extract from Wodrow's "History:"—"James Callum, merchant in Dumfries, was forfeited some time after Pentland, but his being there was never proven; he was indeed present, being dwelling in the town, at the taking of Sir James Turner; but no other guilt was ever made out against him, but mere nonconformity. In the years 1662 and 1663, for refusing to hear the curates, he paid, for a year's space, forty pence every Monday for himself and wife. He underwent much trouble,

* Town Council Minutes.

and several imprisonments, for his Parliament-fine—five hundred merks—and paid the half of it, and fifteen pounds sterling riding-money, and more by far than the other half in expenses, and clerk's fees to get his discharge. Sir James Turner, before Pentland, exacted considerable sums of money from him. When he was declared rebel, most unjustly, after Pentland, he left the kingdom, and was seven years in the East Indies. At his return he was taken by Claverhouse, and imprisoned at Dumfries fourteen months, and at Edinburgh a year and a half; after which he was banished to Carolina, where he died. When the accounts of this came home, his wife and daughters at Dumfries were attacked for nonconformity, and spoiled of any thing they had, and forced to wander up and down in the hills and mountains for three years and a half."*

At the close of the same disastrous year (1668) the inhabitants of the Burgh were required by the Council to subscribe a statement, declaring that they "deteste and abhor the rebellioune laitly broken out in Galloway and in other places in the West;" that they will not, in any way whatever, assist or intercommune with those concerned in it; and that they were ready to venture their "lives and fortounes against thes traitors, for suppressing their horrid traysone and rebellioune." Every one was required to sign this declaration, it being intimated that refusers would be looked upon as sympathizers with the insurrection, and as such be proceeded against according to law.†

When the insurrectionary outbreak had been thoroughly suppressed, and the vengeance of the Government been sated, Lauderdale, under the influence of what seemed to be a conciliatory whim, cashiered Sir James Turner, Sir William Bannatyne, and other military tools, who had become odious to the common people, and sought to propitiate the Presbyterian ministers by getting the Privy Council to pass the Indulgence, in virtue of which those who still refused to receive collation from the bishops might be reinstated in their manses and glebes, with a royal annuity instead of stipends, on condition that they would restrict their preaching to their own parishes, and submit to State control in other ecclesiastical matters. There is every reason to believe that these proposals were

* Wodrow, vol. ii., p. 79. † Town Council Minutes.

devised for the purpose of dividing the Covenanters, and thus weakening them, and for forming part of a plan by which Scotland was to be kept quiet, whilst preparations were being made by the Duke of York, Charles's brother and heir, to re-establish Roman Catholicism in both kingdoms, should a favourable opportunity for doing so arise. Many ministers accepted the Indulgence: between those who scorned it and the Government a wider gulf than ever was formed; and Lauderdale found, in their rejection of the measure, a motive and a pretext for increased severity towards the frequenters of conventicles. During the lull produced by his temporary moderation, he hastened on the formation of a militia in Scotland, in order that he might foreclose other rebellious outbreaks, and be ready in time of need to give the despotic Romanizing party of England a helping hand.

We find numerous traces in the Dumfries County Records of the steps taken at this period to raise the quota of men required from the Shire and its various towns, and otherwise provide for the maintenance of the military despotism wielded by Lauderdale and his colleagues. The chief agents in the business were the Commissioners of Excise, as county gentlemen when acting in their corporate capacity were then styled. A meeting of the Dumfriesshire Commissioners was held at Thornhill on January 28th, 1668, at which two Acts of the Privy Council were read and adopted, regulating the way the parishes, twelve miles round the County town, were to provide hay and straw for a troop of fifty horse stationed there. The supply for each horse was fixed at sixteen pounds of hay or eighteen pounds of straw in the twenty-four hours; and it was provided that "in case the country people will not sell the same, the Commissioners were to constrain* them." At another meeting, held in Dumfries on the 24th of September following, the Earl of Annandale read his Majesty's instruction regarding the establishment of a militia regiment in the County, consisting of eight hundred foot and eighty-eight horse (afterwards reduced to seven hundred foot and seventy-seven horse), of which he had been appointed colonel, and Drumlanrig lieutenant-colonel. These instructions were chiefly as follows:—All the commissioned

* Minutes of the Commissioners.

officers were to be nominated by the colonel and lieutenant-colonel, and were to sign the declaration against the Covenants; the colours, drums, and trumpets were to be provided at the expense of the Shire; the foot were to be armed with muskets having a bore for sixteen balls to the pound, "which may be had of Alex. and Robt. Mills, merchants in Lithgow, at eight merks a piece," and with pikes fifteen feet long, "which may be had in the country, good and cheap, made by Alex. Hay, the king's bow-maker in the Cannon-gate;" two-thirds of the men in each company were to be musketeers, the rest pikesmen; the horsemen were to be sufficiently mounted and armed with swords and pistols at the expense of the heritors; and those soldiers who removed from their parishes without leave of their officers were to be fined or imprisoned, or both. Much difficulty was experienced in getting some of the parishes to co-operate. Though each minister, with "three discreet men" to assist him, was ordered to make up a roll of all the fencible men in his parish, and though afterwards a committee of Commissioners was appointed for a like purpose in each Presbytery, the lists produced were manifestly defective: till at length, on the 30th of December, the baffled Commissioners resolved to apply for special assistance to the Privy Council; which having been given, the rolls were rendered rather more complete. To determine the proportion of men to be raised by the burghs, was the next duty of the Commissioners. They met for this purpose on the 22nd of April, 1669, and resolved that Dumfries should be required to provide forty men, Sanquhar and Annan four each, and Lochmaben three; leaving the rest to be raised in the rural districts, at the rate of one man for each three hundred merks of rent.*

By the Parliament of 1672, increased measures of repression were directed against conventicles. More soldiers were therefore needed; and accordingly, on the 20th of March of that year, the Dumfriesshire Commissioners of Excise received a letter from the Privy Council enjoining the heritors of the County and the magistrates of its burghs to raise forty-one men, as their proportion of 1000 required to be levied in the kingdom for his Majesty's service. A committee, with Robert,

* Minutes of the Commissioners.

Lord Maxwell, as preses, was appointed to put the matter into shape; who reported next day that the Burgh of Dumfries would have to "outreik" and provide two men, also "the twentieth part of a third man," for assisting the burghs of Annan, Sanquhar, and Lochmaben, who were to raise said third man on receiving such fractional support; and that the remaining thirty-eight soldiers were to be provided by the County at the rate of fifty merks for each. The report was approved of; and at a subsequent meeting the Commissioners resolved that there should be expended on each man £24 Scots, to furnish him with a good blue cloth coat, well lined with sufficient white stuff or serge, a pair of double-soled shoes, a pair of stockings, a black hat, two shirts, two cravats, an "honest" pair of breeches, and an inner coat: a goodly outfit, certainly, for forty shillings sterling—money going a far way at this period of our history. It was also arranged that the men were to meet on the 21st of April at Locharbridge-hill, a common place for military gatherings, and then march to the town of Leith.* As time rolled slowly on, the hills around Dumfries became more than ever the haunt of the persecuted Covenanters; and the Government, instead of sending away troops from it, felt the necessity of placing a large force in the town.

The Commissioners, on the 5th of August, 1675, were honoured with a visit from the Earl of Queensberry, Lord Chancellor of Scotland, who, being also one of themselves, attended to assist in the discussion of the following letter, subscribed by him and fourteen other members of the Privy Council:—"We have emitted an act appointing garrisones to be in divers places, particularly at the Castle of Dumfries, in which there is to be fifty foot and twelve horsemen, who are ordered against the 6th of August to be at the said place. We have ordered you to convene any three or four of the Commissioners of Excise of the Shire of Drumfreis, and have appoynted you and your depute, with the said Commissioners, and Captain Dalziel, who has the command of said garrisone, to sight the said Castle of Drumfries, and see the same be made ready to receive the garrisone against the said day; also that you and

* Minutes of the Commissioners.

the said Commissioners cause furnish the said garrison with bedding, potts, pans, coal, and candle, as is ordinar; and sett prices upon the hay, straw, and corne for the horse; and caus carry in, and delyver to the soldiers and the garrisone, such quantities as shall be necessary for the horses, upon payment of the said prices. We expect your ready obedience, and ordain you to return an account of your dilligence between and the 10th of Aug. next."*

The order thus given to "sight" the old Castle, enables us to get a slight glimpse of its condition in the middle of the seventeenth century. It was all but demolished, as we have seen, by the Earl of Sussex and Lord Scrope, in 1570; with the consolatory qualifications, however, that the defective stories contained "dales lying there to repair them," and that the vaults and first story over them would supply ample accommodation for a greater garrison than the one for which quarters were required. A misunderstanding arose as to the sources from which the soldiers were to be maintained, whereby the preparations for their reception were delayed; and the Privy Council, losing temper, sent letters of horning to the tantalized Commissioners, ordering them to proceed at once, and draw upon the revenue of the Excise for the support of the troops. Thereupon the Commissioners, on the 14th of September, ordered their collector to supply, for the garrison, 499 ells of plaiding for thirty-one beds, at 5s. Scots per ell; coverlets uniform, at £82 19s.; "harden" uniform, at £84; for every eight soldiers a five-quart pot, at £4 each; six pans, two quarts each; three quart stoups, and six cups; thirty load of peats weekly, at 2s. per load; and seven lbs. of candle weekly, at 5s. per lb. A report was received at the same meeting, to the effect that £80 Scots would make the roof water-tight; and the business was finished by a resolution "advising the collector, with the magistrates of Dumfries," to see the horsemen sufficiently provided with corn, hay, and straw, at the ordinary rates. In all these warlike preparations the gentlemen of the Shire were well assisted by the Burgh authorities; the latter of whom, in June, 1667, gave directions to store up "pouder and leid" in the Castle; to place "all the gunes and partizanes" there; "that thair be 24 men and a

* Minutes of the Commissioners.

captaine upon the gaird every night thair, according to the order and row sett doun be the provest and baillies; as also that the toun ports be with all expeditioun put up, and that thair be four scoir or a hundredth pykes maid for the toune's uyseis."

CHAPTER XXXVI.

A NEW OUTBREAK THREATENED—INCREASING SEVERITY OF THE PRIVY COUNCIL —GRAHAM OF CLAVERHOUSE: SKETCH OF HIS PERSONAL APPEARANCE AND CHARACTER; HE IS SENT INTO DUMFRIESSHIRE; HIS ACTIVITY IN SEIZING COVENANTERS, AND IN SUPPRESSING CONVENTICLES — GRIERSON OF LAG — DOINGS OF CLAVERHOUSE IN DUMFRIES AND NEIGHBOURHOOD, AS REPORTED BY HIMSELF—FIELD-PREACHINGS IN THE DISTRICT: A REMARKABLE ONE ON SKEOCH HILL DESCRIBED—CLAVERHOUSE COMPLAINS TO HIS SUPERIOR OFFICER THAT THE PRISON OF DUMFRIES HAS BEEN TURNED INTO A CONVENTICLE — BOON COMPANIONSHIP OF THE BURGH RULERS WITH THE PERSECUTORS — CAROUSING OF THE BAILIES WITH NISBETT, WINDRAM, STRAUCHAN, LAUDER, AND LIVINGSTONE — KING'S BIRTH-DAY REJOICINGS IN THE TOWN—ROUT OF CLAVERHOUSE AT DRUMCLOG—DEFEAT OF THE COVENANTERS AT BOTHWELL BRIDGE—CAREER AND DEATH OF RICHARD CAMERON — CLAVERHOUSE PAYS A SECOND VISIT TO THE DISTRICT.

THE Indulgence was meant by its projectors to be a bone of contention and a snare to the Presbyterians. It proved to be so, inasmuch as it separated the clergy into two antagonistic parties—the indulged and the non-indulged. The people for the most part adhered, and that with more steadfastness than ever, to those ministers who declined to purchase ease and comparative comfort, by sacrificing an iota of what they deemed to be the imprescriptible rights of the Church. Conventicles, in house and field, as a consequence, increased; and to crush them, and punish their frequenters, the whole machinery of a merciless Government was set in operation. Among the many other means adopted for these ends, landlords were required to enter into bonds pledging themselves that neither their families, domestic tenants, nor the servants of their tenants, nor any one residing on their land, should attend the ministry of the proscribed preachers, or in any way give them countenance. "We cannot possibly come under such stipulations," pleaded a body of the proprietors before the Privy

Council. "By the Lord Jehovah! you must and shall!" retorted Lauderdale, as the savage significantly bared his arms above the elbows; and, to assist him in making his threat good, eight thousand armed Highlanders were let loose upon the fertile districts of the south and west. This locust-like host ravaged the country for three months; and on being recalled, the other soldiers raised by the Government took their place, emulating them in rapacity, surpassing them in the art of hunting down the wandering occupants of the hills and glens.

An additional pretext for violence was unhappily supplied by the assassination of Sharpe on the 3rd of May, 1679—the deed of a few zealots, for which the Covenanters generally ought not to have been held responsible. The blame of it was, however, thrown upon the whole party; and a testing question was based upon it, which increased the inquisitorial resources of the military. If, when a suspected individual was asked, "Do you consider the killing of Archbishop Sharpe murder?" a negative answer was given, or no answer at all, he was dragged to prison, or summarily despatched. At length the patience of the persecuted sufferers gave way, and they resolved once more to give armed resistance to their rulers. On the 29th of May in the same year, the anniversary of the Restoration, a band of eighty armed Covenanters entered Rutherglen, extinguished the bonfires lighted in honour of royalty, burned the Acts of Council by which Episcopacy was established, and finished their demonstration by affixing to the Market Cross of the town a written document repudiating and condemning all the tyrannical doings of the Government in Scotland during the existing King's reign.

These daring acts were correctly looked upon by the Privy Council as a declaration of war; and they, nothing loath, commissioned John Graham of Claverhouse to take up the gauntlet on their behalf, feeling assured that he would make short work with the rebels. Claverhouse had already proved his fitness for such a task. After serving some time with distinction in the Dutch army, he returned to his native country, at the age of thirty-five, to become policeman-general over the disaffected districts, and gain transitory rewards and deathless infamy, by punishing the bodies of his poor fellow-countrymen when he

failed by threat and fine to enslave their souls. The Council soon saw that he was admirably adapted for their purposes; he was so cool, self-reliant, unscrupulous, and cruel. An impression to the same effect is conveyed by the two authentic portraits that have been preserved of the notorious cavalier: one representing him when quite a youth, and comparatively unknown; the other when in the prime of manhood, and raised to the peerage as Viscount Dundee. An unmistakable dourness is visible in the first of these likenesses: the curl of the upper lip—the mouth compressed—the nostrils distended—the troubled, anxious, almost sorrowful, expression thrown over the face—impress the beholder unfavourably, in spite of the regularity and graceful outline of the features. This portrait gives us the idea that he must have been cold, reserved, proud, and pitiless before the age of puberty was reached. The youth is "Bonnie Dundee" in embryo—handsome, yet sinister and unattractive; and the impression conveyed by the other picture, though in some degree different, is of the same general kind. The countenance is rather softer, if anything, and is equally sad and haughty; the lower part of the face, however, having become heavy without any trace of that effeminacy of which Sir Walter Scott speaks, except in the mouth, which is small as compared with the colossal nose, indicative of the possessor's energy and power. Scott's mental sketch of the man may be fittingly subjoined:—"Profound in politics, and imbued, of course, with that disregard for individual rights which its intrigues usually generate, this leader was cool and collected in danger, fierce and ardent in pursuing success, careless of facing death himself, and ruthless in inflicting it upon others."* This is, on the whole, a fair outline of Graham's character, as indicated by his portraits, and as exemplified during his ten years of military misrule over the west and south of Scotland.

In a letter dated Moffat, December 28th, 1678, Claverhouse thus announced his arrival in Dumfriesshire to his commander-in-chief, the Earl of Linlithgow:—"My Lord,—I came here last night with the troop, and am just going to march for Dumfries, where I resolve to quarter the whole troop. I have not heard anything of the dragoons, though it is now about nine o'clock,

* Old Mortality, chap. xii.

and they should have been here last night, according to your lordship's orders. I suppose they must have taken some other route. I am informed since I came that this County has been very loose. On Tuesday was eight days, and Sunday, there were great field-conventicles just by here, with great contempt of the regular clergy; who complain extremely that I have *no orders* to apprehend anybody for *past* demeanours. And besides that, all the particular orders I have being contained in that order of quartering, every place where we quarter must see them, which makes them fear the less. I am informed that the most convenient posts for quartering the dragoons will be Moffat, Lochmaben, and Annan; whereby the whole County will be kept in awe. Besides that, my lord, they tell me that the end of the bridge of Dumfries is in *Galloway*, and that they may hold conventicles at our nose, [and] we dare not dissipate them, seeing our orders confine us to Dumfries and Annandale. Such an insult as that would not please me; and, on the other hand, I am unwilling to exceed orders: so that I expect from your Lordship orders *how to carry* in such cases." *

The impatient trooper, as we learn from another of his letters, was soon at work. Before his arrival, some of the Dumfries Covenanters and others occasionally met for worship during winter in a large building on the Galloway side of the Nith; and he having received ample license to act in the Stewartry as well as in Dumfriesshire, arranged with the Steward for the demolition of the meeting-house; with what success, is reported by him in the following terms:—"I must acknowledge," he says, by way of prelude, "that till now, in any service that I have been in, I never inquired farther in the laws than the orders of my superior officers." "After," he proceeds to say, "I had sent the Council's orders to the Stewart-Depute, he appointed Friday last, the third of January, for the demolishing the meeting-house, and that I should bring with me only one squad of my troop. He brought with him four score of countrymen, all fanatics, for they would not lay to their hands till we forced them. Everybody gave out that house for a byre; but when they saw that there was no quarter for it, and that we

* We are indebted for this and other letters of Claverhouse to Mark Napier's Memoirs of Viscount Dundee.

were come on the place, nobody had the impudence to deny it to have been built a-purpose for meeting, and that upon the expense of the common purse of the disaffected. It was a good large house, about sixty foot of length, and betwixt twenty and thirty broad. It had only one door, two windows on every side, and one in every end. They had put up stakes alongst every side, and a hek and manger in one of the ends, to make it pass for a byre; but that was done lately, after that they had heard that it was taken notice of for a meeting-house. The Stewart-Depute performed his part punctually enough. The walls were thrown down, and timber burnt. So perished the charity of many ladies."

The Steward who co-operated with Claverhouse in this mighty achievement was none other than Sir Robert Grierson of Lag, who held the office during the minority of the Earl of Nithsdale, the hereditary Steward of Kirkcudbrightshire. This was the first occasion of their meeting with each other, and they henceforth became fast friends, united by a community of tastes and pursuits; though, to do Claverhouse justice, he was in his personal habits far above the sensual and besotted Laird of Lag. Sir Robert succeeded to the family estates on the death of his cousin, in 1667; he was created a Nova Scotia baronet in 1685, and was united in marriage to Lady Henrietta Douglas, sister of William, first Duke of Queensberry. His participation in the overthrow of the conventicle house, just noticed, was but the prelude to a long series of outrageous measures taken by him against the proscribed Presbyterians, and for which his name has been branded with infamy scarcely less foul than that which attaches to "The Bloody Claverse."

In another letter, dated Dumfries, February 7th, 1679, Claverhouse reported to his commander his diligence in "seizing" disaffected persons, and otherwise carrying out his mission. He had forwarded a list of them to his lordship; had ridden to Annan to instruct his emissary, Captain Inglis, in the business; had then hurried to Moffat, where he "gave Lieutenant Cleland orders to seize on three;" sent an express to Inglis, "that he might seize on other three;" appointed them "Wednesday, at six o'clock at night, to march;" returned to Dumfries, found twenty dragoons going on relief, but "sent

them to seize on Holmains, Dormont, and Denby" (all Nonconformists of the Annandale family of Carruthers)—they got only Dormont, the other two having, it is reported, "gone to Edinburgh to give satisfaction to the Council," but if they remained in the country he should "endeavour to find them;" sent a corporal for the two Welshes, who found them both; sent another to "seize" on Dalskairth, but found him not in his own house—made search for him in Dumfries, without success; sent the third brigadier "to seek the wabster," who brought his brother instead, and, "though he maybe cannot preach like his brother, thought it would be no great fault to give him the trouble to go with the rest;" and, finally, "have sent the prisoners away this day with a guard of twenty," commanded by Corporal Crawford.

This comprehensive communication, in which the bustling, energetic, indefatigable character of the writer is well illustrated, concludes with an expression of his wish that Lord Linlithgow would forward instructions regarding the fining of certain parties on the rolls who had not yet been disposed of. Thus, "Seize! seize! seize!" was, morning, noon, and night, the cry of this predatory captain; the objects of his seizures being the God-fearing burgesses, yeomen, and peasantry of Scotland, as if they had been noxious vermin whom it was a duty to extirpate.

More tokens of his wolfish desire to seize victims are shown in a fourth letter, written by him from Dumfries on the 24th of February:—"I obeyed the orders," he says, "about seizing persons in Galloway, that very night I received it, as far as it was possible; that is to say, all that was within forty miles, which is most that can be ridden in one night; and, of six made search for, I found only two, which are John Livingstone, bailie of Kirkcudbright, and John Black, treasurer there. The other two bailies were fled, and their wives lying above the clothes in the bed, and great candles lighted, waiting for the coming of the party; and told them they knew of their coming, and had as good intelligence as they themselves; and that if the other two were seized on, it was their own faults, that would not contribute for intelligence. . . . The names of the other two I made search for were Cassin Carry and the

Lady Laurieston, but found them not. There is almost nobody lays in their bed that knows themselves any ways guilty within forty miles of us; and within a few days I shall be upon them, three score of miles at one bout, for seizing on the others contained in the order."

Before Claverhouse "came down like a wolf on the fold," conventicles could be held with less risk in the vicinity of Dumfries. Great gatherings for worship frequently took place in the elevated and secluded districts of Terregles, Dunscore, and Irongray. No fewer than seventeen out of the nineteen ministers forming the Presbytery of Dumfries, refused to take the oath of supremacy in 1662; and, after being driven from their parishes, several of them continued to preach, in temples of Nature's own construction, to hearers who followed them thither, even as the flocks of Eastern lands follow wherever the faithful shepherd leads. Among these outed clergy the most distinguished, if not the most devoted, was John Welsh of Irongray, who, it will be remembered, took part in the Pentland rising. Preach he would, and did almost daily, in fearless defiance of the persecutors, who would fain have gagged him in the Bass, or silenced him in the grave. Skeoch-hill, which rears its rugged crest in the moorlands of Irongray, about eight miles from Dumfries, is especially associated with the ministrations of Welsh; as, in a spacious recess half way up the eminence, on a Sabbath day in the summer of 1678, he preached and dispensed the Lord's supper to more than three thousand persons. This place was selected for the services because of its peculiar adaptation for them, as well as its seclusion. With materials already on the spot, a table for the elements, and sitting accommodation were furnished; and the country people still point out, with reverential interest, the rows, four in number, of large, flat, oblong whinstones on which the emblematic bread and wine were laid, and the boulders round about that served as seats for the communicants. Towards the close of the services an alarm was raised, by sentinels posted on neighbouring heights, that the military were in sight. Mr. Blackadder, formerly of Troqueer, who preached the closing discourse, paused for a few minutes, and no doubt a feeling of anxiety crept over the women and

children present, but none of the worshippers offered to leave the scene of danger; and prompt preparations were made by Alexander Gordon of Earlston,* and other military gentlemen, to repel force by force. A resort to arms was fortunately not required; the troopers, who, according to Blackadder, consisted simply of "servitors" belonging to the Earl of Nithsdale† and Sir Robert Dalzell of Glenae, discreetly riding away in peace, and allowing the exercises to be closed without further disturbance. Consecrated by no ordinary rites are these Communion Stones of Irongray; hallowed memorials are they of a heroic witnessing time—meet monuments of John Welsh and its other worthies, tried and true.

Had Claverhouse been in Dumfries when this gigantic conventicle was held, he would scarcely have shrunk from attacking it; and he would at all events have done his best to seize some of the "fellows," "rogues," and "villains"—as he was accustomed to call the Covenanters—who had ventured to be present. Yet, in spite of his sleepless vigilance and his merciless system of repression, the hill-side congregations were never entirely put down; and, wonderful to relate, after he had been about four months in Dumfries, the very prison of the town was turned into a treasonable Presbyterian meeting-house, "under his very nose." This "great abuse" was attributed by Captain Graham to the laxity of the magistrates, to whom he pays an ironical compliment, which they could not have merited had they not been of a different stamp than their predecessors in the time of Sir James Turner. Claverhouse thus complained to his superior officer on the subject:—"There is here in prison a minister, was taken above a year ago by my Lord Nithsdale, and by the *well-affected* magistrates of this [town], has had the liberty of an open prison; and more conventicles have been kept by him there, than has been in any one house in the kingdom. This is a great abuse; and if the magistrates be not punished, at least the man ought not to be suffered any longer here, for that prison is more frequented than the

* Descended from Alexander Gordon of Airds, the pioneer of the Reformation in Dumfriesshire and Galloway.

† This was John, seventh Lord Herries, who, upon the death of Robert, second Earl of Nithsdale, without issue, succeeded to the earldom in 1678.

kirk. If your lordship think fit, he may be sent in with the rest."

It will be recollected that John Irving was chosen chief magistrate in 1660. For thirteen years afterwards, he and another member of the Irving family had a monopoly of the provostship; but, in 1674, William Craik of Duchrae, a moderate Presbyterian, was called to that office, and continued in it till 1678, when David Bishop, a gentleman of similar views, succeeded him for a short period, Mr. Craik again becoming provost in 1679, when Claverhouse visited the town. From such a man as Duchrae the Covenanters would receive something more than toleration: hence the remonstrance of Claverhouse against the indulgence shown to them by "the *well-affected* magistrates" of Dumfries.

Though the Burgh authorities in 1679 were suspected of disloyalty by Claverhouse, some of their predecessors kept on good terms with his persecuting colleagues and subordinates. The Provost, Bailies, and Convener had frequent convivial meetings with the officers, who with whetted swords and on fleet-limbed steeds scoured the neighbouring district; and it is most melancholy to reflect, that sometimes the very men who were one day boozing merrily over the blood-red wine in Dumfries with its burghal rulers, were the next busily employed in slaughtering their innocent countrymen, on the hills and moors around. In the treasurer's accounts, under date 9th January, 1669, when John Irving was still Provost, the following entry occurs:—"Dew by the magistrates in company with Sir Robert Dalzell, Patrick Nisbett, Robert Moorhead, and Birkhill, with severall uther gentlemen, the haill magistrats being present with severall of the counseil at the admitting of the said Patrick Nisbett, burges, twelf pynts of seck, quhereoff ther was 4 unce of sugyar to ilk pynt of eleven of the said pyntes, and the uther but [without] sugyar, with twa shortbreid, and 3 sh. for tobacco and pypes, £28 15."* This Nisbet, thus feasted and honoured, became soon after a notorious persecutor, as the gravestones erected at Fenwick and elsewhere, over his martyred victims, still attest.†

We quote one other illustrative entry from the same record.

* Burgh Treasurer's Accounts. † Cloud of Witnesses, p. 427.

Mistress Rome, who kept the town's tavern in 1687, charged the subjoined account against the Council that year:—"Spent with Lieutenant-Colonell Windram, Captaine Strauchane, Captain Bruce, Leivetenant Lauder, Leivetenant Livingstone, six pynts of wyne, with tobacco and pypes, £6 9s. 4d." Here is a pretty batch of blood-stained bacchanalians—convened, perhaps, to arrange over their cups for some fresh raid against the children of the Covenant. Of many cruel deeds Livingstone and Lauder were guilty; and the above tavern-score contrasts curiously with the rude elegy in St. Michael's churchyard over the remains of James Kirko, who was shot dead on the Dumfries Sands in June, 1685, at the bidding of one of the convivialists:—

> "By bloody Bruce and wretched Wright
> I lost my life, in great despite;
> Shot dead without due time to try
> And fit me for eternity:
> A witness of prelatic rage
> As ever was in any age."

The remaining two of the same party, Windram and Strachan, met just two years before, under very different circumstances: the scene not a cozy Dumfries change-house, but the wild beach of Blednoch Bay; their object not to quaff the flowing bowl, but to drown two feeble women, a hoary matron and a girl of tender years, beneath the ravenous ocean tide, Lag and David Graham assisting them in their murderous work.* Had magistrates of the Craik or Corsane stamp ruled the Burgh at this period, they would have scorned to sit at the same board with such infamous men as these.

During all these "troublous times," too, the anniversary of the tyrant King's birth and restoration (both of which fell on the 29th of May) was celebrated in jovial style by the very loyal magnates of the Burgh. Fancy can catch the echo of their fulsome toasts, and the flash of their festal fires, in such prosaic business entries as the following:—"29th May, 1672.—At the bonfyre at the Croce, nyne quarts of wyne, £18; item, at the bonfyre before the provest's gate, 3 quarts, £6; It., at

* The reader will at once see that the reference here is to the martyrdom of Margaret Maclachlan and Margaret Wilson, in the water of Blednoch, near Wigtown, on the 11th of May, 1685.

the treasurer's direction to the peit leaders, and spent in his company, 9s.; the night after the bonfyres, with Carnselloch, Alexander Dowglas of Penzerie, Mr. Jon Crichton, and the clerk, three chopins of wyne; and that night, with Mr. Cairncross [the curate], Mr. Mair and his wife, thrie chopins of wyne; and 1s. 8d. for tobacco and pypes, is, together, £3 1s. 8d.* 29th May, 1678.—Payed for 2 duzon and a half of glassis broken at the crosse, at 6 pence a peic, £9; paid to the offichers that day 4s.; for ringing the bell, 12s."

Claverhouse, as has been stated, was summoned by the Privy Council to take action against the Covenanters of Lanarkshire, when, on the 29th of May, 1679, they published their defiant Declaration at Rutherglen. In that very month, a measure that had been carried by Sharpe in the Council, a few days before his death, received the royal assent, which gave power not only to judges, but to the officers of all the forces "to proceed against all such who go with any arms to those field meetings, as traitors"—in other words, to put them to death without further warrant. Possessed of such ample powers, and placed at the head of a strong military force, Graham entered the revolted districts of the West, and had just begun his destructive work, when he learned that preparations had been made for holding a conventicle on a great scale, in the neighbourhood of Loudon hill. Hurrying forward from Glasgow with a troop of horse, and two companies of dragoons, he found the male worshippers of the assembly, to the number of a hundred and fifty foot, armed with halberds, forks, and such like rude weapons, fifty musketeers, and fifty horse, drawn up in battle array, ready to repel force by force. Claverhouse, eager for the fray, and confident that he would scatter the insurgents like chaff, attacked them with characteristic impetuosity. How he must have been chafed, when the "fanatics" he had despised, after steadily returning the fire of his troops, crossed an intervening swamp, and fell with such resistless force upon them, that they reeled, broke, and fled!

This Covenanting victory was won on Sabbath, the 1st of June; but, a short fortnight afterwards, the Royalists, at Both-

* Tavern and other charges, as given in the Town Treasurer's Books.

well Bridge, under the Duke of Monmouth,* far more than made up for their defeat at Drumclog. In the one instance, proof was given of what a few brave men, firmly united, can do; in the other, numbers, courage, and enthusiasm availed nothing in ranks already divided by jealousy and dissension. The chief bone of contention with the Covenanters in the latter case was the Indulgence — that artfully concocted measure, which proved of more service to the Royalist commander than a reinforcement of three thousand men. Welsh was the chief of the moderate party; and among others at the battle, belonging to the district, were M'Clellan of Barscobe, Gabriel Semple, and Alexander Gordon, younger of Earlston.† The elder Mr. Gordon, ignorant of the defeat of the insurgents, was hastening to join them, when he was seized by a party of Royalist dragoons, and by them put to death. In all, four hundred Covenanters fell on the field; twelve hundred were made prisoners, of whom only a few, thanks to Monmouth's clemency, were sent to the scaffold, and the rest were banished to Barbadoes. Terrible and crushing though the fight was, its remote results were perhaps even more disastrous—it being made ever afterwards, till the Revolution, an ensnaring test and a new pretext for spoliation and violence.

Hitherto the suffering Presbyterians had made no open war against King Charles; but in the summer of 1680 the famous "Queensferry Paper," prepared by Donald Cargill, was extensively signed; the subscribers thereby declaring their rejection of the King, and those associated with him, because they had "altered and destroyed the Lord's established religion, overturned the fundamental laws of the kingdom, and changed the civil government of this land, which was by a king and free parliament, into tyranny." They further, in conclusion, entered into a bond for the mutual defence of their natural, civil, and religious rights—a bond never to be broken "till," they declared heroically and hopefully, "we shall overcome, or send them down under debate to posterity, that they may begin where we end."

* He was the King's natural son, and had previously married the heiress of Buccleuch.

† The house of Earlston stands on the banks of the Ken, at a short distance above the village of Dalry, with the wood of Airds in its immediate vicinity.

Cargill, enfeebled by age, was unfitted to embody this bold manifesto in deeds; that was done by the young Joshua of the movement, Richard Cameron, when, on the following 22nd of June (anniversary of the defeat at Bothwell), the remarkable Declaration penned by him was published by his brother and a few adherents in the burgh of Sanquhar—meet place for such a testimony against the tyrant King, since it was, says Dr. Simpson, the "centre of a spacious martyr field, every parish around it except one having been the scene of a Christian martyrdom."

On the morning of that day a band of twenty armed horsemen descended from their haunt among the neighbouring hills, rode leisurely down the principal street of the town; and having reached the Market Cross, they there, in the hearing of the inhabitants, solemnly pronounced the doom of dethronement on Charles Stuart. With all due formality and the utmost deliberation, they performed an act which made them amenable to torture and death. It was the deed of a daring—we shall not say a desperate body of men, impelled by conscience to proclaim openly—on the house-tops, as it were—what they thought of the despotic monarch and his deeds. They saw wickedness rampant in the high places of the land—the representative of Scotland's royal house proving a recreant to the trust reposed in him, trampling on the spiritual rights of the people, and in matters civil setting the very *leges regnandi* at nought. On account of these things, they said, the land mourned; and they deemed it part of God's controversy with them that they had not disowned the perjured King long ago. But, though meriting such treatment, his power was still unbroken: he was surrounded by a strong army which protected him, by a clique of crafty statesmen who confirmed him in his course, and by a mob of servile courtiers who regaled the royal nostrils with the incense of adulation.

"Come what may, and hold silent who list, we must and will publish the truth of this cruel King, protest against his misdeeds, and proclaim in the face of heaven that he has forfeited his claim to the throne and to our allegiance." So saying, and under the influence of such sentiments, the little Cameronian band issued their manifesto, declaring that Charles

Stuart, who had "been reigning, or rather tyrannizing, on the throne of Britain these years bygone," had forfeited "all right, title to, or interest in the crown of Scotland," and proclaiming war against the "tyrant and usurper, and all the men of his practises, and against all such as have strengthened him, sided with, or anywise acknowledged any other in like usurpation and tyranny." There was high moral sublimity in the uttering of this document. Brimful of treason it might be deemed by the upholders of the Government; but a few years afterwards the sentiments it embodied became the gospel of a new political dispensation, and were transformed into fact when, in 1688, William, Prince of Orange, acted out the bold, true words of his forerunner, Richard Cameron.

The men who had thus bravely spoken at the Market Cross of Sanquhar, knew well also how bravely to do and die. Returning to the hills once more, they rejoined their comrades; and the party, learning that soon after Bruce of Earlshall, with a troop of horse, was searching for them, resolved to make what resistance they could. The Cameronian force, numbering some sixty-three men, was attacked by Bruce at Ayrsmoss, near Cumnock, overpowered by superior numbers, and killed or scattered; the heroic founder of the sect, and author of the Declaration, falling among the slain.

During the occurrence of these aggravated troubles, the resources of the country were exhaustively drawn upon to uphold the military instruments of the dragonnade. Dumfriesshire, as one of the chief seats of the disaffected, had to bear a heavy share of the burden. Extracts have already been given from the minutes of the County Commissioners, showing that the task imposed upon them, at an earlier stage of the Persecution, was both difficult and exorbitant; we subjoin a few additional notices to the same effect dated after Bothwell Bridge. On the 26th of October, 1679, the Commissioners gave force to an Act of the Privy Council ordaining the Sheriffdom of Wigtown and Stewartry of Kirkcudbright to pay locality to the forces under the command of the Earl of Linlithgow, conform to their valuation with Dumfriesshire; and they found, from a list given in by the Laird of Earlshall, Lieutenant to Claverhouse, and Mr. Dalmahoy, quartermaster

to the King's guard of horse, that they had to provide locality for sevenscore and ten horse, whereof the one half was the King's guard aforesaid. On the 25th of June in the following year, the Commissioners ordained "forty-eight horses to be provided out of the Parish of Dumfries and Stewartry of Kirkcudbright, with graith for the carriage of the baggage, &c., of his Majesty's force through this country." On the 3rd January, 1681, a letter from the Privy Council was considered, ordering a garrison of thirty horse to be furnished with all due requisites at the Castle of Dumfries. The magistrates of the Burgh were accordingly recommended "to sight the stables and assist in provyding what may be useful, and to furnish the hie rooms of the Castle with beds and dales, and caus the windows to be fitted up with divots." A few weeks afterwards the collector and clerk were appointed to proportion upon the several parishes in the Sheriffdom of Nithsdale, Stewartry of Annandale, and Five Kirks of Eskdale, "ane month's locality for sixty horses, more or fewer, as shall happen to be in the garrison."

On the 27th of January, Claverhouse was again sent by the Privy Council with a troop of guards "to punish all disorders, disturbance of the peace, and church irregularities in Kirkcudbright, Annandale, Wigton, and Dumfries." That he might carry on his murderous work under some colour of law, he was made Sheriff of Wigtownshire in room of Sir Andrew Agnew of Lochnaw, a devoted Covenanter, who had been deprived of his office because he refused to subscribe the subservient oath called the Test, which had been framed by the Parliament of the preceding year. The letters written by "Sheriff" Graham to the Marquis of Queensberry, the King's Commissioner in Scotland, breathe relentless hostility towards the scattered Presbyterians, and show his determination to put them down as a party at all risks, and without a scruple of remorse; though, of course, it would be absurd to expect to find in them minute particulars regarding his modes of action, or a list of those who perished through his means by weariness, hunger, exposure to the elements, or by the bullets of his dragoons. Of that black catalogue there is no transcript in the letters of the persecutor or full copy in the books of the Privy Council; though doubtless

"the recording angel" has taken a note of their sufferings, and history, aided by tradition, has to some extent embalmed their names and given them to imperishable honour.

Claverhouse wrote as follows from New Galloway a few weeks after the beginning of his raid:—"The country hereabouts is in great dread. Upon our march yesterday most men were fled, not knowing against whom we designed. . . . My humble opinion is, that it should be unlawful for the donators to compound with anybody for behoof of the rebel till once he have made his peace. For I would have all footing in this country taken from them that will stand out. And for securing the rents to the donators and the Crown, it is absolutely necessary there be a fixed garrison in Kenmure, instead of Dumfries; for without it, I am now fully convinced, we can never secure the peace of this country, nor hunt these rogues from their haunts. . . . I sent yesterday two parties in search of those men your lordship gave me a list of—one of them to a burial in the Glencairn, the other to the fair at Thornhill. Neither of them are yet returned: but Stenhouse tells me that the party at the burial miscarried; that he pointed out to them one of the men, and they took another for him, though I had chosen a man to command the party that was born thereabout. They shall not stay in this country, but I shall have them."

At first Claverhouse occupied the mansion belonging to Sir John Dalrymple of Stair, and a humbler dwelling in Kirkcudbright possessed by Sir Robert Maxwell; he afterwards, as is indicated by the above letter, made Kenmure Castle his headquarters. "My Lady [Kenmure] told me," he said, in reporting to Queensberry on the subject, "if the King would bestow two or three hundred pounds to repair the house, she would be very well pleased his soldiers came to live in it." Accordingly, on the 1st of November, after Claverhouse had warned the noble owner of the Castle to "make it raid and void," he took up his residence there, and it became thenceforth the chief citadel of the infamous sheriffship exercised by him in Galloway and Nithsdale.

His principal colleagues were Colonel James Douglas, brother of the Duke of Queensberry, Sir Robert Grierson of Lag, Sir Robert Dalziel, Sir Robert Laurie of Maxwelton, Sir James

Johnstone of Westerhall, Captain Inglis, and Captain Bruce; all of whom, by their activity and zeal against the Covenanters, proved that they were worthy of the persecuting commissions entrusted to them. It is right to add, however, that Colonel Douglas afterwards forsook his party, and served with distinction under William III.; and that he is said to have bitterly lamented the cruelties of which he had been the agent.

CHAPTER XXXVII.

JAMES RENWICK BECOMES LEADER OF THE CAMERONIANS—THEY ARE PERSECUTED WITH ADDITIONAL RIGOUR—INCIDENTS OF "THE KILLING TIME"—MERCILESS PROCEEDINGS OF CLAVERHOUSE, COLONEL DOUGLAS, LAG, AND OTHERS — CAPTURE AND EXECUTION OF RENWICK — ROMANIZING POLICY OF JAMES VII. — THE MUNICIPAL ELECTIONS OF DUMFRIES INTERFERED WITH BY THE GOVERNMENT—MAXWELL OF BARNCLEUGH, A ROMAN CATHOLIC, MADE PROVOST, IN VIRTUE OF A PRIVY COUNCIL EDICT—BAILIES, DEACONS, AND MERCHANT COUNCILLORS, APPOINTED IN THE SAME ARBITRARY WAY—THE REVOLUTION: ITS RESULTS IN DUMFRIES—PROVOST MAXWELL SUDDENLY DISAPPEARS—MUNICIPAL FREEDOM RESTORED TO THE BURGH—A REACTIONARY MOVEMENT PROMPTLY PUT DOWN, FOR WHICH THE TOWN AUTHORITIES ARE THANKED BY THE GOVERNMENT—THE PRINCE OF ORANGE PROCLAIMED KING OF SCOTS AT THE MARKET CROSS — CLAVERHOUSE SLAIN AT KILLIECRANKIE — PRESBYTERIANISM RE-ESTABLISHED — MR. WILLIAM VEITCH SETTLED IN ST. MICHAEL'S AS SUCCESSOR TO MR. GEORGE CAMPBELL.

BEFORE giving any further particulars of the Persecution carried on by their means, we must notice briefly the career of one against whom much of its fury was directed, and who about this time came prominently forward as the leader of the Cameronians—James Renwick. Since the slaughter of Cameron in 1680, and the martyrdom of Cargill in the following year, the extreme party among the Presbyterians had been without a head—had no stated ministers, indeed, and were very imperfectly organized. Renwick, whilst quite a youth, adopted their views, and identified himself with their fortunes. When nineteen years of age, he witnessed the martyrdom of Cargill; which so stirred his whole moral nature, that he devoted himself heart and soul to the cause for which the aged martyr suffered. The Cameronian party, appreciating his fervour, piety, and talent, offered to send him to the University of Groningen, in Holland, to complete his training for the ministry—a proposal which he cheerfully accepted. Leaving his native village of Minnyhive,

in Nithsdale, he proceeded to the university; and, after a six months' course of theological study, and being presbyterially ordained, he returned to the south of Scotland the accepted pastor, the recognized chief, of the wandering Covenanters. In a paper called the "Informatory Vindication," he explained the views and position of the United Societies; and in 1683 followed this up by the emission of a boldly defiant document styled "An Apologetical Declaration," in which they, after the manner of Richard Cameron's Sanquhar manifesto, abjured Charles Stuart as a cruel tyrant, and intimated their resolution to continue in the exercise of their Christian rights, and, if attacked, to repel force by force.

Whilst the publication of this paper nerved the courage of the Covenanters, it at the same time intensified the fury of their enemies. Before it was many weeks old, the Privy Council passed an Act ordaining that any person who owned, or would not disown it, was to be immediately put to death, though unarmed; the only qualifications to this exterminating edict being, that it was to be enforced by the military in presence of two witnesses. On the 30th of December, 1684, a Government proclamation was issued having a still wider sweep—commanding, as it did, all the inhabitants of the country to swear that they abhorred, renounced, and disowned the Apologetical Declaration. The Abjuration Oath, thus first prescribed, soon acquired an infamous notoriety, and gave rise to much suffering in the west and south of Scotland, where it was ensnaringly tendered as the touchstone of loyalty to people of all ranks.

Under Renwick's leadership, the witnesses for "God's covenanted work of Reformation" had their courage renewed and their faithfulness confirmed: field-preaching, which had been for a season given up, was revived; and though no conventicles were held on a very large scale, as in former years, the hills and valleys of Upper Nithsdale and Galloway became at times once more vocal with the song of praise ascending from bands of worshippers, who thus foiled, in these solitudes remote, "a tyrant's and a bigot's bloody laws," and prepared, sword in hand, if need be, to act upon the bold menace expressed in their Declaration.

A few illustrative details of the Persecution that set in

against them with redoubled fury, may now be given, the dates being chiefly 1684 and 1685, "wherein," says Patrick Walker, "eighty-two of the Lord's suffering people were suddenly and cruelly murdered in desert places;" so that these two years came to be called emphatically "the killing time." First let us record a few more of Sheriff Graham's own achievements:—"His commission at this time," says Dr. Simpson, "was to scour Nithsdale, from New Cumnock to Sanquhar, in quest of all disaffected persons, and to search every nook and ravine, and hunt unsparingly on both sides of the Nith. . . . As it regarded the populace, no exemptions were to be made—the peasantry, man, woman, and children, were to be driven like a flock of sheep before the soldiers to a given place, and there to be interrogated, and treated every one as the commander should dictate." When Claverhouse, by such means as these, ferreted out his victims, he usually made short work with them. Take the Test, abjure the Covenants, agree to all the other conditions of abject mental slavery prescribed by the Privy Council, and safety, except in the case of old opposers of the Government, was secured; but let the dastardly terms be rejected, then Heaven might have mercy on such as heroically repudiated them, but Claverhouse and his troopers had none.

On the 18th of December, 1684, he surprised six refugees wandering destitute on the banks of Dee, at Auchinday, in the parish of Girthon. Four of them, Robert Fergusson, John M'Michan, Robert Stewart (son to Major Stewart of Ardoch), and John Grierson, were, after brief warning, left lifeless on the sward. Three of the bodies were carried away by their friends and buried at Dalry, which so irritated Claverhouse, that the gory remains were disinterred by his orders, and lay exposed for several days, after which they were recommitted to the grave. The two other captives, William Hunter and Robert Smith, were carried to Kirkcudbright, condemned after the semblance of a trial, hanged, and then beheaded. In the same year, whilst three of the wanderers were returning from a conventicle held in the parish of Carsphairn, they were encountered by Graham and his men, and shot without ceremony. The martyrs —Joseph Wilson, John Jamieson, and John Humphrey—were buried in the neighbouring moorland of Crossgellioch; and

about twelve years ago, when the foundation of a monument erected over the resting-place of the sufferers was being excavated, their bodies, says Dr. Simpson, were found embalmed in the moss, "shrouded in their hosen, in their coats, and in their bonnets, exactly as they fell."

In the same year Claverhouse apprehended Thomas Harkness of Mitchelslacks, Andrew Clark, Leadhills, and Samuel M'Ewan, Glencairn. Not only were these men stanch Nonconformists, but they were charged with having assisted in rescuing a party of Covenanters when being conveyed to Edinburgh by the military through Enterkin pass. Harkness and his companions, exhausted by protracted wanderings, were caught sleeping on a hillside in the parish of Closeburn, and "brought into Edinburgh," says Wodrow, "about one of the clock, and the same day they were sentenced and executed about five." Before suffering martyrdom, they emitted a joint testimony, declaring that they owned all authority that is allowed by the written Word of God, sealed by Christ's blood, and disowned Popery and all other false doctrine; adding, that they blessed the Lord, who enabled them to bear witness on his behalf, being content to lay down their lives with "cheerfulness, boldness, and courage," and that if they had had a hundred lives "they would willingly quit with them all for the truth of Christ." James Harkness, brother to Thomas, and of the same heroic spirit, was also taken by Claverhouse, and capitally sentenced; but he succeeded, with twenty-five fellow-prisoners, in escaping from Canongate Jail, Edinburgh, and lived to a good old age, enjoying the sweets of the Revolution Settlement at his farm-house of Locherben.*

* He was interred beside not a few of his kindred in the romantic churchyard of Dalgarno. Over his remains was placed a tombstone, thus inscribed:—"Here lyes the body of James Harkness, in Locherben, who died 6th Dec., 1723, aged 72 years.

"Belo this stone this dust doth ly
Who endured 28 years, persecuted by tyranny,
Did him pursue, echo and cry,
Through many a lonesome place.
At last by Clavers he was tane, and sentenced for to die;
But God who for his soul took care did him from prison bring,
Because no other cause they had but that he would not give up
With Christ his glorious King,

Among the barbarous acts chargeable against Colonel James Douglas are the following, perpetrated in 1685:—Five Covenanters, named respectively, John Gibson, Robert Grierson, Robert Mitchell, James Bennoch, and John Edgar, having taken refuge in a cave at Ingleston, in the parish of Glencairn, Nithsdale, were betrayed to Douglas by one Andrew Watson, dragged forth, and, without being left a breathing time for prayer, shot dead. In the same summary style he treated John Hunter at Corehead, Moffatdale; Thomas Richard, a veteran of seventy years, at Cumnock; and Andrew Macquhan, who was seized in bed when sick of a fever, and despatched at New Galloway.

Of Lag's persecuting achievements, Wodrow and the author of the "Cloud of Witnesses" preserve numerous instances. In 1685 he captured and shot, under cloud of night, George Short and David Halliday of Glenap, in the parish of Troquholm. In the same year, when scouring the parish of Tongland with a party of dragoons, he surprised another David Halliday, portioner of Mayfield, Andrew M'Crabit, James Clement, Robert Lennox of Irlintown, and John Bell of Whiteside, all of whom he put to death. When the last-named prisoner pleaded for a moment's respite, in order that he might commend himself and fellow-sufferers to God, Lag, it is said, exclaimed, in his usual irreverent way, "What the devil have you been doing so many years in these hills? Have you not prayed enough already?" and so saying, gave the fatal order which laid them lifeless at his feet.

The records of the time show that Captain Bruce was as ruthless a tool of the Privy Council as any member of it could have wished. In the same sanguinary year he surprised, at Lochenkit, parish of Kirkpatrick-Durham, six men, and instantly killed four of them, viz., John Gordon, William

And swear allegiance to that beast—the Duke of York, I mean:
In spite of all their hottest rage, a natural death did die,
In full assurance of his rest with Christ eternally."

Mr. Christopher Harkness, commissary clerk of Dumfries, is a lineal descendant of the Harknesses of Mitchelslacks. His nephew, Mr. Thomas Harkness, is tenant of that farm; and it has been possessed by the family of Harkness for two centuries or more.

Stewart, John Wallace, and William Heron; the other two, Edward Gordon and Alexander M'Cubbin, after being allowed a day's grace, were, at the instance of Lag, hanged upon a growing tree near Irongray Church, and buried at the place of execution. About the same time, James Kirko, of Sundaywell, Dunscore,* while lurking in the parish of Kier, was betrayed by one James Wright into the hands of Bruce; who, as has been already incidentally noticed, carried his prisoner to Dumfries, detained him there one night, brought him forth next morning to the White-sands, and added one more to the list of martyred victims whose dust lies in St. Michael's churchyard waiting the resurrection day.

Many Nonconformists died in captivity or in exile, who were as truly martyrs as if they had perished at the stake. A refusal to attend the curate or take the Test was, in countless instances, followed by an imprisonment which terminated only with life itself. For such "crimes" as these Bailie Muirhead of Dumfries was consigned to the prison at Leith, fell ill there, and died; James Glover, while skulking among the woods of Tinwald, was shot at, wounded, and carried to Dumfries in a dying state, and breathed his last in the Edinburgh tolbooth; Andrew Hunter, a burgess of Dumfries, old and decrepit, was immured in the town prison, and experienced the same fate—the poor sufferer praying in vain that he might get home, where he would be better attended to: a home of another kind awaited him. More pitiful still was the fate of those Nonconformists who perished in the vile, noisome pit at Dunnottar Castle, which is still known as "The Whigs' Vault." Among the hundreds of both sexes there confined during the sweltering summer months of 1685, were twenty-nine men and women, who had previously been lodged in the Dumfries jail; two of the latter having first been scourged through the town by the common hangman, "merely because they would swear no oaths, and refused to

* There are two old square towers still standing in the upper part of Gleneslin, and on opposite sides of the glen, at a point where it contracts to a narrow pass. The names of these towers are Bogrie and Sundaywell, and both of them anciently belonged to district families of the name of Kirk, or Kirko. That of Sundaywell is still inhabited as a farm-house. There is a stone over the door bearing the initials I. K., and opposite S. W., meaning John Kirk of Sundaywell. Under the initials is the date 1651.—*Statistical Account*, pp. 341-2.

engage to hear the curate of their parish."* A devout matron of Dumfries, Euphraim Threipland by name, was also of the number. She was the widow of George Macbirnie, a merchant of the Burgh, who, "after he had been tossed since Middleton's Parliament, with finings, confinings, wanderings, and imprisonments, contracted a sickness whereof he died in 1681."† Because Mrs. Macbirnie would not specify the conventicles she attended, name the officiating preachers, and promise to hear the curates, she was fined in a very heavy sum, and being unable to pay it, was sent to "the thief's hole" at Dumfries, from which, though unable to leave her pallet from sickness, she was dragged, with her fellow-prisoners, and despatched to Dunnottar, where she lay for three months. She was fortunate enough to escape transportation, "by a mistake of her name in the clerk;" and, after an additional imprisonment of six months at Leith, she was liberated on giving bond to appear when called upon. "However," says Wodrow, "the Sheriff-Depute kept possession of her goods, and threatened her person if she returned to Dumfries." The tragedy of "The Whigs' Vault" at Dunnottar, has, not without good cause, been compared to that of the Black Hole of Calcutta. John Stock, a burgess of Dumfries, perished in the vault, and several others were suffocated by its noxious atmosphere, who drew their first breath in the same town, before the air of Nithsdale had become morally contaminated by a tyrant King and his minions. James Carran, John Renwick, and Andrew M'Lellan, all householders in Dumfries, were, among a multitude of other Covenanters—the flower of the country in every sense—cast out of it as if they had been vile human weeds, and died prematurely in exile.‡

Whilst the sword of persecution was being wielded with increasing fury, the wretched King who had allowed it to be unsheathed died in the midst of his revels, not without suspicion of having been poisoned. In his closing moments he received the last rites of the Romish Church—thus avowing a

* Wodrow, vol. iv., p. 289. † Ibid., p. 326.

‡ It must not be supposed that we accept as beyond challenge all the instances of persecution recorded by Wodrow: he seems at times to have been too credulous; but, after making every reasonable deduction on this account, there still remain a vast number of well-authenticated cases, of which those specified by us are merely a sample.

faith which he had long secretly cherished. He was succeeded, as James the Seventh, by his brother the Duke of York; who was not only an avowed and bigoted member of the Papal Church, but had never concealed his wish to establish it, and undo the Reformation throughout the British dominions. For a brief space after his accession, the Covenanters enjoyed a breathing time: anon the butcheries were renewed; and when the punishment of death was commuted for transportation to the American colonies, the sufferers were savagely marked to prevent their returning—the men having their ears lopped off, and the women being branded on the cheek. On the 30th of June, 1685, the Earl of Argyle was beheaded at Edinburgh, after the failure of an attempt made by him to defeat by force the despotic and Romanizing policy of the King—the martyred nobleman testifying on the scaffold that he died a Protestant, and "not only a Protestant, but with a heart-hatred of Popery, Prelacy, and all superstition whatever." Other victims followed; and their blood was not altogether shed in vain—proving, as it did, "the seed of freedom's tree," that still had its roots fixed in the British soil, and was destined, ere many more years elapsed, to flourish in unprecedented vigour.

James, encouraged by the overthrow of Argyle's attempt, and the suppression of a similar movement made in England by Monmouth, developed his measures with increasing boldness. That he might advance his Roman Catholic subjects to offices of power, he, under the colour of a universal act of clemency, set aside certain political disqualifications, the repeal of which incidentally benefited the Covenanters. Afterwards, early in 1687, he by direct means endeavoured to conciliate them: first, by a permission to assemble for worship in private houses during the royal pleasure; then, by allowing all Presbyterians to worship in their own churches, by repealing all the laws against them, leaving only those that prohibited field-preaching in full force. Many ministers accepted this toleration; and, favoured by it, the Synod of Glasgow and Ayr met in August of the same year, after a long interval, to resume their deliberations.

The young Nithsdale hero, Renwick, with many of his brethren, rejected these indulgences, because they emanated

from an impure source, were clogged with dishonourable conditions, and were meant as part of the price with which the sovereign sought to purchase the establishment of Popery. He protested against them as a mockery and a snare; and the Government answered by offering a large reward to any one who should seize him, dead or alive. Bearing still unflinchingly the banner of the Covenant, his conscience would not permit him to make any compromise that might stain its unspotted blue; and thus, defending the ensign of the Church, separating himself from its pliant friends, defying its implacable enemies, bearding the power of the deceitful King, he became exposed to perils innumerable. "Thirteen times during the one year (1687) had the troops made the strictest search for him throughout the whole country, prying into every cellar, and tearing off the thatch and pulling down the ceilings of the houses. He had to travel in disguise by the most unfrequented paths, chased like a partridge on the mountains; and to him the mist was a protecting garment, and the dead hour of midnight the guardian of his footsteps. He lived in rude and remote cottages, in shepherds' huts on the tops of the hills, in bosky forests, in caves and in rocks. Wherever he was, he had watches stationed all round to give the alarm. He preached with a fleet horse standing beside him, saddled and bridled, on which he could mount in a moment, and leave far behind him all the troopers in Scotland."*

Renwick eluded their vigilance, whilst he continued preaching and testifying in his native district; but when visiting Edinburgh, in January, 1688, on business connected with a protest against the indulgences, which he had forwarded to the General Assembly, then sitting, he was apprehended in the house of a Cameronian friend, where he lodged, tried on charges of disowning the King, refusing to pay the cess, condemning the toleration, maintaining the right of self-defence, and holding conventicles; and having been found guilty on his own confession, was adjudged to death. Before his execution, whilst he lay in prison bands, strenuous efforts were made to induce him to recant—he was even tempted with the offer of life, if he would only renounce the principles for

* Dodds's Fifty Years' Struggle, p. 371.

which he had been condemned; but he resisted the insidious tempters who visited his cell, with the same courage that enabled him to tread the hills of Closeburn, or the moors of Kyle, with the step of a freeman, when to do so was counted treason.

On the day fixed for his execution (the 17th of February) the Privy Council, fearing, if he made a speech from the scaffold, that it would dangerously excite the populace, enjoined him by a messenger to refrain from so doing, and intimating that if he offered to speak the drums would be set abeating. With characteristic resolution, he repudiated this last attempt at dictation by his persecutors; and though, when he delivered his farewell address, the roll of the drums rose harsh and high, a few broken sentences of it were caught by the eager ears of his followers, "and treasured up as the precious fragments of a distinguished martyr's dying testimony." "I leave my testimony," he said, "approving the preaching of the Gospel in the fields, and the defending of the same by arms. I adjoin my testimony to all that hath been sealed by blood, shed either on scaffolds, fields, or seas, for the cause of Christ. I leave my testimony against Popery, Prelacy, Erastianism; against all profanity, and every thing contrary to sound doctrine; particularly against all usurpations made in Christ's right, who is the Prince of the kings of the earth, who alone must bear the glory of ruling his own kingdom, the Church; and, in particular, against the absolute power usurped by this usurper, that belongs to no mortal, but is the incommunicable prerogative of Jehovah; and against this toleration flowing from that absolute power."

Under such circumstances died the pious, gifted, and heroic James Renwick, just as he had completed his twenty-sixth year. Nine months afterwards he would, if alive, have been hailed as a noble champion of national freedom. Pity, in one sense, that William of Orange did not arrive in February instead of November, for then the scaffold would have been cheated of its last Covenanted victim; but the illustrious sufferer laid down his life cheerfully, and, as he himself declared, was ready to give ten hundred lives if he had possessed them, in the maintenance of the glorious cause for which he died.

In order that the King's scheme for subverting Protestantism

might be promoted, the oath by which officials professed their adherence to it was set aside; and thus the door was opened for the admission of Roman Catholics to places of trust and power. By means of this device, Dumfries—Presbyterian and Covenanting though most of its inhabitants were—came to be furnished with a Romanist chief magistrate. Mr. John Coupland was Provost of the Burgh for the three years ending Michaelmas, 1683; at which term, James, Lord Drumlanrig, was chosen as his successor, and continued in office three years, though he was never present at the deliberations of the Council, and seems to have been little more than the nominal ruler of the town. In 1686 no new magistrates were appointed. Before the preliminary steps for the annual election could be taken, a prohibitory letter was received by the authorities from the Lord Chancellor of Scotland.* It was addressed on the back, "For the Provost and Baylies of the Brugh of Dumfreise, or any of them to whom this shall be first addressed, to be communicat to the Town Councill—in heast;" and ran thus:—"Affectionat freinds, Whereas his sacred Majestie hes by his royell Letter daited at the Court of Windsor, the twenty day of September instant, signified that all elections in royall burrows be suspendit untill his royall pleasure be known theranent: you are ther for in pursuance therof heirby expresslie prohibited and discharged, as you will answear at youre perill, to elect any new magistrats or counsell within your burgh for this yeir: and you and the present counsell are by his Majestie's authoritie heir by authorised to continew and exist as magistrats and counsell untill his Majestie shall signifie his further pleasure. Signed at command and in name of his Majestie's Privie Counsell—By—Your affectionat freind,

Edinburgh, the 16th September, 1686. PERTH, cancell., I. P. D.

In accordance with this arbitrary exercise of the royal prerogative, Lord Drumlanrig and the other syndics of the town continued at the head of affairs for another year; and when 1687 arrived, his Majesty thought he might safely venture to stretch it a great way further, by nominating as Provost a distant relative of the powerful Nithsdale family, and who like its head

* Burgh Records.

was devoted to his interests, and a decided Romanist. The Council having met on the 6th of January in the above year, John Maxwell of Barncleugh, Irongray,* appeared, and presented two Acts of the Privy Council dated the 16th of December, 1686, in one of which he was nominated by them

* So many families of distinction in Galloway and Dumfriesshire are connected by blood or marriage with the Maxwells of Barncleugh, that the following genealogical note may be deemed interesting. Thomas Maxwell, merchant burgess in Dumfries at the end of the sixteenth century, was a younger son of Maxwell of Kirkconnell, and thus a cadet of the Carlaverock Maxwells (see *ante*, p. 31). Thomas married Agnes Rig, whose father was a notary in Dumfries. John, their son and heir, married, in 1637, Agnes Irving, daughter of John Irving (descended from the Bonshaw Irvings, probably), on the 7th of July, 1638. He obtained from George Rome of Irongray a wadsett right of the lands of Barncleugh and others. Agnes Irving survived her husband, and married secondly Robert Maxwell of Carnsalloch. It was the only son of the last-mentioned John who became Provost of Dumfries under the curious circumstances described in the text. Provost Maxwell married Margaret, daughter of John Irving (Provost of Dumfries in 1661–2–3–4, and 5, and again in 1668–9–70–1–2, and 3), by Elizabeth Crichton, his wife, who was daughter of Sir Robert Crichton of Ryehill, a brother of the Earl of Dumfries. James Maxwell, eldest son of the Provost, married Janet Carruthers, a widow, whose first husband was Alexander Johnstone. He married secondly, Mary, daughter of Dr. James Wellwood, a distinguished member of the College of Physicians, London, and whose father, of the same name, was parish minister of Tundergarth. By his second wife, James had Barbara Maxwell, who married James Johnstone, brother of Thomas Johnstone of Clauchrie, a cadet of the Westerhall family, Annandale. Wellwood Johnstone, born in 1747, youngest and only surviving son of James Johnstone and Barbara Wellwood, succeeded in 1776 as Wellwood Maxwell of Barncleugh, on the death of James Maxwell of Barncleugh, son of Wellwood's grandfather by the first marriage. Wellwood Maxwell (or Johnstone) married Catherine, daughter of John Maxwell of Terraughtie. He died in 1833, leaving five sons, John, Wellwood, Alexander, William, and George, and three daughters, Agnes, Mary, and Catherine. John, the eldest, born in 1784, married, in 1815, his cousin, Clementina Herries Maxwell, heiress of Munches, and died in 1843, leaving a son, Wellwood Herries Maxwell, born in 1817, now of Munches, and convener of the Stewartry of Kirkcudbright. He married, in 1844, Jane Home, eldest daughter of Sir William Jardine, Bart., the eminent naturalist, and chief of the ancient family of Applegarth. Wellwood, Alexander, and George carried on business together as merchants in Liverpool. The latter, who was proprietor of Glenlee, and unsuccessfully contested the representation of the Stewartry in 1857, died in 1858. The two other brothers, Wellwood Maxwell of the Grove, and Alexander Maxwell of Glengaber, after amassing a fortune, spent the autumn of their honourable and useful lives together at the Grove, and died within a few months of each other during the currency of the present year (1867). William, a Liverpool merchant, and Catherine, now Mrs. Davis, still survive.

as Provost of Dumfries, and the existing bailies, dean, treasurer, and councillors were authorized to continue officiating as such for the ensuing year. The other Act was in the following terms:—"Whereas the Lords of his Majestie's Privy Counsell have by their act of the date heirof, pursueant to a letter direct to them from the King's most excellent Majestie, nominat and appointed the magistrats and other counsellors therein mentioned for the Brugh of Drumfreis, and particularly John Maxwell of Barncleugh to be proveist thereof, with the dispensatione after mentioned; therefore the said Lords doe heirby require and command the said John Maxwell to be entered and admitted proveist of the said Brugh without taking the Test, or any other oath, prescribed by law, except the oath *de fideli administratione,* conforme to his Majestie's said letter."

Mr. Maxwell had for some time previously to this appointment been town-clerk of Dumfries, and appears to have occupied a highly respectable position in both Burgh and County. It need scarcely be said that the commands of the Privy Council respecting his appointment were implicitly obeyed. Barncleugh, as he was usually called, remained Provost for the current year; and soon after it expired another edict came down from Edinburgh authorizing his reappointment, and embodying such other orders as rendered the whole members of the burghal senate nominees of the Romanizing Court. This tyrannical missive is so richly illustrative of King James's general policy at this time, as well as so interesting locally, that we must introduce it *verbatim.* The Town Council having met on the 22nd of February, 1688, received and resolved to give effect to the following letter, dated the 9th of that month:—"The Lords of his Majestie's Privie Counsell, in pursuance of his Majestie's royall commands, signified to them in a letter dated at Court of Whitehall, the tenth day of November last, Heirby nominate and appoynt the persones underwrit to be Magistrats and Counsell of the Brugh of Drumfreis during this current year, they being such whom his Majestie judges most loyall and ready to promote his service, and most forward to support the good and interest of the said brugh, viz.:—John Maxwell of Barncleugh, to be proveist thereof; John Irving (son to the deceast John Irving, late proveist), Walter Newall, and John Rome, baillies; Andrew

Coupland, dean of gild, and James Dalzell to continue treasurer; and Gavin Carlyle, merchant, Richarde Gibsone, merchant, John Leith, merchant, and John Shillingtoune, merchant, to be new counsellors; and the deacons of crafts to be John Corsbie, present deacon of the squairemen, and deacon convener, John Dicksone, deacon of the shoemakers, John Mairtine, deacon of the ffleshers, Thomas Dicksone, deacon of the weavers, William Blacklock, deacon of taylers, Walter Newall, deacon of the smiths, and James Lawsone, deacon of the glovers—all which persones are heirby authorized to continue in their respective offices untill Michaelmas next to come, in the year 1688; and appoynts the twentie-twa day of Ffebruary instant ffor their entrance and admittance. And recommends to the Shereff-Principal of Drumfreis, or his depute, or any of them, to be present and to sie his Majestie's pleasoure afoiresaid regularly and effectually put in executione."

Before "Michaelmas next" had come and gone, however, the King's fortunes had reached a perilous stage. When, in the summer of this eventful year, he caused six bishops of the Church of England to be sent to the Tower, because they refused to allow a crowning Act of Indulgence to Papists to be read in their churches, the storm that had been long gathering reached a crisis. The nation was still Protestant at heart; and now, thoroughly aroused by the infatuated conduct of the bigoted King, turned for relief to his nephew and son-in-law, William, Prince of Orange, already distinguished as the protector of the Reformed faith against Louis XIV. of France. Responding to the expressed wish of the country, William landed at Torbay on the 5th of November, with about 14,000 men; and, as has been well said, "his march through the English counties was more like a military promenade or triumphal procession, than an invasion in which the crown of three kingdoms was to be won."

King James, after leaving London in dismay, departed in a fishing-smack from the land that had literally cast him out, and to which he never returned. Renwick denounced his reign as a usurpation; and it was now so regarded by all save the sect he had pampered, and the minions he had promoted. Many of the latter, sharing his alarm, followed him in his flight. His Commissioner in Scotland, the Earl of Perth, never for once

thought of making a bold stroke on behalf of his royal master; but fled, like his officials in London, when startled from their propriety by the hurried tramp of the troops from Holland. To the honour of the populace, no bloody saturnalia were indulged in when the power of the detested Privy Council was broken, and they and their satellites, the Episcopal clergy, were left defenceless. The people of Scotland, who had suffered from a cruel oppression for twenty-eight years, rejoiced when the day of deliverance came, but resorted to no violent acts of retaliation or vengeance, well content when they saw the last of their persecutors—when the Test and the Abjuration Oath, the thumb-screw and the bootikin, the hangman's rope and the headsman's axe, and all the vile system of mental and physical torture from which they had suffered, vanished with the men who had planned and carried them mercilessly into effect.

The great lords of the Court decamped like the King, and so did the smaller magnates whom, in his zeal for Romanism, he had invested with civic rule. Before Michaelmas day, 1688, came round, in Dumfries the cry arose, "Where is the Provost?" He had disappeared suddenly, and no one could tell his whereabouts. Little did he imagine at midsummer of that year, that before many months elapsed, he would be degraded from office, a fugitive and an exile. It seemed really at one time as if the Papal Church had acquired its old predominance in the town: its chief magistrate, and some of his subordinates, were devoted members of it, and basking under the radiance of the house of Nithsdale, as well as of the royal favour, they thought "their bow would long abide in its strength;" and that, by and by, mass would be said in St. Michael's, and Protestantism be fairly sent to the wall.

The better to consolidate his power, Provost Maxwell left his residence in the country, and commenced housekeeping in Dumfries on a grand scale—lavish hospitality then, even more than now, being deemed a valuable auxiliary to municipal government. The members of the Corporation appreciated his liberality so much, that on the 5th of April, 1688, when the political sky was yet untroubled, they adopted a grateful resolution on the subject, as embodied in the following minute:—"The Counsell taking to their consideratione the expense and trouble of John

Maxwell of Barncleugh, their present proveist, in comeing with his family from the country to dwell in this brugh, not only in taking of a lodgeing, and other incident charges, bot in taking in of wines to his house, to sustaine the inevitable charge of his office; and it being customary in other burrowes of note, to lay in provisione of wynes yearly to their proveist, out of their common good; thairfore, and for his incuradgment to dwell within this brugh, the Counsell have thought fitt to allow, and doe heirby allow to him of cellarie for this present yeir, and yeirly in tyme comeing, during his Majestie's will to continue him in the said office, the soume of ffyve hundred merkes Scotts money, with ane tierce of Ffrench wyne yearly, provydeing alwayes, the common good of the brugh be so manadged be him that it shall not be burdened with any accompt of incident charges, or accompts of spending be him within brugh, except at extraordinar occasiones, to be approven or not by the Counsell."*

Jovial doings are indicated by this extract from the minutes of Council: but brief though merry was the burghal reign of Barncleugh. News of Prince William's landing having reached the town, a sympathizing crowd of the inhabitants gathered in the market place on the evening of the 17th of December, and proceeded noisily through some of the streets. We cannot tell whether or not they threatened the magistrates, or passed revolutionary resolutions: they must, however, in some highly significant way have shown their antipathy to the ruling powers, and their sympathy with the Prince's movement, since Provost Maxwell no more ventured to appear at the Council Board, and the Bailies had to organize an armed force for the purpose of preserving the peace of the town. Again, on the 25th of December (Christmas-day), the populace made a fierce Anti-Romanist demonstration. "They collected," says Burnside, "from the religious houses in the neighbourhood all the remains of Popish vestments and imagery they could lay their hands upon; they tore down the carved work from the upper story of the Castle of Dumfries, wherein mass had been celebrated, and burnt all together, with effigies of the Pope, at the Market Cross."† Before the month closed, the Revolution was received

* Town Council Minutes.

† The New Church of Dumfries was built upon the site of the Castle, and

by the nation as an accomplished fact; and Dumfries, like other parts of Scotland, was once more in the enjoyment of religious and municipal freedom—exempt at once from the scourge of the Persecution and the Papal incubus.

The first evidence of this happy change is supplied by a minute of the Town Council, dated 26th December, from which we learn that on that day a letter was received by the civic body from Lord Athole, President of the reconstructed Privy Council, restoring to the burghal representatives of Dumfries the right to elect their own magistrates. We subjoin the substance of this important communication:—"Gentlemen,—His Majestie's Privy Council understanding that, in the late nominatione of magistrats and counsell for your brugh, Papists have been imployed in offices of power and trust among you, which may occasion fears and jealousies, to the indangering of the peace and quiet, and the Counsell being willing to remove any ground of such fears, have thought fitt heirby to authorize the magistrats and Town Counsell who were in before any such nominatione, and were legally chosen by your predecessores, to meit and choose magistrats and Counsell for the ensuing year, conforme to the custome and constitution of your brugh: for doeing whereof this shall be to you, and all who may be heirin concerned, a sufficient warrant."* In accordance with these instructions, the Council, on the following day, by "a plurality of votes," chose the Presbyterian Laird of Duchrae,† Mr. William

partly out of its remains. In 1866 the church was taken down to make room for a more imposing ecclesiastical structure; and during this process some relics were picked up, the most interesting of which was a bronze image of the Saviour, four and a half inches in length, very artistically executed. The position of the figure, with the expression of the face, shew that it must have been attached to a cross, and have formed, with its wooden appendage, such a crucifix as is used by Roman Catholic worshippers. The arms were wanting, and they were probably fractured by the forcible removal of the image from the cross. The likelihood is that it formed part of the furnishings of an upper chamber of the Castle that was used as a chapel, dedicated to St. Bride, when the fortress belonged to the Maxwell family, and that it was torn down during the wrecking of the chapel as described above.

* Town Council Minutes.

† Ratification of William Craik of Arbigland, 1681.—"Our sovereign lord affirmes and confirms the charter made and granted by his majestie under the great seale at Whitehall, the eight day of June, 1666, in favor of his majestie's lovit William Craik, Provost of Dumfries . . . all and haill the lands of

Craik, who had ruled over the Burgh before, as Provost, and they superseded six members by appointing other six in whom they had more confidence. The radical change thus effected in the government of the town, caused considerable commotion among the Romanist party. For the "care and diligence shown by the authorities in preventing threatened disturbances," they received a letter of thanks from the Privy Council, which communication closed in these terms:—We "doe aprove of your procedure in this affair, and look upon it as good and acceptable service at such a dangerous juncture as this, and alowes you to detaine as prisoners in your tolbuith thos persones apprehended be you on this account, except the Laird of Barncleugh, your late proveist, who is to be sent hither prisoner by the gentry of your shire, by order of the Laird of Lag,* and others who have the Counsell's former commands anent him; and the Counsell doe heirby give order and warrant to Lag and Closeburn, or any two of your Toune counsell, to sight what is in the said Barncleugh's cloak-bag, found with him, for his disguise, and to delyver to him such papers therein as properly belong to himselfe; and such as pertaine to your toune, to you; and such as belong to the public, to be sent, under your sealls, to the clerke of counsell. Your cair and diligence for the future, to prevent troubles and to keip peace amongst yourselves, and keiping your toune in a conditione of defence for the Protestant religion and security of the kingdom, is expected, ther being ane frie electione allowed you by the counsell, in whose name this is signified to you by your humble servant, ATHOLE." †

Duchraw, extending to ane Ten-pound land of old extent, containing and comprehending the particular lands under written, viz.: the lands of Tornorroch, Rone, Drumglass, the two Duchraws, Clone, Barbech, Uroch, Uliack. The Maines, the two Craigs, Drumbreck, with the milne of Duchraw, milne lands, multurs, &c., togither with the fishing in the water of Die, belonging to the said lands, all lying within the parochis of Balmaghie and Stewartree of Kirkcudbright and Sheriffdome of Dumfries."—*Acts of Scot. Parl.*, vol. viii., p. 393.

* We thus see that Sir Robert Grierson managed, in spite of his past misdeeds, to gain favour from the Revolution Government; which may be accounted for by the circumstance that he was brother-in-law to the abler but almost equally pliant Queensberry, as well as by the necessities of the new Administration.

† Town Council Minutes.

We thus see that the missing ex-Provost, who was objected to solely on account of his religion, was found at last; and the records show that, after being for awhile imprisoned in Dumfries, he was sent to Edinburgh—where, we doubt not, he was leniently dealt with, like other greater offenders. On the 9th of January, 1689, the new Town Council met under the presidency of Provost Craik, and gave orders that the Prince of Orange should be proclaimed King at the Market Cross. This ceremony, however, was not performed till the 24th of April, in order, probably, that due time might be given for rendering it imposing. A minute of the preceding day states that the Council had fixed "the morrow, betwixt thrie and four o'clock in the afternoon, for proclaiming King William and Queen Mary, King and Queen of Scotland, with all solemnities used in such caises, conforme and in obedience to the meiting of the Estates, their proclamatione published thereanent; and appoynts intimatione to be made throu the toune be touk of drum, to the effect the inhabitants may appear in the Sandbeds at the bating of the drum, in their best arms." The treasurer's accounts show that "10 pound 6 unce of powdere," value £8 6s. Scots, was burnt on the joyous occasion; that whilst the cannons fired salutes, a bonfire made of "9 gritt loads of peitts," costing £1 16s., sent forth a ruddy blaze; and that the health of the new sovereigns was toasted at the Cross in six "pynts of ale," ordered by Bailie Irving:* indoors, doubtless, the same toast would be honoured in more patrician liquor.

Whilst these events were transpiring, Graham of Claverhouse, no longer hunting Covenanting game on the hills of Dumfriesshire and Galloway, hurried to the Highlands with the view of upholding the desperate fortunes of King James. Complimented with a coronet by the royal fugitive, who had really ceased to be the "fountain of honour," Claverhouse entered upon his chivalrous enterprise, and for the first time in his career appeared as a hero.

> "He waved his proud arm, and the trumpets were blown,
> The kettle-drums clashed, and the horsemen rode on;
> Till on Ravelstone crags, and on Clermiston lea,
> Died away the wild war-note of Bonnie Dundee."

* Burgh Treasurer's Accounts.

But the cause he sought to maintain was rotten at the core. King James was doomed; and the days of the doughty cavalier on whom he placed his chief reliance were numbered. Though victory smiled on the royal flag at Killicrankie, it was with a faint, dismal, deceptive smile, in view of the dead Dundee —all gory and cold as ever lay John Brown on the sward of Muirkirk, or any of his other victims in the glens of Nithsdale. The fall of Viscount Dundee, on the 17th of June, 1689, the failure of his followers before Dunkeld, and the decisive defeat of James at the battle of the Boyne in the following year, destroyed all the remaining hopes of the Stuart dynasty; and the discrowned monarch, deeply mortified by the failure of his schemes and the overthrow of his house and throne, retired to France.

Mr. Richard Brown, the Prelatical curate of St. Michael's, who succeeded Mr. Alexander Cairncroce* in 1684, disappeared about the same time as the Papistical Provost; and on the 15th of August, a month after the battle of Killicrankie, the Presbyterian form of church government was once more, after an interval of twenty-six years, brought into full operation in Dumfries. A meeting of Session was held that day, attended by Mr. George Campbell, reponed as minister of the parish, John Irving of Drumcoltran (afterwards Provost of the Burgh), and John Shortridge (formerly deacon of the glovers), elders; assisted by Mr. Robert Paton, minister of Terregles, who had that day preached in St. Michael's Church. The Session having been duly constituted by prayer, proceeded to consider what could be done in the way of constituting ruling elders and deacons, so as to fill up the blanks created during the persecuting times. A lamentation was made "that hithertoo there was little access by reason of many letts and impediments in the way, and that difficulties not a few did continue." "Nevertheless," continues the record, "seeing endeavours should be essayed, there was ane list offered of persons fit for these employs; and forasmuch as some of these had been in the time of the late violent trials and troubles, hurried into a sad compliance with illicit engagements, who in the judgement of

* Mr. Cairncroce, who was seventeen years parson of Dumfries, was, on the recommendation of the Duke of Queensberry, promoted to the see of Brechin in August, 1684, and to the bishopric of Glasgow at the close of the same year.

charity are looked upon as much grieved for, and dissatisfied with themselves for that, and judged to be no less fit, but more than many others, it was enquired what was fit to be done for such."* This question having been fully debated, it was unanimously agreed that the persons referred to should be desired to signify before the minister and one or two elders, their sorrowful sense of their conduct, and that other likely individuals not similarly involved, should be requested to attend next meeting of the Court. Accordingly, on the following day, several elders and deacons, after professing penitence for having taken the Test, were received into the Session. Others were afterwards admitted; so that by the 30th of the month the elders numbered thirteen, and the deacons twelve.

For some time before the Revolution, Mr. Campbell, Mr. Paton, and Mr. Francis Irving, the faithful remnant of the Dumfries Presbytery, met occasionally to exercise a stealthy jurisdiction over the district; and when King James, for his own purposes, put a grain or two of toleration into his government, these ministers, officiating more openly and systematically, supplied pastors not only to several parishes within the bounds, but to Canonby, Borgue, Glencairn, and others, Mr. Campbell at the same time preaching occasionally to the faithful remnant of his flock in a small meeting-house situated in the East Barnraw, now called Loreburn Street.† Before 1690 commenced, not only the Session, but the Presbytery and Synod of Dumfries, were reconstructed; and the Parish and County were placed once more, by the authority of Parliament, under that ecclesiastical system which the greater portion of their inhabitants had openly or secretly adhered to during all the protracted troubles of the Persecution.

The delight of the Dumfriesians in getting back their old minister, Mr. Campbell, must have been very great; but his venerable father-in-law and colleague, Mr. Henderson, never preached to them again after parting from them in 1662, and he died an exile from the Parish before Presbyterianism was restored. In October, 1690, Mr. Campbell again took

* Session Records.

† *Raw*, or *row*, was synonymous with "street." The High Street was the *Midraw*, Chapel Street was *Rattenraw*, and now Loreburn Street was *East Barnraw*.

farewell of his flock, but this time under different circumstances, the General Assembly having appointed him Professor of Divinity in the University of Edinburgh—"a situation," says M'Crie, "which he was extremely averse to, but for which he was eminently qualified by the 'learning and modesty' ascribed to him, even by the avowed detractors of the Presbyterian ministers of that period." Considerable difficulty was experienced in finding a suitable successor at Dumfries for this good man and gifted preacher, and it was not till nearly four years afterwards that one was obtained, in the person of the celebrated Mr. William Veitch.

When only twenty-six years of age, Veitch, as stated in his memoirs, was "prevailed with, by Mr. John Welsh, minister of Irongray, and others, who came to his house at the Westhills of Dunsyre, to join with that party who were so oppressed by the inhuman cruelties and excessive robberies of Sir James Turner and the forces he commanded, lying at Dumfries, for their non-compliance with abjured Prelacy, so that they were necessitated to endeavour their own relief if possible."* Though not present when the persecutor was captured, he thoroughly identified himself with the insurgents, took part in the battle of Pentlands, and narrowly escaped from that disastrous field. When, towards nightfall, the Covenanting ranks were broken, he "fell in," to use his own words, "with a whole troop of the enemy, who turned his horse violently in the dark and carried him along with them, not knowing but that he was one of their own." "But," he goes on to say, "as they fell down the hill in pursuit of the enemy, he held upwards till he got to the outside of them, and the moon rising clear, which made him fear he would presently be discovered, he saw no other way of escape but to venture up the hill, which he did, being well mounted; which, when the enemy perceived, they cried out, 'Ho! this is one of the rogues that has commanded them!' Several pursued him up the hill a little, and shot at him sundry times, but their horses sunk, and were not able to ascend the hill; so that he escaped, and came that night to a laird's house in Dunsyre Common, within a mile of his own dwelling."†

* M'Crie's Memoirs of William Veitch, pp. 23–4. † Ibid., p. 44.

Mr. Veitch, after continuing in hiding for several days, fled to the north of England, where he resided many years, ministering to various attached congregations, when such a liberty was allowed him. In 1678, when Prelacy was rampant, he was apprehended at Stanton, near Morpeth, on a magistrate's warrant, charged with being "a preacher or teacher to the Nonconformists in the Church of England," and with being an outlawed rebel fugitive from Scotland. Dragged before the Scottish Privy Council, he was subjected to a searching interrogation by Archbishop Sharpe; and, as the Council failed to make him criminate himself, and they had no evidence of his having been engaged in the Pentland rising, he was sent back to prison. "The next news was a letter from the King to turn him over to the criminal court, and there to intimate an old illegal sentence of death unto him;" but, owing to an opportune change in his Majesty's counsellors, and much influence being used on his behalf, the sentence was commuted to the lenient one of banishment from Scotland for life, in virtue of which he was left at liberty to rejoin his old friends in Northumberland.

At the Revolution, this uncompromising champion of the Covenant, who had suffered so much for his principles, obtained welcome repose. Several calls from vacant parishes having been addressed to him, he accepted one from Peebles, where he remained for four years, though, strangely enough, objections to his settlement there were made at the instigation of the Duke of Queensberry, on account of his being compromised in the Pentland affair; and before these were finally disposed of he received competing calls from Edinburgh and Dumfries, the latter of which, in accordance with the decision of the Assembly, he accepted in September, 1694. Mr. Veitch, as he himself narrates, was at first disinclined to accept the charge demitted by Mr. Campbell, and only did so after preaching repeatedly at Dumfries, and "acquainting himself with the people;" "and," he adds, "this was a great encouragement, that after several conferences with some leading persons in the town, wherein he told them, among other differences, needless here to be mentioned, that except they would free him of the drawing of the tithes (with which he had got on the finger-ends

at Peebles, and 'burnt bairns fire dread'), and take a tack thereof from him, as long as he should continue minister of the place, he could not settle among them. They at length, consulting among themselves, complied with this, and so he set them a tack of them so long as he was to continue their minister, at the rate that they had often told him the tithes were worth, viz., twenty-two hundred merks per annum, out of which he is obliged, by charter from the King, to pay the second minister four hundred merks per annum."*

In the following year Mr. Veitch concurred with his Session and the magistrates in giving a call to Mr. Robert Paton, minister of Carlaverock, who was admitted as his colleague in February, 1696. It is pleasant to contemplate the venerable man, after all his troubles and trials, ministering in comfort to his Dumfries congregation, and looked up to with respect throughout the parish. He had been of some service to Mr. Gilbert Elliot, afterwards Lord Minto, when that young lawyer was in a humble condition, for which favour his lordship had afterwards an opportunity of showing his gratitude; and when the old friends met in Dumfries, which they often did, their conversation was sure to turn on the perils of the Persecution, contrasted with the peace of the present times. On one of these occasions, Lord Minto facetiously remarked, "Ah! Willie, Willie! had it not been for me, the pyets wad hae been pyking your pate on the Netherbow Port!" and Mr. Veitch's happy response was, "Ah! Gibbie, Gibbie! had it no been for me, ye would have been writing papers for a plack the page!" In 1709, his constitution, though vigorous, gave way, so that he had to obtain successive assistants; one of whom, Mr. Patrick Linn, was ordained on the 19th of May, 1715, as the second minister of Dumfries, Mr. Paton being recognized as occupying the first charge. Mr. Veitch demitted his charge on the same day, on account of his increasing infirmities, though he still retained a right to preach occasionally. His faithful partner, to whom he had been married fifty-eight years, died in May, 1722; and next day he breathed his last, at the ripe age of eighty-two.

* Memoirs, p. 191.

CHAPTER XXXVIII.

RELATIVE POSITION OF DUMFRIES AMONG THE ROYAL BURGHS — DETAILED ACCOUNT OF ITS TRADE AND COMMERCE IN THE LAST DECADE OF THE SEVENTEENTH CENTURY — PROVISION FOR THE MAINTENANCE OF THE POOR—RISE OF BRIDGEND (MAXWELLTOWN)—BURGHS OF BARONY NOTICED —LANDED PROPERTY OF THE BURGH — RIGHT OF THE HOUSEHOLDERS TO PASTURE CATTLE ON ITS COMMONS—PRIMITIVE CONDITION OF THE DOCK MEADOW — FRESH ILLUSTRATIONS OF TOWN COUNCIL LEGISLATION — PROCEEDINGS OF THE INCORPORATED TRADES—THE DARIEN SCHEME, AND ITS FOUNDER WILLIAM PATERSON: MUNIFICENT SUPPORT GIVEN TO IT BY THE BURGH AND DISTRICT.

FROM a very early period, down till the Union with England, the Burgh, or rather its Council, as an electoral college, sent a Commissioner to the Estates, or Parliament, the Provost being often appointed as such. The name of the Burgh usually appears as the fifteenth on the Parliamentary roll, a place that indicated the period of its erection rather than its rank. An Act passed in 1701 in favour of Dumbarton, reserves the right of the members of Ayr, Irving, Renfrew, Dumfries, and several other burghs, to ride, sit, and vote, and take precedency in all national meetings before the representative of the said burgh. In the reigns of the Jameses, and for a century afterwards, Dumfries had a much higher relative position than that which it now occupies. Chalmers, writing in 1823, observes, that "Dumfries has gradually changed its place of precedence, as it has increased in people and prosperity. According to the tax roll of 1771, it stood the seventh on the scale of assessment of sixty-six Royal Burghs, there being only six higher, and no fewer than fifty-nine lower." By a reference to the tax roll of earlier years, we find that the town occupied a still higher grade than the author of "Caledonia" assigns to it. In the roll of 1695, Edinburgh stands first, and is rated at £35 Scots; Glasgow follows far behind, at a rating of £15,

which, however, rose ten years afterwards to £20; Aberdeen ranks next, at £6 10s.; Dundee follows, at £5 6s. 8d.; then comes Montrose, at £2 8s.; and next Dumfries, at £1 18s. 4d. In 1705, the tax on Montrose had fallen to £1 13s. 8d., and that of Dumfries remained stationary, making it, in the last-mentioned year, the *fifth* of the Royal Burghs, as tested by taxable wealth. The rate on Lochmaben in 1695 was 3s., on Annan 2s., and on Sanquhar 1s. The oldest tax roll extant, dated 21st February, 1578, makes Dumfries the eighth Royal Burgh: at that period its proportion of the general assessment was £1 7s. 6d.

A high degree of prosperity was enjoyed by the Burgh during the reign of James IV.: and though it was more populous at the date of the Revolution, it was relatively poorer, the various troubles through which it passed in the interval having operated discouragingly on its trade and commerce;* while its landed patrimony had become much reduced through improvidence or neglect, and its fishings on the Nith, conferred by royal grant after the Reformation, had passed into private hands. We have no means of knowing what amount of revenue the Burgh derived from feus and leases before its common good began to be tampered with, about the beginning of the sixteenth century; but it must have been considerable as compared with the expenditure, and we know that, before the lapse of another hundred years, it had become very much reduced. Had that not been the case, the "re-edification" of the bridge in 1629 would not have been a very exhaustive effort; and a more favourable report could have been given of the public finances than the authorities were able to furnish to certain representatives from the Convention of Royal Burghs, who in 1692 visited the town to obtain information upon the subject. Provost Rome, Bailie Johnston, Bailie Irving, and Mr. Menzies, town-clerk, gave in a statement to the deputies which was the reverse of cheering. "To the best of their knowledge," the common good was worth yearly "2,666 lib. 13s. 4d., or thereby" —that is to say, about £222 sterling; and their debts "twentie thousand merks," or nearly £2,100 sterling. We learn from other sources that the bridge custom that year amounted to

* Appendix K.

£122 sterling; the dues levied at the trone and three ports, to about £27 sterling; and the rent for the meal market to about £22 sterling: which sums make up within £9 of the whole reported revenue, leaving only that trifling balance to be received for rent of the mills, feus, and other small miscellaneous items not specified.

The inland trade, annually, is said to consist of "thretie packs of linnen cloath at twentie pounds sterline the pack, in neat twelve hundred pounds sterline, and other goodes of that nature, to the value of four hundreth and eighty pounds sterline; five thousand sheep skins at fyfty pound sterline the thousand, in neat two hundreth and fiftie pound sterline; sex thousand lamb skins, worth seventeen pounds sterline, which they sell yearly to merchants in Edinburgh and others." It may be inferred, from the silence observed respecting the manufacture of woollen cloth, that that branch of industry, once so flourishing in the Burgh, had little or no existence at the date of the report. In retail business, it is stated, there are "ten or twelve merchants' shops," whose staples are iron, tar, and lint; "two that sells cloath and London goodes;" three that deal in drugs; "some other shops of little accompt, that sell brandy, pipes, tobacco, candle, and such like wares;" and "there is vented within the burgh about three tunns of wyne yeirly;" but "they cannot condescend upon what malt they consume yearly, in regard their milns are rouped with the rest of their common good." As respects liabilities, it is stated that the minister draws the tiends of the Burgh acres for their share of his stipend, the rest being paid by the landward part of the Parish; that he is allowed £30 for half the rent of his manse; "as also, they pay to their schoolmaster, doctors, precentor, and other their public servants, 970 lib. Scots yeirly:" all which, with the interest on the debt of 20,000 merks, is drawn from the common good. But this is not all: they have out of it to maintain the fabric of the church, "also the bridge, consisting of nine large arches, tolbooth, prison-houses, milns, miln-dams, cluses, and school-houses," the expense of which is estimated at £500 Scots annually; "whereby, and by the expenses of their Commissioners to the Parliament, Convention, and other publict charges, their patrimonie is exhausted, and will necessarily

endgadge them to contract debts; and by reasone of the inconvenience of the river, and the chairges of lighters, it's feared that trade will totally decay, even tho' there were peace."

Equally doleful is the account given by the reporters of two of the chief thoroughfares:—"About twentie tenements in the High Street ruinous, besides some houses in closses; and the wholl north syde of Lochmabanegate totally destroyed by fire about a twelvemonth since or therby, a great deal whereof is as yet unbuilt." Dumfries in 1692 must have been in a woefully depressed condition to have warranted such statements as these: though, as the magistrates at the close claimed "to be relieved of the fyve shilling they were heighted with in the tax roll"* a year previously, they perhaps deepened the shadows of the picture for the sake of giving effect to their request. We know that in several preceding years a much more cheerful report was given in by their own treasurer, showing a revenue varying from £300 sterling annually to £320; and that in 1699 some separate items of revenue that have been preserved warrant the supposition that the whole would amount to the latter mentioned sum at least. In 1699 the bridge customs yielded

* The Convention of Royal Burghs, at their annual meetings in July, fixed the quotas of land-tax to be paid to the Crown by each burgh, according to its wealth; and had power to vary the proportion payable by them according to their prosperity or decay. Use and wont, rather than Acts of Parliament, authorized the Convention to exercise an almost inquisitorial oversight of the burghs in matters of finance. We quote the following illustrative minute from the Records of the Convention (vol. i., p. 191), dated at Linlithgow, 15th July, 1584:—"The samyn day, Symon Johnstoun, Commissioner for the Burgh of Dumfreis, made offer of the thrid penny mair to the customes of the said burgh, nor presentlie is payit be James Geddes, customer thairof, quhilk Commissioners, respecting his gude and profitabill offer, ordanis the said James to be chargit to compeir in Edinburgh upon the xviij. day of October nixtt, thair to mak his compte to the burrowis to be appoynted to the hering and allowing thairof, discharging him of any further using or exercing of the said office from the said day of Oct.; and that at the said day of his comptis he delyver to the additouris of the samyn, the half seill or stamp being in his possession, and that the magistrates of the said burgh of Dumfreis, then present in Edinburgh, are sufficient customer and comptroller, for quhame they [the auditors] sal be answerabill for the dew executioun of thair office to the burrowis foirsaidis, the said auchtene of Oct. nixtt: quhairunto the said Symon consented." Rather sharp practice this on the part of the Convention—cashiering the "said James" in his absence, and appointing a new "customer" for Dumfries, because he had offered a trifle more for the customs than the old one.

£118 12s. 2d. sterling; the dues at the other three entrances, £24 3s. 1d.; Milldamhead Park, £22 4s. 5d. If we add for other land rents and feus, say £50; for mills, £50; for burgess fees, £15; for meal market, £20; and for miscellaneous branches, £20; the aggregate will be nearly £320, which may be accepted as the annual worth of the common good in the closing decade of the seventeenth century.

As regards the commerce of the port, an unfavourable account was also given in 1692; but before quoting from it, a few preliminary remarks are called for respecting the river and its estuary. The Solway, into which the Nith flows, has peculiar characteristics, that render it quite a topographical study. Numerous currents meeting near its mouth keep up a perpetual conflict; and twice in every twenty-four hours the tidal flow, suddenly raised above its ordinary level, and rendered fierce by the tumult, seeks an outvent at the estuary, through which it rushes with a speed that is nowhere rivalled in the United Kingdom, or perhaps in the world. It hurries on, carrying a head four to six feet high, filling up the tortuous channels, and sweeping over the broad level beds of the Frith with a rapidity that has earned for its foam-crested billows the title of the White Steeds of the Solway.* Gradually, as the tide approaches Dumfries, its pace moderates, and its head is absorbed; and only on very rare occasions does the briny current surmount the Caul, though before that barrier was erected it must have frequently swept through and far beyond the arches of the bridge. The entire domain of the Solway, except the narrow channel of the Nith, and the waters that enter near its eastern extremity, is "alternately a surgy, brown sea—now misty with sand and now tinctured with silt, oscillating with the rebound of the tide; and a naked, flat, unrelieved expanse of sand interposing its dreary projection between the blooming slopes of Cumberland and the finely outlined and warmly tinted lands of Scotland. Much of its beach, or rather of its bed, even its broader and more seaward parts, is of the same character; so very much, indeed, that were the Frith estimated or measured only by the space it covers at low water, it would figure in extremely limited proportions."†

The singularities of the Solway, whether at high or low

* Appendix L. † Sketch of the Solway in the *Builder*.

water, though very interesting as natural phenomena, are rather adverse to the prosaic purposes of trade; and the red sandstone which stretches athwart the southern shore of the Frith forms a rocky bar over the Nith at Kingholmbank, which has always operated discouragingly on the interests of the port and river.

For some time before the end of the sixteenth century, Dumfries was the seat of a considerable trade, which soon afterwards suffered a serious reduction. Mr. Tucker, a revenue officer appointed by Government to draw up an account of the Scottish ports in 1656, concludes his notice of those in the south as follows:—"Last of all," he says, "Dumfreese, a pretty mercat town, but of little trade—that they have being most part by land, either for Leith or Newcastle, the badness of coming into the river upon which it lyes hindering their commerce by sea; soe that whatever they have come that way is comonly and usually landed at Kirkcudbright. This town of Dumfreese was formerly the head port of these parts, the town of Ayre being then within the district of Glasgow; but there being nothing to doe, the Commissioners thought fit to remove the Collector to Ayre."* From the same authority we learn that "the accompt of the beere, ale, acque vitæ lett to farme" in the several shires of Scotland during the year 1655 amounted to £35,054 8s. 8d., and that the proportion yielded by the port of Dumfries was £694.

In 1692, as we learn from the report to the Convention, the town owned one large vessel of 140 tons, named the "Elizabeth;" three of a smaller size—the "Adventure," thirty-six tons; the "Concord," twenty tons; the "Providence," also twenty tons; a boat of three tons, and a yawl. The estimated value of the whole fleet was about £300 sterling; but owing to the want of trade the ships were laid up in port, and out of repair. The commerce with other countries, once considerable, had fallen off to such an extent that during the five preceding years it could be summed up in this narrow compass: "Ane smale ship from France with eighteen tunns of wyne and sex tunns of brandie or thereby; item, ane other vestell from Noraway with fyve thousand daills; item, a small vestell from Stockholm, loaded

* Tucker's Report upon the Settlement of the Revenues of Excise and Customs in Scotland.

with iron; item, ane other small vestell from Bristoll, of the burden of twentie tunns, loadened with cydar, botles, hopes," and some other small goods of inconsiderable value. At that period there was no quay or harbour on the river or port, and "there being but a small water and very shallow, and sand banks all down the water twenty miles from the town," the use of lighters from Kirkcudbright and Isle of Heston was rendered necessary: the outlay for which "consumed the profit of their trade."*

Gradually the commerce of the port increased so as to require a large staff of officers for its supervision; and though the Union with England was, as we shall see, viewed with marked displeasure by the Burgh, the measure exercised a beneficial influence on all its business concerns. Consequent on that event, a large legitimate trade sprung up with the American colonies, which, added to that already carried on with the north of Europe, contributed much to the prosperity of the port.

The poor of the Parish were maintained from the weekly church-door collections; a small allowance, the interest of £600 sterling, left for that purpose by a benevolent burgess, Dr. Johnston,† in 1639, for which the rent of the mills was chargeable;‡ and an occasional tribute levied from the richer class of burgesses. A glimpse of its pauperism at the close of the seventeenth century is given in a minute of proceedings taken by a committee appointed to raise a special fund for indigent persons in the winter of 1698. After visiting the various

* General Report on Municipal Corporations in Scotland, Appendix, p. 43.

† Dr. Robert Johnston was a gentleman of varied accomplishments and great professional skill. He was brother-in-law to George Heriot, and was at one time physician to James VI. By his will, dated in the parish of St. Ann, Blackfriars', London (where he died), he left benefactions to Glasgow, Dundee, Montrose, Kirkcudbright, and Moffat, as well as to Dumfries. A bursary connected with Moffat, and an endowment for the usher of the school there, are still in existence; but it is supposed that some of his injunctions were neglected by his executor, Lord Johnstone, during the turmoil of the civil wars.

‡ "1st June, 1678.—I, James Richardson, kirk treasurer, grants me to have received fra John Mairtin, town thesaurer, the soume of nine pund sterling for the hav quarter; and that off the rent of the mylls, being for the use of the poor thereof, I grant the resait, and discharges the above named John of the foirsaid soume."—*Treasurer's Accounts.*

quarters of the town, the committee gave in a list of thirty-eight individuals, constituting "the most creditable and honest sort of poor, fallen-back burgesses," whom they recommended to be paid nine pounds sterling quarterly out of Dr. Johnston's mortification; while, for the sustenance of ninety-four persons in a destitute condition, the committee proposed to exact from the well-to-do inhabitants such a sum as would amount to thirty-five pounds Scots weekly for the half year ending the following 1st of June—all which allowances were over and above the "collectiones at the kirk door and other church causualities." These figures do not suggest the existence of any overwhelming amount of pauperism: it seems, indeed, to have been lighter than the depressing influences, long previously at work, prepared us to expect.

When the magistrates reported on the state of the Burgh in 1692, they complained that staple commodities were sold to its prejudice in "several regalities, baronies, kirk-towns," and other country villages in the vicinity: one of these was the hamlet of Bridgend, which has been repeatedly mentioned in our pages. Soon after Devorgilla's bridge was built, a few dwellings, it may be supposed, would be planted down at its terminus on the right bank of the Nith; and we know that, at a very early date, the village, with the ground it occupied, belonged to the Abbey and College of Lincluden. In 1621, James VI. annulled the annexation of Bridgend to the Crown, that he might confer it and other heritages upon his favourite, Murray; the property being thus designated in the Act passed for that purpose:—"The tenementis, housses, and yairdis lyand besyid the Brigend of Dumfreis, quhilk perteinit of auld to the sacristenes and prebendaries of the Colledge Kirk of Lincluden, and all and haill the fyve-pund land of Troqueir."

A contract of wadsett, dated 9th May, 1635, bears to have been signed at "Bridgend of Drumfreis;" and we have seen that the freemen of the Burgh recognized it as a suburb before the middle of the seventeenth century, and that in 1658 no fewer than twelve master shoemakers, belonging to the cordwainers' corporation, resided in the village—a proof that then it must have had a considerable population, amounting perhaps to four hundred at least. Its growth was fostered by the Maxwells,

its feudal superiors; but all the strenuous efforts put forth by them to make it a market town were foiled by the Dumfries Town Council, who could not bear the idea of having markets to rival theirs set up on the opposite bank of the river.*

Its oldest surviving house (occupied till lately as an inn) sits so near the bridge as to receive support from it. In a precept charter† granted by the Dumfries Council to the owner of the tenement, James Birkmyre, cooper, dated the 3rd of October, 1660, it is described as "that new house builded upon the far end of the Bridge on the south syde," which was to be held by him and his successors in feu farm and heritage for ever, "on payment theirfor yeirly the soome of ten merks Scots," and on condition of giving his attendance at the bridge to see that no draughts of timber be taken across it till the magistrates grant permission. The charter is signed by "Robert Graham, provist; John Cunynegham, bailie; Thos. Irvyne, bailie; Ja. Thomesone, bailie; Wm. Craike, deane; John Irving, thesarer; Jo. Coupland, counsellor; Edward Edgar, counsellor." Bridgend, as we shall afterwards see, was erected into a burgh of barony, under the name of Maxwelltown, in 1810.

Numerous other burghs of barony existed in Dumfriesshire before the seventeenth century was far advanced—Langholm in Eskdale, Lockerbie and Ecclefechan in Annandale, Thornhill and Minnyhive in Nithsdale, all of which remain in vigour; and the trio first named have grown into populous and flourishing seats of trade. Other baronial burghs that were once prosperous—Torthorwald, Ruthwell, and Amisfield—have fallen into decay; while Dalgarno, or Dalgarnock, whose merry market tryst lives in Burns's well-known lyric, "Last May a braw wooer,"‡

* On the 16th of March, 1663, a minute was drawn up by the Council, showing that "the tacksman of the bridge and town officers were empowered by antient custom to go to the crofts in Bridgend holding of the town, and drive all cattle therefrom presented there to sale, and bring them to the Sands, the ordinary mercat."

† Now in the hands of Messrs. T. and J. M'Gowan, solicitors, Dumfries.

‡ "But a' the niest week, as I fretted wi' care,
I gaed to the tryst o' Dalgarnock;
And wha but my fine fickle lover was there!
I glowr'd as I'd seen a warlock, a warlock;
I glowr'd as I'd seen a warlock!"

has disappeared, leaving no memorial save its romantic burial-ground, where "the rude forefathers of the hamlet sleep." Traces, more or less distinct, of other deserted villages, are visible in various portions of the County. Near Dumfries, that of Lincluden, which rose up under shelter of the College, left some remains up till a recent period; and the site of one on the farm of Terreglestown can be pointed out, though every vestige of it has long since passed away.

When agriculture was neither known as a science nor practised systematically, almost every substantial householder in the Burgh was his own grazier; and the wealth of some of them lay, like that of the Bible patriarchs, in herds and flocks. The large extent of the "commonty," or town lands, gave full scope for this pastoral occupation. Even after the territorial patrimony was of small extent, as compared with the ground apparently laid claim to at the Riding of the Marches, it included Castledykes, Kingholm (now Hannayfield), Milldamhead, Barkerland, a large share of Lochar Moss, and several tofts on the Galloway side of the Nith. A large proportion of the whole was unfenced and used as a common, on which all who paid scot and lot had a right, for a trifling sum, to pasture their cattle.

Early every summer, a tuck-of-drum proclamation informed the lieges that the time for grazing had arrived, and that (to borrow from a Council minute, dated 30th May, 1709) "the whole inhabitants of this Burgh who have bestiall intended for the Kingholm and Barkerland grass," were to enter them on the following Friday, "conform to their interests in the stent and land rent-rolls, and at this entry to make payment of half ane crown to the treasurer for each soum.* And the treasurer is to attend at the Kirkgate port, at seven of clock in the morning, to receive the same at the entry of the said bestiall;" and appointing those who have beasts for pasture "to repair to the Tolbooth the morrow, to give in notes of their stents and fractions to the magistrates," declaring, at the same time, "that no person who is not on the stent-rolls, is to have liberty to procure fractions or any priveledge in the grass."

In 1642 the "soumes" of cattle pastured at Kingholm

* A "soum" was as much ground as would pasture one cow or five sheep.

numbered fifty-nine—"Jon Corsane, Proveist," leading the list with an allotment of three; and those of Barkerland amounted to twenty-four. The list of "such of the bestial pertaining to the Burgh of Dumfries as were entered to Barkerland the 2nd of June, 1688," apprises us that a small charge was levied on each animal. Thus, John Allan pays 10s. Scots money for a cow; James Ritchie 14s. for "a naig;"* the whole entrants numbering ninety-three, and paying for the season's grass £61 6s., which sum was probably spent in maintaining the fences of the pasture ground, in feeding a herd, and defraying other incidental expenses. A salaried keeper was regularly appointed to take charge of these burghal quadrupeds when cropping the grass and chewing the cud, and a bovine superior was provided for them, which was sold by public auction at the close of the season. The town lands not let out for grass were granted in feu for the benefit of the revenue; and it is more than suspected that in some instances the feuars conveniently forgot their obligations, and, becoming free squatters on the soil attached to them, were transformed from "puir tenant bodies, scant of cash," to petty lairds.

The lapse of half a century brought little change in the style of burghal government; the rulers in 1690–1700 being as prone as their grandfathers to the vice of over-legislation, and as ignorant as they of the natural laws which regulate supply and demand. We find them still guarding with unslumbering vigilance the chartered rights of the burgesses and freemen; endeavouring with laudable, but often unavailing zeal, to enforce morality, and at least the semblance of religion, by

* For the privilege much higher sums were charged in 1664, as is shown by the appended minute, dated 18th May of that year. "The Counsal, taking into consideration that many of the inhabitants who bear little or no public burthing, nor have not any grass nor land of ther awin quherupon to feid their cattle, nor evir payit for any soumes grasse either in the Kingholm or Barkerland, though on pretence of the common pasture [they] have eatin up the Barkerland grass; thairfore for preventing such abuis it is enacted that besyd those horse and nolt quich sall be this yeir meyted for the Kingholm and Barkerland, for quich threttie shilling Scots is to be paid for ilk soume, all other hors and old nolt that sall be keipit within this burgh after Witsonday nixt, and pretendit to be fed upon the comon pasture therof, sall pay twentie shilling Scots; and all other stirkis within two years old and above one, ten shilling Scots."

Acts of Council; and intermeddling with a multitude of petty concerns, which had better have been left alone.

On the 22nd of September, 1690, pestered by the children of the Grammar School petitioning for the vacation to begin sooner than usual, they actually passed a resolution rendering such refractory juveniles, and all who absented themselves from the classes before the 5th of September each year, liable to imprisonment. When the burghal senate could stoop to such trivialities, it is less strange to see them causing habitual drunkards and swearers to sign an obligation enforcing their perpetual banishment from the Burgh; or carrying out several stringent Acts of Parliament directed against intemperance and profanity, in accordance with which "persons convicted of drunkenness, and haunting of taverns and ale-houses after ten of the clock at night, or any tyme of the day except the tyme of travell or for refreshments," were liable to be put in the jugs or jail six hours; and "all persones whatsoever within this burgh or suburbes thereof" were enjoined "not to brew, or to work any other handie work or labour on the Lord's day, or to be found on the streets standing or walking, or to go in company, or vage [roam] to the Moat, Chappell, [St. Christopher's] Dock, or Grein Sands, or any other plaice whatsoever on that day, at any tyme thereof," under a penalty of £10 Scots; and all the inhabitants were "discharged from going to ale-houses or taverns, for eating or drinking the tyme of sermon, or unseasonably or unnecessarily, at any tyme on the Lord's day." For the administration of these edicts, eight unpaid special constables, consisting of influential burgesses, were appointed each year, with power to command the services of the Burgh officers, town guard, and the inhabitants generally, and to enter houses when requisite in the execution of their duty.

Nominally the magistrates were elected for one year; but as some of the provosts, preferring the sweets of office to the insipidities of private life, managed to occupy the burghal chair for five or more consecutive years,* a popular cry was raised

* Robert Graham, elected provost at Michaelmas, 1655, remained in office till 1660; John Irving, elected as his successor, continued provost till 1665; and the latter afterwards obtained a longer lease of the provostship, dating from

against this monopolizing practice, and it was put a stop to in 1676. At the annual elections held that year, and at every succeeding Michaelmas down till the Burgh Reform Bill was passed, the councillors were required to sign an obligation which rendered any of them who held the office of provost, bailie, dean, or treasurer "more than one year, or two at the most," liable to a penalty of £1,000 Scots. By the same agreement, all persons who manufactured or sold intoxicating liquors of any kind were prohibited, under a similar penalty, from officiating as provost.

During the latter half of the seventeenth century, the Trades, though increased in numbers and wealth, were still without a public hall; and, it need scarcely be added, continued to maintain their exclusive privileges with unrelaxing vigour. All the internal affairs of each craft were regulated with a corresponding strictness. Before an apprentice could be articled or a journeyman engaged by a master, leave had to be obtained from the office-bearers of his corporation. On the 2nd of February, 1668, the rules as to shoemakers' apprentices were made more precise at a Trades' meeting in the "Orchard Neuk," where it was enacted, that after liberty had been given by the deacons, box-masters, and masters, to any freeman to take an apprentice, the name of the latter was to be entered in the Trades' books, and that the term of service should be fixed at five years, besides "a yeare for meat and fie, as use is." At a meeting of office-bearers, held on the 19th of September, 1673, for regulating the affairs of the same craft, it was enacted, "with consent from the whole traid," that a master's son on being apprenticed was to treat the freemen to a dinner instead of making a money payment; "uthers, not freemen's sons, to pay the traid fourtie punds Scots; apprentices in Bridgend, not being freimen's sons, to pay thirty punds."

We subjoin the substance of two other illustrative minutes, as furnished by the books of the same corporation:—"18th July, 1667.—Jon and Robert Lewars, cordinars, accused befoir the deacon, box-master, and masters, of using loose and idle speiches, and other scandalous language against the traid;" and they

1668 till 1673; William Craik was chief magistrate from 1674 till 1678, and it was under his rule that the above arrangement was put in force.

being anxious to give satisfaction, agreed to forfeit their freedom if ever they did the like again. On the 17th of December, 1674, the shoemakers at a general meeting resolved, on account of "the grate skaith that the traid sustains, by staying ovir lang on the gait on the mercat day, doe thairfore enact that every man of the traid that comes to sell on the mercat day, that he enter precisely at ten hours, and stay till one afternoon, and nae langer"—penalty, twelve shillings. Interesting muniments of the craft are specified in a list of articles consigned to the box-master's custody in October, 1666; these, including two Seals of Cause on parchment, with papers relating to the same, and King's letters; also the old books and flag. These would have supplied valuable information regarding the erection of the Trades: deep but vain is our regret that no trace of the venerable relics is left, except the minute from which we have quoted.

Just as the seventeenth century was drawing near a close, a great trading scheme, which promised to enrich the whole country, was sanctioned by the Scottish Parliament. This was the colonization of Darien, to be effected by an incorporated body named "The Indian and African Company of Scotland." Dumfries heartily encouraged the project; and it could scarcely do otherwise, seeing that its distinguished originator, William Paterson, was born in the farm-house of Skipmyre,* within seven miles of the town, and was, there is every reason to conclude, numbered among its freemen. It has been often stated, that Paterson was so closely associated with Dumfries that he represented it in Parliament; but this is certainly a mistake. There is an inherent improbability in the idea that the son of a humble farmer should, before he rose to fame, and without wealth or aristocratic patronage, have acquired such a position; and it is sufficiently clear that, after he became distinguished as a great financier and projector, he did not sit as the member for Dumfries or any other place in Parliament. Had he really, at any time, officiated as the representative of the Burgh, his name as such would have appeared in the records of the period;

* This point was, up till lately, a matter of some doubt; but it has been conclusively established in Mr. William Pagan's valuable little work, "The Birth-place and Parentage of William Paterson," published in 1865.

and as it is not to be found there among the names of other members, this circumstance, in the absence of positive evidence to the contrary, ought to negative the statement.

The Burgh, however, and the district round about, looked with all the more favour upon the Darien scheme because of its being launched by a Dumfriesshire man. They showed their full faith in it by a liberal purchase of shares; the town itself, though its strength had been so recently overtasked by an exhaustive outlay on the bridge, taking stock to the extent of £5,000 sterling. This fact we learn from a curious document† relating to the equivalent money granted by Government after the failure of the undertaking, and which may be quoted entire, as follows:—"I, John Inglis, writer to the signet, clerk-depute to Sir James Murray of Philiphaugh, Lord Register, and specially constitute by him to the effect underwritten, do hereby certifie that the town of Dumfreis, as a proprietar in the Indian and African Company of Scotland, their joint stock, for the sum of five hundred pounds sterling subscription, hath due unto them for the several payments made thereon, and annual rents of the same to the first of May last, in whole the sum of three handered and two pound and one ninth part of a pennie sterling money, conform to their account, No. 173 in Folio 9 of the subscrived lists or accompt of the Proprietars of the Joynt Stock of the said Company, given into the Lord Register and signed by five of the Directors of the said Company, conform to the Act of Parliament, without any diligence affecting the same, the fourteenth day of June, 1707. This subsrived upon the nineteenth day of August, 1707.

"To the Honourable the Commissioners of the Equivalent.

(Signed) "Jo: Inglis."

Then, mark how munificently individual inhabitants—though the population was a generation before self-represented "as ane handful of pure personis"—patronized the enterprise. Robert Paterson, merchant, Dumfries, subscribed for it the then princely sum of £400 sterling; John Crosbie and James Coulter, merchants, took shares jointly to the extent of £500; Robert Johnston and John Reid subscribed between them

† Burgh Records.

£400. Our old acquaintance, "Barncleugh," the Romanist ex-provost, now settled doucely down as a loyal subject of the new dynasty, bought £200 worth of Darien stock; so did John Irving, son of Provost Irving, and Thomas Irving, merchant; John Lanrick, writer, Robert Corbet, merchant, and John Crosbie, severally subscribing £100. Some of the neighbouring lairds and noblemen also purchased largely, according to their means; the Burgh's patron, Charles, Duke of Queensberry, becoming a shareholder to the extent of £5,000. The entire capital raised for Paterson's scheme was £400,000 sterling, of which no less than £11,600, or fully a thirty-fifth part, was contributed by the district of his birth.

The auspicious commencement of the colony in 1698, and its disastrous failure, brought about mainly by the mean jealousy of the English and Dutch, more particularly the former, need not here be dwelt upon. It merited success, and with fair play it would have succeeded and its proprietors been enriched: "New Caledonia, which remains to this day a wilderness, might have become the emporium of half the commerce of the world,"* and the poor mother-country, Scotland, have been made one of the wealthiest kingdoms of Europe. As we shall afterwards see, the people and rulers of Dumfries strenuously opposed the Union with England—the shameful treatment given to their favourite colonization scheme by the English having reawakened against them all their old resentment; and but for a promise that Scotland would be allowed to share in the commercial privileges of the sister kingdom, and receive from the English exchequer repayment of the money lost by the Darien scheme, the Union could scarcely have been consummated.

A supplementary Act passed by the United Parliament in 1715, granted £18,241 10s. 10⅔d. of compensation to the great projector himself, on account of the losses he had sustained in connection with the scheme; but he died without receiving a farthing of that amount.

By his will, written in his sixtieth year, and dated Westminster, 1st July, 1718, Mr. Paterson left to Elizabeth his stepdaughter, only child to his first wife, Mrs. Elizabeth Turner,

* R. Chambers's Scottish Biographical Dictionary.

widow of a New England clergyman, £500; to his eldest step-daughter, Anne, by his second wife, Mrs. Hannah Kemp, £600; to his second step-daughter, Mary Kemp, £600; to his two other step-daughters, Hannah and Elizabeth, £800 each; to Jane Kemp, relict of Mr. James Kemp, his step-son, £300; to William Mounsey of Skipmyre, eldest son of his late sister Janet, £200; to the two daughters of the said sister, Elizabeth and Janet, £200 each; to John Mounsey, younger son of his said sister, £400; to his only sister, Elizabeth, married to John Paterson, younger of Kinharvey, in the Stewartry of Kirkcudbright, £800.

The surplus of the estate, if any, was to be equally divided among the above-mentioned persons, in proportion to their specified legacies. Mr. Paul Daranda, of London, merchant, whom the testator calls "his good friend," and one to whom his family and himself had been under great obligations, was appointed sole executor of the trust, with £1,000 "for his care therein, over his expenses with relation hereto." "It was," says Mr. Pagan, "from the fund provided or secured to him by the Act of 1715, that Paterson, as may be supposed, was enabled to leave the several legacies specified in his will. The executor, Paul Daranda, stands high in the estimation of Mr. Bannister.* But in that opinion the Scottish relations would not concur—at least the present survivors are under the distinct impression that the legacies never were paid; and probably for this reason, that the executor had not been able to recover from the Treasury the full compensation money ordered by the Act of Parliament to be paid to Paterson or his heirs. At sundry times the Scotch relations made searching investigations, but entirely without effect. Mr. Stewart of Hillside has obliged us with the perusal of notes of a case drawn up for them in 1853, with a view to further inquiry. That document leaves little doubt that the compensation money so justly due to Paterson had not been realized—certainly that the Scotch relatives never received the legacies designed for them."

We may add to this statement, that the numerous Patersons in Dumfries and the neighbouring district, who claim connection

* Author of a Life of Paterson.

with the projector through his sister Elizabeth, or otherwise, have a traditional idea amongst them that a large proportion of the compensation money was actually paid to Daranda, but never accounted for by him. This is a mere vague supposition, to which we attach no credit: rather would we believe that Paterson's "good friend" vindicated his title to be so called when the testator was dead and gone; and that if there was any wrong-doing in the matter, the blame of it rests with the Government of the day.

CHAPTER XXXIX.

MOVEMENT FOR ERECTING NEW TOWN BUILDINGS—FULL DETAILS REGARDING THE ERECTION OF THE MID-STEEPLE—PORTIONS OF THE BURGH LANDS ENCLOSED AND PLOUGHED—ALTERATIONS ON THE RIVER: MILLS AND A CAUL CONSTRUCTED—THE UNION WITH ENGLAND STRENUOUSLY OPPOSED IN DUMFRIES—A BAND OF ARMED MEN ENTER THE BURGH, BURN THE ARTICLES OF UNION, WITH THE CORDIAL APPROVAL OF THE POPULACE, AND PUBLISH A DECLARATION AGAINST THE MEASURE—THE PROCEEDINGS ARE DISCUSSED IN PARLIAMENT; THE DECLARATION IS ADJUDGED TO BE BURNT, AND THE PRINTER OF IT TO BE PROSECUTED—NEWS-LETTERS CIRCULATED IN THE TOWN—BENEFICIAL EFFECTS OF THE UNION—CONTRABAND TRAFFIC IN THE SOLWAY AND THE NITH—COLLISIONS BETWEEN THE REVENUE OFFICERS AND SMUGGLERS.

Soon after the beginning of the next century, a great building scheme absorbed the attention of the Dumfries public, the money available for which was obtained in a very singular way. In the year 1697 the tack or lease of the Customs and Foreign Excise of Scotland was exposed by public auction, and taken by a committee of the Convention of Royal Burghs for £33,300 sterling. Each burgh having been offered a share of the lease in proportion to the amount of the tax paid by it, the Town Council of Dumfries engaged in the speculation, and then sold their share to Sir Robert Dickson of Inveresk, and Mr. John Sharpe of Hoddam. At this transaction the inhabitants were indignant. They held a public meeting, at which it was thoroughly repudiated; and, with the view of getting it annulled, legal proceedings were instituted by them against the civic authorities. An internecine war, involving the loss of much money and temper, seemed about to be declared, when, at the instance of Mr. Sharpe, a truce was agreed to, and the question at issue was wisely left to arbitrators; who decided that the tacksmen should be permitted to retain their bargain on condition of paying 20,000 merks into the Burgh purse.

Here was a windfall, great and unexpected; and what to do with it, became an interesting question. The burgesses and "burden bearers" who had taken a lead in arraying the commonalty against the magnates of the Tolbooth, wished the compensation money to be spent on something that would be both useful and ornamental—which idea was, as may be conceived, highly acceptable to the latter body; and, as the result of several public meetings, it was unanimously resolved that a new town-house, overtopped by an imposing steeple, should be erected to benefit and adorn the Burgh. It was on the 30th of April, 1703, that a definite arrangement was made to this effect, at a meeting of "the magistrates, members of council, the most eminent and considerable heritors, burden-bearers, burgesses, and haill community," and that after receiving an overture subscribed by ninety-three influential persons, the principal passages of which we subjoin:—"We doe hereby propose and offer to the magistrats and council, . . . that whereas the toun is not at present provided with sufficient prisones, whereby several malefactors guilty of great crimes, and others for debt, have made their escape, to the dishonour and iminent perill of the Burgh; as also that there is not ane steeple in the whole toun, nor ane suitable council-house and clerk's chamber for keeping the charter chist and records of the Burgh, nor ane magazine house, nor room for the sure keeping of the toun's arms and ammunition thereto belonging; therefore it is our opinion and unanimous advice, . . . that the said sum of twenty thousand merks be disposed of and employed for the uses foresaid, which we judge may be conveniently done for the money; and that the same be built on the waist ground at the back of the Cross, being in the middle of the toun and highest place thereof."*

A committee was appointed to carry the wish of the meeting into effect, consisting of John Sharpe of Hoddam; Thomas Rome, ex-Provost; William Craik of Duchrae; John Irving of Drumcoltran; John Irving, younger of Logan; Alexander M'Gowan, writer, Edinburgh; and Walter Newall, late Convener of the Trades: to whom were added by the Council, John Coupland of Colliston, Provost; Bailies Crosbie and Barclay; Captain

* Town Council Minutes.

Robert Johnston of Kelton, ex-Provost; John Irvine of Logan, ex-Provost; James Milligan, dean; John Gilchrist, merchant; John Brown, ex-treasurer; John Irving, deacon-convener; and Robert Newall, deacon of the wrights. John Moffat, a Liverpool architect, was employed by the Committee to come to Dumfries and "furnish a modall" for the proposed fabric. He arrived in due time; and, that he might obtain the requisite architectural inspiration, he proceeded to the city of St. Mungo, as is shown by an item in the Treasurer's account:—"To Mr. Moffat, architect, and Dean Johnston, 24 lbs. [Scots] to bear their expenses in their journey to visit Glasgow steeple." According to another entry in the same account, dated 10th April, 1704, Mr. Moffat was paid £104 Scots "for drawing the steeple scheme, and in name of gratification for his coming to Dumfries." For some reason or other he backed out of his engagement with the Committee; and they, in January, 1705, "considering how long the designed building is retarded for want of an architect," resolved "to send for one Tobias Bachup, a master builder now at Abercorn,* who is said to be of good skill."† What Moffat left at an incipient stage, Bachup cordially agreed to complete—he coming to the Burgh for that purpose in the following month.

Whilst the Committee were put to some little trouble in this matter, they had many other difficulties to surmount. There was no adequate timber, as in ancient times, in the vicinity of the town; and the first impulse of the Committee was to freight a vessel and send it for that material to "Noroway o'er the faem." Then there was no available lime lying nearer than Annandale; and though there were plenty of stones in the town's quarry at the foot of the Dock, men able to excavate and use them were exceedingly scarce in the district. The erection of a fabric that was to cost 19,000 merks (£1,041 13s. 4d. sterling), was such an extraordinary enterprise for a small town of that day, like Dumfries, that the Committee were often at their wits' end;

* Bachup was then engaged in building a house at Abercorn House; but he resided in Alloa, his native town.

† Minute-book of the Steeple Committee. This book, consisting of nearly sixty pages of beautiful manuscript, is preserved in the Record Room of the Town Hall.

and they must have spent a vast amount of time and energy, and lost many a night's sleep, whilst engaged with their herculean task. At one of their sederunts, Provost Coupland reported "that he and Bailie Corbet, when they were at Edinburgh, had made search for a free Danish or Swedish bottom for fraughting for timber to Norway, and after dilligent search, they found that there can be none gotten at a easy rate."* A resolution to search for the article in this country was therefore come to; and, after an exploratory raid, trees of sufficient size were discovered at Garlieswood, in the Stewartry, which the proprietor was willing to dispose of. How to bring the Galloway oaks to the banks of the Nith—"Birnam Wood to Dunsinane" —was the next difficulty. The forest was some miles inland; so that the trees, after being felled, had to be transported by horses over wretched roads to the Dee, and then conveyed in a flat boat or gabbart, and in rafts, down Kirkcudbright Bay into the Solway, and thence up the Nith to Kelton or the Dock, where horse-power was again needed to take them to Dumfries.

These processes were extremely perplexing, laborious, and expensive to our ancestors; and when the Committee had, by means of them, laid in a considerable stock of timber, they were very glad to come to such terms with the new architect as rolled upon him a large share of their burden—he agreeing, at their urgent request, to supply all the remaining materials, as well as to erect the building. A sub-committee having met with Mr. Bachup on the 14th of February, 1705, reported to the "Grand Committee" the result of their interview as follows:—"That with great difficulty they had brought him to offer to furnish all materialls necessar for the said fabrick, and to construct the same conform to the scheme drawn, and the alterations of the dimensions which the Committee had made, so as the same may be complete both in mason and wright work, and in the doors, windows, roof, and other parts thereof, against Martinmas, 1707, and to carry the work on as followes, viz.: to build the first stories to the jests, in the first year (the work being to be begun in May nixt), and to cover the roof of the Council-house, and carry up the steeple as high the nixt year, and to complete the steeple, and all the other work, and ridd the ground betwixt

* Steeple Committee's Minutes.

and Martinmas, 1707 years, and then to deliver the keys, at that term, to the toun; and that for the sum of nineteen thousand merks Scots, with a complement to his wife, and another to himself, by and attour five hundred merks, which he refers to the toun's will, whither they will give it to him at perfecting the work or not."* All the terms having been duly settled and signed, the foundation-stone of the steeple buildings was laid on the 30th of May; and Mr. Bachup having brought a large body of masons from a distance, and vanquished all remaining obstacles as to the supply of materials, he finished his undertaking at the appointed time, and to the satisfaction of his employers.

It was at first intended that the stair at the south end of the Council-house should be fenced with a stone wall; but, instead of that, it was supplied with a rail of wrought-iron (forged by an Edinburgh artificer), the existing remains of which prove it to have been a magnificent piece of workmanship.

In order that the lieges might be duly apprised of the time of day, a clock for the spire was commissioned from Mr. John Bancroft, Stockport, which cost £21 sterling, the four dial plates for the same having been painted by Mr. John Chandley, Cheedle, at an expense of £11; these sums being exclusive of the personal charges incurred by the contractors in visiting the town. Then, by way of furnishing a voice to the Burgh in seasons of festivity and triumph, and to announce the time for church-going, three bells were cast for the steeple by Mr. George Barclay of Edinburgh: one eight hundred pounds weight, another of five hundred pounds, and the third of three hundred pounds; the whole costing £1,698 14s. 6d. Scots, including the expense of "tagging, tongueing, transporting, and hanging of the said three bells."†

When all these items are taken into account, it appears very obvious that the cost of the Tron Steeple (as it was first called), the Council Chamber, and the rest of the buildings, with their furnishings, would much more than exhaust the original fund of 20,000 merks; and the probability is that the entire expense was not less than £1,500 sterling.

To Inigo Jones the credit of designing the Mid-Steeple is

* Steeple Committee's Minutes. † Ibid.

usually attributed; but that, it now appears, must be shared between Mr. John Moffat and Mr. Tobias Bachup, the former having supplied the first sketch, the latter modifying it less or more before translating it into stone, lime, and timber. That Bachup had much more to do with the building than masonwork and superintendence, is evident from the terms in which he is spoken of by the Committee; these being, "Mr. Tobias Bachup, our architect," "builder and architect of the fabric and desyned steeple," "architect and builder of the steeple and Council-house."*

Some other works of considerable importance were carried on contemporaneously with the steeple. When the century commenced the banks and braes on both sides of the river appeared very much as Nature had formed them. In Bridgend there was not a house further down than the one belonging to James Birkmyre; there were no mills nor road in that direction, the only regular roads from the village being those leading to the parish church of Troqueer, Terregles House, and Lincluden College. Dumfries terminated a little below St. Michael's Church; and, save the excavations at the Castledykes quarry, and the road which swept round the west of Lochar Moss to England, there were few traces of man's handiwork in the southern vicinity of the Burgh. The Dock, the lands of Castledykes and Kingholm, all lay in pasture—their virgin soil unpierced by plough or spade, and unprovided with either road or fence. A portion of Castledykes, at the period to which we refer, was private property, but it having been acquired by the Burgh about 1707, a road was constructed from the foot of St. Michael Street to Kingholm, for the special use of carters doing business at the quarry or with the shipping; and at the same

* We have been favoured by an Alloa gentleman with the following note:—"It appears that the architect's father, Thomas Bachup, was mason to the Earl of Mar in the end of the seventeenth century. John Crawford, our local antiquary, has a curious document in his possession, a contract between John, Earl of Mar, and Thomas Bachup, 'masone in Alloway, for building a new arch at the Bridge of Tullibody, mending the pier and the calsie,' 18th January, 1697. The deed is signed by Tobias Bachup as a witness. There is an old house in Kirkgate here, which was built by Tobias. It has a sculptured stone on the front dated 1695, with the initials of himself and wife, 'T. B.' and 'M. L.' His wife, to whom he was married in 1684, was named Margaret Lindsay."

time an enclosure was formed on the east and south sides of the Burgh roods, the river itself being deemed a sufficient boundary on the west. A farther innovation was made when, in 1712, forty-two acres of Kingholm grass were converted by the plough into arable land, the same being let to John M'Nish, deacon of the weavers, for three years, at rather more than 10s. sterling an acre yearly. Two horses and eight oxen bought by the Council for this "clod-compelling" duty were resold—one horse for £3, the other for £3 10s., the cattle for £2 10s. each. More than double this rent was obtained in 1749, when the enclosed land at Kingholm was let on a nineteen years' lease. In the same year, the braes of Castledykes were also let for nineteen years to one Robert Anderson, gardener. He became bound by the conditions of his tack to turn one half of the ground into a garden, the other half into an orchard, and to enclose the whole with a feal dyke and ditch at his own expense. As the ground was just about an acre in extent, it must have been reckoned of good quality, since the stipulated annual rent was £1 5s. sterling, a high rate for land at the period in question.

The Dock and "land belonging thereto and inclosed therewith," was let on a seven years' lease, at £23 sterling annually, in 1756. Their appearance then, so different from what it now is, is partly indicated by the articles of the lease. The tacksman was required to apply a sufficiency of manure or sea-sleitch to the high ground, to free it from brambles and thistles; to lay it down with bere or barley; to sow it with white clover and rye-grass during the fifth year of his lease, or soon after; to abstain from ploughing up the ground afterwards, and to keep all the dykes and ditches in good repair: the magistrates reserving to themselves the right of improving the bank of the Dock next the water, by sloping and planting it with willows; to keep clean the sewer from the pound-fold along the back of the Dock into the water, and reserving also a passage from the houses at Cats'-Strand to the river, for the use of the tenants.

When Dumfries was still but a very insignificant place, it possessed a grain mill, that being an indispensable adjunct of all towns great and small in ancient times. We read of Stake-

ford Mill, opposite the Castle, on the Galloway side, which belonged to the barony of Drumsleet; of a mill on the Upper Sandbeds; of two horse-mills in the same locality; and of a mill south of the Burgh, the water motive power of which gave its name to the property of Milldamhead. From 1685 till 1707, the main dependence of the Burgh seems to have been on the horse-mills; but these having gone out of gear, the Council were led, in the following way, to erect others on quite a new site. For the purpose of correcting the tendency of the Nith to encroach on the Dumfries side, a small supplementary bed was cut in the opposite bank, through which a large flow of water was diverted. Thus a division was made in the river, a little below the bridge; one stream, the main one, continuing with an eastward bias to pursue nearly the old path, and the other narrow one passing over the newly formed channel for a hundred yards or more, and then mingling with the larger body.

As by this operation a water-course suitable for a mill was incidentally supplied, the Council, with the consent of a public meeting of the community, held on the 2nd of March, 1705, resolved to utilize it for that purpose. Accordingly, a contract was signed with Mr. Mathew Frew, who agreed, for three thousand merks and an adequate supply of stone, to build, "on the other syde of the water, ane sufficient miln, capable of grinding malt, meall, flour, and all other sorts of grain, with a sufficient caul and other pertinents." Ground for a road through the fields, or rather brae-side, lying between the bridge and the new building, was purchased by the Council; and in a short time kilns were erected, and a few dwelling-houses for millers and others sprang up in the neighbourhood—Bridgend thus obtaining an addition to its size, and new elements of progress, from which it received a lasting benefit. On the 27th of October, 1707, the new water-mill was let, in a completed form, for the first time, alongst with the existing one at Mill-hole, and two smaller branches of revenue, the whole bringing a rent of two thousand four hundred and fifty merks. A barley mill and a wheat mill were afterwards added, the latter in 1742. Such is the origin of the town mills, which, three in number, still yield a considerable amount of revenue to the Burgh—the

rent in 1865–6 being £300, with an addition of £35 for a waukmill, built some time prior to 1790, and £19 for granaries.*

The construction of the caul was opposed by Mr. Maxwell of Carnsalloch, and other fishery proprietors in the higher reaches of the Nith; they contending that it would prevent salmon from running up the river as formerly, and that it was clearly at variance with the existing law regarding cruives and similar obstructions. These objections were pleaded without effect in the Supreme Court. It was represented on the part of the magistrates that the town had formerly a mill a little above the bridge, the dam for which was on the opposite or Galloway side, and so easily sanded up, that it was of little service; wherefore the magistrates, taking advantage of the cutting already referred to, built a new mill on the Galloway side, and placed the dam dyke in such a position that it could not be sanded up by floods. This, it was argued, the magistrates had a perfect right to do. They were heritors on both sides of the river; the *alveus* of the water was therefore their property, though others claimed the fishing: and they could not be stopped from building their own dam dyke through their own water, upon the pretext of the erection being prejudicial to those who claimed the fishings above. The pleas-in-law for the town were: (1) Because mill-dam dykes are no prejudice to fishes going over, they being "not a foot and a half above the ebbest water." (2) The water being theirs, they may build as they please, though some accidental prejudice to a neighbour may arise; such as the building of a house may

* A return, prepared by the Town Chamberlain, Mr. James H. M'Gowan, of the rents and profits of the mills and granaries, and the cost of maintaining the same and the caul for twenty years, ending 15th September, 1866, shows the following results:—A total annual revenue, varying from £343 11s., which it was in 1848–9 (the year of the second cholera visitation) to £499 3s., which it was in 1859–60; and a net yearly profit, rising from £119 11s. 1d., to £446 13s. 4d.. An explanatory note is appended in these terms:—"In addition to the mills and granaries, the [contiguous] property at Williesdale, belonging to the Burgh, includes the Millgreen, with the house thereon, and three gardens, the rents of which are not included in the above return. The public burdens cannot be easily divided, and the amount given above (an annual average of £35), is chargeable on the whole property. I estimate the proportion of those chargeable on the Millgreen and gardens at £4, which being added to the surplus each year, will make the total profits on the mills, granaries, and caul, during the last twenty years, £6,000, or an average of £300 per annum." All these sums are, of course, in English money.

stop a neighbour's lights, and yet will not hinder the building. And (3) in the present case, the town had the like dam dyke formerly, and this shall be of the same height; and as the former dyke had a mid-stream open nightly by the space of six foot, so shall this, though no law requires the same, that being only in cruives and wears, which are of a huge height and thickness. And the town does not understand what argument can be brought from cruives and wears applicable to the mill-dam dyke, wherein there is no cruive made nor designed, nor any *novum opus*, but only the former, which was failing, renewed, and with a greater ease to the fishing." It was urged, on behalf of the town, also, that the caul being pitched in much deeper water than the former dyke, and having a mid-sluice kept open nightly, shoals of fish would pass through with the utmost freedom.

A curious supplementary statement was made, as follows:—"The great drought which hinders the going of burn-mills, and the stop put to the building of this mill, puts the town and inhabitants to a great hardship for want of the grinding of meal and malt; and besides this, Dr. Johnston having doled to the poor of the town 600 lib. sterl., which poor are infeft in thir milns for payment of their annual rent, which, if stopped, their provision fails, and the town must sustain the burden of them, which they cannot otherwise defray, and the inhabitants above measure straitned through their not getting their corn and malt grinded, they being thirled to the miln; and besides, there is no going miln near to the town, they being all standing by reason of the drought."

The objectors failed to do more than stop the works for a short time; and when they were all finished they gave a picturesqueness to the river which it did not formerly possess.*

* "The Caul," says a writer in the *Dumfriesshire Monthly Magazine*, "is generally recollected very forcibly by the wandering natives of our good town, and often forms an important subject of conversation when two or three of them chance to meet. Perhaps an infusion of our national predilection for the romantic in sound as well as show may mingle with the home-recollections of the Dumfriesian. We remember meeting, in a little town near London, with a woman 'bred and born in the Back-barnraws,' who, after some general conversation about Dumfries, turned of a sudden to the Caul. 'I never sit doun by mysel',' said she, 'especially o' an afternoon, when the bairns are out, but I hear the sough o' the Caul as plain in my ears as when I was bleachin' claes on the island.'"

It used to flow rather tamely past the town; but now, partially separated, a verdant peninsula—the Mill-green—rising up between the divisions, and a miniature cascade formed by the Caul crossing it angularly below the venerable bridge, it presents a view that is ever varying and never otherwise than attractive; and the sound of the broken water, whether murmuring softly or swelled to tempest-pitch, is like music in the ear of all the genuine sons and daughters of St. Michael.

The papers from which we have quoted bring out a fact which must be new to most of our readers, that the Sandbeds mill was kept in motion by means of a caul erected above Devorgilla's bridge. There is a prevailing belief in Dumfries that the town mills, prior to the erection of those built on the opposite bank, stood below the bridge, near the head of the Whitesands; but in the preceding pleas put forth for the Burgh (a copy of which lies before us in a printed form), the explicit statement is made that the town of Dumfries had "formerly a miln *a little above their bridge,* whereof the dam dyke or water-caul was upon the other side;" and we have been unable to find in any document the faintest trace of a mill having ever existed below the old bridge on the Dumfries side.*

* In the action that arose out of the erection of the mills and caul, it was stated that "the stoups for the dam dyke were fixed in an rock that goes throw the water, being the very same rock whereupon the bridge is founded;" but for all that it has on at least four occasions been partially swept away, as if it had been built upon sand. An account of the first catastrophe of this kind, and how it was dealt with, is given in the subjoined Council minutes. 24th December, 1742.—"The magistrats and Council finding that there is a great breach in the caall of the miln-dam, in the Water of Nith, and that it will be necessary to have the same repaired as soon as possible, they appoint a committee of the magistrats, dean, and treasurer," with others, "to provide materials and employ workmen to repair and make up the said breach." 27th December, 1742.—The magistrates, in name of the committee, report "that they had viewed the breach, and had considered several proposals for repairing thereof; and, as the most probable, had taken in a proposal from John Baxter, wright, whereby he proposes to take up all the stones washen off from the caall that can be recovered, and to make up the said breach lately made therein by the frost and ice sufficiently, so as to continue in good order till Lambas next; and to make and put in a sufficient frame of timber, fourteen foot long, for the gullet door to open and shutt upon, within fourteen days after this day inclusive, for ten pounds sterling—the town furnishing and laying down on the Sands what more stones shall be needful from the quarry, and furnishing timber for the frame: which being considered by the Council," they unani-

During the period in which these public works were being constructed, the Commissioners appointed by England and Scotland to frame a treaty of incorporation between the countries, were holding their deliberations; and the object of them was viewed with dislike by many persons in Dumfries, as well as by the people of North Britain generally. Queen Anne, who succeeded to the throne on the death of William in 1702, appointed James, second Duke of Queensberry,* the leading nobleman in Dumfriesshire, to be her High Commissioner in Scotland for promoting the Union; but all his influence in the County and its chief town failed to make them pronounce on its behalf.

The Presbyterian ministers there, and generally, were afraid that the Union would be the means of advancing Prelacy, if not of endangering the very existence of the Established Church; and on patriotic as well as religious grounds it was vehemently

mously accepted the proposal. In 1800, in 1820, and lastly on the morning of the 24th of January, 1867, portions of the Caul gave way; the destructive agent having been each time the same, namely, huge masses of ice pressing against the dyke after being loosened by a thaw.

* This distinguished nobleman was born in 1662 at Sanquhar Castle, which, with the barony of Sanquhar, was purchased from the Crichtons by Sir W. Douglas of Drumlanrig in 1630. For his services in carrying the Union movement to a successful issue he received a pension of £3,000 a year, the entire patronage of Scotland was conferred upon him, and he was created a British peer, with the title of Duke of Dover, Marquis of Beverley, and Earl of Ripon. The Duke died in his forty-ninth year, just four years after he had realized the great object of his ambition. His wife, Mary, fourth daughter of Charles Boyle, Lord Clifford, predeceased him in 1709. They were buried in the family vault in Durisdeer churchyard, and a magnificent mausoleum, containing marble figures of the deceased, was raised over their remains. The contents of the vault, when examined in 1836, were, in addition to the dust of the Duke and Duchess, that of Isabella Douglas, wife of William, the first Duke; that of Lord George Douglas, son of the latter nobleman; of Charles, the third Duke; of his wife, Catherine Hyde, daughter of Henry, Earl of Clarendon, celebrated for her beauty and wit by Pope and Swift, and who was the bountiful patroness of Gay, who said of her,

"Yonder I see the cheerful Duchess stand,
For friendship, zeal, and blithesome humours known;"

of Charles, Earl of Drumlanrig, younger son of the third Duke; of Elizabeth Hope, Dowager Countess of Drumlanrig; of Henry, Lord Drumlanrig; and of Elizabeth, daughter of the Union Duke. All these remains are in lead coffins. There is one also in which the bones of the early chiefs of the house are stated to have been placed; and there are also several other coffins without any inscriptions to indicate their contents.

opposed by a majority of the nation. On the 3rd of October, 1706, the Scottish Parliament sat down to discuss the articles of the projected Union, as previously agreed to in London; and the General Assembly as representing the Church, and the Convention of Royal Burghs in name of the general community, sent in petitions against the measure — the petition in the latter case having been carried by a large majority, with whom voted the Burgh's Commissioner. The representative of the Presbytery in the Supreme Ecclesiastical Court took a similar course, as instructed to this effect:—"That in a calm and regular way ye move that the Commission [of Assembly] use what method they think fit for them in the capacity of Church judicature, for the preventing the passing of that article of the giving up of our Parliament: That ye do nothing in the Commission that may be accounted a compliance with the passing such an Act. If any such thing be likely to be conducted by the Commission that may be accounted such a compliance, or any other way endanger the present Church Establishment to the claim of right, and all Acts of Parliament made thereanent, ye shall in our name protest against it."

These instructions were given by the Presbytery on the 29th of October; and on the 20th of next month a more emphatic testimony on behalf of the independence of the nation was uttered at the Market Cross of the Burgh. The demonstration originated with the followers of Cameron, the remnant of the extreme Covenanting party, the successors of those who, in the same month exactly forty years before, captured the persecutor Turner, and celebrated their triumph over him at the Cross.* Matters were moving quietly within the town. There was a powerful feeling of discontent against the incorporating alliance with England; but it had not been openly, or at all events violently, expressed. The merchants were selling their wares as usual, the workmen following their ordinary avocations; and whilst the masons of Mr. Bachup were busy at the bartizan of the Mid-Steeple, they would, from their elevated position, be among the first to notice the incoming, at twelve o'clock, of a

* After the Revolution, the party was divided; a portion rendering substantial services to Government; others, like Sir R. Hamilton, maintaining a kind of passive resistance.

somewhat tumultuous crowd, including a force of nearly three hundred armed men. The latter had assembled in the neighbourhood of the town to arrange their mode of procedure; and as they entered within its precincts, numbers of the populace, aware of their object, joined heartily in the movement. Near noonday this formidable band—made up partly of resolute, high-minded, well-organized men, and partly of the Burgh mob—appeared menacingly in High Street, and, making their way to the Cross unopposed by the authorities, many of whom sympathized with them, they in a calm deliberate manner proceeded with their work; and so exciting was it, that every other sort of work was abandoned in the town, even the great enterprise of the Steeple making no further progress on that eventful day.

"We must have a fire kindled!" said the leaders; and forthwith plenty of materials were supplied—the workmen at the adjoining building contributing, we may be sure, odd bits of the Garlieswood timber to swell the rising blaze. In order to foreclose any attempt at interruption, a double guard of horse and foot was placed in martial order round the anti-Union ring, outside of which stood the applauding populace. As the flames rose bright and high from—shall we say?—the altar of the Market Cross, one of the men stepped forward—the officiating priest of the ceremony—and, producing a copy of the detested Articles of the Union, announced to all present that he was about to commit them to the devouring element, in token that the measure to which they referred merited destruction. The paper was accordingly tossed into the angry fire, all the people by their acclamations saying Amen! to the deed, and cheering to the echo when the charred document was exhibited for a moment on the point of a pike and returned to the flames. Scarcely had it been consumed, when another leader of the party, holding up a roll, intimated that there were inscribed on it the names of those Commissioners who, by signing the Treaty, had sold their country; "and thus," added he, throwing it amongst the ashes of the other document, "may all the traitors perish!" Something still remained to be done, in order to make the demonstration complete; and this was the uttering of a declaration explaining and vindicating the conduct of the party. It was boldly and eloquently drawn. After a recital of

some of the evils supposed to be involved in the measure, the protesters against it went on to say:—"But if the subscribers of the foresaid Treaty and Union, with their associates in Parliament, shall presume to carry on the said Union by a supream power, over the belly of the generality of this nation, then and in that case, as we judge that the consent of the generality of the same can only divest them of their sacred and civil liberties, purchased and maintained by our ancestors with their blood, so we protest, whatever ratification of the foresaid Union may pass in Parliament, contrar to our fundamental laws, liberties, and privileges concerning Church and State, may not be binding upon the nation, now nor at any time to come: And particularly we protest against the approbation of the first article of the said Union, before the privileges of this nation, contained in the other articles, had been adjusted and secured; and so we earnestly require that the representatives in Parliament, who are for our nation's privileges, would give timeous warning to all the corners of the kingdom, that we and our posterity become not tributary and bond-slaves to our neighbours, without acquitting ourselves as becomes men and Christians; and we are confident that the soldiers now in martial power have so much of the spirits of Scotsmen that they are not ambitious to be disposed of at the pleasure of another nation." *

The originators of the movement having in this way fulfilled their mission, withdrew, and soon disappeared. They came mysteriously, unexpectedly; and till this day the names of even the leaders among them remain unknown. Highly exaggerated accounts of their doings reached Edinburgh. It was reported there that 5,000 armed men had entered Dumfries; that 7,000

* A broadsheet printed copy of this spirited protest lies before us, with which we were favoured by Mr. David Laing, and which bears intrinsic evidence of having been printed at the time. It is headed thus:—"An Account of the Burning of the Articles of the Union at Dumfries. These are to notify to all concerned what are our reasons for and designs in the burning of the printed articles of the proposed Union with England, with the names of the Scots Commissioners subscribers thereof; together with the miuuts of the whole treaty betwixt them and the English Commissioners thereanent." A note at the end says:—"A copy hereof was left affixed on the Cross, as the testimony of the South part of this nation against the proposed Union as moulded in the printed articles thereof. This we desire to be printed and kept in record *ad futuram rei memoriam.*"

others had assembled on the neighbouring hills to support them; and that unless strong measures were promptly taken, there might soon be a dangerous anti-Union outbreak in the south of Scotland. The subject was brought before Parliament by the Duke of Queensberry on the 29th of November, in connection with other disturbances of a similar kind. His Grace, according to the minutes of the sederunt, stated that the Secret Council, at their last meeting, had under their consideration several accounts of irregular and tumultuary meetings, by some people of the common and meanest degree, in arms, and of abuses committed by them at Glasgow, Stewartry of Kirkcudbright, and Dumfries, and several places of Lanarkshire; and that there were papers dropt, inviting people to take up arms, and to provide ammunition and provisions, in order to their marching to disturb the Parliament: all which he was directed by the Right Honourable the Lords of her Majesty's Secret Council to lay before the Parliament, to the effect proper methods might be resolved for preventing the evil consequences of such practices.* His Grace then presented a letter from the magistrates of Dumfries to her Majesty's advocate, "bearing an account of the abuses and tumultuary meetings in that place, with a declaration emitted by those who met, which was affixt on the mercat cross of Dumfries:" both of which were read. Whereupon a draft of a proclamation to be emitted by the Parliament, "against all tumultuary and irregular meetings and convocations of the lieges," was presented and read; and after some discussion, it was objected "that it did not appear that there was a particular information of any tumultuary meetings or irregular convocations in any other part of the shire of Lanark than at Glasgow." Her Majesty's High Commissioner was thereupon pleased to notify "that he had information not only from Glasgow and Dumfries, but also from several places in Lanarkshire, of tumultuary and irregular meetings of men under arms, and of their giving out and publishing their design of marching to disturb the Parliament." Eventually, the draft of the proclamation, on being verbally amended, was carried by a majority.†

* Defoe's History of the Union, p. 98.

† Ibid., p. 99; and Acts of Scot. Parl., vol xi., p. 343.

Defoe, commenting upon this minute, says:—"It is observable that even in the House there appeared some who were very loth to have these rabbles discouraged and discountenanced; and though I could give more particular instances of it, yet this of objecting against the certainty of the accounts is a clear proof of it: whereas the matter of fact was that the Lord Commissioner had real and direct information of this affair of Dumfries, and of private emissaries gone abroad to excite the people to take arms; and the respective meetings of these agents or emissaries in the county of Lanark, and elsewhere, are more than sufficient to justify the precautions mentioned in the minute."*

The proclamation thus passed by Parliament was issued in name of the Queen. The various statutes against the raising of tumults and the holding of disorderly meetings having been recited in the preamble, her Majesty proceeded to say:—"Yet, nevertheless, We and our Estates of Parliament are certainly informed that in several corners of the realm, and particularly in our burgh of Glasgow, and other places within the sheriffdom of Lanark, and in our Burgh of Dumfries, and other places adjacent, people have presumed, in manifest contempt of the foresaid laws, to assemble themselves in open defiance of our Government, and with manifest design to overturn the same, by insulting the magistrates, attacking and assaulting the houses of our peaceable subjects, continuing openly in arms, and marching in formed bodies through the country, and into our burghs, and insolently burning, in the face of the sun and presence of the magistrates, the articles of treaty betwixt our two kingdoms, entered into by the authority of Parliament; and such crimes and insolencies being no ways to be tolerated in any well-governed nation, but, on the contrary, ought to be condignly punished conform to the laws above mentioned." Orders are then given in the proclamation to all persons so assembling to disperse; and certification is made that all who should henceforth "be guilty, actors, abettors or assistants, in convocating or assembling in arms, or those who shall convocate and commit these practices above-mentioned, shall be treated and pursued as open traitors." "Finally, our Lyon King-at-arms," and his

* Defoe's History of the Union, p. 384.

brother heralds, with the sheriffs of counties, were charged to pass "to the mercat-cross of Edinburgh, and the mercat-crosses of Dumfries, Lanark, and Glasgow, and other places needful, and there make publication hereof, by open proclamation of the premises, that none pretend ignorance."

This document reflects, as in a mirror, the alarm created by exaggerated reports of the anti-Union movements. No wonder that a powerful minority in Parliament opposed its adoption; misrepresenting, as it does, the design of the protesters, and accusing them of attacking private property, as if they had been a band of highwaymen, instead of being enthusiastic patriots, whose only error was that they adopted a somewhat boisterous and tumultuous mode of discharging what they believed to be a national and religious duty. Mr. Robert Johnston of Kelton, Provost of Dumfries in 1692–3–4–6, who sat for the Burgh in this Parliament, might have stated—and possibly did so—that the men who entered the town on the 20th of November, and his constituents who joined them, had no wish whatever to overturn the Throne, and that they neither pillaged the peaceable inhabitants nor insulted the magistrates. According to Defoe, the proclamation provoked the Glasgow populace, and "made them more furious than before;" but "generally it had a very good effect." The subject was again brought under the notice of Parliament on the 30th of November, a printed paper having been then given in, entitled, "An Account of the Burning of the Articles of Union at Dumfries," as "read and affixt at the mercat-cross thereof, by the tumult assembled on that occasion." It was then moved, "That inquiry shall be made who has been the printer and ingiver of the said scurrilous paper, and that the print be burnt by the hand of the hangman."* This motion was carried, and, in accordance with it, the Union-denouncing manifesto was publicly burned at the Market Cross of Edinburgh; but the daring printer of the document—luckily for him—managed to elude the vigilance of the Government.

The opposers of the Union out of doors were represented by a resolute minority in Parliament, led by the Duke of Athole and Lord Belhaven; and when a motion was brought forward affirming the principle of the measure, it was, after much

* Acts of Scot. Parl., vol. xi., p. 344.

opposition, carried by a majority of thirty-three votes. It need scarcely be explained that, in this the last Scottish Parliament, Lords and Commons deliberated as usual together; so that by one testing division the opinion of both Estates was at any time readily ascertained. On this occasion there voted for the Union forty-six lords, including the Duke of Queensberry, the Earls of Galloway and Stair; thirty-seven barons, including William Maxwell of Cardoness; and thirty-three burgh members. Twenty-one lords, among whom were the Marquis of Annandale and the Earls of Wigtown and Selkirk, voted on the other side; also, thirty-three barons, including Alexander Fergusson of Isle, and John Sharpe of Hoddam, and twenty-nine burgesses, of whom Provost Johnston of Dumfries was one. When the die was cast, and turned up in favour of the measure, the Duke of Athole tabled a spirited protest against it, which was signed by the minority. The constitutional opposition given by Lords and Commoners, and the tumultuous displays which manifested the feelings of the populace, proved equally unavailing to stay the progress of the measure. Its passage through the House, too, was facilitated by bribery; several peers and burgesses, who stoutly opposed it at first, having been bought over or silenced by English gold. Provost Johnston was not one of these recreants: what influence he possessed was given against the Act all along; and, in accordance with his wish, it was inscribed on his tombstone that, as the Parliamentary representative of Dumfries, he asserted the liberties of Scotland and opposed the Union:—"Scoticæ libertatis assertor, Unioni fortiter opposuit." *

It was probably by a local press that the proclamation published at the Cross against that measure was printed. We know that, at all events, a few years later, a "History of the Rebellion of 1715" was printed at Dumfries by Robert Rae; the book, a small quarto, forming a very good specimen of the typography of the period. There was no newspaper in Scotland till the *Caledonian Mercury* started, in 1660; and previously to that date letters containing the current news and town gossip of the day

* The monument is in St. Michael's churchyard. It is of a tabular form, with an upright slab or headpiece (the latter comparatively modern) screwed on to it.

were written in Edinburgh, copies of them finding their way to the leading provincial towns, and thus keeping their inhabitants conversant with public affairs. So early as 1696 the people of Dumfries enjoyed the luxury of a newspaper; but then it was only at the rate of one copy weekly, which the Town Council with laudable enterprise commissioned for the edification of the lieges, the cost of each tiny sheet being no less than 4s. 2½d. sterling. In the year above named, a complaint was made to the authorities that the weekly news-letter received from Edinburgh was frequently borrowed by neighbouring gentlemen, so that those for whom it was purchased lost the use of it; whereupon the Council ordered that "it should not be sent abroad out of the town, in all tyme coming," but that the same was "to ly in the clerk's office, there to be keeped by him for the use and benefite of this burgh;" it being, however, politely intimated that if any country gentlemen desired to take duplicates of the letters, they were to be allowed to do so. Some years later the Council acquired a news-room or coffee-house of their own—in the same building, we understand, that is similarly occupied at the present time. The range of which this edifice formed a part, was planted down on the east side of High Street, encroaching upon it—just as the Mid-Steeple, farther up, encroached upon the west side. The ground floors of the news-room, which are now occupied as shops, were at one time used as an Exchange, having been built with open piazzas for that purpose.* By 1755, however, the Council, under the pressure of monetary difficulties, had given up this news-room luxury. The house itself was sold by them to Mr. George Lowthian (son of Prince Charles's landlord); and he was informed that they had discontinued the newspapers, so that he might, if he thought fit, provide others for the room at his own charge.

Though the Union was viewed with marked displeasure, it soon exercised a stimulating influence on the commerce of Scotland; and of this benefit the port of Dumfries obtained its due share. A large legitimate trade sprung up with the

* Manuscript Guide to Dumfries, by the late Mr. John Anderson, bookseller. A well-written production, upon which we might have drawn more largely, had not the MS. been unfortunately lost sight of, and only turned up when it was too late to be made available by us to any great extent.

American colonies, which, added to that already carried on with the north of Europe, contributed much to the prosperity of the town. A considerable addition was made to the officers of Excise and Customs; this being needed, however, not simply for the regulation of the lawful traffic, but to check smuggling, which, owing to the heavy duties imposed on various articles, had become a flourishing occupation along the coast of the Solway. The Custom-house officers of the port, with their regular quota of tide-waiters and boatmen, numbered fifteen in 1710: too few for the duties imposed upon them, as a large portion of the Galloway coast, including the port of Kirkcudbright, was now under their care. At this time Dumfries owned only two or three vessels; but the crafts engaged in the contraband trade—yawls, luggers, and wherries—which the Government officers had to cope with, were numerous, active, and defiant. The Isle of Man was their chief home or place of rendezvous; tobacco, brandy, rum, and wine were their principal cargo—to run which, under cover of night, or even in the glare of day, into some familiar creek, for their expectant customers, was their constant aim.

To purchase a truss of the Virginian weed, or a keg of stimulating liquor, at a cheap rate, from these adventurous Manxmen, was looked upon as a light offence by the country people; nay, many of them were active partners in the business, ready to reset or carry the cargo into the interior, and to withstand the King's officers when the latter audaciously stepped in to seize the prize. Collisions of this kind are frequently noticed in the reports sent by the collector at Dumfries, M'Dowall of Logan, to his superiors in Edinburgh. Writing on the 16th of April, 1711, he relates, that two small boats having been seen hovering on the coast, all the officers were ordered to be on the look-out; that tracks on the sands at Ruthwell led to a search in that parish, resulting in the seizure of a secreted cask of brandy, which the tide-waiters, five in number, were ordered to bring to the Custom-house next morning; and that, when they were ready to set out with it, upwards of a hundred women broke the doors and windows of the place where it was kept, and carried off the liquor. "We humbly lay before your honours," continues the collector, "the necessity of prosecuting

such abuses, as well for the security of the revenue as the protection of the officers, who are so discouraged that they dare not, without the hazard of their lives, go about their duty;" and he adds, that the Ruthwell folks are "such friends to the running," that they will not, for any money, give lodgings amongst them to a revenue officer.*

A still more serious smuggling affray occurred in the following month, a few miles further down the coast. A waiter named Young, hearing of some suspicious circumstances, hurried early in the morning to Glenhowan. There he learned from a fisherman that a notorious native smuggler, Morrow of Hidwood, had "come home" from the Isle of Man. Accompanied by the parish constable, he proceeded to Morrow's house, found in it a large pack, and two trusses of leaf tobacco, and was just preparing to return with the precious spoil, when a "multitude of women" pounced, vulture-like, upon the captors. The wrathful amazons first dispossessed the constable of the pack which he carried; and whilst they were running away with it, Young, leaving the trusses to the care of his companion, foolishly set off in pursuit. The consequences may be readily guessed at. He might as well have sought to make a troop of wolves give up their prey, as these Glenhowan termagants surrender theirs. The bold, rash man of the revenue was soundly beaten by them, and lodged as a captive in the smuggler's stronghold, Hidwood House, till they had secured the whole of the tobacco; after which, sore in mind as well as in body, he was set at liberty. On reporting himself at headquarters, he was sent back to the scene with a force of ten men. They searched all the houses, fields, and gardens—discovered at length a pack of tobacco in a dry ditch near "the town of Bankend"—were hieing homewards with it, when, lo! another "monstrous *regiment* of women," armed with clubs and pitchforks, waylaid the party. Young, thinking to terrify his assailants, shouted out that they would be punished with the utmost rigour for resisting the Queen's officers. "Punish us with those who deforced you at Arbigland and Rival!" (Ruthwell), was the scornful reply. After a smart conflict, the women were put to the rout, and the men carried their capture to Dumfries without further disturbance.†

* Custom-house Records. † Ibid.

In the report of this affair forwarded to Edinburgh, much emphasis was laid on the impunity with which the law was defied, and its representatives maltreated; and an urgent request was made for the prosecution of the offenders, and for a troop of dragoons to assist the revenue officers in the execution of their duty. Some of the women were tried at the Circuit Court of Justiciary in Dumfries on a charge of rioting and deforcing the officers; but the witnesses in the case intentionally neutralized their own testimony, by professing to entertain malice against the prisoners, and so the latter escaped punishment.* Occasionally the Customs' warehouses were broken into by marauding parties, and their contents carried off. A gang of this kind, towards the close of 1711, assaulted the officer in charge at Kirkcudbright and rifled his premises; another, about the same time, effected an entrance into the warehouse at Dumfries by means of false keys, and made away with five hundredweights of tobacco; whilst, some years later, a crowd composed of smugglers and their friends mobbed the magistrates and collector there, in order that they might intercept four confiscated casks of brandy that had been forwarded from Annan.

If the legal commerce in tobacco and brandy bore any thing like a due proportion to the contraband trade in these articles, the importations of them must have been immense. The seizures alone might have gone far to supply the wants of the district, unless our forefathers' propensities for smoking and drinking were inordinate. We read of the collector getting hold of thirty-four rolls of leaf tobacco and a rundlet of brandy in one house, and of a hundredweight of the former commodity in another; of five hundredweights rewarding the officer's search in a third locality; of five tuns of brandy being pounced upon at Heston; of a hundred quarter-hogsheads of the same liquor being seized in Balcary Bay, and of four big casks of it and twelve hogsheads of wine being captured at Annan — such seizures as these being matters of weekly occurrence, and strikingly illustrative of the extent to which the "running" business was carried on.

Mr. Crosbie, Provost of Dumfries, and one of its leading merchants, owned in 1712 a vessel named the "James," which

* Custom-house Records.

brought regular cargoes of tobacco from Virginia and Maryland, and sometimes tar, timber, or other products from the Baltic; and we find him in the summer of 1719 importing nearly 57,000 hundredweights of tobacco in another ship, the "Kirkconnell." There is every reason to believe that about this latter period, and for long afterwards, from 1,000 to 1,200 hundredweights of this, the great staple of the Dumfries trade, paid duty in the port every year. The monthly return of the Customs' revenue dated 21st November, 1717—the earliest we have been able to discover—amounts to £116 6s. 10d. on all articles. In that year the staff of officers was composed of a collector, Walter Murray, at an annual salary of £50; a deputy-collector, at £25; a comptroller, at £40; a deputy-comptroller, at £20; a land surveyor, at £40; a land waiter and searcher, at £25; an overseer of boatmen, at £30; ten tidesmen and four boatmen, at £15 each: the whole numbering twenty-one, and maintained at a yearly expense of £440.*

* Custom-house Records.

CHAPTER XL.

THE REBELLION OF 1715 — JACOBITE GATHERING AT LOCHMABEN — LOYAL MOVEMENTS AND MEETINGS IN THE DISTRICT—PREPARATIONS MADE FOR DEFENDING DUMFRIES — VISCOUNT KENMURE, AND WILLIAM, EARL OF NITHSDALE, ESPOUSE THE PRETENDER'S CAUSE—ESTIMATE OF THE EARL'S CHARACTER FROM HIS PORTRAIT AT TERREGLES—THE BURGH MENACED BY THE INSURGENTS—LOYAL REINFORCEMENTS ARRIVE FROM NEIGHBOURING TOWNS—THE PRETENDER PROCLAIMED BY THE INSURGENTS AT LOCHMABEN —A LUDICROUS INCIDENT HASTENS THEIR DEPARTURE FROM THAT BURGH.

WE have now reached that eventful period of British history when the first attempt was made by the exiled royal family to recover the throne from which James VII. was driven, under the circumstances described in a previous chapter. The Earl of Mar, resenting his dismissal from office by George I., readily undertook the leadership of a movement designed to "bring the auld Stuarts back again;" and, having retired to his estates, he convened a meeting of such Highland chiefs and Lowland lords as were supposed to be favourable to the undertaking.

To this gathering, held on the 26th of August, 1715, under the pretext of a great hunting match, the chivalrous house of Maxwell sent its chief; there repaired to it also "the bonniest lord that ever Galloway saw;" and, in presence of the assembled thanes, the standard of the Pretender—the flag of insurrection —was planted "on the braes of Mar." Some time before this daring step was taken, several provincial meetings of Jacobites had been held, for the purpose of manifesting their views, and ascertaining the state of public feeling regarding them. One of these is thus described by Rae, in his "History of the Rebellion:"*—"Upon Saturday, the 29th of

* "The History of the late Rebellion; Rais'd against His Majesty King George by the Friends of the Popish Pretender. Drumfries: Printed by Robert Rae, and sold by him, and by Mr. John Martin, in the Parliament Closs, Edinburgh, &c. MDCCXVIII." The author, the Rev. Peter Rae, was

May, 1714 [the anniversary of the Restoration], there was a great confluence of gentlemen and country people at Lochmaben, on the occasion of a horse-race there. Two plates, which were the prizes, had peculiar devices: the one had a woman with balances in her hand, the emblem of justice, and over the head was *Justitia*, and at a little distance *Suum cuique*. The other had several men, with their heads downwards, in a tumbling posture; and one eminent person, erected above the rest, with that Scripture, Ezek. xxi. 27, 'I will overturn, overturn, overturn it: and it shall be no more, until he come whose right it is; and I will give it him.' After the race, the Popish and Jacobite gentry, such as Frances Maxwell of Tinwald, John Maxwell, his brother, Robert Johnston of Wamphray, Robert Carruthers of Rammerscales, the Master of Burleigh (who is under sentence of death for murder, and made his escape out of the tolbooth of Edinburgh a little before he was to have been execute), with several others I could name, went to the Cross, where, in a very solemn manner, before hundreds of witnesses, with drum beating and colours display'd, they did upon their knees drink their King's health," the Master of Burleigh prefacing the toast by invoking perdition on the heads of those who refused to drink it.* The same historian states that, in the year before, there was a similar demonstration, though less defiant, in the same burgh; and laments that these warning presages were left unheeded by the Government.†

On the other hand, several noblemen and gentlemen in the

minister of Kirkconnell, in Upper Nithsdale. He published several treatises in divinity, and was deemed a good scholar and philosopher, as well as an able divine. His brother, who printed the volume, was at that time the only typographer in the south of Scotland.

* Rae's History, pp. 49-50.

† The gathering at Lochmaben was celebrated by a Jacobite minstrel in the following spirited strains:—

"As I came by Lochmaben-gate,
It's there I saw the Johnstones riding;
Away they go, and they feared no foe,
With their drums a-beating, colours flying.
All the lads of Annandale
Came there, their gallant chiefs to follow:
Brave Burleigh, Ford, and Rammerscales,
With Winton and the gallant Rollo.

south and west, fearing that the success of the Pretender—who was, like his father, a Roman Catholic—would, among other evils, lead to the re-establishment of Popery, and an arbitrary form of government, adopted various precautionary measures in view of the threatened outbreak. They met at Dalmellington on the 18th of March, 1714, and passed resolutions to the effect that a general correspondence be entered into among the well-

"I asked a man what meant the fray:
'Good sir,' said he, 'you seem a stranger;
This is the twenty-ninth of May—
Far better had you shun the danger.
These are rebels to the Throne—
Reason have we all to know it;
Popish knaves and dogs each one!—
Pray, pass on, or you shall rue it.'

"I looked the traitor in the face,
Drew out my sword and ettled at him:
'Deil send a' the Whiggish race
Downward to the dad that gat 'em!'
Right sair he gloomed, but naething said,
While my heart was like to scunner:
Cowards are they born and bred,
Ilka whingeing, praying sinner.

"My bonnet on my sword I bare,
And fast I spurred by knight and lady;
And thrice I waved it in the air,
Where a' our lads stood ranked and ready.
'Long live King James!' aloud I cried,
'Our nation's King, our nation's glory!'
'Long live King James!' they all replied—
'Welcome, welcome, gallant Tory!'

"Then I shook hands wi' lord and knight,
And mony a braw and buskined lady;
But lang I'll mind Lochmaben-gate,
And a' our lads for battle ready.
And when I gang by Locharbriggs,
And o'er the moor at e'en or morrow,
I'll send a curse unto the Whigs
That wrought us a' this dool and sorrow."

Hogg, after quoting Rae's account of the demonstrations at Lochmaben, says:—"Mr. Rae does not mention that the Lords Winton and Rollo were present there at either of the meetings. I find, however, from another part of his history, that they were both in Annandale that year first mentioned, else the elated ballad-monger would not have included them."—*Jacobite Relics*, vol. i., p. 294.

affected nobility, gentry, and citizens "within the shires of Clydesdale, Renfrew, Ayr, Galloway, Nithsdale, and the Stewartries and bailiaries thereof;" that meetings be held in each of these districts, for furtherance of the common object; that each district shall be invited to send representatives to general quarterly meetings, the first of which was fixed to be held at Dalmellington; that intercourse by letter or otherwise be kept up with their friends in Great Britain and Ireland; and that "it be earnestly recommended to each of the said particular meetings to fall upon such prudent and expeditious methods to put their people in a defensive posture, in such a manner as they shall see most proper and conform to law."* Sir Thomas Kirkpatrick of Closeburn (descended from a long line of heroes), Mr. Alexander Fergusson of Craigdarroch (whose father fell fighting against Claverhouse at Killiecrankie), and other influential men in Nithsdale, took an active part in this defensive movement; the magistrates of Dumfries and the ministers of the Presbytery gave to it their cordial co-operation; money for the purchase of arms and ammunition was liberally contributed in the district; and the people of each parish were placed under military drill, and accustomed to the use of fire-arms: so that, when the rebellion actually broke out, the Dumfriesians and their neighbours were in a fit condition to cope with it.

We have seen how resolutely the inhabitants of the Burgh and their rulers opposed the Union; and if their sentiments on that subject had not been kept in check by a counter feeling, they would perhaps have encouraged rather than opposed the pretensions of Prince James. But their antipathy to the Union was feeble as compared with their sense of the wrongs done towards them by the Stuart race, and their zeal for Protestantism. Claverhouse and Lag foreclosed the success of any attempt that might be made in Nithsdale or Galloway to restore the exiled family; and it is not too much to say, that the bloody Persecution instituted by Charles II. foredoomed the Rebellion raised by his nephew to a hopeless failure. Had it not been for that circumstance, the descendant of Scotland's ancient kings would have met with a better reception from its

* Rae's History, p. 42.

inhabitants generally, when he claimed their allegiance, and his enterprise would have had a greater chance of success.

The magistrates of Dumfries having, on the 23rd of July, 1715, been apprised, by letters from London, of the Pretender's design to land in Scotland, communicated this intelligence to the Council, and forthwith means were taken to mature the defences of the Burgh. It was deemed probable that the debarkation would take place on the shores of Lochryan, or, nearer still, at the harbour of Kirkcudbright; and that afterwards an attempt would be made to seize Dumfries, as the chief town of the district. Hence the necessity for proceeding promptly with protective measures on a large scale. The various trained bands were drawn out; strong guards were posted at the four ports; and seven companies, corresponding in number to the Incorporated Trades, were formed, composed of sixty effective men each, the Provost officiating as commander-in-chief of this municipal force. It was carefully trained almost daily; "and," says Rae, "for the more effectual training of the younger sort, a company of bachelors was formed out of the rest, who assumed the title of the Company of Loyal Bachelors." *

Stimulated by the example of Dumfries, and the sense of a common danger, many County gentlemen, ministers of the district, and others, made extensive arrangements to protect themselves, and defeat the machinations of the enemy. Towards the end of July, Major James Aikman arrived in the district from Edinburgh, commissioned to superintend and promote the military preparations. On the 10th of August, in company with Sir Thomas Kirkpatrick of Closeburn, Mr. Gordon of Earlston, and others, he reviewed the fencible men of Upper Nithsdale, at a general rendezvous on Marjory-muir. Proceeding to Closeburn, he assisted at a meeting held there representing some parishes in Lower Nithsdale, at which it was resolved that a volunteer company should be formed in each parish; and that, when the period for action arrived, Sanquhar should be the place of rendezvous for the western shires.

In accordance with a resolution come to at the Braemar gathering, on the 26th of August, the Jacobite chiefs held a

* Rae's History, pp. 182-3.

second meeting at the same place, on the 6th of September, with about two thousand followers, and proclaimed the Pretender, King of Scotland, England, France, and Ireland. On marching to Dunkeld, they were largely enforced by the people of the district, by two thousand clansmen under the Marquis of Tullibardine, by fourteen hundred from the braes of Athole, and by five hundred sent by the Earl of Breadalbane. Mar himself mustered no fewer than three thousand additional followers; and the insurgent army, thus swelled to about eight thousand men, boldly pushed down to Perth, which city they occupied without resistance, the Earl of Rothes not finding himself able to offer them any effectual opposition. Whilst the Prince's friends in the North were thus employed, William, fifth Earl of Nithsdale,* and William, sixth Viscount of Kenmure, raised his standard in the Border counties, to co-operate with the Jacobite forces under Forster and Derwentwater in England. Maxwell, on account of his great local influence, and the services rendered by his family to the Stuarts, would have been placed at the head of the rebel movement in the South had it not been that he was a devoted Romanist, whom it would have been imprudent to appoint to that office.

And, in truth, if we may judge from the portrait of Earl William at Terregles House, as painted by Sir Godfrey Kneller, he was not designed by nature for such a warlike enterprise. The armour in which the figure is attired is out of keeping with the face, which is that of a peace-loving, ardent, warm-hearted man. There is no trace of wile or craft in the countenance; the brow is well-developed; the nose of such size and breadth as betokens mental strength, but it has no lines of combativeness; and when the noble lord was led into the rebellious fray, it must have been from no love of fighting, but from chivalrous enthusiasm, mingling with a sober sense of duty. The eyes are so prominent, that he must have been a fluent speaker; and wit—perhaps poetry—is visible in the full, rounded lips. Altogether, if our inferences be correct, he would have been more in his element

* On the death of the second Earl of Nithsdale, in 1667, without issue, his title and estates devolved upon John, seventh Lord Herries. The son of the latter was the fourth earl, and had, by Lady Lucy Douglas, his wife, William, the fifth Earl, and a daughter, Lady Mary Maxwell, Countess of Traquair.

at home, or in the social circle, or shining at the Court of his sovereign, than in the camp or battle-field.

The Protestant Lord Kenmure, who was raised to the chief command, was of a more warlike temperament. He was, however, but indifferently conversant with military affairs—had, indeed, received no soldierly training—a sad want for one in his position; but he had all the indomitable bravery of his race—

> "There ne'er was a coward of Kenmure's blood,
> Nor yet of Gordon's line!"—

was prudent withal, and possessed sufficient intellectual capacity for the perilous and onerous trust assigned to him. When, after bidding a last adieu to his lady, he endeavoured to mount his favourite charger, the horse, usually docile, repeatedly baffled his efforts. Disconcerted by this inauspicious omen, a gentle voice reassured him with the words, "Go on, my lord! go on! you are in a good cause! Remember, faint heart never won fair lady!" Having at length leaped into the saddle, the noble Viscount rode off, never to return—never to hear again the voice which, with more than trumpet's power, stirred his blood—as he hastened to encounter the enemies of his Prince, and, alas! meet with "dusty death," in its most repulsive form, upon the scaffold.

Mar expected to receive a supply of both men and arms from France; but in this he was disappointed: and it soon became obvious that if James VIII. was ever to be more than a nominal king, he would owe his success solely to "native swords, and native ranks." With the view of preventing Mar from marching into the Lowlands, and also, if possible, of extinguishing the Rebellion at its birth-place, the Duke of Argyle, the Royalist commander-in-chief, formed a camp at Stirling, and summoned the friends of King George throughout the country to meet him there.

Letters to this effect were sent by his Grace to the well-affected burghs, including Dumfries; and also to particular individuals on whose services he thought he could depend. The zealous and influential Laird of Craigdarroch, who was looked upon as the leading loyalist in Nithsdale, received from Argyle a communication dated Edinburgh, 16th September, 1715, announcing the outbreak of the insurrection, and stating that

the writer recognized the necessity of raising volunteer forces to assist the King's army in coping with it:—"Your Lord Lieutenant not being yet come down," proceeds the Duke, "to give orders for drawing out such other of the well-affected people as should be thought necessary, and I being convinced of your zeal and good inclinations to serve our King and country, and looking upon you as my particular friend, I apply to you on this occasion, and desire you would forthwith come to Stirling, with what number of well-arm'd men you can get together to join the King's regular forces. This will be of infinite service to his Majesty, and will not fail to be acknowledged as such."*

If Argyle had suspected the existence of serious danger in the South, he would not have summoned Mr. Fergusson to Stirling; and that gentleman not thinking that his services would soon be pressingly required at home, proceeded to Keirmoss, Penpont, with about sixty well-armed recruits, raised in the parishes of Glencairn and Tynron. At that place he met with many from neighbouring parishes, assembled in arms under Sir Thomas Kirkpatrick, James Grierson of Capenoch, John Dalrymple of Waterside, Thomas Hunter of Bateford, Provost Crosbie of Dumfries, and other gentlemen, including several ministers. After patriotic addresses from Mr. Fergusson and Sir Thomas Kirkpatrick, many more volunteers were obtained for the King's army; and Mr. Crosbie announced that Dumfries was enlisting a hundred men, who would be ready to set out with him in a few days for Stirling. Next day, Craigdarroch, accompanied by Mr. Hunter of Bateford, Mr. M'Gachan of Dalquhat, and by Mr. Simon Riddell, Mr. John Pollock, and Mr. James Hunter, ministers of Tynron, Glencairn, and Dornock respectively, marched with his men towards the royal camp. The company he brought to Stirling proved a valuable acquisition to Argyle; but hearing soon afterwards of the Jacobite movement in Dumfriesshire, Mr. Fergusson, at the Duke's instance, retraced his steps, that he might defend the King's interests in his native County.

By the beginning of October, matters began to wear a very serious aspect. Mar had put his army in motion; and the rebels under Kenmure, after being reinforced from England,

* Rae's History, pp. 230-31.

were hovering menacingly in Cumberland, as if they intended to attack Dumfries. As yet, there had been no serious fighting —nothing approaching to a trial of strength; but that, to all appearance, could not be long deferred, as Argyle was fully alive to the necessity of confronting the rebel chief before he could effect a junction with his friends in the South. In view of the pending struggle, the militia of several shires were called out, and formed with the volunteers a large force, apart altogether from the regular army at Stirling. At this time the lord-lieutenancy of Dumfriesshire was held by the head of an old Border house—William Johnstone, first Marquis of Annandale;* and he had as deputies, to act with him during the crisis, the representatives of other ancient families—Kirkpatrick of Closeburn, Fergusson of Craigdarroch, Johnstone of Corehead, Grierson of Capenoch, Maxwell of Dalswinton, and Johnstone of Broadholm. The first decisive step taken by the Marquis was to call a meeting of the "fencible men" of the County, which accordingly took place on Locharbridge-hill: a great wappenschaw it was, numerically large, and pervaded by the utmost enthusiasm.

On Saturday the 8th of October, when the people of the

* When, by the death, in 1685, of James Murray, Earl of Annandale, that title became extinct, it was revived for the purpose of being conferred on James Johnstone of Lochwood, the second Earl of Hartfell (who, as we have seen, fought under Montrose). His son William was the second Johnstone who bore the title of Earl of Annandale. In 1701 he was created Marquis of Annandale. By his wife Sophia, heiress of John Fairholm, of Craigiehall, Linlithgowshire, he had James, second Marquis of Annandale, two other sons, who died unmarried, and two daughters, the eldest of whom married Charles Hope, afterwards created Earl of Hopetoun. William, the first Marquis, had, by Charlotte van Lore, only child of John Vanden Bempde, of Pall Mall, London, his second wife, George, third Marquis of Annandale, and John, who died young. "James, the second Marquis of Annandale," says the "Scottish Nation," "resided much abroad, and dying unmarried at Naples, 21st February, 1730, was buried in Westminster Abbey. The estate of Craigiehall went to his nephew, the Honourable Charles Hope; and his titles and the other estates to his half brother, George, third Marquis of Annandale, born 29th May, 1720. The loss of his brother, Lord John, in 1742, occasioned a depression of spirits which finally deranged his mind. He died 24th April, 1792, when the title of Marquis of Annandale became dormant—claimed by Sir Frederic John William Johnstone of Westerhall, Baronet, and by Mr. Goodinge Johnstone. It is understood that the titles of Earl of Annandale and Hartfell devolved upon James, third Earl of Hopetoun, who, however, did not assume them, but took the name of Johnstone in addition to that of Hope." The earldom was also claimed by Mr. Hope Johnstone of Annandale.

Burgh were at worship in St. Michael's Church—it being the preparation day for the communion Sabbath—they were somewhat disturbed by seeing a messenger entering and handing a packet to Mr. Gilchrist, one of the bailies, which induced the latter to withdraw. The communication was well fitted to excite the alarm of the congregation, had they known its nature; as it informed the magistrate of a Jacobite plot to seize the town next day, during the celebration of the sacrament. Bailie Gilchrist consulted with the Provost on the subject; and they, concluding that the letter—which was dated from Locharbridge, and professed to be written by a loyal countryman—was a forgery, and that its author wished to create a false alarm, took no action upon it, except to double the guards. The writer was perfectly honest, however, in so far as he indicated the approach of danger; and on Monday (the 10th) another warning communication was received by the magistrates from certain parishioners of Tinwald and Torthorwald, who had assembled at Locharbridge with arms, and who offered their instant services to defend the town. Provost Crosbie, unwilling to cause any undue excitement among the inhabitants, stated in answer that the parties might retire home for the night, though they might hold themselves in readiness to come to Dumfries when called upon.

A third warning was received on the following day—one which could not be disregarded, coming, as it did, in the form of the following letter, from the Lord Justice-Clerk, addressed to the Provost:—"Edinburgh, October 8th, 1715.—Sir,—Having good information that there is a design framed of rising in rebellion in the southern parts against his Majesty and the Government, I send this express to advise you thereof, that you may be upon your guard: For by what I can rely upon, their first attempt is to be suddenly upon your town. I heartily wish you may escape their intended visite.—I am, sir, your well-wisher and humble servant,—AD: COCKBURN."

Most fortunate it was that the Provost never had been able to go, as he intended, with a hundred men to Stirling, seeing that there was now so much need for his directing head and their stout arms at home. Though slow to apprehend peril, he had all along zealously promoted defensive measures;

and he acted with unhesitating promptitude when the real juncture arrived. He forthwith called a meeting of the Town Council and other influential burgesses, laid before them the letter he had received, and pointed out the imminency of the danger with which they were menaced, and the necessity of obtaining aid from a distance to enable them to ward it off. The Provost's representations received unanimous approval; and as a general meeting of the fencible men of the Stewartry was being held that very day at Leaths-moor, a deputation was forthwith sent to it from Dumfries soliciting assistance. Before the application was made, the gathering was partially dispersed; but the deputy-lieutenants and other gentlemen, about fifty in all, proceeded to the town that night, and expresses were despatched to various quarters, which had the effect of bringing to it next day numerous volunteers from both Nithsdale and Galloway. As showing the promptitude with which the appeal of the Dumfriesians was responded to, it is worthy of notice that Captain Hugh Fullerton, Provost of Kirkcudbright, Mr. Samuel Ewart, and Sergeant Currie, set out from thence with a company of foot on the morning of the 12th of October, and arrived at their destination that night, though twenty-eight miles of bad road lay between the two towns; whilst Abrahm Creighton of Gareland, Provost of Sanquhar—who was later in receiving a notice of how matters stood—hearing a vague rumour on the 14th that the enemy had invested Dumfries, called out a company of foot, mounted them on country horses, and arrived at their head without drawing bridle—the distance in this case being also twenty-eight miles.

Among others who appeared at the Locharbridge rendezvous, was Sir James Johnstone of Westerhall, with a body of militia. He had also provided a large supply of arms, seventeen stand of which, temporarily left by him at Broadchapel, near Lochmaben, were seized and carried off by a party of rebels, headed by none other than Viscount Kenmure himself: so that it was no unfounded report which represented the Jacobite chief as being in the district, bent on mischief. The exulting captors of this unlooked-for and most welcome prize, after being reinforced by some friends at Mid-Annandale, hurried northward to Moffat, which they made their headquarters for a short while; and where

they were, that same night, joined by the Earl of Winton, with a party of gentlemen and their followers from the Lothians.

On the 11th of this memorable month, when all strangers appearing in the town were viewed with suspicion, the notorious Simon, Lord Lovat, who had been out of the kingdom for several years, arrived with a few friends, and was immediately apprehended. He declared that the Marquis of Annandale would be ready to assure them of his loyalty; and one of the magistrates, Bailie Currie, having gone to Lochwood to consult the Marquis in the matter, returned with the request that Lord Lovat should be detained till he saw him at Dumfries. Mr. Currie also bore an order from the Lord-Lieutenant requiring the magistrates to repair with an escort to his residence next day and conduct him to the Burgh; as his lordship had been put to peril by Winton's party, and had also narrowly escaped being intercepted by the rebels under Kenmure when on their way through Upper Annandale.

Mr. Currie having delivered his message, the town-crier proceeded through the principal streets at eleven o'clock that night, and in the usual way warned such burgesses and residents as possessed horses, to appear mounted and with their best arms at next beat of drum. All that night through, great excitement prevailed; few of the inhabitants closed their eyes; the windows looking into the leading thoroughfares were illuminated, for the double purpose of supplying light for the warlike muster, and affording a greater sense of security;* and when, about an hour after midnight, the roll of the drum again reverberated through the town, followed by the neighing of steeds, the ring of their hoofs upon the pavement, as they hastened to the Market Cross, the jangling of arms, and the less discordant calls of the bugle, those of the lieges who did not know precisely how matters stood might well be excused for believing that the dreaded enemy had, favoured by the darkness, stolen a hurried march upon the town: and, sure enough, the rebels had moved from Moffat soon after that terrible midnight hour, for the purpose of attacking Dumfries, and would have carried their resolution into effect had not discretion got the better of their valour.

* Rae's History, p. 251.

The magistrates, putting themselves at the head of the troop summoned under such exciting circumstances, proceeded to Lochwood, returning next forenoon with the Lord-Lieutenant, who allowed Lord Lovat to depart for the North on being satisfied of his steady loyalty to King George. They came back in good time to have received the rebels under Kenmure, if the latter had carried their designs into execution. By two o'clock the enemy were within a mile and a half of the town, exulting in the idea that they would soon be masters of it. They just numbered one hundred and fifty-three—all horsemen; and must have been kept in complete ignorance of the Dumfries preparations, or they would never have moved out of Moffat with so slender a force on such an undertaking. Hastening along, they would certainly have fallen into the snare they were preparing for others, had they not learned from a sure source that the Burgh, half full of armed men, was ready to give any assailant, however powerful, a hot reception. With this unwelcome news they were furnished in the following way. One afternoon a half-witted rustic named James Robson presented himself at the rebel camp with the curious intimation that he had come to make a present of his broad blue bonnet to Lord Kenmure. Another similar head-piece is celebrated in song as acquiring renown on account of its wearer:—

> "It was na the bonnet, but the head that was in it,
> Made a' the warld talk o' Rab Roryson's bonnet."

But in this case it was really the bonnet, and not its owner—"Daft Jamie"—that was of any consequence to Kenmure; and the noble Viscount surmising as much, at once dissected the homely present made to him, and found within its lining a letter from Lord Nithsdale urging him to be off, as Dumfries was armed to the teeth. The bearer of the warning note, unconscious of the service he was performing, had been bribed to perform it by the Terregles people. How provoking the intelligence he brought to the Jacobite leader and his friends, dissipating, as it did, their dream of conquest like a column of mist! So far from their being on the point of seizing the chief town of the South, they were in deadly danger of being captured themselves.

Some of the more adventurous of the party were for making a stand, in the expectation that many friends would flock to their aid, and that, when thus reinforced, they might after all make a bold dash at Dumfries with some likelihood of success. Viscount Kenmure, however, who best knew the feeling of the town, and fully realized the consequences of failure, paid no heed to such foolish counsels; and declared emphatically that he feared too truly the place was defended by gallant gentlemen, and that he would therefore defer his intended visit to it. Thereupon he ordered his force to wheel about and retire to Lochmaben. Whilst going to that burgh they captured Bailie Paterson, Mr. Johnston, postmaster, and Mr. Hunter, surgeon, who had been sent from Dumfries to reconnoitre them. The prisoners were civilly treated, and set at liberty on the Burgh agreeing to liberate three of their friends who had been seized as suspected Jacobites.

When it was known in Dumfries that the rebels were so near at hand, the entrances were barricaded, earth-work entrenchments were formed, the guards were strengthened, and the trained bands were called out; and had the enemy numbered thousands instead of scores, they would have encountered a stout resistance. Just when the inhabitants expected that the threatened onset would be made, word was brought that the rebels had called a halt, and then that they had beat a retreat. "Let us follow and give them battle!" was the general cry. "Not so," said the wary Lord-Lieutenant; and so excessively cautious was he, that when a party of gentlemen, headed by Lord Lovat, asked leave to set out and surprise the enemy next day at Lochmaben, he refused his consent, declaring that under existing circumstances a defensive policy was the best.

Fearing that the people's anxiety for aggressive measures might prompt them to some rash movement, he summoned to his residence the ministers, who had much influence with them, and there pointed out the hazards that would be run if in a premature encounter the rebels should be victorious. "They would then," he said, "readily get possession of Dumfries, and might justly give out that they were masters of the south of Scotland—an announcement that would encourage their friends all around to join them, and a force would be raised that

might endanger the Government. If," continued his lordship, speaking in a style worthy of his ancestry, "the people will only be patient till things are in proper order, I shall go forth at their head, and venture my life and lands in assisting them to defend our religion, our country, and our king." He closed by intreating his clerical hearers to impress these sentiments on the inhabitants. He had an opportunity of doing so himself when reviewing them at the Moat a few days afterwards; and so effective was his address, that it was greeted with a round of hearty cheers.* Probably the Lord-Lieutenant was not aware at the time of the numerical weakness of the rebels, or he would really have attempted to capture them in their retreat—no very rash venture: failure would not, as he fancied, have involved the loss of the town; and success would have been a death-blow to the Pretender's cause in Dumfriesshire.

Though the Earl of Nithsdale was fully committed to it, comparatively few of his dependants took part in the Rebellion, and many of them enrolled themselves as loyal volunteers. Soon after the arrival of the Lord-Lieutenant, he took steps to overawe the Maxwell tenantry in Carlaverock parish—a large proportion of whom were Roman Catholics, and therefore deemed more likely to favour Prince James. Mr. John Sommerville, minister of the parish, was ordered to remove the Back-bridge of the Isle, in order to cut off the communication between the tenants and the rebels in Galloway and the Western Border; and Mr. Patrick Linn, one of the Dumfries ministers, was empowered to co-operate with his brother clergymen in maintaining a guard at Bankend, near to where Carlaverock parish joins that of Dumfries. "As my Lord Nithsdale's tenants in Carlaverock," says Rae, "so likewise his other tenants in Troqueer, Terregles, and Kirkgunzeon, with those of the Viscount of Kenmure and Earl of Carnwath, were in arms at Dumfries, and manifested a great deal of zeal against the Rebellion; nor were there any with these noblemen in the Rebellion but two or three domestic servants with each. And this I thought just to make known to the candid reader, to wipe off a calumny cast upon these people by a late historian [Mr. Patten] who was also a rebel, who speaking of the chiefs in

* Rae's History, pp. 253–4.

Scotland, and what men they could raise, says:—'The Earl of Nithsdale, 300 men, with their chief, against the Government; the Earl of Carnwath, 300 men, most with their chief, against the Government, and in the Rebellion;' and the same he affirms of the Viscount Kenmure."*

When Lord Kenmure, with his small party of followers, reached Lochmaben, on the evening of Thursday the 13th, he caused the Pretender to be proclaimed at the Market Cross of the burgh. On the approach of the unwelcome visitors, the inhabitants placed their cattle in a fold to make room for their horses, which arrangement led to a ludicrous episode. The cattle, not liking their unwonted quarters, broke through the enclosure, and some of them strayed into a townsman's yard during the dusk of the following morning. "Help!" cried the owner of the invaded territory, at the top of his voice, "Help! Help! Help!" This was simply a summons to his dog, which bore that name; but the terrified sentries, interpreting the word differently, sounded an alarm—their belief being that the Dumfries loyalists had entered Lochmaben. In the utmost consternation, the rebels—many of them only half-dressed—prepared to evacuate the town; and it was some time before the mistake was discovered, and order restored. Rae, who has probably exaggerated this incident, seems to have relished it vastly. Some of the terrified troopers, he tells us, "cut up their boots, in haste to get them on;" others, who could not get their horses in an instant, left them that they might flee on foot; and some, who managed to mount their chargers, "almost dropt off for fear."† Next day, at Ecclefechan, the rebels were nearly thrown into another panic, by the sudden arrival of a party of fifteen horsemen. These, however, proved to be friends, not assailants; their leader, Sir Patrick Maxwell of Springkell,‡

* History, pp. 256–7. † Ibid., p. 254.

‡ The Maxwells of Springkell are a branch of the Auldhouse family, of which Maxwell of Pollok is the senior representative. George Maxwell of Auldhouse had by his first wife one son, whose son succeeded to the Pollok estates. By his second wife, Jane, daughter of William Muir of Glanderstone, he had, among other issue, a son, William, who acquired in 1609 the barony of Kirkconnel (scene of Fair Helen's tragical fate), and Sprinkell, in Annandale. His son, Patrick, it was who joined the rebel army in 1715. Patrick was created a Nova Scotia baronet in 1683. Lieutenant-General Sir John Maxwell, the fourth baronet in direct descent from him, married Mary, only surviving child and

having brought them to prove his devoted attachment to the interests of the Prince.

The Jacobites, continuing their march, entered Langholm on the 15th, Hawick on the 16th, Jedburgh on the 17th; obtaining considerable reinforcements as they went along, and proclaiming the Pretender at all these towns. On the 18th they crossed the Border; on the 19th they joined their north of England friends at Rothbury, the united forces proceeding next day to Wooler. Here they waited two nights, and having re-entered Scotland, effected a junction with a body of Highlanders, under Brigadier M'Intosh, on the 22nd, at Kelso, by which means their strength was raised to two thousand men.

heiress of Patrick Heron of Heron, in the Stewartry; and on the death of his father-in-law, he added the surname and arms of Heron to his own. His eldest son, Sir Patrick Heron Maxwell, who succeeded him, died unmarried in 1844, and was succeeded by the present baronet, Sir John Heron Maxwell, born in 1808.

CHAPTER XLI.

KENMURE HURRIES ON TOWARDS DUMFRIES—INCENDIARY ATTEMPTS TO DESTROY THE TOWN—FORTIFICATIONS ARE CONSTRUCTED, TRENCHES DUG, AND THE WORKS MANNED — THE CRISIS OF THE 31ST OF OCTOBER AND 1ST OF NOVEMBER—A FALSE ALARM—THE REBELS RETIRE WITHOUT STRIKING A BLOW—IMPORTANCE OF DUMFRIES IN A MILITARY ASPECT—THE INABILITY OF THE JACOBITES TO CAPTURE IT CONDUCES TO THE FAILURE OF THE INSURRECTION—THEIR DEFEAT AT PRESTON—TRIAL AND CONDEMNATION OF KENMURE, NITHSDALE, AND OTHER CHIEFS—THE COUNTESS OF NITHSDALE RESOLVES TO DELIVER HER HUSBAND FROM THE TOWER—SKETCH OF THE COUNTESS FROM THE PORTRAIT AT TERREGLES—SHE SUCCEEDS IN HER SCHEME, AND THE EARL IS RESCUED FROM IMPRISONMENT AND DEATH—SIR JOHN JOHNSTONE KEPT LOYAL AGAINST HIS WILL BY THE MAGISTRATES OF DUMFRIES; AND HE AFTERWARDS, OUT OF GRATITUDE, PRESENTS THE BURGH WITH PORTRAITS OF KING WILLIAM AND QUEEN MARY.

LORD KENMURE, finding himself at the head of a considerable army, resolved on making some decisive movement. His thoughts again turned towards Dumfries; his idea being that he was now in a condition to attack it with success. The inhabitants, anticipating a second and more serious visit from his lordship, renewed their defensive preparations, which had been partially put a stop to. The Marquis of Annandale, having granted commissions to the officers of militia, and made arrangements for cutting out the force if necessary, left Dumfries for Edinburgh on the 20th of October; and no immediate danger being apprehended, the country people returned home, leaving the town to the care of its own inhabitants. When, however, news of the ominous rebel conjunction at Kelso reached the magistrates, they despatched expresses to their friends throughout Nithsdale and Galloway; and in a short time, in answer to their urgent requests, two thousand well-armed men volunteered their services for the protection of the Burgh. A few of the inhabitants favoured the Jacobites; one of whom went bustling about, assuring the country folks that

Kenmure would be down upon them with irresistible force; that the town would have to give in; and that they would all be massacred wholesale. The tongue of this tattling busy-body might have occasioned mischief, had he not been promptly consigned to durance vile. Next morning (the 28th) the Town Council met; and, in order to dissipate the impression made by such treasonable gossip, they issued a proclamation, setting forth:—"That whereas some person or persons, disaffected to his Majesty's person and Government, have raised and spread a false and groundless report that the town would surrender, we do therefore certify all concerned, that we have no such design, but that we are firmly resolved to make a vigorous resistance if attacked by the rebels; and we hope none will credit the malicious stories to the contrair that have been contrived by the enemy."*

It was not traitorous tale-bearers merely that the authorities had to deal with: there were Achans in the camp of a more dangerous kind—plotting incendiaries, who repeatedly endeavoured to fire portions of the town. One notable attempt of this nature was made on the night of the 26th. A train of gunpowder, nine yards long, was laid at the foot of a close of thatched houses near the centre of the Burgh, which, on being ignited, set one of the tenements in a blaze. Fortunately two of the magistrates were near at hand, by whose assistance the fire was extinguished before much damage or alarm was occasioned. A reward of a hundred merks was offered for the discovery of the guilty parties; and the authorities, fearing that on the approach of the rebels their friends inside would perpetrate similar acts of incendiarism in order to withdraw the loyal inhabitants from their posts, and otherwise create confusion, adopted all possible precautions to prevent or mitigate the threatened evil. The militia of the County was not yet raised—why, it is difficult to say; so that Dumfries had to depend for its defence on volunteer soldiers alone.

These, as has been mentioned, were forthcoming to a large extent. In the last week of October, the Burgh wappenschaw could boast, we should say, of fully three thousand men; one half of whom were well trained and armed, the other half raw

* Rae's History, p. 227.

recruits, including fivescore of such inhabitants as had little skill in fire-arms, who were furnished with scythes, and set to do duty at the barricades and in the trenches. The magistrates, with prudent forethought, resolved that Mr. Currie, one of their number, should be sent on a mission to General Carpenter, who had arrived at Jedburgh in search of the Jacobites under Kenmure. On learning the condition of affairs at Dumfries, the General assured Bailie Currie that if the town were attacked, and held out for six hours against the rebels, he would at the close of that time be ready to fall upon them in the rear. Fully aware of the importance of retaining Dumfries, the Duke of Argyle sent Major Campbell, Captain William Graham, Lieutenant Francis Scott, Lieutenant Anthony Smith, Lieutenant David Reid, Lieutenant John Kay, and Ensign Robert M'Arthur, all half-pay officers, to superintend its defence.

On the 24th, soon after their arrival, the work of thoroughly fortifying the town was proceeded with. In earlier times, as we have seen, it was surrounded, except where the Nith formed a natural defence, by walls, ditches, and earthen banks. Pursuing a somewhat similar plan, the loyal inhabitants, under skilful military direction, soon rendered the fortifications tolerably complete—quite able to resist the enemy's assaults for ten times the six hours that General Carpenter had bargained for. All the gates and avenues were built up with stone, except the bridge and Lochmaben-gate. A line of wall was raised from the river to the churchyard, and thence through the adjoining meadow to the high road beyond Lochmaben-gate; it then ran towards the east, curved towards the north-west, then to the south-east corner of Sir Christopher's Chapel: the whole constituting a covered way in the form of a half-moon. From the south-west corner of the chapel another line was drawn nearly parallel to the former, for the safety and convenience of the defenders in the event of the rebels forming on the fields betwixt that locality and the Loreburn, which streamlet was also intrenched; and the meadow beyond it was protected by a deep ditch, dug behind a thick thorn hedge, that separated it from the highway leading to the Townhead. Here also the gate was walled up, and a trench of bastion shape gave protection to the Moat on the other side. It took fully a week

to complete these works: for though hundreds of hands were employed, suitable materials were not easily obtained; and in the pressing emergency, the stones of the east gable of the sacred edifice erected by Christian Bruce in memory of her patriotic husband, were appropriated by the workmen. Little did the royal lady think, when she erected the chapel, or Robert Bruce when he endowed it, that its walls would be thrown down for the purpose of resisting the march of one of their descendants to his ancestral throne. What piety and widowed love fondly built up, patriotism unreluctantly cast down. But curious cross-purposes such as this are frequently met with by the historian.

The 30th and 31st of October formed the crisis of this extraordinary passage in the annals of Dumfries. As the first of these days was Sabbath, those who laboured at the defences expected to enjoy a short season of rest. At half-past nine o'clock in the morning, however, a proclamation was made by tuck of drum, that they were all to repair to the works as usual; the Provost and deputy-lieutenants having received an express announcing that the enemy had arrived at Hawick, on their route by Langholm to Dumfries. Accordingly, the din of preparation was redoubled on the sacred day: trenches were extended or deepened; several trees growing in the churchyard were cut down—the ringing sounds made by the axe-men rising simultaneously with the song of the worshippers—and stakes formed of them with which to dam up the Mill-burn, so as to cause the waters of that brook to fill the trenches, and prevent the mounted rebels crossing the meadows. It was on the 30th, too, that the remains of the ancient chapel, consisting chiefly of a fine arch and back wall, were put to use. With the stones of the arch a redoubt was built to cover the entry of the highway near at hand; and the wall was lowered to serve as a rest for firelocks.

Langholm was reached by the rebels that evening; and, long before sunrise next morning, a detachment of them numbering about four hundred horse, commanded by the Earl of Carnwath, arrived at Ecclefechan, with orders to blockade Dumfries till the main body arrived to attack the town. Carnwath and his men rested in their saddles at Ecclefechan, for further instruc-

tions; which having been brought by Mr. Burnet of Carlops, they took quarters for a brief space in the village, and then remounted, with the design of being at Dumfries by break of day.

On the lieges there learning from a special messenger that the rebels were within eight miles of them, the preconcerted alarm was given by beating of drums and ringing of bells; a muster of all the able-bodied men was made at the Moat; after which they were marshalled into companies, and took their posts at the trenches. "Marching thither," says Rae, "with an undaunted courage," the ministers going with them, prepared to fight as well as their people, and surgeons attending in case of need.* From the 13th of October (with the exception of a short period, when it was erroneously supposed that the Jacobites had abandoned their intention to attack the town), meetings for prayer and exhortation were held daily in the church, and the windows looking into the principal streets were lighted all night. What a season of excitement it must have been! and the night of the 31st, when it reached a climax, must have proved the most painfully anxious one experienced by that generation of Dumfriesians, and been referred to by them ever afterwards with mixed emotions of terror, thankfulness, and pride.

A Town Council minute of an after date, in noticing the recompense given to "the countrymen come in for defence of this place, and that particularly on the 31st of October last and 1st of November instant, when the rebels were within a little space of this Burgh, in order to the attack thereof," states that "people were obliged to be fourty-eight hours in the trenches made round this town, during which time they could not be removed from duty for refreshing themselves, and therefore the magistrates caused give them bread and provisions for refreshing them in the fields." It was felt that if the least relaxation were made the enemy might take ruinous advantage of it, and therefore the watch was unremitting. With the clouds of night came pelting showers of rain, and the air waxed piercingly cold; but every man continued at his allotted post in the trenches, at the barricades, or with a chosen body of reserve

* History, p. 275.

in High Street, two hundred in number, with three pieces of cannon, whose orders were to reinforce those defenders against whom the main assault of the enemy should be delivered.

They had friends outside, too, ready on certain conditions to give them a helping hand, if necessary. These consisted of about three hundred and twenty Presbyterian Dissenters, under their minister, Mr. John Hepburn of Urr; who, having some military knowledge, trained them for the express purpose of coping with the rebels.* On the 31st they were in the parish of Kirkmahoe, three miles distant from Dumfries; and Bailie Gilchrist, with the Laird of Bargaly, were sent to solicit their assistance. They forthwith marched towards the town, but, owing to religious scruples, they declined to enter it; and, crossing the river, took up a position on Corbelly hill, at the west end of the bridge, to watch the current of events from that commanding eminence. There they were visited by the Provost and other gentlemen, who offered them any post they might choose within the town; upon which they presented an unsigned paper to the deputation, asserting "that they had no freedom in their consciences to fight in defence of the constitution of Church and State, as established since the sinful Union." They mentioned the conditions on which they would enter the town to join in its defence: but as many of these were of a political and general nature, such as the King or Parliament only could grant, no arrangement was effected; and the party continued on Corbelly hill, where they were supplied with necessaries by the inhabitants, whom they would no doubt have helped had their services been required.

The night of the 31st, with its pitiless showers and inclement winds—ill to bear by the wearied watchers, but of no moment compared to the racking thoughts that troubled them—passed slowly on. "Would that it were day, even though the enemy

* The Rev. John Hepburn, a native of Forfarshire, began his ministerial labours in Urr about the year 1680. He was a devoted Cameronian; and his opinions as such made him a resolute opponent of the Jacobites. He employed his soldierly skill in drilling his parishioners on Halmyre hill, near his church, that they might be the more able to resist the Pretender. The late Dr. Mundell, rector of Wallace Hall Academy, who was great-grandson to Mr. Hepburn, had in his possession the claymore and drum that were used by his martial ancestor.

should appear alongst with it!" was, we may suppose, the anxious wish of many, as the leaden hours crept lazily along. At brief intervals the officers visited their men, to see that they were prepared for the expected emergency; and about four o'clock in the morning the news went round that the attack might be looked for at seven, and the men were told to mind their arms and to keep their powder dry—precautions all the more requisite as it still rained heavily. At five o'clock an express arrived from the hamlet of Roucan, affirming that the rebels had passed the old castle of Torthorwald, and were within three miles of the town. This was found out to be erroneous, friendly scouts having been mistaken for the enemy, but not till the false alarm had caused a great flutter of excitement. Seven o'clock arrived, and still the enemy remained unseen—eight o'clock—nine!—without bringing a single rebel in view. Was it possible that the bold Jacobites, after all their threats and boastings, had resolved to leave Dumfries unharmed in its loyalty; without so much as striking a blow for a town, the possession of which they at one time deemed essential to their success in the south of Scotland?

It was even so. Good news to this effect reached its defenders by ten o'clock. The intelligence was rapidly circulated that the rebels, afraid to attack a place so well defended, were preparing for a retrograde march; and the inhabitants, so long stretched upon the rack, began to feel at ease, and breathe freely. Soon after Carnwath's party left Ecclefechan, on their way to Dumfries, an express from their friends in the Burgh informed them of its condition—bristling with arms, strongly fortified, bravely defiant—and beseeching them "not to try their teeth on so obdurate a morsel." This discouraging letter was forwarded to the main body of the army, then lying about two miles west from Langholm, and formed the subject of a keen debate.

A proposal, made by Lord Kenmure, to continue moving on Dumfries, though favoured by the Lowland horse and foot, was resolutely opposed by the English gentlemen, who desired to carry on the war in their own country. Kenmure, reluctantly giving way to the opinion of the latter, ordered a march into England. About five hundred Highlanders, who did not relish

the idea of crossing the Border, set out for the North, proceeding through the moors by Lockerbie—near which town ten were taken by the country people, and sent prisoners to Dumfries; some were seized at Sanquhar; a great many about the head of Clydesdale: scarcely a tithe of the poor Celts reaching their own mountain land in safety. All dread of a rebel attack being now over at Dumfries, the country friends who had helped to stave it off withdrew, promising to return within twenty-four hours, if called upon.

Ere another month had passed away, the rebel cause was crushed in England, and beginning to wear a forlorn aspect in the Highlands. It would, in all human probability, have fared much better if its adherents had succeeded in becoming masters of Dumfries. Kenmure's plan of operations at Kelso, after the Scottish and English forces united and revived at Langholm, was to move westward along the Border, occupying first Dumfries, next Ayr, and eventually Glasgow. He proposed then to open the passes, held chiefly by militia and volunteers, in order to allow the Argyleshire clans, under General Gordon, to rally round the Prince's standard. This movement effected, it was reasonably supposed that the Duke of Argyle, when he found himself confronted by a superior army under the Earl of Mar, and with the forces of Kenmure, Forster, and Macintosh upon his left flank and in his rear, would be compelled to evacuate his strong post at Stirling; and in that case King George would have had but a frail tenure left of his northern dominions. Once possessed of Dumfries, the Jacobites would readily have obtained reinforcements and supplies by sea from France and Ireland; the gentlemen of the district who sympathized with them would have been encouraged to join their ranks; and the first great step of a promising campaign would have been taken. But the unexpected opposition given by the Burgh altered the whole character of the rebel movement; and by enforcing the separation of its promoters, contributed materially to its failure.

When the Pretender's forces entered England, Forster, in virtue of a commission from the Earl of Mar, assumed the chief command; Kenmure, however, still continuing to act as leader of the Scottish soldiers, who by the desertion of the Highlanders

were reduced to about a thousand in number. The Earl of Nithsdale, who had joined the movement personally at Langholm, was amongst them; also William Grierson of Lag, Gilbert Grierson, his brother, John Maxwell of Steilston, Edmund Maxwell of Carnsalloch, Robert Maclellan of Barscobe, William Maxwell of Munches, George Maxwell, his brother, Charles Maxwell of Cowhill, Andrew Cassie of Kirkhouse, Basil Hamilton of Baldoon, lieutenant of Kenmure's troop of horse, and other gentlemen of the district. It was on the 1st of November that the rebels turned their backs to Dumfries. On the 12th of that month we find them, after gathering considerable strength in the town of Preston, preparing to resist a large Royalist army under General Wilks. On the 14th, they are seen, after making an unavailing defence, in the attitude of hopeless captives—"the white rose of loyalty" vanished from their grasp, leaving nothing to them but its rankling thorns.

The prisoners, nearly fifteen hundred in number, were cruelly treated: six were shot, according to martial law, as holding commissions under the Government against which they had borne arms; and many were banished to the plantations in America. Those of most note were sent up to London, and after being led through some of its streets in triumph, were consigned to prison. Crushed in the north of England, the Rebellion was at the same time, as we have said, faring badly in the ancient kingdom, on which the Chevalier chiefly relied. Mar half gained a victory at Sheriffmuir; but, under the peculiar circumstances of his position, his partial triumph was tantamount to a defeat. If in any way an early junction could have been effected between his army and the one led by Kenmure and Forster, the insurgent movement would have become more hopeful; and when the latter force withdrew to England, Mar ought to have boldly crossed the Forth, seized Edinburgh, which could have offered little opposition, and have swept into the South. Instead of adopting, or trying to adopt, such an energetic line of policy, he allowed the Royalists time to muster powerfully in his front, was forced to fight a testing battle, which resulted in his retreat to Perth, and lost a chance of success that never again presented itself. On the 22nd of December, nine days after the disastrous no-victory at Sheriff-

muir, and eight after the inglorious and woeful surrender of Preston, the Prince arrived at Peterhead, all too late to revive the bloom of his blighted fortunes. The Northern army melted gradually away, "without even the *éclat* of a defeat;" and in the following February the unfortunate Pretender and his faithful Lieutenant-General, the Earl of Mar, were forlorn fugitives in France.

Trial and condemnation followed rapidly to the leaders of the collapsed Rebellion. On the 9th of February, Lords Derwentwater, Kenmure, Nithsdale, Wintoun, Carnwath, Nairn, and Widdrington were brought to the bar of the House of Commons, and, having pleaded guilty to the articles of impeachment previously served upon them, were adjudged to death. The four first-named peers were ordered for execution, in spite of great intercessions made on their behalf; the other three were eventually pardoned.

When Winifred, Countess of Nithsdale, first heard of her good lord's capture at Preston, his imprisonment in the Tower, and—sad climax of all!—his dread death-sentence, she was overcome with sorrow.

> "Our ladie did nocht noo but wipe aye her een:
> Her heart's like to loup the gowd lace o' her goun,
> But she's busked on her gay cleeding, an's aff for Lonnon toun"—*

resolved to risk everything in an attempt to cheat the gibbet of its victim. With true wifely devotedness—all the less wonderful when we think of the lovable nature of her husband—she travelled night and day, amidst tempestuous weather, that she might solace him in his dark hour of need, appeal to the clemency of the King in his behalf, or in some other way not yet apparent obtain a reversal of his sentence. His Majesty rudely repulsed the noble suppliant, rejected her petition, and she relapsed into despair; which, however, soon gave way to a hopeful resolution to win by love and wile what harsh royalty had denied.

The Countess was fifth and youngest daughter of William, Marquis of Powis, and must at this time have been in the bloom of early womanhood. Her picture is also at Terregles

* Allan Cunningham's Remains of Nithsdale and Galloway Song.

House, forming one of its chief art-treasures: it bespeaks a heroine from whom we might expect such a daring and ingenious enterprise as that upon which she entered with full heart and mind. Rarely do we meet with a finer face: it is full of intellectual beauty. There is great force of character and intellectual strength, softened by womanly sweetness — no amazonian roughness being noticeable in any of the lineaments. The brow is broad and high; the face oval, with a rare blending of the Roman with the Grecian features; and the general expression is extremely captivating. When the vision of such a radiant countenance as this lighted up the room where her imprisoned husband lay, he might well believe that a bright celestial apparition had come to cheer him in his passage through the valley of death; and what must have been his rapture when he saw that it was the wife of his bosom come to give him hope, liberty, life itself!

His sentence was fixed to take place on the 24th of February; and two days before, the Countess, whose plans were nearly matured, visited her husband, as she had previously been allowed to do on several occasions. Affecting an air of cheerfulness, she assured the guards that she was the bearer of joyful news for the prisoners: their petition praying the House of Lords to intercede for them had been passed, she said, and their early liberation might be looked for. By such representations, and a pretty liberal distribution of money, the guards were led to relax their vigilance, and inadvertently to favour her designs. Having prepared Lord Nithsdale for their being carried into effect, she took her leave, returning on the eve of the following day, when he must be delivered from the dungeon and the scaffold, if at all. Her faithful attendant Evans, an acquaintance of the latter, named Mrs. Morgan, and her own landlady, Mrs. Mills, were her accomplices in the projected stratagem. On the arrival of the fair conspirators at the Tower, the Countess, who was only allowed one companion at a time, introduced Mrs. Morgan in the first instance; and she having purposely left a superfluous riding hood in the prison, was sent out to request the attendance of another servant, Mrs. Mills. The latter, a stout, portly woman, appeared accordingly, holding a handkerchief to her face, as if overcome with grief. To her

was assigned the difficult duty of personating the imprisoned Earl: but though sufficiently masculine for the purpose, her eyebrows and hair were ruddy, Lord Nithsdale's dark. His lady—rich in forethought and resources—by means of paint, chalk, artificial head gear, the clothes left by Mrs. Morgan, and other articles of her own, so disguised the captive that, when viewed superficially, he seemed the veritable Mrs. Mills, though that lady had already, in her ordinary attire, slipped out unchallenged. Accompanied by his Countess, he safely passed the sentinels, whose suspicions had been lulled asleep by her plausible statements and liberality.

"When"—to quote from her own account, drawn up many years afterwards in a letter to her husband's sister—"When I had almost finished dressing my lord in all my petticoats excepting one, I perceived that it was growing dark, and was afraid that the light of the candles might betray us; so I resolved to set off. I went out leading him by the hand; and he held his handkerchief to his eyes. I spoke to him in the most piteous and afflicted tone of voice, bewailing bitterly the negligence of Evans, who had ruined me by her delay. 'Then,' said I, 'my dear Mrs. Betty, for the love of God run quickly and bring her with you! You know my lodging; and if ever you made despatch in your life, do it at present: I am almost distracted with this disappointment!' The guards opened the doors, and I went down stairs with him, still conjuring him to make all possible despatch. As soon as he had cleared the door, I made him walk before me, for fear the sentinel should take notice of his walk; but I still continued to press him to make all the despatch he possibly could. At the bottom of the stairs I met my dear Evans [who had only been blamed for delay as a pretence for hastening the disguised lord's departure], into whose hands I confided him. I had before engaged Mr. Mills to be in readiness before the Tower, to conduct him to some place of safety in case we succeeded. He looked upon the affair as so very improbable to succeed, that his astonishment, when he saw us, threw him into such consternation that he was almost out of himself; which Evans perceiving, with the greatest presence of mind, without telling him any thing, lest he should mistrust them, conducted him to some of her own

friends on whom she could rely, and so secured him, without which we should have been undone."

So far, matters had progressed in a manner that seemed almost miraculous; but the heroine of the escape had still some delicate work on hand, to prevent detection and pursuit. She had pretended to send Mrs. Mills on a pressing message for another attendant, and had therefore to return to the cell on the further pretence of waiting her arrival. When there, she says, "I talked to him as if he had been really present, and answered my own questions in my lord's voice as nearly as I could imitate it. I walked up and down as if we were conversing together, till I thought they had time enough thoroughly to clear themselves of the guards. I then thought proper to make off also. I opened the door, and stood half in it, that those in the outer chamber might hear what I said, but held it so close that they could not look in. I bade my lord a formal farewell for that night; and added, that something more than usual must have happened to make Evans negligent on this important occasion, who had always been so punctual in the smallest trifles; that I saw no other remedy than to go in person; that if the Tower were still open when I finished my business, I would return that night; but that he might be assured I would be with him as early in the morning as I could gain admittance into the Tower; and I flattered myself I should bring favourable news. Then, before I shut the door, I pulled through the string of the latch, so that it could only be opened on the inside. I then shut it with some degree of force, that I might be sure of its being well shut. I said to the servant, as I passed by—who was ignorant of the whole transaction—that he need not carry in candles to his master till my lord sent for him, as he desired to finish some prayers first. I went down stairs and called a coach, as there were several on the stand. I drove home to my lodgings, where poor Mr. Mackenzie had been waiting to carry the petition, in case my attempt had failed. I told him there was no need of any petition, as my lord was safe out of the Tower, and out of the hands of his enemies." After lying in concealment for several days, Lord Nithsdale, disguised as a livery servant to the Venetian ambassador, proceeded in that gentleman's coach and

six to Dover—where it was going on other business—and then took ship for Calais. Lady Winifred, after the lapse of several weeks, succeeded in getting an interview with King George, when she presented a petition, praying that the forfeited Nithsdale peerage and estates might be conferred upon her son; but his Majesty, resenting her conduct, not only disregarded her petition, but treated her with rudeness. She had the gratification of knowing, however, that her husband was beyond the King's reach. Lord Nithsdale lived twenty-nine years after the date of his extraordinary deliverance, and died at Rome in 1744, on the very eve of another great rebellion in favour of the House of Stuart. Lord Derwentwater and Viscount Kenmure were beheaded on the 24th of February; both of them continuing firm Jacobites to the last.

The estates of the convicted insurgents were forfeited to the Crown; and though the property belonged to nearly forty individuals, its annual revenue was comparatively small—only £30,000. A Government surveyor, appointed for the purpose, estimated the rental of the Earl of Nithsdale, from depositions made by the tenants, at £803 2s. 8d., of which fully £749 was payable in money; the rest in goods, including such items as forty-four bolls of barley, at 10s. 5d. per boll; about the same quantity of oatmeal, at the same price; three hundred and forty-seven hens, at 5d. each; and 13s. 6d. for peats, at 1d. per dozen loads. The forfeited estates were purchased from the Crown by a London company; but as this speculative investment was badly managed, they were afterwards exposed for sale, and for the most part bought at moderate rates for the late proprietors by their friends. The Nithsdale peerage was never restored, though the estates continue to be possessed by the Maxwell family. Lady Kenmure survived her chivalrous and unfortunate husband sixty-one years, and so managed the property that when her son Robert reached majority it was delivered to him free of debt. She died at Terregles House in 1776; and in 1824 the attainted title was given back to her grandson, John, the sixth Viscount of Kenmure.

We complete our account of the Rebellion by a local episode that ought not to be overlooked. Whilst the Marquis of Annandale was busy superintending the defences of Dumfries,

his brother, Lord John Johnstone, who had served James the Seventh in Ireland, was doing his best to promote the pretensions of that monarch's son. His design was to assist in the meditated attack upon the town at the head of some of his brother's retainers; but before he could marshall them, he was seized at the instance of the magistrates, and kept in the Tolbooth till the whole affair was over. According to a tradition in his lordship's family, the authorities honoured his exit from prison with a procession, and expressed a hope, in parting with him, that they had not acted improperly.

What the liberated Jacobite said in reply is not recorded; but when, fifteen years afterwards, a deputation from the magistrates waited upon him at his house, to compliment him on his birth-day, he presented the town with two valuable pictures, accompanied by the following note, addressed to the Provost:—"Sir,—The great civilities the good town of Drumfries has been pleased to show my brother and his family, makes me earnestly wish for an opportunity to show them my sense of the obligation this lays upon both of us. King William and Queen Mary is so well, that I have chosen to send their pictures as a present to the Corporation; and I hope, as I value those great deliverers, on public as well as private considerations, they will receive them as a pledge of my disposition to do all the good in my power to this County and Burgh; and beg you would take the trouble to make these, and my compliments, acceptable to the Corporation, which tie me to be still more, sir, your most humble servant,—JOHN JOHNSTONE. Dumfries, 30th August, 1730."

Though a slight vein of irony is visible in this letter, the writer of it had reason to be truly thankful to the magistrates for keeping him out of an embroilment by which he might have lost his head; and the beautiful portraits presented by him remain in the Town Hall—the mementoes of his gratitude, and the best pictorial treasures possessed by the Burgh.

CHAPTER XLII.

EXTENSIVE BUILDING SCHEMES ENTERED INTO—IMPROVEMENTS IN DWELLING-HOUSES—A ROAD FORMED THROUGH LOCHAR MOSS—INSTITUTION OF A GRAMMAR SCHOOL IN THE BURGH—SINGULAR REGULATIONS FOR ITS MANAGEMENT—COCK-FIGHTING IN THE SCHOOL A FAVOURITE PASTIME OF THE PUPILS—ENDOWMENT OF SEWING AND MUSIC SCHOOLS—LIBERAL EDUCATIONAL BEQUESTS BY BAILIE PATERSON—CHARITABLE BEQUESTS BY THE REV. JOHN RAINING—PROGRESS OF THE PORT—CONTINUANCE OF SMUGGLING—FRESH ILLUSTRATIONS OF THE "RUNNING" TRADE—GIPSY LIFE IN THE DISTRICT: NOTICES OF BIG WILL BAILLIE AND JOCK JOHNSTONE—FEARFUL SCENE AT THE EXECUTION OF JOHNSTONE.

When the excitement caused by the Rebellion had fairly subsided, a spirit of improvement sprang up in Dumfries which produced valuable results; and before the first half of the eighteenth century had passed away, the sky-line of the town—to use an artist's term—did not differ very materially from what it is at present. At the date of the Union, the Mid-Steeple rose up in the centre of the Burgh; a spire-surmounted church soon afterwards was erected at its northern extremity, which was ere long followed by another in the south; whilst, in the meantime, many houses were rebuilt, several roads were formed to connect the town with the neighbouring district, new schools were instituted or endowed, and several springs of charity began to flow for behoof of the poor. Leaving the building of the churches to be noticed afterwards at greater length, we shall briefly glance at some of the other operations and occurrences belonging to the period.

For many years after 1715, the Town Council books contain numerous references to the removal of ruinous tenements, and their replacement by new erections; as if in the course of a generation or so a considerable proportion of the Burgh had been rebuilt. And the new houses were, it may be inferred, much better than the old ones had ever been. The latter for the

most part were roofed with straw or other vegetable substance, and many of them were of wood or clay. As a consequence, fires were of frequent occurrence: a most destructive one nearly ruined Lochmaben-gate in 1691, and another of less extensive sweep did much damage to Friars' Vennel in 1701. Not till 1724 did the town possess "a water engine" for use on such occasions. On the 15th of July, 1723, the Council, after taking into account the great loss caused by fires, ordained that henceforth all heritors and others, in reconstructing or reroofing houses joining with or fronting into High Street, should cause the roofs to be made of slates or tiles, and not of straw, heather, broom, breckans, or other combustible matter, under the penalty of one hundred pounds Scots.

In the old fighting times, as has been repeatedly noticed, Lochar Moss was prized by the inhabitants as a natural barrier of defence. Now, however, they had no reason to dread hostile incursions from the South; and, in order to open up a closer communication with Lower Annandale and Cumberland, the Council, assisted by neighbouring proprietors, projected a passage through the Moss. In terms of the contract, it was to extend "from Hannay's Thorn to the syde of the Lake of Lochare, in the place where the bridge went over to Colin;" was to cost a hundred and fifty pounds sterling; and to be completed by Michaelmas, 1724, about which time it was duly opened for public use.*

Soon after the Reformation a grammar school was set up in the Burgh, and a parish school beyond it for the rural districts. Ninian Dalyell—who, it is said, gave lessons to the great Reformer Welsh—is the first teacher of the Burgh school of whom we read. At first its masters taught English as well as the classical languages; and up till nearly the close of the seventeenth

* Pennant, writing in 1770, says:—"Over Lochar Moss is a road remarkable for its origin. A stranger, a great number of years ago, sold some goods to certain merchants in Dumfries upon credit; he disappeared, and neither he nor his heirs ever claimed the money. The merchants, in expectation of the demand, very honestly put out the sum to interest; and after the lapse of more than fifty years, the town of Dumfries obtained a gift of it, and applied the same to the making of this useful road. Another is now in erection for the military, to facilitate the communication between North Britain and Ireland by way of Portpatrick."—*Tour in Scotland*, vol. ii., p. 95.

century, there seems to have been only one authorized teacher in the whole town. When, in 1663, Mr. Matthew Richmond was appointed to succeed Mr. M'George as rector of the grammar school, he was spoken of in comprehensive terms as "schoolmaster of this Burgh." The duties assigned to him were multifarious, he being required to precent in the church, to officiate as parish clerk, as well as to give instructions in Greek, Latin, and English, all for £100 Scots a year, "with the benefit of quarter-days" (free-will offerings from the pupils), and fees for marriage proclamations, baptisms, and burials. Mr. John Fraser was schoolmaster in 1673, with a salary of £40 Scots per quarter.

In June, 1724, the Council were fortunate enough to secure the services as rector of the Rev. Robert Trotter, A.M., who by his learning threw a bright lustre over the Burgh school. He was son of the Laird of Prentonnan, parish of Eccles, Berwickshire, head of the old Border clan of the Trotters, who boast of a Norman lineage, and who fought gallantly at Flodden under the Earl of Home. Rector Trotter published a valuable Latin grammar, that was long popular as a school book.* On his induction he

* "Grammaticæ Latinæ Compendium ad Puerorum captum summa ope concinnatum. In usum Scholæ Drumfriesiensis, Auctore Roberto Trottero, A.M., Scholarcha ibidem. Edinburgi: Typis Thomae Lumisden and Joannis Robertson. Anno Dom., 1732." In a presentation copy to him of Johnston's Latin Psalms of David, from the editor, Gulielmus Landerus, he is styled "Doctissimo Viro Roberto Trottero, A.M., Scholæ Drumfriesiensis Proefecto meritissimo, 1740." The year of his death is not certain; but he was alive in 1760, in the winter of which year he went to place his grandson Robert at College in Edinburgh, and travelled with him on foot from Dumfries in one day to Morton Hall, the seat of Mr. Trotter, a relation of his. A *thruch* stone, with a Latin inscription written by himself, was erected to his memory in St. Michael's churchyard, but has unaccountably disappeared, and when searched for about forty years ago, it could not be found; but the late Mr. Crombie said he had seen the stone some years previously, He is mentioned in "Heron's Tour" as an eminent Latin scholar, in the "Scottish Nation," also in a note to Anderson's "Lives of the Poets," and by other authors; and could converse with learned men in Latin, Greek, and Hebrew. When at church, he always used a Greek Testament. It is also related of him, that when engaged in prayer during the great storm known as "Windy Saturday," the window was violently blown in on his sick grandson, then in bed, hurting him severely. This grandson was afterwards an eminent physician for fifty-five years in the Glenkens, Galloway, where the family have long maintained a respectable position in society. In Douglas's "Baronage" the family is said to

had to subscribe twenty conditions, some of which were in effect as follows. During the summer half-year, beginning on the 1st of April, the teacher, under teacher, and children were to enter the school at seven o'clock each morning, and continue there till nine; the rest of the hours being from ten till twelve, and from two till six, forming altogether eight hours daily, except on Saturdays, when the school was closed at noon. In winter the morning classes were omitted, the course of study remaining in other respects the same. After such lengthened hours during the week, the children might have been permitted to remain away from drill, and out of harness, on the Lord's day. But no: it was any thing save a day of rest to them. Rule number four required that the teacher, his usher, and the pupils should be present at the school each Sabbath morning by nine o'clock, and should at the ringing of the steeple bells repair to the church, the master going before, his assistant bringing up the rear; that they should return to the school at one o'clock, proceed to the church again, go back to the school after worship, and there be catechised on the lectures or sermons they had listened to; and then, supplementary to all this, two scholars were selected each Sabbath to repeat or read the Larger or Shorter Catechism in the church, during the intermission, to such of the congregation as chose to remain between the services. In accordance with the seventh rule, the under teacher was enjoined to put fresh rushes on the schoolhouse floor once a month, "for preventing the spoiling of the children's cloaths."

We learn from other regulations, that on Candlemas day literal candles, as well as other gifts, were brought as offerings by the children to their teachers; and that the Latin scholars were required, in their converse with each other, in and out of school, to speak exclusively in that tongue. But the strangest rule of all was one relating to the mode in which the rough

have borne originally the Norman name of Gifford; and in the "Ulster Journal of Archæology" it is stated that the first of the name in Scotland was a Celtic chief, who saved the life of King Fergus when his galley was wrecked on the shore of Skye; who, taking hold of the King, cried out, "Trouthard!" viz., "Come here to this rock!" The place where this occurred was called Troutharness, now Trotternish, in Skye, and the Celtic chief and his descendants took the name of Trouthar, now Trotter.

pastimes of an annual festival were to be conducted by the pupils. Fastern's E'en* had for ages been associated with fighting cocks; and always, when the season came round, young and old, rich and poor, shared eagerly in the cruel but exciting sport. It must have been looked upon as something like a national institution, when "the most potent, grave, and reverend signiors" of the Dumfries Town Council made the following arrangements for its observance in their Burgh school:—"That at Fastern's Even, upon the day appointed for the cocks fighting in the schoolhouse, the under teacher cause keep the door, and exact no more than twelve pennies Scots for each scholar for the benefit of bringing in a cock to fight in the schoolhouse; and that none be suffered to enter that day to the schoolhouse, but the scholars, except gentlemen and persons of note, from whom nothing is to be demanded; and what money is to be given in by the scholars the under teacher is to receive and apply to his own use, for his pains and trouble; and that no scholars except who pleases shall furnish cocks, but all the scholars, whether they have cocks or not, are to get into the school"—such children as have none, paying two shillings Scots by way of compensation. What a ludicrous mixture does this academic code display of piety and pedantry, of hard mental labour and boisterous relaxation! The scholars of a former generation, and probably those of this one also, were allowed play-acting as a pastime, as appears from a charge made against the Council in 1693 of £7 5s. Scots "for 10 pr. deals at 14s. 6d. each, for a stage to the scholars when they acted 'Bellum Gramatical.'"

Rector Trotter retired in 1760 on a yearly allowance of £30 from the Burgh. His assistant and successor was Dr. George Chapman, who also earned literary distinction as the author of an excellent treatise on education.

So early as 1719, the Town Council instituted and endowed a school in which girls were to be taught "shaping and sewing all sorts of white and colloured seims, embroydering and paistry." We are apt to think that such an institution as this is a thing of modern growth; and it says much for the wisdom of our ancestors that they in this manner made provision for the

* The English Shrove Tuesday, held on the 6th of April.

industrial up-bringing of their female children. Dame Glendinning, the first teacher of the school, was allowed five pounds sterling of annual salary, besides a fee of half-a-crown per quarter from each pupil, burdened with the condition of instructing six children of poor burgesses free of charge.

In further illustration of the growing refinement of the times, it may be stated that, about twenty years afterwards, the Town Council voted an annual salary of £100 Scots to a teacher of "the tuneful art." They were led to do so from a belief "that it will be of considerable advantage to the youth of the Burgh and others, that a music school be erected." The school, when opened, was made "free to all"—the usual distinction between burgesses and other inhabitants having been set aside; and that the music master might have plenty to do for his money, he was required to give lessons daily in the Burgh school, Sundays excepted, from twelve till one o'clock, and from six till eight o'clock in the evening.* We find early traces also of a spinning school, the numerous wheels in which had for their chief motive power a money grant from the Town Council. It was superintended in 1751 by Elizabeth Hill. Her scholars that year numbered forty, for teaching whom she received a salary of £2 10s. sterling per annum.

To Bailie John Paterson, who died in 1722, the High School and the cause of education generally in Dumfries were deeply indebted. He bequeathed eight thousand merks as a fund from which to maintain a schoolmaster "for teaching children in ane free schooll in this Burgh the Latin Rudiments and grammer, rhetorick, classick authors, and Greek New Testament;" also seven thousand merks in payment of a second preceptor "for teaching of children of burgesses, who shall be indwellers and burthin bearers within the Burgh, and of eight children of the poorer sort of merchant burgesses and burthin bearers, in the arts of writing, arithmetic, book-keeping, and navigation." The moneys, amounting to £835 6s. 8d. sterling, were secured partly over the twenty-four merk land of Preston, with the merse and

* Education in other useful occupations was also promoted by the Council. On the 24th of December, 1753, Thomas Huddleston, cook and confectioner, was admitted a freeman and burgess on condition that he should teach three poor girls "the arts of cookery and confectionery or paistry."

fell of Criffel in the parish of Kirkbean, the eight merk land of Kirkbean, and the eight merk land of Nimbellie and Fallowend in the same parish; and partly over the seven merk land of Meikle Culloch in the parish of Urr. The mortifications or deeds of the intelligent and benevolent testator were laid before the magistrates and Town Council on the 5th of February, 1722; and they, with the ministers of the parish, being named administrators of the trust, took steps for giving it effect with the least possible delay.

Bailie Paterson was born in the parish of Newabbey in Kirkcudbrightshire. In early life he commenced business as a merchant in Dumfries, and for many years took an active part in its public affairs. In his benefactions he remembered the place of his birth, as well as the town of his adoption. The bridge at the entry of the picturesque village of Newabbey bears an inscription that it was built by him in 1715; and the poor of that parish have reason to bless the name of Bailie John Paterson, he having left a large sum for their behoof—£156—which, invested in land, and slightly added to from other sources, yields a handsome rental of £190 to the parochial funds of Newabbey. A humble tombstone in St. Michael's churchyard, just at the entrance on the right hand side, bears the simple inscription:—"Here lies John Paterson, merchant, late Bailie of Dumfries, who died 17th January, 1722, aged 65 years."* With all truth there might have been added:—"Bailie Paterson was a large benefactor to the public, having left considerable sums for the endowment of Dumfries schools, and built a bridge at Newabbey, and provided for the poor of Newabbey, his native parish."†

In the following year Mr. John Raining, a Dumfriesian long

* An adjoining stone erected in memory of Bailie Paterson's son, who died in his seventeenth year, bears upon it the following epitaph:—

"When parents, friends, and neighbours hoped to see
This early bud of learning, piety,
And temper good, produce some fruit,
Behold, Death plucks the plant up by the root."

† Birth-place and Parentage of William Paterson, by William Pagan, of Cupar. Mr. Pagan shows pretty conclusively, in this work, that Bailie Paterson was not, as is popularly believed, brother to the projector of the Darien scheme, and that it is probable they were not in any way related to each other.

resident in the city of Norwich, "devised liberal things" for the benefit of his native Burgh. An extract from his last will and testament was produced at a Council meeting held on the 24th of October, in which he bequeathed five hundred pounds sterling to be laid out to interest or in the purchase of lands or tenements for behoof of six poor old widows, sixty years of age or more, belonging to the town; the overplus, after so doing, to be applied in paying a schoolmaster for teaching destitute fatherless boys in English, Latin, and arithmetic. Mr. Raining also left ten pounds to be distributed among the poor of Troqueer parish, a similar sum for the poor of Holywood parish, and many additional sums for charitable and religious purposes in other parts of Scotland and in Norwich.

As results of these benefactions, two seminaries apart from the grammar school were opened; one for arithmetic, mathematics, and writing, the first master of which was Mr. Charles Mercer; the other for English, which was first taught as a separate branch by Mr. James Turnbull. Mr. Alexander Shand, who succeeded the latter in 1755, had an annual salary of £11; £6 of it being taken direct from the Burgh revenue, and £5 from Raining's mortification. He was also provided with a school-house and residence; and his income was eked out by the quarterly wages, whose amount was "left to the generosity of the inhabitants," and by £4 paid to him yearly for precenting in the New Church. If Young Dumfries was not well tutored, a hundred years ago, in Latin, Greek, English, mathematics, writing, and music, it was certainly not for the want of teachers.

The importance of the Nith, as a means of trading intercourse, was now more than ever recognized. We find the Council, in the summer of 1772, causing sundry huge rolling stones to be removed that impeded the channel at Kingholm, and taking other steps to make the river more navigable. For a series of years after the Rebellion had been suppressed, the legitimate commerce of the port steadily increased; and the lapse of time brought no diminution of the "running trade," though, after a party of soldiers had been stationed at the town, in 1720, the smugglers conducted their proceedings with greater caution.

In this respect, the annals of Dumfries, from 1715 till the

second Jacobite insurrection, are characterized by the same incidents as those that occurred during the earlier part of the century: the systematic landing of contraband goods, extensive seizures of them by the Government officials, frequent conflicts between the daring free-traders of the Dirk Hatteraick* type, and the not less courageous guardians of the law; and all the other features of the long war waged for and against the revenue duties. A few details will suffice. In order that the Custom-house officers might be able more effectually to cope with the enemy, they procured two fast-sailing skiffs from Whitehaven, "built as near as possible to the shape of an Isle of Man boat," the dimensions being sixteen feet and a half keel, six feet two inches beam, twenty feet from stem to stern, and costing with full outrig about £12 each. By means of these cutters in the Solway, and numerous riders, runners, and waiters on shore, a good look-out was kept, and many a smuggling enterprise was checked, or rendered fruitless; though hundreds more, in spite of all that could be done, were carried to a successful issue every year.

"On the 10th of September, 1722," the collector writes, "we went to a place called Kirkbride, about seven miles from Dumfries, in pursuance of an information of some brandy lying there. Accordingly we found five small casks of brandy in and about the house of one Andrew Hewitson; and after we had got it upon horseback, and brought it a small way from the house, the said Hewitson raised the whole country about upon us, who came with stones, clubs, and fire-arms, and violently deforced us of the said seizure."† "This is to inform you," the collector writes again, under date 2nd May, 1726, "that upon the 28th ult. the King's warehouse here was broken open betwixt one and two of the clock that morning, and five casks of brandy taken out thereof; to our great surprise, considering the strength of the warehouse, for it had a strong double door" with a big lock, and padlock affixed by a chain, which every body thought impregnable; "but it appears the door has been forced open by a crow iron, and the great chain been broken by

* Yawkins, the prototype of Dirk Hatteraick, plied his vocation for many years in the waters of the Solway.

† Custom-house Records.

the same instrument. As soon as we were informed of the same, we immediately got a warrant to search for the stolen brandy, and were informed that it was lodged in the Bridgend of Dumfries, where we found it in a house belonging to Robert Newal, wright there, and brought the same back to the warehouse."* It is then stated by the writer that, after great exertions, two of the "authors of the villainy" had been apprehended, and that he expected all the others would be secured. "We persuade ourselves," he goes on to say, getting virtuously indignant, "that a vigorous prosecution of the guilty now will effectually secure the warehouse from ever being broken again; for altho' the warehouse has been broken open in this place before, yet the offenders were not discovered, which has given those fellows the assurance at this time to commit such a villainy."

A Leith merchant, named Briceson, figures in the next narrative as a smuggler bold. He is described as "one of the greatest runners upon this coast,"† for the apprehension of whom both the Excise and Customs' officers held warrants, which they had vainly tried to enforce. It was his practice, we infer, to run tobacco and brandy from the Isle of Man to the Solway coast; sell as much of them as he could to the people of the district, and send the rest overland to his establishment at Leith. On the 12th of August, 1726, whilst a boatman named Affleck was proceeding to Dumfries with three casks of brandy which he had seized at Glenluffing Moss, Briceson appeared upon the scene. He had brought the liquor across the sea to a friend; and not liking the idea of its being diverted into another channel, he, assisted by the son of his confederate, set ruthlessly upon the revenue officer, who had to relinquish his prize, and was glad to escape with bare life from his assailants.‡ Whether this notable smuggler-merchant, who acted so much in the style of a modern filibuster, was ever brought to justice, is not mentioned; but we may be sure that his premises in Leith would not be allowed to remain long open after this outrage was reported.

Often, it is said, the smugglers obtained a wonderful amount of co-operation from the well-trained horses which they either

* Custom-house Records. † Ibid. ‡ Ibid.

had in their employ, or which were placed at their service by the people of the district. Individuals, according to a writer in the *Dumfriesshire Magazine*, then alive (1821), or only recently dead, had frequently seen one famous troop of these quadrupeds, heavily laden, at day-dawn, with contraband goods, unattended by any human being, and preceded by a white horse of surpassing sagacity, scouring along the Old Bridge, down the White Sands, and through the streets of Dumfries, without any one daring to interrupt their progress. Indeed, in those days, such an attempt was not likely to be often made; for it was notorious that the inhabitants themselves were too deeply implicated in similar transactions, to induce them to restrain others. "It is related, however, that on one or two occasions, when some individual more officious than the rest rashly attempted to intercept the leader of the troop, the wily animal either suddenly reared and struck its opposer to the ground, or by a peculiar motion swung the kegs with which it was loaded with so much violence that no one durst approach within its reach."

It was found in course of time that the boats from Whitehaven, though built according to the Manx model, were easily distanced by the free-trading craft; that the aid given to the revenue officers by soldiers was irregular, and of little value; that the export of prohibited articles, as well as the import of contraband goods, went on increasing; and that, therefore, a reform of the protective system of the Solway was urgently required. Actuated by this conviction, representatives from the ports of Dumfries, Whitehaven, Carlisle, and Workington, held a conference at Wigton, Cumberland, on the 20th of November, 1724, and agreed to lay before the Customs' authorities certain remedial proposals. They recommended that two well-armed, well-manned sloops should be procured, fitted for both sailing and rowing, and that one of them should be stationed at Silloth, on the English side, the other at Annan Waterfoot, so as to command the open channel, whilst the smaller boats in the service should be employed along the shore. The Dumfries collector, in urging the adoption of this scheme, says:—"The charge of each of these sloops would amount in the first year to £180, and afterwards to £130 yearly—which, indeed, will be an

additional charge upon the revenue; but I am convinced your honours will find it very sufficiently made up, either by the increase of the King's moiety of seizures, or the advance of the duty at the foresaid ports, and particularly the duty on tobacco; for, notwithstanding of the great quantity of tobacco made use of in this country, there is but a small consumption of what is legally imported and fairly pays duty, which makes it plain that there are vast quantities of that commodity run from the Isle of Man." He expresses his belief that were one of these sloops placed on each side of the Frith, the passage betwixt them is so narrow, that it would be difficult for any boat to pass undetected; though at the same time the little revenue yawls would be needed to cruise after such contraband craft among the sandbanks and up the creeks, as succeeded in eluding the guardians of the channel.

These proposals were partially acted upon; yet the profits of the running trade were so much greater than its risks, that it continued to flourish. The first notice of tea being brought into the County occurs in September, 1724, in which month "one small cask of Bohea" was seized near the Border. In the same year we begin to read of malt and wool as articles of export—quantities of the latter being carried from farm-houses down to the Colvend coast, and smuggled from Glenstocken to that rendezvous of all lawlessness, the Isle of Man.*

So rigid were the revenue regulations at this period, that when some charitable people in Dumfries commissioned two ship loads of oatmeal from Ireland that the poor might obtain

* In a valuable manuscript account of the Burgh of Annan, prepared by the late Mr. John M'Lellan, writer there, he says:—"Annan Waterfoot, Newbie, Seafield, Battle-Hill, and Port Stormont, were all noted landing-places for contraband goods. There is a vaulted subterranean cellar standing till this day at Waterfoot, which was used in these times as a depot for smuggled brandy, &c. At Kenziol and the other places named there were also depot-cellars; and frequently ankers of liquor were secreted in fields and gardens along the shore. Having been checked by legislation, another system of smuggling sprang up, viz., the carrying of whisky across the Border in skins and tin casks, which has also now ceased, owing to the alteration of the revenue laws, by a wise equalization of the duty in Scotland with that of England. Large casks of whisky were brought from Leith by carriers to supply the spirit merchants of Annan. Several puncheons would often be disposed of in a night, to gangs who proceeded across the Frith, the difference of duty (4s. or 5s. a gallon) being the gain for the risk of detection by the revenue officers."

it cheap when it was hardly to be had of home growth for love or money, the collector durst not permit the meal to be landed till he was specially authorized to do so by his official superiors. The officers were also scandalized by a daring innovation which had sprung up, especially at Kirkcudbright, of importing Irish cattle, and they sorely bewailed the connivance given to it by the County gentlemen and their tenants. Long before other districts of Scotland knew anything of tea save the name, it was a familiar beverage on the banks of the Nith and along the shores of the Solway. Unfortunately, "the cup which cheers but not inebriates" was for the most part obtained by the Dumfriesians in an illicit way, the same smuggling boats that brought them casks of rum, wine, and brandy, or rolls of tobacco, supplying them with chests of tea; and so common had it become in 1744, that magistrates and moralists lamented its use by the lower classes as a pernicious luxury.

At a meeting of the Burgh and County authorities, held in the summer of that year, presided over by Sir William Maxwell of Springkell, with Provost Ewart of Dumfries taking a part in the proceedings, a solemn manifesto was launched against smuggling, which was decried on four grounds—because of its illegality, the thriftlessness to which it led, the luxurious habits it engendered, and the encouragement it gave to the King's enemies in France, from which many of the "run" goods were derived. Mark the weighty words, the serious tone, of the opening statement. "We, the Justices of the Peace, Commissioners of the Land Tax, and Heritors of the Shire, comprehending the Stewartry of Annandale, the Five Kirks of Eskdale, and the Magistrates and Burgesses of the Burgh of Dumfries hereafter subscribing, under a just concern for the welfare of our country, in a special manner for this part of it, observe with regret that much idleness and luxury prevail, and being in a particular manner highly sensible of the pernicious consequences of unlawful smuggling, equally notorious and disgraceful, and that the people of all ranks have been for many years past so infatuated that, disdaining the produce of our own grain, out of an affected delicacy have wantonly indulged themselves in the excessive use of French wines and brandies, and of late years run teas have been purchased at so low a rate that the

use thereof is become universall, even among artificers, to the impoverishment of this country, and the ruin of the usefull and industrious husbandman."

This grave preamble is followed by a lamentation "that to such a scandalous height is this hurtful practice arrived, that in some parishes upon the sea-coast even servants of both sexes have no sooner earned their wages than the same are laid out in carrying on this unlawful business, whereby the smugglers secure their assistance, so that many attempts of the proper officers to seize run goods have been audaciously defeated, and they themselves beat and abused." All this would have been bad at any time, but at present it is doubly criminal, "now that this nation is engaged in a just but dangerous and expensive war against France," when "it would be a kind of treason against our country to use goods which are the produce of France, whereby money, which is the sinews of war, would be impressed into our enemies' hands, to our own destruction." For these reasons, moral and patriotic, the subscribers of the document covenanted "to discourage and bear down this infamous trade," by refraining from the use of French liquors during the continuance of the war, by discouraging all public-houses in which they were sold, by moderating and discouraging the drinking of tea in their several families, and suffering none knowingly to be used in them which was not bought in the way of lawful trade, and by dismissing all servants who took part in or patronized the running traffic.

One portion of this curious agreement breathes the very spirit of Burns's lines:—

> "Wae worth that brandy, burning trash!—
> Fell source o' mony a pain and brash—
> Twines mony a poor, doylt, drunken hash
> O' half his days!
> An' sends, besides, auld Scotland's cash
> To her warst faes."

And the closing part of it looks almost like a prose version of other stanzas in the poem from which we have just quoted, so recommendatory is it of "guid auld Scotch drink, in glass or jug." "And, moreover," say the subscribers, "we resolve and promise that we encourage the brewing and retailing of strong

ale, the distilling and retailing of spirits made from our own malt or other grain; and we will not countenance any public-houses who do not retail our own strong ale and spirits, and will discourage all who retail French wines and spirits." Right cordially could the resolutionists have sung the lines, had they then been penned, in which their own sentiment is so forcibly expressed:—

"Let husky wheat the haughs adorn,
An' aits set up their awnie horn,
An' pease and beans, at e'en or morn,
Perfume the plain:
Leeze me on thee, John Barleycorn,
Thou king o' grain!

"On thee aft Scotland chows her cood,
In souple scones—the wale o' food!—
Or tumblin' in the boilin' flood,
Wi' kail and beef;
But when thou pours thy strong heart's bluid,
There thou shines chief."

Three hundred copies of this document were printed and circulated, and its originators were at great pains otherwise to get its sentiments generally adopted and acted upon in the district. Considerable success attended their efforts; but neither this well-meant movement, nor the whole local machinery of the Custom-house, backed by military power, sufficed to stop the adventurous Manxmen, who continued to prosecute their trade, till, in 1784, Pitt cut it up effectually by his celebrated commutation measure, which reduced the duties on excisable articles so that the lawful dealer was enabled to compete with the smuggler. By those who had thriven upon the illicit traffic, this statute of the "heaven-born minister" was denounced as "the burning and starving Act."

With the smugglers were often conjoined another lawless class, the gipsies—the latter of whom swarmed in some parishes of Dumfriesshire during the early half of the eighteenth century, and long afterwards. Among these strange people "of the wandering foot" were the Kennedys, who made Mid-Annandale their chief haunt; the Gordons, whose tents were chiefly set up in Dryfesdale and on the Galloway side of the Nith; and the Baillies, who roamed about in all directions, and were ranked as

the "upper ten" of the tinkler tribes. And truly, to see a band of the Baillies mounted on horseback, attired in coats of scarlet or Lincoln green, ruffled in front and at the wrist, booted and spurred, with cocked hats for head-gear, armed with swords and pistols, and followed by hunting dogs, was an imposing spectacle, that went far to vindicate their claim to high descent and gentle blood. With showy, fantastic cavalcades such as this, our Dumfries forefathers a hundred and thirty years ago were not unfamiliar; but they were much more conversant with the shady side of gipsy life—with the plebeian vagrants who vended and mended small tin wares, who robbed the hen-roost and the fold, and who with nimble finger did a large stroke of business in the High Street or on the Whitesands at every Candlemas fair. Even the haughty Baillies, who held their heads so high, and cut such a dash as they rode through Nithsdale, lived, like the mosstroopers of old, whom they otherwise resembled, by plunder alone. If labour was irksome to the sons of Little Egypt generally, it was doubly odious to those of them who bore the name of and counted cousinship with the royally-descended Laird of Lamington.

Of their predatory doings tradition has preserved numerous illustrations; but we shall only adduce one of rather an agreeable nature, the hero of which was none other than Big Will Baillie, the chief of the clan, who, though "a rank riever," almost rivalled Robin Hood himself in acts of generosity. A stalwart farmer from Hutton, in Annandale, having had his pocket picked at a crowded Dumfries fair of a large sum in gold, with which he was on his way to buy cattle, bethought him of a plan for recovering his lost purse, or at all events of getting some trace of it. Filling another purse with small stones, he mingled in the crowd; and soon after he felt the bait nibbled at. A young spare fellow, whose tawny face betrayed his origin, having stealthily clutched the fancied prize, he was seized in turn by the farmer, who, taking the pickpocket aside, laid before him the alternative of bringing back the purse of gold, or being treated to free lodgings in the Tolbooth. The gipsy lad, having due regard for his own neck, took the farmer, by whom he was still held fast, to a low house down one of the closes leading from the Vennel, and there introduced him to a

tall, portly individual, dressed like a gentleman. The latter, on being whispered to by the youth, told his rural visitor to describe the purse he had lost, and the nature of its contents. "A purse of green worsted, with forty gowden guineas in it," was the prompt reply. "There it is," returned the stranger, giving back to the delighted farmer his own veritable purse, with its full tale of "jingling Geordies." Need we add that it was the gentle gipsy *riah*, or chief of the Baillies, who acted this congenial part. Will had his headquarters for many years in this same house whenever he visited Dumfries, which was usually twice a year at least, during the great horse fairs in February and September; and, by means of numerous light-fingered emissaries belonging to his tribe, he managed to make more money on such occasions than any dozen of honest dealers. No wonder that he and his boon confederates, male and female, "lived like lords and ladies gay." But never after the incident we have just narrated did he make the little house in the Vennel his place of rendezvous. The Annandale farmer returned to it in the evening, in order, as he told the occupier, a poor widow, to give Mr. Baillie a treat for restoring his purse; but the gipsy chief, knowing that he had been identified, and his retreat revealed, had, to the great grief of his hostess, who knew him only as Mr. Stewart, bidden her a long adieu. For many years afterwards, however, a stranger called every six months with money for her rent—in recognition, it was understood, of the former attention which she had paid to her mysterious lodger.*

So much for the Bailies and their chief: let us turn for a minute to notice a humbler gang, and illustrate by a more tragical incident the darker features of gipsy life. On the 7th of March, 1732, John (or, as he was usually termed, "Jock") Johnstone, was, with several other "tinklers," found guilty by the Kirkcudbright justices of being "an Egyptian vagrant and sorner;" and for such negative crimes he was whipped through Bridgend, and then burned on the cheek. This was not the first or last time in which Jock suffered punishment; but all the stripes, scorchings, and imprisonments he was subjected to

* This story forms one of M'Vitie's Tales, and is also related in Simson's History of the Gipsies, pp. 197-8.

did no more to cure his wandering and thievish disposition than to take the tan from his visage. When Jock was roaming about, he was invariably accompanied by quite a seraglio of women; and on one occasion—ever memorable to him—he withdrew with some of them to a small ale-house, kept by an old widow named Margaret Farish, at Parkgate, eight miles from Dumfries, on the Edinburgh road. A quarrel between one of his concubines and the hostess, about the price of the liquor, provoked the interference of Jock. Heated with drink and rage, he repeatedly struck the poor old woman on her head with the heavy pint stoup in which the ale was served, killing her on the spot.

He was apprehended at Lockerbie next day, and forthwith lodged in the Dumfries Tolbooth. During the dreary interval before his trial, he was allowed the companionship of a pet jackdaw, which had travelled the district with him in happier days for them both. But just as the judges passed the prison, on their way to court, the heralds of the procession blew a flourish with their trumpets, and that moment the gipsy's feathered favourite dashed convulsively against the iron bars of the window, and dropped down dead. "Lord ha'e mercy on me! for I am gane!" cried Jock, naturally enough considering that the fate of the poor daw was ominous of his own: and so it turned out. He was condemned to die; but life was sweet, and he resolved to keep it or sell it dearly, while deceitful hope buoyed him up with the idea that the men of his tribe would yet enable him to elude the gallows. Jock doggedly refused to leave his cell; and as he was one of the strongest men in all Dumfriesshire, it was with the utmost difficulty that he was dragged out and carried to the upper story, from the front of which the fatal noose hung dangling, waiting for its human tassel. The convict wanted the thumbs of both hands, and was often called "Thoomie Johnstone" on that account; but this defect no way unfitted him for maintaining a tremendous resistance. Apprehensive of a rescue, the authorities placed a hundred stout burgesses, armed with Lochaber axes, as a guard around the Tolbooth. Eventually, long after the appointed hour, the figure of Johnstone appeared upon the scaffold, enclosed by six town officers; and we must leave the scene that ensued to

be described by the Rev. Dr. Carlyle of Inveresk,* who, when a boy, viewed it from the window of his uncle Provost Bell's house, situated opposite the prison.

"When Jock first issued from the door," says Carlyle, "he looked a little astonished; but looking round a while, he proceeded with a bold step. Psalms and prayers being over, the rope was fastened about his neck, and he was prompted to ascend a short ladder fastened to the gallows, to be thrown off. Here his resistance and my terror began. Jock was curly-haired and fierce looking, and very strong of his size—about five feet eight inches. The moment they asked him to go up the ladder he took hold of the rope round his neck, which was fastened to the gallows, and with repeated violent pulls attempted to pull it down, and his efforts were so strong that it was feared he would have succeeded. The crowd in the meantime felt much emotion, and the fear of the magistrates increased. I wished myself on the top of Criffel, or anywhere but there. But the attempt to go through the crowd appeared more dangerous than to stay where I was. I returned to my station again, resolving manfully to abide the worst extremity. Jock struggled and roared, for he became like a furious wild beast, and all that six men could do they could not bind him; and having with

* Autobiography of the Rev. Dr. Alexander Carlyle, minister of Inveresk. W. Blackwood & Sons, 1860. In this work there are numerous references to Dumfries, Dr. Carlyle having at various periods paid visits to it, as he had several relatives residing in the town. "The first journey I made," he says, "was to Dumfriesshire, in the summer 1733, when I was eleven years of age. There I not only became well acquainted with my grandfather, Mr. A. Robison [minister of Tinwald], a very respectable clergyman, and with my grandmother, Mrs. Jean Graham, and their then unmarried daughters, but I became well acquainted with the town of Dumfries, where I resided for several weeks at Provost Bell's, whose wife was one of my mother's sisters, two more of whom were settled in that town—one of them the wife of the clergyman, Mr. Wight, and the other of the sheriff-clerk. I was soon very intimate with a few boys of this town about my own age, and became a favourite by teaching them some of our sports and plays in the vicinity of the capital that they had never heard." Again he says: "I passed most of the summer of this year [1739] in Dumfriesshire, where my grandfather kept me pretty close to my studies; though I frequently walked in the afternoons to Dumfries, and brought him the newspapers from Provost Bell, his son-in-law. . . . During the period when I so much frequented Dumfries, there was a very agreeable society in that town. They were not numerous, but the few were better informed and more agreeable in society than any to be met with in so small a town."

wrestling hard forced up the pinions on his arms, they were afraid, and he became more formidable; when one of the magistrates recollecting that there was a master mason or carpenter of the name of Baxter who was by far the strongest man in Dumfries, they with difficulty prevailed with him, for the honour of the town, to come on the scaffold. He came, and putting aside the six men who were keeping him down, he seized him, and made no more difficulty than a nurse does in handling her child; he bound him hand and foot in a few minutes, and laid him quietly down on his face near the edge of the scaffold, and retired. Jock, the moment he felt his grasp, found himself subdued, and became calm, and resigned himself to his fate." Carlyle closes his graphic narrative by saying: "The dreadful scene cost me many nights' sleep"—a circumstance not to be wondered at. If a rescuing party of Jock's friends had appeared in his time of need, they would very likely have succeeded in carrying him away in triumph.*

* We are partly indebted to Mr. W. F. Johnstone, bookseller, Dumfries, for our reminiscences of Jock Johnstone. He had them from his father, the late Mr. Walter Johnstone, who possessed a rare store of Annandale traditions, many of which he committed to paper; but unfortunately the manuscript has been lost sight of. An account of the gipsy chief is also given by Simson, pp. 200–1.

CHAPTER XLIII.

RESOLUTION TO ERECT A NEW PLACE OF WORSHIP — FUNDS FOR IT OBTAINED BY IMPOSING A DUTY ON ALE — MUTINY OF THE BREWERS AGAINST THE IMPOST—ALARMING RIOT—PEACE RESTORED, AND THE BUILDING SCHEME PROCEEDED WITH—THE RUINS OF THE CASTLE PURCHASED, IN ORDER TO ACQUIRE A SITE FOR THE CHURCH — QUARREL BETWEEN THE COUNCIL AND THE CONTRACTORS — COMPLETION OF THE CHURCH — ARRANGEMENTS OF THE PRESBYTERY RESPECTING IT — FINANCIAL DIFFICULTIES OF THE BURGH — A RENEWAL OF THE ALE DUTY, AND THE IMPOSITION OF A DUTY ON IMPORTS AND SHIPPING APPLIED FOR — SUCCESS AND COST OF THE APPLICATION — SALE OF BARKERLAND — A STEEPLE PLACED ON ST. MICHAEL'S CHURCH — THE CHURCH REBUILT.

LONG before the outbreak of the Rebellion, the want of adequate church accommodation was fully recognized by the authorities; and when peace was restored they adopted measures for obtaining a second place of worship. A difficulty having been experienced in compensating the inhabitants for their sacrifices when the town was threatened by the Jacobites, the device was hit upon of applying to Parliament for authority to levy such a duty on malt liquor as would discharge these patriotic claims, as well as build the church. On the 9th of April, 1716, the initiative in this ingenious scheme was taken by the Council; and when the bill took shape, the Legislature was asked by it to impose a duty of two pennies Scots on every pint of ale or beer brewed and sold within the Burgh for the purposes referred to—the preamble stating as regards one of them, "that the present church doth not accommodat more than the half of the congregation." In due time the bill was passed, Government being very willing in this way to acknowledge the loyal services rendered by the Dumfriesians. In October of the following year, they were required by the Council to "give in upon oath the accounts of horse meat and man's meat furnished by them, by the Marquis of Annandale's

order, to the country people in defence of the town, the time of the late Rebellion, and how much is resting to them unpayd, to the effect ane account thereof may be laid before the overseer named in the Act of Parliament, anent the duty lately granted to the Burgh."*

It was a comparatively easy thing for Provost Crosbie and his colleagues to acquire a right to tax the national beverage, but to enforce the duty was a different matter. Whilst they were preparing to give it effect, an adverse storm was brewing among the brewers. What! Punish the beer-drinking lieges, and ruin our trade, by your kirk-building schemes? Not, by St. Michael! if we can help it! Actuated by such a spirit, the malting interest petitioned against the bill; and when that was of no avail, resolved doggedly and defiantly to look upon it as a dead letter. At this time there were no fewer than ninety-one brewers and retailers of ale in the Burgh: some of them had large establishments; others, little shebeens that could not boast of more than a couple of barrels each. The rating on the whole of the stock, numbering 255¼ barrels, amounted to £14 for six weeks, which would realize £112 per annum. About one-third of the trade quietly paid the impost; the rest offered a sullen, passive resistance; and when a determined effort was made to overcome their obstinacy, they rose with the occasion, forcibly encountered his Majesty's representatives, and made the streets ring with the voice of tumult. A warrant having been granted to distrain "the goods and cattels" of the recusants to the extent of their liability, varying from £1 sterling down to 8d., the Burgh officers issued forth on the 8th of April, 1718, to carry it into effect. But the publicans, banded together, easily beat off the legal emissaries; whereupon the magistrates personally, accompanied by several burgesses, undertook the perilous task of poinding the defaulters. Meanwhile a mob of beer-loving sympathizers had rallied round the victuallers, and joined in their cry of free trade in ale and confusion to the exciseman. The Provost and Bailies, nothing daunted, pushed

* The outlay incurred must have been very heavy: a minute of Council dated 5th November, 1715, states that, owing to the extraordinary and inevitable expenses "entailed on the town, the treasurer is intirely exhausted of any effects;" and that he was authorized to borrow £80 sterling on that account.

forward in the belief that their dread presence would disperse the clamorous rabble. Vain delusion! Before the august authorities could, with official finger, touch a plack's worth of furniture, they were hustled by the crowd and driven violently from the streets. The magistrates and their supporters took shelter from the popular storm in the town clerk's chamber; but as it had not been made to resist a siege, they were soon joined in their retreat by the ringleaders of the populace; and though the Riot Act was read, and the friends of law and order offered a stout resistance, King Mob became for the time being master of the town and of its rulers, the latter of whom received no mercy. The rioters first broke the office windows, next threw stones and softer unsavoury missiles on the inmates; and having succeeded in forcing the door, they—how shall we tell it!—literally beat with their irreverent fists the magistrates of the Burgh. After perpetrating this crowning indignity, the rabble retired triumphant but appeased; and doubtless would be treated to a supply of "reaming swats that drank divinely," by those in whose behalf they had fought and conquered.

This serious *émeute* having been brought under the consideration of the Council at their next meeting, a resolution was adopted to transmit a report to the Government regarding it, and to prosecute the rioters at the town's expense. The brewers, on their part, continued their opposition to the duty, transferring the war against it from the streets to the Court of Session; but an amicable interview having been brought about between them and the magistrates, mutual concessions were made, according to which the litigation was abandoned, and the obnoxious duty on beer was modified so as to amount only to "thirteen shillings four pennies Scots upon each barrel, consisting of twelve gallons, and soe proportionally for greater or lesser quantities, after deduction of the seventeenth pairt made by wrong valuation, and of two and ane half of each twentie-three shillings." Though this arrangement does not seem very intelligible to us, it was deemed satisfactory by the publicans, who agreed henceforth to pay the duty in peace; and the mollified magistrates, overlooking the insulting treatment given to them, dropped the criminal process they had raised

against the rioters,* and proceeded with the scheme that had been the innocent cause of all these disturbances.

In October, 1722, a committee of the Council, appointed to select a site for the proposed ecclesiastical edifice, reported that "John M'Dowall, younger of Logan, had been communed with anent selling ane part of the Castle closs and Castle garden pertaining to him, for that purpose;† and that Logan declared himself willing to sell to the town such an part of the said closs and garden, with the stones of the old castle and old houses adjacent, as the burgh should have use for." The committee recommended that this site should be purchased; and early in the following year a bargain was made with "Logan," in virtue of which the ground, and what it still bore of the venerable historical fortress, became the property of the town for £85 sterling. It was not till the beginning of 1724 that the building was actually proceeded with. The contractors for the mason work were James Waddell, William and Andrew Mein, and William White, who agreed to supply materials, and erect the church and steeple, after a design furnished by Mr. Alexander M'Gill, architect, for £730 sterling. The joiners engaged were: William Copland, Matthew Frew, James Johnston, and John Swan, who were to receive £820 for their materials and labour. No difficulty was experienced by the Council as regards a supply of stone and wood, and men to use them, such as they encountered when the Mid-Steeple was contracted for; but the undertaking, for all that, did not progress smoothly, and was not completed satisfactorily.

The masons were accused by the Council of violating their agreement; and at a meeting held in May, 1726, the latter resolved to send the contract to their Edinburgh agent, "that

* A curious compromise was effected. "The brewers engaged in the late riot agreed to come under the judgment of the magistrates, while the magistrates engaged to endeavour to get the diet deserted against them in the Court of Justiciary; each party to pay the half of the fees to the King's advocate and the clerks of Justiciary for deserting the diet." The Provost went to Edinburgh, and succeeded in his mission of getting the diet deserted at an outlay of £8 12s.—*Pamphlet by* Mr. W. R. M'Diarmid *on the Established Churches of Dumfries*, pp. 21-2.

† They had, some years prior to 1715, been purchased from Lord Nithsdale by Mr. M'Dowall.

horning might be raised on the same," so that the undertakers and their cautioners might be compelled to implement their obligations. On the 5th of the following July, a petition on the subject was presented to the Convention of Royal Burghs by the Commissioner from Dumfries, setting forth that the Burgh had contracted with sundry of its own inhabitants for building a new church at a cost of £1,550; that though the town had advanced nearly the whole of that money, yet the work was far from being finished; that "by a modest computation" it would cost above £400 additional to complete the church; and that it appeared to the Council the contractors had erroneously estimated sundry of the articles. On these grounds the Convention were asked to appoint a committee of their number to view the works, examine the accounts, "assist with the best advice, and grant such releéfe to the undertakers as was necessary for finishing" the same. In accordance with this prayer a committee was appointed, consisting of the Commissioners from Sanquhar, Annan, and Lochmaben.

To these gentlemen was also entrusted the duty of "answering the ends" of another petition from Dumfries, which represented "the very great burthens of debts" the town was suffering from, with the probability of their being increased, "especially by the apparent danger of three arches of our bridge that were likely to fall;" that several portions of the commons lay unimproved, and, by reason of their remoteness, were very liable to be trespassed upon by neighbouring heritors and tenants; and prayed that the Convention would allow the Burgh to feu or let long leases of the land at the sight of a committee of their number, in order that a fund might be raised towards liquidating the debts of the town.

Through the agency of this committee, the matters at issue between the Council and the contractors were adjusted. Some slight deductions were made from the sum originally bargained for, on account of deficient work; new charges were allowed for additional work; and when the balance was struck, the town had to pay a supplementary account of £335, which brought the entire cost of the church, including site, up to £1,970, or about £470 more than the cost of the Mid-Steeple, with its accompanying buildings. After all, the original design was never

fully carried out. The spire was scrimped of its fair proportions, and had a squat, stunted appearance, that contrasted badly with the handsome square tower on which it was placed. The New Church, as the building was named, was opened for worship on the 5th of September, 1727; arrangements for the settlement in it of Mr. Robert Paton, the colleague of Mr. Patrick Linn in St. Michael's Church, having first been completed between the Council and the Presbytery.

That reverend body met at Torthorwald Manse, and came to a deliverance on the subject, the principal points of which were as follows:—The Presbytery find, from many years' experience, that the old church of Dumfries is not large enough to accommodate the whole parish; that the town has now built a new church for the greater and better accommodation of the inhabitants, and that they at this time are not in a condition to make suitable provision for a third minister; that the Presbytery therefore judge, in present circumstances, "it will be for the glory of God, the greater interest of the Gospel in the place and corner, and to the further usefullness as well as comfort and satisfaction of their reverend bretherine the ministers of Dumfries, that each of them preach and dispence all other Gospell ordinances in a separate church;" and seeing that this whole affair has been remitted to the Presbytery, they therefore, from a sincere desire to prompte the foresaid ends, hereby ordain that the Reverend Robert Paton, and his successors in office, shall preach and dispense ordinances in the new church, and have pastoral care over that part of the town that lies "from the bridge to Hoddam's stone house, including that and the whole closs adjoining on the one side, and from the Townhead to the end of Lochmaben-gate, including the west part of that street, on the other side with the Mid-raw, containing about one thousand three hundred and thirty-four examinable persons, from ten years old and upwards." They likewise appoint the Reverend Patrick Linn, and his successors in office, to preach and dispense ordinances in the old church, and have under his pastoral superintendence "the whole country parish, with that part of the town which lyes next to the said church, extending to the end of Lochmaben-gate on the east side, and to Hoddam's lodging on the other side, containing about six hundred and

ninety-five examinable persons, from ten years old and upwards, in that part of the town beside the landward parish." For purposes of discipline, the Presbytery judge it expedient that there be only one session; that the same shall meet every Thursday, or any other day on which the weekly sermon is preached, and which is required to be in the two churches alternately.

The Presbytery also proposed "that the town shall pay or give bond to Mr. Paton for the sum of one hundred pounds sterling yearly, in regard that he has in his old age undertaken a separate charge, reserving to him also what he already possesses in teinds, glebe, and manse;* and that the town shall become bound to allow Mr. Linn also the sum of one hundred pounds per annum." These and other conditions were agreed to by the Council, who, in their minute of approval, pointed out in more detail the sources from which the stipends for St. Michael's Church were derived; it being there stated that Mr. Linn was to receive six hundred merks over and above his previous income of one thousand two hundred merks, derived from the teinds payable to the Crown out of the Parish, and the rents formerly payable to the bishop out of the parish of Newabbey; the whole amounting to eighteen hundred merks, or fully one hundred pounds sterling. Thus the town obtained the additional church that it needed so much; and in the course of a few years afterwards, as we shall see, chapels or meeting-houses for other religious communities than the Established Church, began to rise up. Many of the stones in the new structure had rather a singular fortune: at first they formed part of the Friary; then of the old fortress; and last of all, they were retransferred for a religious purpose, by being embodied in the walls of the new place of worship.†

* A curious little document lying before us furnishes an "Inventory of Household Plenishing pertaining to the Town of Drumfries, and left in the Manse thereof, for the use of Mr. Robert Paton, Minister of the Gospell of the said Burgh, to be made forthcoming to the said Burgh be him, his airs and executors." It is drawn up by Mr. Paton himself, as follows:—"Imprimis, ane old Dutch cupboard in the high hall; Item, four bedsteads; it., four graits; it., ane large cupboard in the kitchen; it., ane kitchen table there, and shelfs for peuthery." The minister acknowledges his obligation to produce the articles if called upon, by appending his signature to the list.

† When, in 1866, the New Church was taken down, many stones were discovered that had evidently belonged to the Castle, and some which, it is

Mr. Paton, who died in 1738, was succeeded by Mr. John Scott of Holywood; and he, at his death, in 1770, was succeeded by Dr. Andrew Hunter. The latter was appointed professor of divinity in the University of Edinburgh in 1780; and the vacancy thus occasioned was filled up by Dr. William Burnside, whose manuscript history of Dumfries has been frequently quoted from in these pages. Dr. Burnside was made first minister of the Parish, by his translation to St. Michael's, in 1794. His successor in the New Church was Dr. Alexander Scott, who also, ten years afterwards, succeeded him in St. Michael's. In 1806, Dr. Thomas T. Duncan of Applegarth became minister of the New Church, continuing so till his death, in 1858. Mr. Andrew Gray (now of St. John's, Glasgow), Mr. Malcolm C. Taylor (now of Crathie), and Mr. Donald M'Leod, have since successively been incumbents of the New Church, which is now (September, 1867) about to be rendered vacant by the translation of the latter clergyman to Montrose.

supposed, had formed part of the Monastery. From an interesting paper regarding them, read to the Dumfries and Galloway Natural History and Antiquarian Society by Mr. Barbour, architect, we borrow the following notice of the Castle stones:—"A number of rope mouldings; two curved and moulded stones that have formed part of the corbelling of a corner turret; portions of steps of a wheeling stair; several pieces of a fine string-course corbelling, consisting of three cavettoes, one over the other, and having ovolo dentils in each cavetto. There is a part of a very beautiful tapering pinnacle, probably from the top of a door-piece; the stone has a rope bead on each corner, a semicircular hollow on each side, and fillets between the hollows and beads. There is one large block corbel, such as is usually found under the parapets. There are portions of two stones that seem to have formed part of a coat of arms; on one of them is a naked figure, with the head broken off, and there is a broken line extending from the hand across the shoulder, which seems to indicate a club. From the boldness and richness of the few details of the Castle that have come down to us, I think it may be safely inferred that, grand as the remaining baronial buildings of Scotland are, the Castle of Dumfries has not been below the average in its imposing appearance and ornamental character. The upper parts of the walls have been corbelled out so as to overhang the lower portions, and the corbellings have been enriched with mouldings and dentils. The corbellings, after running horizontally, have suddenly taken a perpendicular course for a short distance, and then returned again to the horizontal. Large rope mouldings have been interwoven with the building, and probably followed horizontal and perpendicular courses like the corbellings; and circular turrets have projected from the corners, resting on corbellings and projecting their cone-shaped roofs above the main building, thereby giving an irregularity and picturesqueness to the outline in harmony with the broken line of the mouldings."

A few years after the remains of the Castle had been absorbed in the building of the New Church, the more modern stronghold, that stood north-east of the Market Cross—the New Wark—was partially demolished, on account of its dangerously ruinous condition. In 1737 it was, for the same reason, still further reduced; what remained of the roof, the entire gables, and other portions, having been taken down at that date by the order of the Town Council. Only about one half of the edifice was left after these repeated assaults; and much of that, incorporated with a range of dwelling-houses, remained till 1846, when it was removed with them, in order that Queensberry Square might be rendered more spacious and salubrious.

The Committee appointed by the Convention of Burghs, in 1726, did little to help the town out of its financial difficulties. These increased, till absolute bankruptcy stared its rulers in the face. Year after year the expenditure had gone on increasing; the new buildings erected, and the general improvements made, being far too costly for the resources of the Burgh. In 1731, the desperate device was resorted to of selling a portion of the Burgh lands; but even after that had been done, a Committee of the Council reported, in 1735, that the debts amounted to £3,807 11s. sterling, the interest of which was £120 7s. 6½d.; that the yearly salaries, ministers' stipends, and other annual disbursements, with the interest on the debt, amounted to £770 10s. 6½d.; that the revenue arising from grass maill rents, customs, multures, seats in the New Church, feu duties, and miscellaneous sources, with a sum of £112 11s. 6d. due by the deceased Robert Johnston of Kelton, amounted to only £552 12s. 4d. yearly; so that there was an annual balance on the wrong side of £217 18s. 2½d., and no provision made for liquidating the debt. Still further, the Committee reported that the public school-house was in a very ruinous condition; that sundry arches of the bridge were very much decayed; that the navigation of the river was in a miserable state; and that heavy annual charges would have to be incurred for repairing the churches, mill, caul, pavements, bridges, and other public works.

Truly a disheartening report. The Committee did not give way to despondency, however, but unfolded another scheme for

relieving the town from its embarrassment. They proposed that Parliament should be asked to allow the town to continue the duty on ale—which was at first granted for nineteen years—and to impose certain other duties and customs, so as to bring the income to something like an equality with the outlay. This proposal was adopted, and carried into effect. A bill in accordance with it was prepared, and Provost Corrie and Mr. John Goldie of Craigmuie, who were commissioned to watch over the measure in London, had the satisfaction of being able to report to the Council, in May, 1737, that it had been sanctioned by the Legislature. Their report may be quoted from, as it is instructive and curious. They set out on horseback for the English metropolis—a momentous journey at that period—on the 21st of February, arrived on the 4th of March, and remained there five weeks, facilitating as best they could the passage of the bill. William Kirkpatrick, Esq., member for the Dumfries Burghs, "did exert himself in a most active manner, not only in obtaining dispatch in the Houses, but also in getting it done at the most frugal charge, in which he was exposed to charges out of his own pocket." All the members of this neighbourhood cheerfully assisted him, as did Mr. Erskine, the Solicitor-General, the latter gentleman having been especially of service "in prevailing with my Lord Findlater to take on him the management" of the bill in the House of Peers. They left London on the 8th of May, and reached home on the 16th; bringing with them, as the best proof of their success, a copy of the bill, now clothed with the authority of law.*

The Act took effect on the 24th of June, 1737, and was to remain in operation for twenty-five years, and until the end of the next session of Parliament. Though needed to extricate

* The entire expense of their mission was £215 18s. 6d., which sum was made up of the following, among other items:—Retaining fee paid to William Murray, Esq., counsellor-at-law, £2 2s.; paid to John Crawford for the fees of Parliament, and his own fees "soliciting the affair," £143 14s. 4d.; to the clerk of the committees, £11 2s. 2d.; expense of their journey to London with a servant, £6 12s. 11½d.; expense of their horses, five weeks in London, £8 13s. 6d.; expense of barbers there, 18s.; charges for their lodgings, fire, and candles, £2 13s.; for their spendings, £28 19s. 10d.; expense of their journey home, £7 1s. 6d.

the Burgh from its difficulties, its influence upon trade must have been discouraging. It imposed a duty of eightpence sterling on every ton of "goods, wares, merchandise, or other commodities," brought into the port or exported from it, with the exception of coals, lime, and limestone; and a duty of threepence per ton on every vessel from foreign parts, and of three-halfpence per ton on every vessel from Great Britain and Ireland, entering the port. It also renewed the duty on ale for the same period. The latter impost proved much more productive than the one on general goods and shipping. During the first year the entire dues, after deducting the charge for collection, amounted to about £214 sterling, four-fifths of which were yielded by the ale duty; and by this welcome addition, increasing with the trade of the port, the financial difficulties of the Burgh were considerably reduced.

It appears that the Burgh's application to the Convention, for liberty to feu out a portion of its landed patrimony, was granted. A beginning was made with Barkerland—a fertile tract comprising about a hundred and fifty acres, lying south-east of the town, and which had belonged to it from time immemorial. On the 11th of February, 1731, two sections of this estate were disposed of—one to Bailies Bell and Ewart, for £150 premium, or grassum, and an annual feu of £5 10s.; and the other to Bailie John Johnstone for £50 premium and a feu of £1 10s. The money thus acquired and the ordinary revenue were insufficient to meet the requirements of the Council; and their language was still like that of the thriftless Lord of Linne:—

"My gold is gone—my money is spent;
My land now take it unto thee:
Give me the gold, good John o' Scales,
And thine for aye my land shall be."

Acquisitive men like John o' Scales were standing by ready to take advantage of the straits of the town to enrich themselves; and as regards the further slices of Barkerland obtained by each, the words of the same ballad were still applicable:—

"Then John he did to record draw,
And John he gave him a god's pennie;
But for every pound that John agreed,
The land, I wis, was weel worth three."

Again the disinheriting sales were proceeded with. Commissary Goldie and Mr. Hynd purchased, on the 10th of January, 1738, a lot for £60 premium and an annual feu of £2, with 8s. of teind or tithe; on the same day, Mr. Thomas Kirkpatrick acquired another for £74 premium, an annual feu of £2 3s. 4d., and 8s. 8d. teind; and a third lot became the property of Mr. George Gordon for £32 premium, feu 25s., and teind 5s. There was still a goodly fragment of the estate left. "Shall we keep it, or let it go with the rest?" "We cannot afford to keep it. Who bids for the last lots of Barkerland?" Bailie Francis Johnstone did, on the following 6th of February, he paying for his portion £84 premium, feu £2 5s., teind 6s.—the feu including the house occupied by the herd* who, in happier days, looked after the cattle of the burgesses as they grazed on the surrounding meadow; Mr. Thomas Kirkpatrick acquired a second section for £31, feu £2 6s. 8d., teind 7s.; and Mr. Robert Corsane of Meiklenox had a third section knocked down to him for £35 premium, feu £2 13s. 4d., teind 8s. All the lots that we have specified were sold by public auction—clogged with this condition, however, that none but resident burgesses or heritors were allowed to make an offer. A few good patches—cuttings and carvings left over when the large lots were squared off—still remained; and these, with several roods that did not form part of Barkerland, were acquired privately by Bailie Francis Johnstone, price £56, feu £1 10s., teind 4s.; by Mr. Robert Corsane, price £3 13s. 10d., feu 5s. 8d., teind 10½d.; and by Mr. George Gordon, price £25, feu £1 5s., teind 2s. 6d. The amount received for the whole of Barkerland was £590 13s. 10d. of premium, £22 14s. of feu duty, and £2 10s. 0½d. of teind—a small sum indeed: when the feus are capitalized, at thirty years' purchase, and added to the premiums, the aggregate is less than £8 10s. per acre. By these sacrifices the Council obtained at least temporary relief. Upwards of a thousand acres still remained to the Burgh, a great proportion of which lay in moss and pasture.

With the view, we suppose, of putting St. Michael's Church on a footing of equality with its younger sister fabric, its patrons resolved, in 1740, to place a spire on the tower attached

* The present mansion of Frankfield occupies the site of the herd's house.

to it; and on its being ascertained that the walls of the tower were too weak to bear the proposed superstructure, the bolder and better proposal for an entirely new steeple was eventually adopted. At first a contract for the erection of a tower eighteen feet square on the site of the old one was entered into; and that having been finished, an agreement was made, in 1742, with Alexander Affleck and Thomas Tweddle, masons in the Burgh, to build upon the tower, for £100, "a stone spire fifty feet high, with an iron spire of nine feet, surmounted by a weather-cock, the cock and other ornaments on the top of the spire to be exactly such as on the New Church." The cost of these erections appears to have been exclusively defrayed by public subscriptions, Lord John Johnstone, the repentant Jacobite, generously contributing £31 10s., or, as nearly as we can learn, about a sixth part of the whole.

When the steeple, which is a very handsome and stately one, was completed, it made the little building below look more insignificant than it had ever done; it was, besides, getting rather debilitated; and so, after sundry ineffectual attempts to put it into a decent state of repair, the Council determined to rebuild the Church. On the 3rd of September, 1744, Provost Ewart, in name of a committee appointed to contract with tradesmen for the purpose, reported that they had entered into a contract with the two craftsmen aforesaid, Alexander Affleck, deacon-convener of the Trades, and Thomas Tweddle, mason, as principals, and William Reid, blacksmith, as cautioner for them, "to take down the old walls of the church to the foundation, and twa east-most pillars thereof to the floor, dig a new foundation for the out walls, four feet deep from the surface of the earth and four feet wide, and to erect and build the whole stone and mason work of the said church of new, sixty feet wide and sixty-seven feet long, betwixt and the first day of July next to come," according to the plan produced, the contractors providing all materials necessary for the said work except centres and scaffolding; "for which the committee, in name of, and having full power and commission from, the Council, and taking burden on them for the heritors of the country parish," became bound to pay to the said contractors the sum of £185 3s. 10d. sterling. As also, that the committee had agreed with James Harley,

wright, as principal, and Thomas Tweddle, Alexander Affleck, and William Wood, wrights, as his cautioners, "for the whole carpenter work of the roofs and windows of the said church, to be finished after the walls and arches are built, the contractor to provide all timber and rails that are required, and deals for scaffolding to the masons, for which the committee become obliged to pay to him the sum of £186 sterling." This report was approved of by the Council; and they recommended the committee to provide lead for the gutters and spouts, slates for the roof, glass for the windows, locks, bolts, and bands for the doors, as these articles were not included in the previous contracts. At the same meeting the Council took into consideration an Act of the Presbytery, in which the cost of the Church was estimated at £402 3s. 11½d.; and the country heritors were required to pay, as their proportion of that sum, £130, on being assigned a fifth part of the area for their accommodation. The Council agreeing to this arrangement, passed a resolution requesting the Presbytery to assess the heritors, according to their valued rents, in the foresaid amount; and the Council, in the event of all the conditions being complied with, bound themselves, their successors in office, and the community, "to keep up the fabrick of the said church, when rebuilt, in sufficient repair, for all time coming, upon the town's expense, except in the case of rebuilding the same, if by decay or otherwise it shall become necessary to be rebuilt." A portion of the gallery, amounting to two thirds of its whole extent, was assigned to the Seven Incorporated Trades, on their agreeing to fit up the same, and contribute £80 towards the erection of the Church.

Whilst the operations were being proceeded with in the following year, the town was taken possession of by the Highland army under Prince Charles; and there is a tradition that the building was placed in serious peril by a party of the rebel clansmen. Whilst wandering up and down in search of plunder, or to gratify curiosity, they passed unceremoniously within the precincts of the sacred edifice; and, on being chased by the workmen, they snapped their pistols among some straw, by which the wood-work was set on fire, and then decamped. Fortunately the flames were extinguished before much damage

had been done; though, it is said, the mischievous Celts withdrew in the belief that they had ruined the fabric. As the old materials were extensively used, and as no site had to be purchased, the modern St. Michael's Church cost much less than the New Church, though it is a more imposing structure; and the steeple—a Gothic spire on a Roman tower—has a beauty which the stunted steeple of the latter building could not boast of.

On the death of Mr. Linn, in 1731, Mr. Robert Wight became minister of St. Michael's Church. He was succeeded by Dr. Thomas Mutter in 1764; and the latter was succeeded by Dr. William Burnside. Dr. Alexander Scott was the next pastor of the Church, his induction taking place in 1806. He had as successor Dr. Robert Wallace, who died in 1864. Early in the following year, Mr. John Duncan of Abbotshall was appointed to the charge; and on his translation to Schoonie, Dr. James Fraser, formerly of Glasgow, became his successor; but Dr. Fraser died six months afterwards, causing a vacancy in St. Michael's, which at this date (September, 1867) has not yet been filled up.

CHAPTER XLIV.

REBELLION OF 1745—PERSONAL INFLUENCE OF THE YOUNG PRETENDER, CHARLES EDWARD—REBEL VICTORY AT PRESTONPANS, AND OCCUPATION OF EDINBURGH—THE DUMFRIES TOWN COUNCIL UNDERTAKE DEFENSIVE MEASURES—A PARTY OF THE INHABITANTS CAPTURE SOME REBEL WAR STORES AND WEAPONS AT ECCLEFECHAN—CONDITION OF THE BURGH DURING THE INSURRECTION—THE STRENGTH OF THE REBELS UNDERRATED, AND NO ADEQUATE MEANS TAKEN TO RESIST THEIR THREATENED VISIT—A CONTRIBUTION IN MONEY EXACTED BY THE PRETENDER—RETURN OF HIS ARMY FROM ENGLAND—ABORTIVE ATTEMPTS TO WITHSTAND ITS ADVANCE INTO DUMFRIESSHIRE—LORD ELCHO, AT THE HEAD OF FIVE HUNDRED HIGHLANDERS, OCCUPIES THE TOWN—MELANCHOLY MEETING OF THE LEADING BURGESSES IN THE PRESBYTERY HOUSE—THEY TAKE INTO CONSIDERATION A DEMAND MADE UPON THEM BY THE REBELS FOR MONEY AND SHOES—ARRIVAL OF THE PRETENDER AND HIS STAFF—GOSSIP ABOUT THE REBEL OCCUPATION OF THE BURGH—MEANS USED BY THE AUTHORITIES TO RAISE THE TRIBUTE—THE PRETENDER RECEIVES STARTLING INTELLIGENCE, AND PREPARES TO QUIT THE TOWN—HIS HURRIED DEPARTURE CAUSED BY A FALSE ALARM—A TAX IMPOSED BY THE TOWN COUNCIL TO PAY OFF THE LOANS THAT HAD BEEN CONTRACTED—VALUATION OF THE BURGH—COMPENSATION MONEY RECEIVED FROM THE GOVERNMENT—CLOSE OF THE REBELLION.

THE year 1745 is a memorable one in the history of Scotland, on account of the attempt then made by Charles Edward, son of the Chevalier de St. George, to recover the crown of his ancestors. In the flush of youth, in the glow of ardent hope—spurred by ambition, and sustained by an idea that the claims of his family were sanctioned by heaven, and must eventually be admitted by the nation—Charles, who had vainly waited for assistance from France, landed at Moidart, Inverness-shire, on the 25th of July, relying for success on his own resources and the pecuniary assistance of some private friends. He was attended by the Marquis of Tullibardine (outlawed for his share in the insurrection of 1715); Sir Thomas Sheridan, the Prince's tutor; Sir John MacDonald, an officer in the Spanish service;

Francis Strictland, an English gentleman; Æneas MacDonald, a banker in Paris; Kelly, who had been implicated in what was called the Bishop of Rochester's plot; and Buchanan, who had been intrusted with the duty of summoning Charles to proceed from Rome to Paris when the movement was resolved upon. These "Seven Men of Moidart" did not constitute a very influential company; and if their chief had been a commonplace individual, the enterprise would, at its very first start, have proved a failure. But Charles Edward had a graceful appearance and engaging manners. With a fine oval face, the individual features of which indicated a rare combination of martial energy, lofty enthusiasm, and courtly polish, he exercised a personal influence which few, on whom the charm fell, were able to resist. No wonder that the Jacobites likened him to Bruce, and fancied they saw the figure and countenance of the hero-king reproduced in "the young Chevalier." But for this marvellous power of impressment possessed by the Prince, he could never have invested his desperate undertaking with the rosy hue of success; and when it did end ruinously, he could never have come to be mirrored in that beautiful minstrelsy of his country, which "breathes and burns" with "Bonnie Prince Charlie," and is the best evidence of the interest he awakened amongst his followers. Abstract Jacobitism doubtless did much for him; but it was chiefly because that principle was so attractively represented in its youthful champion, that the Rebellion of 1745 was not nipped in the bud.

A few clansmen joined Charles soon after his arrival at Moidart; but many who fully sympathized with his movement, waited to see what the leading man in all the Highlands, Cameron of Lochiel, intended to do. He went to Charles, for the purpose of counselling him to abandon his rash undertaking. "If such is your purpose," said his brother, Cameron of Fassefern, "write to the Prince your opinion; but do not trust yourself within the fascination of his presence." Lochiel, however, ventured on an interview with the Prince, and left him with the resolution to take part in his fortunes, even though ruin should be the result. His decision to that effect aroused the North; "for," says Scott, "it was generally understood at the time that there was not a chief in the Highlands

who would have risen, if Lochiel had maintained his pacific purpose."* On the 19th of August the Jacobite flag was unfurled in the lone vale of Glenfinnan; and before a month elapsed, it was waving in triumph over the proud towers of Holyrood Palace—the Government commander, Sir John Cope, having hurried off to Inverness, in an erratic search for the rebels, at the time when they marched southward and took unmolested possession of the capital. Cope, transporting his force by sea from Aberdeen to Dunbar, marched towards the city, and the Highland troops having gone out to meet him, a battle ensued on the 20th of September, at Prestonpans, which terminated in the utter rout of the royal army. By this victory Charles became virtual master of the whole of Scotland, except the Castles of Edinburgh and Stirling, and a few unimportant Highland forts. "To England! in the flush of our triumph, and before the enemy has time to recover from the stunning blow we have struck!" was the bold resolution of the Prince. "Not so, your Royal Highness," remonstrated his Council; "stay here and keep Court, and revel for awhile in the halls of your ancestors:" and Charles, holding "silken dalliance" for upwards of a month in old Holyrood, instead of at once hurrying forward, as his first impulse prompted, did not start on his sadly romantic expedition to South Britain till the 31st of October, by which time the friends of the Government had recovered in some degree from their alarm, and had made ample arrangements to counteract the invaders.

Early in September, messengers were sent by the magistrates of Dumfries to Edinburgh and Glasgow, for the purpose of obtaining reliable information regarding the rebel movement; and about the same period, Mr. John Goldie,† Commissary and Sheriff-Depute of Dumfriesshire, entered into a correspondence on the subject with Dr. John Waugh, chancellor of the diocese of Carlisle, the latter of whom communicated the reports he thus received of the insurrection to a clerical dignitary in London, and also, it is believed, to the Government. By means of their

* Tales of a Grandfather, royal octavo ed., p. 383.

† The first of the Goldies, or Gowdies, who settled in Scotland, were carpet manufacturers from Flanders. The Goldies of Marbrack and of Stenhouse, their descendants, became allied to some of the leading gentry of Dumfriesshire.

own expresses and copies of the *Edinburgh Evening Courant,* which had superseded the manuscript news-letters, the magistrates obtained intelligence from the North three or four times a week; and it appears the *Courant* had a correspondent in the Burgh or neighbourhood who sent to it despatches from the South. The following paragraph appeared in its impression of 10th September:—"There are letters from Dumfries yesterday morning, dated the 7th instant, advising that there is not the least stir, but every thing is as quiet and peaceable as usual; that the Erskinites (friends of the Earl of Mar) have been stocking themselves with arms, and got a standard made for them: and as these letters mention nothing of any cannonading being heard on the coast there, 'tis believed the story told with respect thereto must be groundless." Mr. Goldie, writing to Dr. Waugh on the 12th of September, gives the origin of the above alarming report. "The firing mentioned," he says, "was heard on our coast on Sunday was se'enight; but, upon the most diligent enquiry, it came from a West India ship belonging to the sugar-house at Whitehaven, which that day came into port. However, from this letter and others, it was firmly believed at Edinburgh that an engagement had happened on the coast of Galloway, and it was even given out that General Keith was landed with an army at Wigtown: so easy is it to alarm at such a conjuncture."*

The Government naturally fancied that the rising in the Highlands would be followed by a corresponding movement among the Jacobite families of Nithsdale and Galloway; but though vague rumours to that effect, like the one just quoted, reached Edinburgh and London, they were groundless. Charles received few recruits from the district, owing in a great measure to the sad impressions left upon it by the former insurrection; and the only gentleman of note belonging to it who espoused his cause was James Maxwell of Kirkconnell, a lineal descendant of Aymer, second son of Sir Herbert Maxwell, brother of the first Lord Maxwell, who in the middle of the fifteenth

* Carlisle in 1745, by George Gill Mounsey. A highly interesting work, embodying, among other curious matter about the Rebellion, the correspondence of Mr. Goldie and Dr. Waugh regarding it.

century married the heiress of Kirkconnell.* What rank Maxwell bore in the rebel army is not known; but he was reckoned one of the best swordsmen of his day, and had all the bravery of his distinguished race. He was, besides, an accomplished man of letters, wielding the pen with nearly as much ease and power as the sword. A tangible proof of his literary acquirements lies in the charter chest at Kirkconnell—a manuscript account of the Prince's expedition, drawn up by the author in France, to which country he fled after the battle of Culloden. †

The inaction manifested by the Pretender's friends in Nithsdale imparted to his enemies in Dumfries a careless sense of security, of which they had some reason to repent. A considerable display of energy, however, was at first manifested by the Burgh authorities. Having met in the Council-house on the 2nd of September, Provost George Bell presiding, they discussed the alarming news received from Edinburgh, and adopted certain resolutions on the subject, as set forth in the following minute:—"The said day the magistrates and Council

* See *ante*, p. 31.

† He was son of William Maxwell of Kirkconnell, who died in 1746. When the old man heard that his son was out with Prince Charles, he said he was glad to hear of it, and that if his life was sacrificed it would be in a good cause. This work was printed by the Maitland Club in 1841, under the title of a "Narrative of Charles, Prince of Wales's, Expedition to Scotland in the year 1745, by James Maxwell of Kirkconnell, edited by Walter Buchanan." The editor says truly that "the narrative is composed with a remarkable degree of precision and taste—insomuch as rather to appear the production of a practised *littérateur* than the work of a private gentleman." (Preface, pp. 5, 6.) In 1750, James Maxwell left the Court of St. Germain's, where he resided for several years, and returned to Kirkconnell. The modern part of that mansion (as we learn from Mr. Maxwell Witham) was built by him in 1750 and the following year. He sold the estate of Carnsalloch, a few miles above Dumfries, on the left bank of the Nith, which he had acquired by his mother, to Mr. Alexander Johnston, grandfather of its present owner, Major-General Johnston, and then purchased the estate of Mabie. He married, in 1758, Mary, youngest daughter of Thomas Riddell of Swinbourne Castle, and died four years afterwards, aged fifty-four; leaving three sons, the second of whom, William, settled in Dumfries, and became one of the ablest physicians of his day. He was on intimate terms with Burns, and attended him on his death-bed. James, the eldest son of the Jacobite officer, was served heir to his father in 1764. By his second wife, Dorothy, daughter of William Witham, Esq., solicitor, London, grandson of William Witham of Cliffe, Yorkshire, he left one child, Dorothy Mary Maxwell, who married, in 1844, her cousin Robert Maxwell Witham, the present proprietor of Kirkconnell.

being informed that there is a considerable insurrection in the North and Highlands of Scotland against the present Government and our happy constitution, and considering the defenceless condition of this Burgh and adjacent country, in case any attempt should be made to disturb the peace and quiet thereof, and that the town's arms are not only reduced to a small number, but many of them much decayed and insufficient, they appoint a committee of the magistrates (Provost Crosbie, Provost Ewart, Mr. Clark, Bailie James Gilchrist, Mr. Carruthers, Mr. Fergusson, the Dean and Treasurer, and two deacons, whereof five a quorum), to examine the arms of the town's magazine, and cause mend and repair such of them as are decayed and insufficient; and to make search through the Burgh, and take an account of what arms are in the hands of any of the inhabitants, see what condition the same are in, and to have such as are decayed or out of order repaired and made fit for service; and to cause the clerk keep an account of such arms as are found amongst the inhabitants, and of the names of the persons who hath them, and the condition they are in; and also to concur with the well-affected gentlemen of the County in all proper measures for the defence of the Government and our happy constitution in Church and State, and to take all proper measures that can contribute to the safety and preservation thereof." *

It was unfortunate that these resolutions were not acted upon, as the Council knew by their own messengers that the rebels were preparing to march southward. "By our best accounts they will go by Dumfries, which I'll be extremely sorry for," wrote the Provost of Glasgow, on the 14th, to Provost Bell; yet little or nothing was done to prepare for the threatened visitation—the blame of this neglect, however, resting as much on the Government as on the local authorities.

About the close of the same month (September), one of the magistrates sent to the *Gentleman's Magazine* an interesting statement regarding the condition of the town as affected by the rebel movement "at Dumfries and in this County." He says:—"We took an exact account of the effective men and arms, that they might be in readiness to rise upon the first warning;

* Town Council Minutes.

and writing to Edinburgh, were answered by the people in power there, that they were glad to hear of the steadiness and loyalty of the people, but had received no instructions from the Government: which when they did, we should be acquainted with. So far as I can judge, the same spirit which you took notice of in 1715 was, with proper encouragement and support, ready to have been exerted at this time; numbers being still alive, in all the places you mention, who ventured themselves and their all in the same cause. But would you know the truth of the matter? This unhappy affair was represented still as a trifle; and the rebels as a contemptible mob that would soon be subdued. Every body was so over prudent, that nobody would take upon him to head us without a warrant from the King or Regency."

The writer, after describing the Royalist defeat at Preston, went on to say:—"The rebels were now absolutely masters of Scotland: our hands were, at the beginning, tied up; and they might, when they pleased, have cut all our throats. All this country is now enraged or discouraged; and the more so, as they must remain idle spectators of their country's ruin, without having it in their power to prevent it, or help themselves. All our towns are laid under heavy contributions. There is no law, no trade, no money; and we are now at the mercy of those who measure all right by the length of their sword. And yet the people remain unmoved, and are no way determined by this rash adventurer; regarding as nothing all his successes, promises, threatenings, and boastings."

The picture here drawn of Dumfries contrasts unfavourably with the condition of the town in 1715, when its bold, warlike attitude did much to foil the schemes of the first Pretender. A new generation had risen up, less conversant with the art of war—with a diminished sense also, perhaps, of the evils of arbitrary rule; and the Duke of Perth, when within half a day's march of the Burgh, was certainly viewed with far less apprehension than Viscount Kenmure when he menaced it thirty years before. Hence the comparatively feeble exertions made in 1745 to put the town into a proper state of defence, and to give the rebels a hot reception, should they come that way. The mural defences had fallen into neglect, and no adequate

steps were taken to repair them; there was no mustering of the able-bodied inhabitants—no influx of volunteers from the vicinity; the militia was not called out: the town was therefore left an easy prey to the enemy, who but for this circumstance would scarcely have been tempted to seize or plunder it. Under such circumstances, it evinced no audacity on the part of the insurgents that they, when yet at a far distance from the town, demanded from it a money contribution.

Immediately after the battle of Prestonpans, Provost Bell received an unwelcome message to that effect from Prince Charles. The letter embodying it (dated Holyrood House, 26th September, 1745, and written by the Prince's secretary) ran thus:—"Sir,—You are hereby ordered, upon the receipt of this, to repair to the secretary's office in the Palace of Holyrood House, there to have the contribution to be paid by the town of Dumfries for his Highness's use ascertained, which shall be done according and in proportion to the duties of excise arising out of the said town of Dumfries; for the payment of which said contribution the said duty shall be assigned. This you are ordered upon pain of rebellion forthwith to obey. By his Highness's command.—J. C. MURRAY."

Mr. Goldie, writing on the 1st of October to Dr. Waugh, says:—"Letters are sent by common Edinburgh cadys from the new Secretary of State to all the provosts of burghs in this corner of Scotland, requiring them to repair to the Secretary's office immediately, to settle the contributions to be paid by the several burghs, under the pain of rebellion. This is carrying matters with a very high hand. But what can be done? To comply or refuse are equally hazardous. Are the mighty promises of making us a free and happy people to be thus fulfilled? I believe the demand will not be complied with till it be renewed with an armed force. How will the English like our Scotts way of levying money? You got once a king from us, will you long for such another? If a party [of the rebels] come here, your humble servant must retire. They know us all by head-mark; and it is not unlikely but, on second thoughts, two or three of us may come your way." *

* Carlisle in 1745, p. 30. Dr. Waugh had previously invited Mr. Goldie to take refuge in Carlisle in the event of the rebels visiting Dumfries.

The Dumfries Town Council, in hopes that "something might turn up" for their protection, treated the rebel missive with neglect, till a second summons from Holyrood compelled them to meet for its consideration—with what result is shown in the following minute:—"The said day (October 21) the magistrates and Council considering the present commotions and confusions in this kingdom, and that it is incumbent on them to take the best and prudentest measure for the honour, safety, and benefit of this place, with respect to a contribution demanded from this Burgh, they appoint a committee of the magistrates—Dean and Treasurer, Provost Crosbie, Provost Ewart, Bailie James Gilchrist, Mr. Fergusson, Mr. Corson, the Convener, and two deacons, whereof five a quorum—to concert and advise with the most considerable inhabitants of the place the properest measures to be taken by the town in the present circumstance of affairs, and to report their opinion from time to time to the Council when they shall see it necessary."* A marginal note, afterwards written in the record, explains what the minute only hints at, that it was "the rebels" who called for this tribute—the obnoxious term being probably omitted at the time in accordance with the very prudent policy adopted by the authorities. The "honour" of the old Whig Burgh, which they professed to have in view, should have led them to send a cartel of defiance in reply to the Jacobite demand for money; though, every thing considered, they best secured the "safety" of the place by returning a compliant answer. A refusal to pay the contribution might have provoked a vengeful visit from the Prince, which they had no sufficient means to ward off; and the vain bravado of the Council might have had for its sequel the town laid waste.

When the rebel army reached Duddingston, on its way to the South, it was separated into two divisions. One, commanded by the Prince in person, proceeded towards the eastern border, and on the 8th of November occupied the village of Brampton, in order to check Marshall Wade, in the event of that officer advancing from Newcastle to protect Carlisle. The other division, under the Duke of Perth, took the western route to the latter city.

* Town Council Minutes.

The enemy's progress was carefully watched by the agents of the magistrates and Mr. Goldie, and faithfully reported to Dr. Waugh. The latter, writing to his London friend on the 2nd of November, says:—"The Provost of Dumfries writes last night 'that a gentleman of that town was just arrived from Edinburgh, who came out last Thursday about twelve o'clock at noon, and brings advices that the baggage, artillery, ammunition, &c., were upon waggons and carts going to Dalkeith, and that the whole army were in motion and preparing to march southward; that they gave out they were to go by Kelso, and were resolved to meet Marshall Wade and give him battle.'" Two days afterwards, Dr. Waugh received a note from Provost Bell, inclosing a communication from a Dumfries merchant, to the following effect:—"Two gentlemen who can be depended on, in riding between Moffat and the Crook, on Saturday, 2nd November, after five at night, met a countryman about three miles from the Crook, who said he was going to Annandale. Upon asking the news of him, he told them he had come from Peebles, and that before he came away the Provost had got a message sent him by the rebels to prepare meat, drink, and lodging for 1,800 men. . . . The other returned to Dumfries, who relates that on Sabbath the 3rd, at ten o'clock forenoon, he was overtaken at Moffat by another man riding express from Peebles, of whom his friend had taken the opportunity of writing a letter that he might call upon him at Moffat; and there that express told him he left Peebles about two o'clock, Sabbath morning, and that the above-mentioned 1,800 men, with 150 carts with baggage, ammunition, &c., were come there on Saturday night, and a little before he left the town a larger body came up, which he was informed were to the number of 4,000 men, and of this an express was immediately sent to General Wade from Moffat." We close our obligations to this interesting correspondence by copying the subjoined note:—

"*The Provost of Dumfries to Dr. Waugh.*

"DUMFRIES, 5th November, 1745, 8 at night.

"This moment I have advice by an express from Moffat, that a quartermaster belonging to the Highlanders came there about one of the clock this day, to secure quarters for 4,000 foot and

600 horse, and the messenger says he saw them within half a mile of the town before he came away. We expect them, or part of them, this way to-morrow. I beg you will dispatch expresses to Penrith, Kendal, Lancaster, and Whitehaven; and am most respectfully your most obedient servant."

The rebels, however, did not pass from Moffat to Dumfries—the doom of the Burgh was delayed. Carlisle was the game they had in view; and that city, strongly walled and thoroughly warned though it was, fell into their hands like a bird into the net of the fowler. The Duke of Perth's division marched down the vale of Annan towards the Border city. So bad were the roads that the baggage waggons could scarcely keep up with the men, and a portion of the stores were on this account left by them at the village of Ecclefechan. Intelligence to this effect having reached Dumfries, a party of the loyal inhabitants resolved upon an anti-rebel raid. Hurrying to the village—a distance of sixteen miles—they surprised the soldiers left in charge of the baggage, seized the articles of which it was composed, and returned with them in triumph. Among the spoils were numerous pikes and scythe-blades used by the Highlanders at Prestonpans, some of which—rusty relics of the time—are still preserved within the Mid-Steeple of the Burgh.

Carlisle Castle, utterly neglected by the Government, and garrisoned chiefly by the Cumberland and Westmoreland militia—which had "a leaning towards the Stuarts, or at least an indifference towards the House of Hanover" *—made no defence. It surrendered with the city to the Duke of Perth, on the 15th of November; who, on entering to take possession of his prize next day, solemnly proclaimed King James—the mayor and other officers, in their robes, and bearing the city sword and mace, giving their attendance. The keys of Carlisle were presented to the Prince at Brompton by the mayor and corporation on bended knee; and on the 18th, Charles Edward made his entry into the city, mounted on a white charger and preceded by not fewer than a hundred pipers.

Stimulated by so many triumphs, Prince Charles set out on the 21st at the head of his army in the direction of London,

* Carlisle in 1745, p. 98.

fully impressed with the idea that he would have little difficulty in becoming master of the English metropolis. After the lapse of a fortnight, the bright dream of Charles Edward had well-nigh vanished. The Highland host reached Derby, and then, like the waters of an ebbing tide, retired northward—no auxiliary streams having flowed in to carry it on to the seat of Government.* The Prince confidently expected that his ranks would be greatly swelled on his southward journey, and that succours would also reach him from France. He was disappointed as regards both; and with three armies marching to oppose him, and his own officers unwilling under such adverse conditions to proceed, he was constrained to retrace his steps, and to admit that the crown which beckoned him onward was but a delusive phantom, like the air-drawn dagger of Macbeth.

There is still extant a journal, kept by the Rev. George Duncan, at this time minister of Lochrutton, near Dumfries, which contains several curious references to the Rebellion. The following entry is given, dated Monday, 16th December:—"News came to Dumfries that the rebels were flying before the Duke of Cumberland; and orders were sent by him to the northern counties to arm, in order to catch the fugitives. On this the several parishes of the Presbytery were ordered to arm." In obedience to this command, the parishioners of Lochrutton tendered their services to the magistrates of Dumfries; and twelve of them, it is stated, "went with other volunteers to guard Annan bridge," the patriotic minister going with them to animate their zeal; but, being induced to return to his pastoral duties by the authorities of the town, the retreating rebels reached Carlisle on the 19th of December; and, with the view of withstanding them at the various passes into Scotland, and giving time for the Government troops to overtake them, armed parties were sent out from several parishes. These volunteers proved quite incompetent for the perilous task assigned to them, which could only have been done, with any chance of success, by veteran soldiers. A large party from

* The army, according to Maxwell, was never in better spirits than at Derby: it was only the urgent representations of Lord George Murray that induced the Prince to order a retreat.—*Narrative*, p. 73.

Annandale took up a position on the Scotch side of the Esk, big with the ambition of pitching the Highlanders headlong into that river as they attempted to cross it. But when the plaided warriors appeared on the opposite bank, and the battle-notes of the pibroch rose loud and defiant, the raw volunteers wheeled round and vanished; only one officer, afterwards minister of Middlebie, remaining to fire a solitary random shot by way of testimony against the rebels. The dozen doughty defenders of Annan bridge evinced the same discretion, as, on learning the flight of their brethren, they hurried home to Lochrutton—the minister's own man being one of the first to flee; and no sooner did he reach his master's kitchen, than he dropped down on a long settle, and fainted away.

The Highlanders crossed the Esk at Longtown, one hundred men abreast. There were at once two thousand of them in the river; and so swollen was it at the time that nothing of them was visible but their bonneted heads and shoulders. Holding each other by their coat necks, they stemmed the impetuous current, losing not a man in the passage; and as soon as the opposite bank was reached, the pipes struck merrily up, and they danced till they were dry again. About 2,000, under Lord George Murray, the Marquis of Tullibardine, Lord Ogilvie, and Lord Nairn, then proceeded northwards by Ecclefechan; and the main body, 4,000 strong, with the Prince, the Duke of Perth, Lord Elcho, Lord Pitsligo, Lochiel, and Keppoch, marched towards Dumfries in a more westerly route. On Friday (the 20th), Lord Elcho rode forward at the head of 500 men—"all plaided and plumed in their tartan array"—along the old Annan road, but wearied with their protracted travel; and when, towards dusk, they entered Dumfries by St. Michael Street, they met with neither check nor challenge, though a partial muster of the County militia had been made whilst the rebels were in England. The rest of the division, commanded by Prince Charles, halted midway at Annan all night, joining their comrades early on the following day. Such house accommodation as could be obtained was taken advantage of by the strangers; but most of them, winter though it was, camped down in the fields to the south of what is now called Shakespeare Street.

Behold, then, the ancient Burgh once more under a military despotism! It proved of brief duration, but it was grinding and oppressive; and doubtless many of those who suffered from it regretted, when too late, that more had not been done to prevent the calamity. On the evening of Saturday the 21st of December, the rulers and other leading men of the town met in the Presbytery-house attached to the New Church, for the purpose of considering the renewed demand made upon them for money. They could not assemble in the Council Chamber, for that was occupied by a band of Highlanders. Provost Bell was not present to preside over them, he having been seized as a hostage that the Burgh would keep good faith with its captors. A sad meeting it must have been; which conviction is intensified as we read the following record of its proceedings:—"The said day Bailie Graham and Bailie Carruthers represented to the Council and community of this Burgh called to attend the meeting, that Mr. John Hay represented he had commission from his Royal Highness Prince Charles, called by him Regent of Scotland, now in this Burgh with a powerful army, to demand of the said Burgh a contribution of two thousand pounds sterling, to be paid to-morrow against eight o'clock at night, and to deliver to him, for the use of their army, one thousand pair of shoes, together with all their arms, public and private, that are to be found in town, against the same time, and that as they would redeem their houses and families from destruction and ruin; which certification was by the said Mr. Hay frequently repeated to the said magistrates, and who would not allow them any longer time for paying in the said contribution, and delivering the said shoes and arms, than as above; Which being considered by the said magistrates and Council, with advice and consent of the community called to attend this meeting, they, the said magistrates and Council, with advice and consent foresaid, unanimously grant warrant to, and appoint the bailies and the convener, the dean, and treasurer, or any one or two of them, to borrow the said sum of two thousand pounds sterling, in whole or in parcils, wherever it can be had, to be lodged in the treasurer's hands for paying the said two thousand pounds sterling; and also to purchase and procure the said number of shoes, and to take up the foresaid arms, for answering the

foresaid demand; and to grant bills and bonds for the said money and shoes to any person or persons who shall lend and provide the same, bearing interest from the time of borrowing and until payment. And the magistrates and Council hereby bind and oblige them and the other magistrates of this Burgh, and their successors in office, and the community of the said Burgh for the time being, to free and relieve the said obligants, and every of them, and their heirs, executors, and successors, of the said bills and securities so to be granted to them: the which sums are to be assessed and proportioned upon and amongst the merchants, heritors, craftsmen, and other inhabitants of and in this Burgh as shall afterwards be judged proper."

Charles, on entering Dumfries, accompanied by the Duke of Perth, Lord Elcho, Lord Pitsligo, the French ambassador, and the chiefs of Lochiel, Clanranald, Glengarry, and Keppoch, forthwith assumed the absolute sovereignty of the place. In the Lochrutton journal, under the date of Sabbath, December 22nd, occurs the following entry:—"A melancholy day—the rebels in Drumfries—about 4,000—with the Pretender's son at their head—in great rage at the town for carrying off their baggage from Annandale, and for raising volunteers, and calling out the militia of the country in defence of the Government—demanded £2,000 sterling of contributions, . . . and that they convey their carts, with their carriages after them, to their headquarters. They were most rude in the town—pillaged some shops—pulled shoes off gentlemen's feet in the streets. In most of the churches for some miles about Drumfries, no sermon. God be blessed! we had public worship. I lectured 1 Sam. iv.; Mr. John Scott, minister of Drumfries (there being no sermon there), preached. Much confusion in all the neighbouring parishes—rebels robbing people's stables—pillaging some houses. They came to the border of our parish, but, God be thanked! came no further, and we suffered no loose usage."

At that time the Blue Bell Inn—a house still standing near the foot of High Street, on the west side—was the chief place of public entertainment in the Burgh; and the tenement now occupied as the Commercial Hotel* was one of its principal

* At present tenanted by Mr. William Clark. Prince Charles's room is No. 6. Two new stories were added to the house a few years ago.

mansions. Charles took possession of both for his own special use, residing chiefly in the former, and holding high state in the latter on one or two particular occasions. The apartment in which he held his levees, and indulged in other courtly ceremonies, was not unworthy of such distinction. Preserved as much as possible in its original condition, its ample dimensions (twenty feet square), and its walls enriched with gilded mouldings and grooved pilasters, still give to it something of a palatial aspect. What a striking picture that hall must have presented when occupied by the leaders of the rebel movement—the dauntless Clanranald, the lofty Lochiel, the impetuous Lord Elcho, the prudent Duke of Perth; the other chiefs with less distinctive features, but all men of mark; and the central figure, easily recognized as a prince even in such a patrician circle, but wearing a pensive air, all unlike the sunny radiance which lighted up his handsome face when he commenced his journey to the South. In the two months that have elapsed he has become visibly graver and older, less buoyant, more exactive and imperious. He has learned during the interval that the "right divine" on which he leaned is but a feeble reed—that his race has no hold of the English heart—that many of the Scots who once cried "God bless him!" deserted his cause as soon as he left their country—that on his return to it his foes have multiplied—and that before he can be much more than the nominal Regent of Scotland, he will have to enter upon a fiery conflict, which may after all fail miserably. It need not be wondered at that Charles Edward looks sad—gloomy, even, at times—as, sitting in council with his friends at Dumfries during these memorable days in December, 1745, he receives despatches announcing dangerous Hanoverian movements in the North, or messengers who tell him that Wade or Cumberland is following rapidly on his track. We feel persuaded that much of the Prince's ill-treatment of Dumfries is due to the morbid influence of his own mishaps. He stood in great want, too, of money and stores; so that necessity combined with other causes to render his temporary rule over the Burgh exactive and severe. Not only was a heavy pecuniary contribution levied on the inhabitants, and a large supply of foot-gear called for, but much horse furniture, many stands of arms, nine casks of gun-

powder, and the funds possessed by the Government officials, were appropriated by the rebels.

Private property did not altogether escape their vindictiveness or cupidity, though there is every reason to believe that the Prince desired it to be respected by his followers. "The Provost of Dumfries," says Sir Walter Scott in his "Tales of a Grandfather," "a gentleman of family named Corsane,* who had shown himself a stanch adherent of the Government, was menaced with the destruction of his house and property. It is not very long since the late Mrs. M'Culloch of Ardwell, daughter of Provost Corsane, told your grandfather that she remembered well, when a child of six years old, being taken out of her father's house, as if it was to be instantly burned. Too young to be sensible of the danger, she asked the Highland officer who held her in his arms to show her the Pretender; which the good-natured Gael did, under condition that little Miss Corsane was in future to call him the Prince. Neither did they carry their threats into execution against the Provost or his mansion."

Mr. Robert Chambers furnishes some pleasant gossip regarding the Jacobite occupation of the Burgh. "Within the last three years," he says, "an aged female lived in Edinburgh who recollected the occupation of Dumfries by the Highland army, being then seventeen years of age. She lived opposite to the Prince's lodging, and frequently saw him. In her father's house several of the men were quartered; and it was her recollection that they greatly lamented the course which they had taken, and feared the issue of the expedition. The proprietor of the house occupied by the Prince was a Mr. Richard Lowthian, a Non-juror, and proprietor of Staffold Hall, in Cumberland. Though well-affected to the Prince's cause, he judged it prudent not to appear in his company; and yet neither did he wish to offend him by the appearance of deliberately going out of his way. The expedient he adopted in this dilemma was one highly characteristic of the time. He got himself filled so exceedingly drunk, that his being kept back from the company of the guest was only a matter of decency. His

* Mr. Corsane was only ex-provost at this period, the chief magistrate being, as already mentioned, Mr. George Bell.

wife, who could not well be taxed with treason, did the honours of the house without scruple; and some other Jacobite ladies, particularly those of the attainted house of Carnwath, came forward to grace his Court. When the writer was at Dumfries in 1838, he saw in the possession of a private family one of a set of table napkins of the most beautiful damask, resembling the finest satin, which the ladies Dalzell had taken to grace the table of the Prince, and which they had kept ever after, with a care due to the most precious relics."*

As noticed by the minister of Lochrutton, there were no public religious services in Dumfries on the Sunday of the occupation. Instead of worship and rest, there was the turbulent license of military rule; the stirring bugle call, the harsh notes of the bagpipe, for the music of the Sabbath bells. The douce burgesses, instead of proceeding churchward as usual, sat within their dwellings in fear and trembling; few of them caring to encounter the tartaned strangers, who, scattered in parties here and there, made the streets look singularly foreign yet picturesque. Not a few unwelcome domiciliary visits were paid by the unceremonious mountaineers. Some of them prowled stealthily about, enriching themselves at the expense of the Lowland Whigs, whom they deemed fair game; but we have no means of knowing to what precise extent this pillaging system was carried on. Less unwelcome, though far from agreeable, were the calls made that day on the inhabitants by the committee appointed to borrow the heavy sum exacted by the rebels. Bailies Carruthers and Graham, with their colleagues, to whom this business was assigned, must have spent a wearisome

* There is a set of similar articles—perhaps the very same—in the museum of the Crichton Institution, Dumfries. A plate with a red floral design, which formed part of a dinner service used by the Prince at the Blue Bell Inn, is now in the possession of Mr. Robert Gillies, engraver, Dumfries. It belonged to his father-in-law, the late Mr. John M'Cormick, a great enthusiast in local antiquities. We know of a third genuine relic of Prince Charlie. After leaving Dumfries for Upper Nithsdale, the Prince, with two Highland officers, entered the house of Dr. John Trotter, Burnfoot, Tynron, and called for refreshments. A bottle of brandy was produced, and Charles, without waiting for glasses, poured part of the liquor into a china bowl, and drank; after which he handed it to his officers, who did the same. The bowl—a handsome one, of real Oriental manufacture—is preserved in the family as a prized memento of the Prince's visit.

Sabbath in carrying it through. Landed proprietors, professional gentlemen, merchants, and tradesmen, were appealed to by the committee; and lest the townspeople should not contribute liberally enough to this forced loan, applications were made to rich persons at a distance for aid to the Burgh in this perplexing juncture of its affairs.

Many large subscriptions were obtained. Thus, we read in the list that William Gordon, of Campbeltown, contributed £356 7s. 9d.; Joseph Corrie, town clerk, Dumfries, £218; John Johnston, provost of Annan, £100; James Hoggan, in Cumlongan, £100 12s.; William M'William, in Greenhead, Carlaverock, £80; John Milligan, merchant, Kirkcudbright, £80; and Sir Robert Laurie of Maxwelton, £40. But the aggregate was in a great measure made up of smaller sums; Charles Kirkpatrick & Sons, merchants, giving £17 10s.; John Ewart, late provost of Dumfries, giving £8 2s.; James Aiken, convener of the Trades, £2 2s.; Adam Marchbanks, deacon of the weavers, £1; Charles Mercer, mathematician, £1; William Reid, deacon of the smiths, 10s. 6d.; down to 5s., the mite of a poor widow named Agnes Lewars.* Of the £2,000 demanded, £1,195 was obtained by the appointed time—eight o'clock at night—in hard cash, for which bills were granted to the lenders by the Burgh authorities, and other men of substance. The rest of the money was not subscribed for, or at least remained unpaid till after the lapse of several days. It was no easy task to borrow such a large sum, on a short notice, in a town that could boast of little wealth, even though the district around was also drawn upon; and to supply a thousand pair of shoes in twenty-four hours was found to be impossible. We know that, forty-five years afterwards, there were in Dumfries exactly 236 men and boys engaged in King Crispin's craft; and probably they numbered about 200 in 1745, of whom not more than a fourth would have establishments of their own. All these were visited by the collecting committee; and after having emptied them, and added to the new articles all the old shoes that could otherwise be obtained, it was found that the entire stock at the hour of call numbered only 255 pairs, or little more than a quarter of the supply demanded by the rebels. Late at night

* For a full list of the contributors, see Appendix M.

the committee reported to the Prince, through the medium of his secretary, the measure of success that had attended their exertions, and received orders to complete the contribution of money and shoes with the utmost speed.

Still later the miniature Court at Mr. Lowthian's was convulsed by the receipt of startling intelligence. Towards midnight, and whilst Charles and his counsellors were still busily engaged in State affairs, a messenger called in breathless haste and insisted on seeing the Prince. As he was known to be a friend, he was admitted to an interview with the Pretender in a separate room.* When Charles soon after rejoined his chiefs, he was observed to be more than usually dejected. It was evident to them that he had received unpleasant news of some kind; and their worst apprehensions were realized when he announced that the son of the Elector of Hanover was hurrying down upon them at the head of a great army, and might reach Dumfries before day-break. There was no rest in the rebel Court or camp that night. Long ere the sun rose in the following morning, the drum beat to arms; and whether the Highlanders or the townspeople were most terrified by the discordant summons, it would be difficult to say; but when the cause became known, the alarm of the latter gave way to exultation. They had suffered much from the Pretender's visit—were delighted at the idea of being relieved from it soon; and when he did disappear, *they* never thought of singing the Jacobite strain, "Will ye no come back again?" Off next day went the Prince and his entire army, carrying with them, as hostages for the balance of the contribution, Mr. Andrew Crosbie of Holm, formerly provost of the Burgh, and Mr. Walter Riddell of Glenriddell, one of its merchant councillors.

The alarm which hastened their departure was quite unfounded. A devoted Dumfries Jacobite, named M'Ghie, a painter by trade, hearing that the Duke of Cumberland had laid siege to Carlisle, went, with the approval of some sympathizing friends, towards that city, in order to watch the movements of the royal army. He set off for that purpose on the morning of the memorable Sabbath to which frequent reference has been made; and, wearied with hovering all day

* This is No. 7 of the Commercial Hotel.

on the road, he had just sat down to supper in a public-house at Annan—which stands nearly midway between Dumfries and Carlisle—when a practical humourist, who guessed the nature of his secret mission, announced with rueful visage that the Whig Duke had captured Carlisle, crossed the Esk, and was in full march after the rebels. Big with the burden of this fictitious tale, Mr. M'Ghie galloped to Dumfries, a distance, by the circuitous road then in use, of about seventeen miles, never resting for a minute till he had communicated the alarming tidings to the Prince, as already stated.

The Highland host proceeded up Nithsdale towards the west country; the Pretender and his principal officers resting on the night of Monday, the 23rd, in Drumlanrig Castle. Three full-length portraits—those of King William, Queen Mary, and Queen Anne, that still adorn the staircase of that ducal mansion—bear disfiguring tokens of the visit; some of the party, in order to manifest their hatred to the royal family, having stabbed their dirks through the pictures. The two gentlemen carried away captive by them from Dumfries did not effect their escape when a short distance from the town, as has been frequently stated. On the contrary, they were taken to Glasgow, and only set at liberty after they had paid down, in full tale, £8 15s., the balance that remained of the £200 levied upon the Burgh.

Once more the Town Council assembled in peace and freedom in their own hall, under the presidency of Provost Bell, all well pleased to get rid of the rapacious strangers; though sorry at the same time that a disagreeable duty had devolved upon them in consequence of the rebel visit—namely, to devise means for paying back the sums that had been borrowed. The first business meeting after the precipitate flight of the Jacobite army was held on the 27th of January, 1746; at which the Provost, after reporting the steps taken to raise the money, explained "that the foresaid sum of £2,000 sterling had been paid at Glasgow by Andrew Crosbie, late provost, and Walter Riddell, merchant, who were taken hostages for the same, conform to a discharge thereof, under the hand and seal of John Murray, secretary, dated the first day of January, just now produced." The Provost also tabled a receipt signed

"Andrew Lumsden, acknowledging the delivery to the latter of the 255 pairs of shoes exacted from the town;"* and he gave information also regarding the arms that had been delivered up, and the forage that had been furnished, at the call of the insurgents.

These statements having been duly considered by the meeting, it was resolved that an assessment should be levied to pay off the debt that had been incurred. The stentmasters appointed to undertake this laborious duty gave in to a subsequent meeting a valuable return, which supplies us with reliable information regarding the wealth of the town at this period of its history. According to the instructions given to them, they "took up an account of the rents of the tenements and buildings in the Burgh, the yearly value of such parts as are possessed by the heritors themselves, also the value of all goods, household plenishing, corns, wares, merchandise, and other perishable effects in the possession of the inhabitants," bodily clothing excepted; and they reported the value of the houses and public buildings to be £34,483 4s.; of the goods to be £28,130 19s. 9d.—in all, £62,514 3s. 9d.: so that the latter sum represents the pecuniary worth of Dumfries at the date of the Rebellion. For the purpose of letting the burden fall with diminished weight on the poorer classes, some of the wealthy heritors generously volunteered to pay an extra rate amounting to £11,134 13s. 4d., which raised the aggregate to £73,748 17s. 1d.—the amount on which the assessment was to be levied. The stentmasters found that, after allowing £159 11s. 1d. for the shoes and forage and the expense of the collection, a rate of three per cent. would cover £2,159 11s. 1d., the entire sum due; and, accordingly, a cess was imposed of three pounds on every hundred—a grievous exaction, which many of the people did not submit to without grumbling, and which was not finally paid without great difficulty and till after the lapse of nearly two years. It has been computed that the loss incurred by the town on account of Charles Edward's visit amounted to not less than £4,000.

A claim for reimbursement made by the town was favourably entertained through the exertions of the Duke of Queensberry

* Town Council Minutes.

and Sir James Johnstone, member for the Dumfries district of burghs. His Grace, in a letter to the Provost, dated London, April 14th, 1750, intimated that the Government had agreed to allow the sum of £2,848 5s. 11d. to cover the money tribute and the other exactions. "Not thinking it adviseable," he says, "to trust the warrant to the common post, I propose to put it into Sir James Johnstone's hands, who will set out from hence in a day or two, and I daresay will take care to deliver it safe, as I can vouch for his having been all along extreamly anxious for the procuring it." The royal warrant here referred to was duly received. It was addressed to the Barons of the Exchequer, the preamble being as follows:—"George R.—Trusty and well-beloved, we greet you well. Whereas, the Commissioners of our Treasury have laid before us a petition of the Provost, Bailies, Dean of Guild, and Treasurer of Drumfries, on behalf of themselves and the community of the said town, representing unto us that during the late Rebellion they were at great expense in providing arms and raising and subsisting men for the said town, as also in raising recruits for the marching regiments who served in the battles of Falkirk and Culloden, and were also obliged upon the return of the rebel army from England to pay a contribution of two thousand pounds sterling, and to deliver to the rebels two hundred and fifty-five pair of shoes; which said contribution money, with the other expenses before-mentioned, do amount in the whole to the sum of two thousand eight hundred and forty-eight pounds five shillings and eleven pence (after deducting one hundred and thirty-three pounds six shillings and eight pence for interest money which we have disallowed): and therefore the said magistrates and community have most humbly besought us to take their case into our royal consideration, and grant them such relief as we shall think proper." His Majesty, after stating that he considers it just and reasonable that the claim should be conceded, authorizes the Barons to pay the specified sum out of "the monies arising from the estates of the late Lord Elcho," forfeited to the Crown by his having been guilty of high treason.

The Duke of Queensberry, in acknowledging a letter of thanks sent to him by the Provost for his good service on this

occasion, disclaimed all merit on account of it; expressed his satisfaction with the result, and added: "I shall always rejoice at every event tending to the prosperity of Drumfries, and will never fail to use my endeavours, upon all occasions, to promote it"—a profession that was no hollow one on the part of "the good Duke," as he was deservedly called by the people of the Burgh. The compensation money thus obtained was in due course distributed among those of the inhabitants on whom the three per cent. assessment had been levied; the chief duty of doing so devolving on the town clerk, Mr. Malcolm.*

After occupying Glasgow, the rebels retired into Stirlingshire, beat the Royalists on Falkirk moor, and then retreated, even in their hour of triumph. Whatever glimpses of good fortune might at times smile upon their flag, the gloom of irretrievable defeat was "casting its shadow before;" and, like the wounded stag, they retired to their Highland coverts only to die. A cruel Nemesis, in the person of the Duke of Cumberland, was at hand,† commissioned to pour out the vials of wrath on the forlorn Prince and his Highland followers, because the tyranny of his fathers had alienated the nation from the House of Stuart. The rebels could vanquish the incompetent Hawley at Falkirk, but they could not expect to cope successfully with the royal Duke, at the head of a force which nearly quadrupled their own; and so they hastened northward, depressed though resolute, as if conscious of their approaching doom. On Drummossie Moor, near Culloden, they were brought to bay and utterly defeated.

One body of Highlanders retired in good order, their pipes

* Mr. Malcolm built, at the foot of High Street, a house that was at the time perhaps the best mansion in the Burgh. It now belongs to and is occupied by one of his successors in office, Mr. William Martin, the present town clerk. Extract from Council minute, 23rd July, 1753:—"A petition was received from Mr. Archibald Malcolm, setting forth that he wished to remove several old thatched houses at the foot of Southgate-brae, of which he was proprietor, in order to build upon it a double house for his own residence."

† On the 3rd of March, the Town Council of Dumfries having learned that the Duke had entered North Britain "to command his Majesty's forces," appointed a committee of their number to repair to Edinburgh and "congratulate his Royal Highness upon his arrival in Scotland, and at the same time to express the loyalty and affection of this Burgh to his Majesty's person and Government, and our present happy establishment."

playing, and carrying with them the Stuart standard; the rest were broken up with fearful carnage; and the Prince, only when all hope was gone, withdrew from the fatal field. Well might the Celtic minstrel tune his harp to a doleful air, and lament the catastrophe in congenial strains like these:—

> "There was no lack of bravery there—no spare of blood or breath;
> For one to two our foes we dared, for freedom or for death.
> The bitterness of grief is past, of terror and dismay;
> The die was risked and foully cast, upon Culloden day."

No fewer than 1,200 rebels were slain or wounded on the field and in the pursuit; the Royalists behaving with a wanton brutality, that sullied the glory of their triumph. Charles Edward was accompanied from the scene of his thorough overthrow by the Duke of Perth, Lord Elcho, and a few horsemen. Crossing the Water of Nairn, he retired to the house of a gentleman in Stratharick, where, after a conference with Simon, Lord Lovat, he bade a final adieu to the wreck of his brave army, and then took refuge from his merciless pursuers in the Western Islands and among the mountains of the mainland. For five months the unfortunate Prince roamed about a hunted fugitive—the price of £30,000 set upon his head—incurring innumerable dangers and hardships, and bearing all his adverse fortune with a fortitude, and even good humour, that were truly heroic. On the 20th of September he succeeded in effecting his escape to France; but he was never in a position to attempt the revival of the Stuart cause. Prostrated on Drummossie Moor, it experienced no resurrection; and, however much we may admire the young Pretender's gallantry, and feel pity for his fate, it was doubtless well for the country that his enterprise failed, and that, as a consequence, the House of Hanover was fixed more securely on the throne than before.

CHAPTER XLV.

IMPROVEMENTS ON THE RIVER—GLENCAPLE QUAY AND VILLAGE FORMED—KINGHOLM QUAY CONSTRUCTED—INCREASE OF TRADE—SMUGGLING—THE DOCK TREES PLANTED—MOORHEAD'S HOSPITAL BUILT AND ENDOWED—AGRICULTURAL IMPROVEMENTS—ANCIENT VALUE OF LAND IN DUMFRIESSHIRE—THE QUEENSBERRY FAMILY—THE SCOTTS OF BUCCLEUCH, AND THEIR INTRODUCTION INTO THE COUNTY—BURGHAL IMPROVEMENTS, AND PECUNIARY DIFFICULTIES—A FRESH LEASE OF THE ALE DUTY ACT OBTAINED.

THOUGH Dumfries was greatly put about, and severely dealt with by the rebels, it soon recovered its equanimity. Except for the difficulty experienced in connection with their exactions, we find no impress of their visit in the records of the following year. How to improve the navigation, and thereby foster the rising trade of the port, was a question that engaged much of the Council's attention in 1746. About the beginning of the century, buoys had been placed in the lower reaches of the river, and something was done to remove obstructions from its channel; but it had no harbour worthy of the name. In order to supply this felt want, a committee was appointed in March, who presented a report in the following month, from which it appeared that the chief merchants and shipmasters had, at a conference held with them, expressed their opinion that the best site for the proposed harbour was at Glencaple Burnfoot, in the parish of Carlaverock; also that ground, measuring six acres, "for building warehouses upon, and other conveniences," had been laid out there by Mr. Mercer, mathematician, according to a plan produced; and that, on the committee offering to purchase the land from its proprietor, William Maxwell of Nithsdale, that gentleman "had frankly agreed to make a compliment" of it to the Burgh. A second committee were named to carry this proposal into effect, the instructions given to them being that they should cause a search to be made for a

stone quarry near Glencaple, in order that building materials might be conveniently obtained, should make other requisite provisions for constructing the harbour, and should confer with the merchants in town who were not members of Council, as to the best mode of defraying the cost of the operations.

The quay appears to have been completed in the course of the following year. Soon afterwards, houses began to rise up on the hillside overlooking it, and originating the pretty little village of Glencaple, which contains at present about six hundred inhabitants. In the summer of 1749, a beacon, to direct the course of vessels passing from the Solway into the Nith, was erected on Southerness Point; its dimensions being fourteen feet square at the base, two feet and a half thick in the shaft, and thirty feet high. As the Nithsdale family had shown their continued interest in the welfare of the Burgh by the free grant to it of land for the harbour, and also by allowing a search to be made for building-stones in the neighbourhood, the Council reciprocated this kindly feeling, by enacting that all goods passing the bridge for the use of Mr. Maxwell and his successors, should be exempt from duty, a regulation that is still in force.

Another smaller quay was commenced at Kingholm, about a mile below the town, before Glencaple quay was finished. Both were appointed as places of discharge towards the close of 1746; and on the 15th May, 1747, Glencaple quay was first turned to practical account, by having a cargo of Maryland tobacco landed there by the good ship "Success," the property of ex-Provost Crosbie, merchant.

With greater facilities for trade, the exports as well as the imports increased: salt, made from sea-sleich, on the Ruthwell shore, had long figured as an article of commerce; and freights of wood, linen cloth, and of leather, from tanneries established in the town, were subsequently added. Smuggling grew in a ratio with the legitimate traffic of the port. It seems to have reached its climax in 1752. During that year it became so systematic and audacious, that the revenue authorities in London were led to make special inquiries regarding it; and the statement returned in answer revealed a very unsatisfactory condition of affairs. "We have reason to believe," said the

Dumfries collector, "that the representation [made by the Board] is so far true, that considerable quantities of foreign spirits, wine, tea, and other goods, have been run in our district for many years past, in open boats, from the Isle of Man; that the smugglers run these goods in fleets of boats, ten or twelve at a time, each of which carries twenty-seven or twenty-eight small casks; that they come in upon the coast at spring-tides, in the night-time, and disperse to different places; that their carriers and assistants are attending upon the shore to receive their cargoes; that they have slings of ropes fitted for the carriage of two casks upon each horse, and in a few minutes after the boats land, receive their carriage and ride off, and before daylight hide the goods many miles distant from the shore, and no doubt convey the greatest part of them into England." Busy rumour represented to the London Board that the contraband articles were transmitted South from the Solway coast by "great gangs of smugglers armed and disguised;" but the local officer, whilst admitting that the lawless deeds above detailed were of habitual occurrence, doubted the existence of these disguised desperadoes: so that they may be looked upon as somewhat mythical; and, indeed, the running fraternity were so favoured by the country folks that they scarcely required either to mask themselves or their operations.

Whilst increased attention was being paid to the river, its "braes" opposite the Castledykes quarry were partially embanked, and the Dock acquired a heritage of sylvan beauty with which it is still enriched. The Town Council having, for "the good and ornament" of the meadow, wisely resolved to plant a portion of it with trees, were supplied with a number of choice young limes for this purpose from their ducal patron's grounds at Drumlanrig — his Grace sending down his own gardener, John Clark, to see the precious saplings properly rooted in their new home. This important æsthetic operation was performed in the autumn of 1748. The trees numbered at first eighty or more; and though now reduced to thirty-five, they constitute a double woodland row of imposing aspect, for which the inhabitants entertain a feeling of reverence bordering on that cherished by our Druidical ancestors for their groves of oak. About ninety years afterwards, upwards of a hundred

young trees were planted, by which the lime-shaded walk was gracefully continued in single file to the foot of the Dock.

Scarcely had the trees from Drumlanrig got accustomed to their fresh soil, than the walls of a new public building began to peer down upon them from the adjoining Kirkgate, and to form an interesting feature of that ancient thoroughfare. This was Moorhead's Hospital, designed as a domestic retreat for decayed burgesses and destitute orphans, natives of the town. On the 27th of November, 1739, James Moorhead, tenant of Castledykes, and merchant in Dumfries, executed a deed of mortification, by which he bequeathed £150 for this object. By a second deed, of the same date, he joined with his brother-german William Moorhead, merchant in Carlisle, in mortifying for it £400—the proportion of this sum contributed by the latter being £100; and, according to the terms of the settlement, the £400 was not payable till the first term of Whitsunday or Martinmas after the decease of the longest liver of the two. William, the survivor, having died towards the close of 1745, the sum (with interest, £79 0s. 3d.) became due at Whitsunday, 1747. The other smaller sum was not available till the 18th of June, 1752, by which time the interest on it had swelled the amount to £232 10s. These figures brought the bequests for the Hospital up to the handsome sum of £711 10s. 3d.; and with it the administrators of the trust, consisting of the Town Council, the two parish ministers, Mr. Robert Wight, Mr. John Scott, and the Kirk Session, were enabled to carry it into full effect. Some old tenements opposite St. Michael's Church were purchased and cleared away in order that a suitable site might be obtained. A contract was entered into with James Harley, "late deacon of the squaremen in Dumfries," according to which he agreed to erect the building for £564, and it was duly completed and opened in the summer of 1753. A small balance of £52 remained after all expenses had been paid. The funds of the charity were enriched by a donation of £300 from "the good Duke," and it was further endowed by the legitimate application of various sums mortified for behoof of the Dumfries poor, so that an annual revenue sufficient to maintain from forty to fifty inmates was secured.

The benevolent brothers to whom the town is indebted for

this excellent institution intended that it should to some extent be a workhouse in the modern sense of that term. Accordingly, the third rule drawn up by the directors, "relating to the behaviour of the poor," required "that all who shall be employed in any labour shall repair to such rooms in the house as are appointed for that purpose; and such poor as are capable of working out of the house" shall be permitted by the master to do so, he allowing them in each case a penny for every shilling of their earnings; and by a resolution of the directors of the Hospital in 1756, the sum of £60 was drawn from its funds, to be laid out in buying lint for improving the poorer sort of people in the town and parish of Drumfries to spin into yarn." For a long period the house has been exclusively a charitable asylum for old people who had seen better days, and for orphan children who receive in it maintenance, education, and guardianship. Its directors have long since ceased to take oversight of the ordinary poor; but by means of legacies left by Mr. Hunter, Mr. Raining, and Mrs. Archibald, they allow small out-door pensions to some twenty-six elderly widows whose dwellings have been left comfortless—perhaps desolate—by the death of their natural protectors. The annual expenditure of the Hospital has sometimes exceeded £600; latterly, including the annuities, it has been limited to about £400. Moorhead's Hospital is a plain, homely building: the interest attached to it arises from the unobtrusive benefactions of which it is the source, and which give to it in our eyes more than architectural beauty. Honoured in the Burgh through all time be the memory of its liberal-hearted founders!

Soon after the second Rebellion, increased attention was paid to tillage by the farmers of Nithsdale. Fields were enclosed—waste lands were reclaimed; shell-marl and lime lent their fertilizing influence to the soil—the culture of the potato was commenced, and afterwards of the turnip; the former supplying a cheap article of diet for all classes, and rendering dearths less frequent; the latter furnishing food for stock, and permitting the cattle trade of the locality to be developed. On the Ayr bank being opened, in 1760, not a few landed proprietors around Dumfries were enabled by its aid to carry out extensive

improvements. When intelligence, enterprise, and capital are jointly devoted to a given purpose, they are not easily baffled. Employed upon the husbandry of the district, great results were accomplished, which added to its productive value and scenic beauty. In the year just named the great military road was formed from the County town through Galloway to Portpatrick; and about twelve years later another leading artery of traffic was opened up—the road from Gretna, by Ecclefechan, Lockerbie, and Moffat, into Peebleshire. Thus, whilst Dumfries was being improved externally, the valley in which it rises was growing in rural wealth, and new channels were constructed for its increasing trade.

During the reign of Cromwell, the rents of Dumfriesshire were computed at 238,031 merks, or £13,223 18s. 4d. A hundred years afterwards, the value of the land was threefold that amount at least; in 1795 it had risen to 800 per cent. since 1656; in 1808 this augmented sum was doubled, and the lands of the County were yielding sixteen times the rent drawn from them at the time of the Protectorate.* A small property in Dunscore, that was purchased in 1756 for £142, yielded a rent of £160 fifty years afterwards; the large estate of Netherwood, which brought only £4,000 in 1740, was sold for £30,000 in 1790; and, generally speaking, the rents of other land around Dumfries experienced a nearly corresponding advance during the half century which followed the introduction of the improvements that have been referred to.

Though the Maxwells suffered severely for their loyalty to the House of Stuart, they still continued to be the leading proprietors of Lower Nithsdale. John, Lord Maxwell, came into possession of the family estate on the death of his father, the expatriated Jacobite chief, in 1744. He died in 1776, and his sole surviving child, Lady Winifred, having married William Haggerston Constable of Everingham, an English stem was grafted on the stock of this ancient and honoured Scottish house. The Johnstones, Douglasses, Murrays, Jardines, Kirkpatricks, Griersons, and Herrieses, were still, as in the old

* Forty-two Scotch acres of "ploughable land" belonging to Dumfries at Kingholm were let at an annual rent of £22 sterling in 1712; sixty acres of the same estate brought a rent of £150 in 1817, and were sold in 1827 for £6,300.

fighting times, large landholders in the County. Its principal proprietor at this period, was Charles, third Duke of Queensberry. In 1706, his father, "the Union Duke," resigned into the hands of the Queen his titles of Duke of Queensberry, Marquis of Dumfriesshire, Earl of Drumlanrig and Sanquhar, Viscount of Nith, Torthorwald, and Ross, and Lord Douglas of Kinmount, Middlebie, and Dornock, for a new patent, granting those titles to him and his heirs of entail, male or female, succeeding to the estate of Queensberry, with this proviso, that such heirs of entail should be descended from William, the first Earl. In this resignation, the titles of Marquis, and Earl of Queensberry, Viscount of Drumlanrig, Lord Douglas of Hawick and Tibbers, were not included, so that their descent to his heirs male was not affected by the change.

His third son, Charles, who succeeded him in 1711, died, after a long life of active benevolence, on the 22nd of October, 1778, in his eightieth year. He possessed the largest and the most valuable estate in Dumfriesshire, extending to above 150,000 acres, lying chiefly in the upper part of Nithsdale, and, as we have seen, did much to promote the interests of the County town, where he was exceedingly popular. At the request of the magistrates, he sat for his portrait in 1769; and the picture, which represents a mild, pleasant, portly face, in keeping with his character of goodness, graces the Town Hall in company with the portraits of William and Mary. A neat Doric pillar, erected in Queensberry Square, commemorates the virtues of this nobleman, and testifies to the merited respect in which his character was held by the inhabitants of the County.

As he lost his sons—two in number—during his lifetime, certain British titles conferred upon him, and his Scottish earldom of Solway, became extinct; whilst the dukedom of Queensberry, with very large estates, both in England and Scotland, devolved on his cousin William, Earl of March, who died unmarried so recently as 1810.* In him terminated the

* This nobleman was, in his "hot youth," a great patron of the turf. In 1756 he rode a match in person, dressed in his own running stable livery, and won the stakes. In maturer life he abandoned horse-racing, and betook himself to recreations in literature, natural history, and the fine arts. A collection of shells made by him was the finest at the time in Britain.

male line of William, first Duke of Queensberry; and in virtue of the patent issued in 1706, and of an entail executed by the second Duke, the titles of Duke of Queensberry, Marquis of Dumfriesshire, Earl of Drumlanrig and Sanquhar, Viscount of Nith, Torthorwald, and Ross, Lord Douglas of Kinmount, Middlebie, and Dornock, with the barony of Drumlanrig, and other extensive property in the County, devolved on Henry, third Duke of Buccleuch, the heir of line of the Queensberry family, who was thenceforward designated Duke of Buccleuch and Queensberry.* In this way the famous old Border family of the Scotts became the leading one in Dumfriesshire; their yearly rental amounting to £74,271 in 1863; while that of the original Queensberry family,† represented by the descendants

* This nobleman, who died in 1811, was succeeded by his eldest son, Charles William Henry. He died in 1814, leaving, by his Duchess, Harriet Katherine Townshead, youngest daughter of Viscount Sydney, two sons, Walter Francis, Earl of Dalkeith, who succeeded him, Lord John Douglas Scott, who died in 1860, and six daughters. Walter Francis Montague Douglas Scott, the nobleman who now worthily wears the united dukedoms of Buccleuch and Queensberry, with numerous other titles, was born on the 25th November, 1806; married, 13th August, 1829, Lady Charlotte Thynne, youngest daughter of the second Marquis of Bath, and has issue, William Henry Walter, Earl of Dalkeith, Lord-Lieutenant of Dumfriesshire and M.P. for Edinburghshire; Lord Henry John, M.P. for Selkirkshire; Lord Walter Charles; Lord Charles Thomas; Lady Victoria Alexandrina, married to Lord Schomberg-Kerr in 1865; Lady Margaret Elizabeth; and Lady Mary Charlotte.

† Sir Charles Douglas, who succeeded as fifth Marquis of Queensberry, was descended from Sir William Douglas of Kelhead, second son of the first Earl of Queensberry. He was succeeded by his third eldest surviving son, Sir James Douglas, who by his wife Catherine, daughter of the second Earl of Queensberry, had a son, Sir William, the third baronet. The latter was in turn succeeded by his eldest son, Sir John, who was chosen as the member for Dumfriesshire in 1741. His eldest son, Sir William, who became the fifth baronet, was at one time representative of the Dumfries burghs. By his wife, the daughter and coheir of William Johnstone of Lockerbie, he had five sons and three daughters—the eldest of whom, Sir Charles, as stated in the text, became fifth Marquis of Queensberry. He married Caroline Montague, third daughter of Henry, Duke of Buccleuch and Queensberry, by whom he had five daughters. He was succeeded by his brother John, who married Sarah, daughter of James Sholto Douglas. Their son, Archibald William, was, as Viscount Drumlanrig, elected M.P. for Dumfriesshire in 1847. He married the daughter of Major-General Sir William Robert Clayton, Baronet, and had issue, four sons and two daughters. Soon after becoming seventh Marquis of Queensberry, he was killed by the accidental discharge of his gun, at Kinmount, on the 6th of August, 1858. His eldest son, John Sholto Douglas,

of Sir Charles Douglas of Kelhead, amounted, in the same year, only to £12,229.

For awhile the burghal authorities were much engaged with the erection of the Hospital, and in getting it put into good working order. Afterwards we find them busy opening up a new line of street, leading from Lochmaben-gate to the Townhead; widening the way at that entrance to the Burgh, expanding a narrow passage—Calvert's Vennel—running from High Street to the river's edge, now called Bank Street; building a salt market in it; and adopting means for improving the lighting of the principal thoroughfares. These operations increased the debt upon the town; and how to make the income cover the expenditure was a sort of chronic difficulty, which often drove the Town Council to their wits' end. In order to get rid of its pressure for a season, borrowing money at a heavy rate of interest was often resorted to; and Mr. Richard Lowthian, formerly noticed as Prince Charlie's host, was the millionaire to whom the Council frequently applied in time of need. In 1752 they became his debtor in £2,000 at one sweep; and soon afterwards they had, as already noticed, to adopt the retrograde course of selling a public establishment—the coffee-house or news-room in High Street, which was bought by that gentleman's son. To aggravate matters, the Act imposing a duty on ale and tonnage was about to expire. The authorities could scarcely get on with the aid thus afforded them: were it to stop, their credit would be in danger of stopping too. A resolution was therefore formed to obtain, if possible, the renewal of the Act. Entrusted with a mission of this nature, Mr. Mackenzie, town clerk, proceeded in February, 1762, to London—not on horseback, like his predecessors on a similar errand a quarter of a century before, but in a chaise; and after an absence of less than six weeks, he returned, in the same kind of conveyance, with the agreeable announcement that a bill for continuing the duties other twenty-five years had received the royal assent. The bill of 1737 cost, exclusive of personal charges, the sum of £157; that of 1762, £270; the latter amount including £56 as fees for

born 20th July, 1844, succeeded him, as the eighth Marquis of Queensberry; and married, in 1866, Sybil, second daughter of Alfred Montgomery, third son of Sir Henry Conynham Montgomery, Bart.

the second reading in the House of Commons. In the former case the personal expenses of Provost Corrie and Mr. Goldie, his colleague, were under £14, while those of Mr. Mackenzie were nearly £37; his chaise hire and charges on the road absorbing about one half of that sum. So well satisfied were the Town Council with that gentleman's good management in the matter, that they voted him a "gratification" of ten guineas, which, however, he declined to take; and the Council, not to be outdone in generosity, constrained him to accept a set of silver tea-spoons. This fact, trifling in itself, is only noticed as introductory to a remark that the Council books, at this period and during a rougher age, give abundant evidence that the Shylock style of driving a hard bargain, or adhering stubbornly to the letter of an exactive bond, was not the practice of our ancestors.

CHAPTER XLVI.

STRIFE BETWEEN THE TRADES AND MERCHANT COUNCILLORS REGARDING THE PROVOSTSHIP—THE RIVAL CANDIDATES, CORBET AND GRAHAM—WAR OF CLASSES; THE RICH INHABITANTS FAVOURING CORBET, THE DEMOCRACY DOING BATTLE FOR GRAHAM—PARTY NAMES ASSUMED: THE "PYETS AND THE CROWS"—TUMULT IN THE COUNCIL AND RIOT IN THE STREETS—THE COUNCIL CHAMBER STORMED BY THE DEMOCRATIC PYETS, AND THE ELECTION OF CORBET FORCIBLY PREVENTED—THE TRADES CHOOSE GRAHAM AS CHIEF MAGISTRATE—CORBET ELECTED AT A SECOND MEETING BY HIS OWN PARTY—CHURCHING OF THE RIVAL PROVOSTS, AND EXTRAORDINARY FACTION FIGHT—TRIAL AND PUNISHMENT OF THE LEADING RIOTERS.

BEFORE the Ale-duty Act was reimposed, and whilst some of the schemes previously specified were in progress, a civil broil broke out, by which the public mind was for weeks, if not months, painfully absorbed. It arose partly out of a long-standing jealousy that existed between the merchants and the Trades, and partly out of the rivalry of two claimants for the provostship; and it found full vent at the election of the magistrates in 1759. The first faint symptoms of the coming storm were descried when, on the 29th of September, 1758, Bailie James Corbet was chosen Provost by "a plurality of votes" only. The merchant councillors supported him because he was favourable to their pretensions; whilst the minority, consisting chiefly of craftsmen, had set their affections on John Graham of Kinharvie, whom, though he was not ostensibly a candidate, they would fain have placed in the civic chair.

On the following 2nd of October, the Council met for the purpose of voting out of their body, "according to the sett and constitution of the Burgh," four merchant members, in lieu of four voted in prior to the magisterial election. Before the business of the day was fairly begun, John Jardine, deacon-convener of the Trades, rose, and in due form protested against the proceedings, and withdrew, followed by all the other

deacons, save the deacon of the glovers, Nicholas Dickson. The gauntlet of defiance was thus thrown down; but the Provost's adherents, taking the matter quite coolly, went on to purge the Council as if nothing out of the way had occurred—the gentlemen unanimously "voted off" being Gilbert Paterson, William M'Murdo, William Burnet, late bailies, and Alexander M'Courtie, late treasurer.

The real "tug of war" commenced on the 22nd of September, 1759, at which time four new councillors fell to be chosen. Each party tried eagerly to gain thereby an accession of power; the merchants being anxious to increase, or at all events maintain, their supremacy, the deacons to render their minority more potential—to transform it into a positive majority was scarcely hoped for, though they were warmly supported by the popular voice. After the usual preliminaries, ex-Provost Crosbie protested, for himself and all others who should concur with him, that his voting at the election of new councillors that day was no homologation of the claims of any whose election at Michaelmas last remained under dispute. He thereupon took instruments in the clerk's hands—ex-Provost Graham, Convener Jardine, and Deacons Patoun, Walker, Gibson, Johnston, and Howat adhering to the protest. This interruption over, Provost Corbet proposed that the meeting should choose William Carruthers and James Bell, merchants, Gilbert Gordon, collector of Excise, and Dr. Alexander Gordon. Deacon Howat proposed the election of other four—William Kirkpatrick, James Clark, James Jardine, and James M'Whirter, all merchants; but all, it is presumed, more favourable to the Trades than the nominees of the Provost. The former were elected by a majority of sixteen votes to eight.

Utterly beaten in the Council-house, the craftsmen looked for assistance out of doors. They accordingly made much of the Dumfriesian democracy, who readily made common cause with them against the patrician merchants and their chief. A battle of classes had begun—those in the upper ranks of life enlisting on the Provost's side, those in the lower strata declaring for that of John Graham and the deacons; and at this ripe stage of the conflict, the former party, by a play on their leader's name, were dubbed "Corbies," whilst their opponents rejoiced in

the name of "Pyets:" so termed, we suppose, because of the antipathy cherished by these birds—the crows and magpies—towards each other.

On the 29th, seven days after this fresh triumph of the Corbies, the streets of the ancient Burgh presented an animated aspect. It was Michaelmas day—the day of the annual election; and in view of this event flocks of Pyets fluttered eagerly about anticipating a fray, longing to leave the impress of their claws and beaks on the rival faction, who for the most part, however, kept prudently within the shelter of their household nests. The Mid-Steeple clock strikes the hour of three in the afternoon; and unless the election be immediately proceeded with, the legal period for it will expire, and the Burgh be disfranchised. At last the Provost and some of his party are seen hurrying, as fast as the throng will permit, from the George Tavern in Southgate Brae towards the place of meeting. Guarded by the officers, they pass on unharmed, receiving nothing worse than hootings and mock huzzas from the crowd; but three or four recreant tradesmen, who afterwards try to slip up to the Council-house, are recognized, hustled, mobbed; whilst, on the other hand, the Pyet voters are greeted with hearty cheers. As the business proceeds, the crowd in the vicinity grows denser, and seems increasingly bent on mischief. So deafening is the din, that the town clerk, Joseph Corrie, is heard with difficulty by the burghal senators as he reads the Parliamentary enactment bearing on the business, which finishes with the following stringent provision:—"It is hereby enacted and declared, that it shall not be in the power of the magistrates and Council of this Burgh at any time hereafter to alter or procure any alteration hereof; and that no person or persons shall vote for or endeavour the repealing or alteration of this present Act, directly or indirectly, in time coming, under the penalty of two hundred pounds Scots money, to be paid by each contravener *toties quoties*." This document having been read, Graham, chief of the Pyet clan, arises and protests that by their assembling, sitting, and voting in this Council, they do not homologate the rights of any voter, disputed at the last election, or rendered since disputable; and he insists, therefore, that the clerks shall take notice, for

whom John Dickson, George Gordon, Andrew Wright, and William Bell record their votes; to which protest ex-Provost Crosbie, ex-Bailie Lawson, Convener Jardine, and the other deacons, adhere.

The buzz of excitement caused by this combative display increases as ex-Bailie Paterson follows it up by insisting and protesting that the four merchant councillors illegally voted off on the 2nd of October, and who were there present, should have their names entered on the roll. Provost Corbet thereupon protests in his turn that these gentlemen had been lawfully removed from the Council; that they cannot be allowed to vote; that if they will insist on going through the form of offering their suffrages, their votes could be marked on a separate paper, but that on no account could they be inserted in the record. The excitement waxes warmer within—the clamour increases without; the crowd is pressing menacingly up stairs, and it is with difficulty that the halberdiers keep it from surging by and swamping the Council hall. At this critical stage the Provost receives an intimation, which he reads, to the effect that Thomas Nairn, hammerman; James Harley, wright; Nicholas Dickson, glover; and Charles Edgar, weaver, whilst on their way with protests to the meeting, had been "obstructed or prevented by a mob of common people, assembled in a tumultuous manner." "Let the Riot Act be read, and the rabblement be dispersed!" cry several of the Corbie councillors. The first suggestion is acted upon. From the Council-house window, Mr. Corrie reads the said Act; Bailie Hepburn, more venturesome, performs the same duty in the street: still the mob does not move; the intercepted tradesmen cannot push through. It is well for themselves that they at last give up the vain effort and vanish. "Gentlemen, let us proceed with the election!" cries the presiding magistrate; and accordingly the clerks begin by calling over the names of the voters, omitting by order the names of the four outed councillors belonging to the Pyet clan. Next the new merchant councillors and the Trades' representatives qualify; after which ex-Provost Crosbie, resuming the wordy warfare, denounces the Act of Election previously read, and gives expression to views which the conservative Corbies cannot but deem wild and revolutionary.

"By this Act," says the honourable gentleman, "a material change has been made in the municipal constitution, at variance with the sett of the Burgh, without the consent of the community, and that has never even received the sanction of the Convention of Burghs. I protest against it on these grounds, and because it contains a most arbitrary and direct infringement of the liberty of succeeding Councils, in that clause which enacts that it shall be unalterable, and guards against the repealing of it by penalties upon councillors who should take steps for so doing. This clause renders the whole Act null; but," continues the Pyet leader, waxing warmer as he goes on, "not only this Act, but many particulars in the sett of the Burgh, need to be corrected. In particular, a rotation ought to be established in the merchant part of the councillors, in order to preserve the liberty of the place, and to establish peace amongst the people. The enormous power of naming proxies for absent merchants, now vested in the chief magistrate, ought to be removed, that the freedom of elections may not thereby be brought into peril. A proper method ought also to be thought upon of naming proxies for absent tradesmen who, in the present working of the sett, lose their votes; though the sett requires that the number of tradesmen should be eleven at all the steps of the election. Many other matters need amendment. For all these reasons, I move that a day be appointed for a general meeting of the community under the authority of this Council, where all those who claim a right to vote, as well disputed as disputable, may be present; said meeting to take place about the end of October next, for the purpose of revising the sett, and ordering ane application to the Convention of Burghs for the recording either a new sett, or such an amendment of the existing one as shall be thought necessary."

All the members of the Pyet party concur in the motion; and, as a matter of course, the Provost sets his face as a flint against it. He affirms that it has taken him by surprise; and that, as the observations by which it was introduced were equally unexpected, he is not prepared to answer them *seriatim*. "This, however, I am prepared to say," he continues, "that the Act of Council condemned by Mr. Crosbie, and which has been long in observance without being objected to, is calculated to

answer very salutary purposes in the government of this Burgh; and that the sett of it, as approven by the Convention, needs no amendment." To this anti-reform declaration all the merchant councillors adhere, except Mr. Graham and Bailie Lawson. The Pyets are outvoted; and the mutinous mob, as if conscious of the defeat and yearning to avenge it, besieges the hall-door, and presses against it in battering-ram fashion, spite of the protecting pikesmen and halberdiers. "Quick! gentlemen, or the rabble will be in upon us!" cries the Provost, now in visible terror. The Act against bribery and corruption is hurriedly read; the Act anent magisterial elections is hurriedly signed—some of the signatures, as we now see them, wearing a tremulous aspect, as if fear-shaken hands had formed them, though that of "James Corbet" is boldly written in big characters, and that of "John Graham" looks scholarly and refined.

Whether to open the door, with the doubtful expectation of pacifying the populace, or to keep it closed, becomes a question. At the instance of the Provost, a vote is taken on the subject; and it is carried by a plurality that the door shall remain shut during the proceedings. Remain shut! Comparatively easy it is to pass a resolution to that effect, but how, ye sapient magistrates and merchant councillors! is it to be enforced in defiance of such an angry multitude? It cannot be done. The patrician Crows, with all their legal potency, are not a match for the democratic Magpies, who, swarming at the top of the stair, fiercely demand admission, and in order to enforce their own summons, disarm the sentinel-officers, by main strength break down the stout barrier that keeps them outside, and the next minute are occupants of the hall, and masters of the situation.

Then ensues a scene of indescribable confusion. The mob leaders have a method in their madness, however, and that is to foreclose the election rather than see the man of their choice defeated. "Graham for Provost!" is their war-cry, as they rush in, seize several obnoxious Corbies and send them out well guarded, and prepare to proceed with a mock election of their own. In vain the Provost and his remaining friends remonstrate with the crowd. Coaxing and threatening are alike unavailing: as well might they bid a Lammas flood not to flow over the Caul, as command the intruders to withdraw and allow the

lawful business to go on. The Provost finding this to be the case, and fearing that he might be called to suffer personal violence, formally protests against the conduct of the mob, quits the chair, and retires with such of his colleagues as have not been placed in durance vile—glad to get away scathless—and leaving the place of authority in the undisturbed possession of the exulting Pyets.

Such is a faint sketch of this notable election riot, in its earlier phases, as revealed by the records.* Other outrages followed the incidents we have narrated; and next day—Sabbath though it was—saw the conflict renewed in a fiercer and more systematic form. It must have been about five o'clock in the afternoon when Provost Corbet and his friends beat a rapid retreat from the hall, to reunite at a later hour in their favourite place of rendezvous, the George Hotel. No sooner were they gone, than the rioters shut up certain electors whom they saw fit to detain; and having thus in divers ways purged the Council, they with little ceremony, but with acclamations that shook the building, and found a hearty echo outside, joined with the deacons in recognizing John Graham of Kinharvie as Provost of Dumfries. Whether Mr. Graham was present or not does not appear; but that he was a party to the proceedings admits of little doubt.

Daylight faded, twilight deepened into darkness, but still the insurgents occupied the Council-house and crowded High Street; and it was not till twelve o'clock, when Michaelmas day was done, that they liberated their captives and dispersed; retiring to their homes big with the fond idea that if they had not legally secured a chief magistrate of their own, they had at least rendered the election of the rival candidate impracticable, seeing that the set period for doing so had now expired. Whilst the Pyets, well pleased but exhausted with their exciting work and protracted vigils, were separating at midnight, the Crows were preparing to hold a secret parliament in the George.

Thither their chief had gone, on being ejected from the Council Chamber. Such of his adherents stealthily joined him as had not been made prisoners by the mob, and the captives

* The Minutes of Council supply the chief incidents narrated in this chapter.

liberated at twelve o'clock furnished a large and welcome accession to the party. Though some of their friends, including the senior town clerk, Mr. Corrie (abducted during the day), were unwillingly absent, those present—nineteen in all—conceived themselves numerous enough for going on with the election that had been so rudely interrupted. The Provost having taken the chair, availed himself of his arbitrary privilege (sanctioned by custom), to nominate proxies for the absent merchant councillors of the Pyet feather—Graham, Crosbie, and Lawson; the substitutes named being birds of the requisite dusky hue. Not so much as a solitary deacon was there to represent the Trades element in the corporation, yet the election was pushed forward; the apologetic minute of the meeting explaining, that though the deacons and their led votes were absent, they had been convened in the Council-house, "and it not being safe to make any open declaration in face of the mob that the councillors were retiring to this house, nor even to acquaint the said deacons of it, in respect it appeared from the beginning and throughout that the same was raised and made by the Trades," and that, moreover, as the custom or sett of the Burgh did not require votes for absent Trades' members, to name such was unnecessary. What followed may be fittingly told in the language of the minute just quoted from.

The preliminary steps having been gone through, "the electors now present proceeded to the election of magistrates and office-bearers; and the Provost having proposed the persons following to go out in the leet for provost—to wit, Provost James Corbet and Bailie Hepburn, for both of whom he gave his own vote—the roll was called and the votes of the other electors marked, by which it appeared the whole electors unanimously voted the said Provost James Corbet and Bailie Hepburn to go out in the leet; and these gentlemen having removed, the roll of the other electors except themselves two was called over, and the votes marked, by which it appeared that the whole electors remaining unanimously voted the said James Corbet to be Provost; and he and Bailie Hepburn being called in, they each of them gave their votes for the said Provost James Corbet; and therefore the magistrates, councillors, and electors, have

unanimously elected the said James Corbet to be Provost for the year ensuing; and he accordingly accepted of the said office, and gave his oath *de fideli administratione officii.*" The other vacancies having been filled up, the proceedings terminated between three and four o'clock on the Sabbath morning.

Was ever municipal election conducted before under such extraordinary circumstances? The voters meeting like conspirators, secretly, in a tavern, after the midnight hour, during a season that ought, for a double reason, to have been devoted to rest. If the rioters who stormed the Council-house during the day had dreamed of this nocturnal gathering, there would have been more crows to pluck than one—the entire Corbie's nest at the George would have received a rough harrying at their hands. When, after day-dawn, the news of the secret conclave and its doings was circulated through the town, much indignation was felt by the Trades and the lower classes who sympathized with them. They felt that they had been deceived —out-generaled; and they made ready to exact revenge. "John Graham is our Provost!" they said; "and we shall complete his election by kirking him in due form, in spite of all that has been done by the cowardly Corbies!"

In these days the churching of the new magistrates was looked upon as an indispensable sequel to the election; and the merchant party also proposed in this way to give a sacred and public impress to their hole-and-corner proceedings. When each of the rival factions made arrangements of this nature, a collision was almost sure to arise. So it turned out: the advent of the Sabbath did not hinder the merchant councillors from voting their favourite into the civic chair; and when that day's sun reached the meridian, the business of the early morning led to an unhallowed riot. When the bells rang for worship, one party—the Corbies—marched to the New Church, with their Provost guarded by the Burgh officers; whilst the other—the Pyets—proceeded with their chief to St. Michael's, the Trades forming nearly as strong a muster as if they had been going to compete for the Silver Gun. Leaving the former to hear the discourse of Mr. Wight, and the latter that of Mr. Linn—both doubtless appropriate and pithy—let us look at

what was meanwhile going on outside, near the heart of the town.

In front of the crumbling New Wark, and resting against its walls, stood the Cheese Cross, where on market days the damsels of the district were wont to dispose of their dairy produce. On this occasion it was occupied by many of the wives and other female friends of the Burgh tradesmen, who from its elevated platform waited to see the Pyet procession returning from church. Tradition affirms that they were well supplied with whisky-punch, for the purpose of toasting the health of Provost Graham when he made his appearance, and drinking confusion to the Crows; but this may possibly be only a bit of scandal, originated by some spiteful dame connected with the other side.

Prominent among the group on the Cheese Cross stood Judith Kerr, a stalwart randy, noticeable by her impatient gestures as much as by her amazonian height. "I wonder if the buirdly Pyets are coming yet," she said, addressing a cronie, as one o'clock struck. "Run a bit down the Hie Gate, woman Jean, and see if there are onie signs o' the bonnie yellow pikes glistening i' the Southergate Brae; for I'm weary o' waiting on the lads." The same gossiping report already quoted from adds to this authentic speech words designed as a stimulant to Jean's speed: "Haste ye noo, woman; for, between ourselves, I'm turning unco drouthy." The messenger ran as desired, and soon returned with the tidings that the Pyets were appearing. "And so are the Corbies!" cried a voice from the crowd. The parties met opposite to the New Wark, and stood for a minute frowning defiance at each other, both "willing to wound, but yet afraid to strike." No one offered to move till the spell of inactivity was broken by James Dickson, a brewer, whose bold signature appears in the books as a supporter of Provost Corbie. As if actuated by a destructive impulse, he stepped from the ranks of his party, borrowed an axe from an officer at its head, and attacked—not the rival force, but certain articles of creature comfort, bread, cheese—shall we add, bottled punch?—with which a corner of the Cross was garnished. The irate brewer, with one fell swoop, made a sad mess of the refreshments; some of the women-folks shrieking wildly when

they saw the produce of their aumries treated in this destructive fashion. Not so Judith Kerr. That heroic female was above such weakness; and instead of weeping, wailing, and wringing of hands, she girded herself to carry on the war that had been so recklessly begun by the Corbie faction. Indignant at the rude assault—especially wroth at seeing the good whisky-punch spilt, says the tradition, which persistently associates the shedding of strong waters with blood on this memorable day—she seized Dickson by the nape of the neck, took the halberd from his feckless grasp, and gave him a push which made him embrace mother earth; telling him, with grim humour, as he floundered downwards, to drink the liquor where he had brewed it. Turning to the craftsmen, who seemed about to second her efforts, she bade them stand by, and not to meddle with the Corbies, for that the women were full match for such a crew.

The Pyets, however, advanced on their opponents; whilst the latter, inferior in both numbers and courage, and unable to get up or down the street for a surrounding mob, rushed through the portals of the New Wark, and then tried to close its oaken door upon their pursuers. Thereupon a gigantic skinner from the Mill-hole, named William Trumell, by setting his shoulder between the door and the wall, thwarted this device, and a terrific scene ensued. The chief belligerents, cooped into a comparatively narrow space, pushed and struggled and fought with each other like the wild tenants of a menagerie; and at the height of the hurly-burly the rotten flooring gave way, and down went Pyets and Corbies, sweating, bleeding, roaring, and raging, into the noisome vaults below. Whilst this chaotic strife, and some minor affrays outside the Wark, were going on, a sound contrasting strongly with the din of battle, and one more in accordance with the sacred day, arose from the bartizan of the building. A number of children had been placed there by their parents, under the charge of two peaceful burgesses, one of whom, Paul Russell by name, occasionally officiated as a precentor. When the fighting commenced, with the view of engaging the attention of his juvenile charge, he gave out for singing the hundred and fortieth psalm—probably choosing it as embodying a pointed rebuke to the ungodly combatants, though we dare say the respected "letter-gae of holy rhyme"

did not desire to see the following apposite passage of the same in any sense fulfilled:—

> "As for the head and chief of those
> About that compass me,
> Ev'n by the mischief of their lips
> Let thou them cover'd be.
> Let burning coals upon them fall,
> Them throw in fiery flame,
> *And in deep pits*, that they no more
> May rise out of the same."

Such solemn verses sang the little children from the top of the New Wark as the warring factions fought below, and, falling into its deep pits, continued the struggle. It at length terminated in the utter abasement of the merchant party. The Pyets, as has been already stated, were more numerous than their opponents; and, on being strongly reinforced, they succeeded in caging nearly the whole of the Corbies in the vaults to which they had made an unwilling descent. There, with aching bones and moody thoughts, they lay till long after midnight, when their wearied guards dropped off or relaxed their vigilance, and the captives effected their escape. What deeds of daring were performed during the conflict by Judith Kerr, are not recorded; but it may be safely inferred that she would not rest satisfied without consigning some more councillors to the kennel. Neither is it known precisely what befel the rival chiefs; though there is reason to believe that they suffered no personal violence, but escaped homewards, whilst their infuriated adherents fought out the fray.

Months elapsed before the town regained its composure, and magisterial government was fairly re-established. The law authorities of Edinburgh held that the election of Mr. Corbet, though irregular, was a valid one; but the craftsmen offered a passive, many of the democracy an active, resistance to his rule. On the 2nd of October following, the councillors were summoned to meet in the usual place, for the purpose of purging the roll. Once more a violent mob interposed. It was known beforehand that the favourite of the populace, with his principal friends, was to be victimized by the dominant party. "Not if we can help it!" screamed the indignant Pyets, who crowded the Council-house, allowed ingress to birds

of their own feather only, and dared the Corbie senators to enter at their peril. The latter, anxious to prevent a repetition of the Michaelmas riot, prudently retired, and, assembling at the house of Mr. Corrie, town clerk, voted off the Council John Graham, Andrew Crosbie, Hugh Lawson, and Andrew Wright—an act dictated, some will say, by bitter vindictiveness; others, by the natural instinct of self-defence. It was not till the 9th of January—about fourteen weeks after the secret election at the George—that the magistrates and their merchant followers durst show face in the Council Chamber; and when they did convene there on that day, not a solitary deacon was present to give them countenance.

In the minute of the business occur the following significant entries:—"The Provost represented that Andrew Black, workman, who was employed to light the lamps, was some time ago threatened by certain persons concerned in the mobs and riots which have of late prevailed, and was put in fear of his life, whereby he was obliged to desist; and the Council, considering it is very necessary the lamps should be still lighted through the remaining part of the winter season, do therefore recommend to the magistrates to cause light the lamps accordingly." "The Provost represented that the town's officers have been stripped of the town's livery-clothes, and their halberts broke and destroyed by the mob since Michaelmas last; which being considered by the Council, they grant warrant to the magistrates to cause buy and make new livery-clothes for the officers, and to cause make new halberts; and to draw precepts upon the treasurer for the expenses thereof." Provost Corbet retired from office at the ensuing Michaelmas term. On that day the representatives of the Trades were present for the first time since his appointment, and took part with the merchant councillors in electing his successors. For going out on the leet as such, Mr. Corbet named Robert Maxwell of Portrack, and Ebenezer Hepburn; while Convener Gibson, true to the Pyet cause, proposed John Graham and Andrew Crosbie; and when it was objected that these gentlemen were not members of Council, he contended that they had been voted out of it by persons who had no legal qualification so to do. The stanch convener was, however, overruled—Mr. Maxwell was chosen Provost by a majority of

eleven votes; and with his election the fierce, protracted conflict between the Pyets and the Corbies was brought to a close.

The judicial issue of the strife still requires to be told. A solemn, tragical one it is; being, unlike the affair itself, unrelieved by any features of revelry or frolic. The scene is the High Court of Justiciary in Edinburgh, where, on the first of December, 1759, twelve men are placed at the bar, "indicted by the King's Advocate for the crimes of riot and tumult at Dumfries, with a view to obstruct the election of Magistrates and Councillors last Michaelmas day, and to quash the authority of the magistrates then chosen."* The prisoners are not of the sort usually seen in such a humiliating position: they are for the most part decent, respectable-looking tradesmen, who will bear a fair physiognomical comparison with the fifteen jurymen on whose judgment their fate will depend, after the witnesses for and against them have been examined, the pleadings on both sides have been finished, and the Lord Justice-Clerk has summed up the evidence and laid down the law bearing upon the case. At the bar stand John Smith, deacon of the weavers; Thomas Gibson, deacon of the tailors; John Paton, deacon of the weavers; eight other craftsmen, and one merchant, William Kirkpatrick, the latter one of the four Pyet burgesses who on the eventful twenty-second of September were proposed to fill up the vacancies in the Council, and were rejected by Mr. Corbet's party. Three more Dumfriesians figure on the indictment—Joseph Dyet and James Hodge, tailors, and James Johnston, smith; but, failing to appear when called upon, they are fugitated—that is to say, outlawed. Before the tedious preliminaries are over, and the case is fairly entered upon, daylight fades: candles are introduced; and all through the night, whose gloom they only half dispel, the fierce municipal contest is fought over again verbally; and the clock of St. Giles' sounds the hour of five in the morning, before the judges pause, and the jury retire to consider their verdict.

At two o'clock in the afternoon they gave it in, finding all the panels guilty except Deacon Paton, whom they unanimously acquit. Counsel are heard on the import of the verdict, the relevancy of which is so ingeniously questioned that the judges

* Scots Magazine, vol. xxii., pp. 667–8.

adjourn the proceedings, and give no decision till the Court resumes on the 15th, when all the cobwebs of casuistry spun by the learned advocates for the defence are ruthlessly blown aside; and the verdict being held good, sentence is pronounced. Poor Deacon Smith is adjudged to banishment for life; John Gordon, tailor, is transported for fourteen years, and William Ewart, shoemaker, for seven: all to be kept in the tolbooth of Edinburgh till an opportunity offer for sending them to his Majesty's plantations in America; "with certification, that if after being delivered over for transportation they return to or be found in Scotland—Smith during life, or Gordon or Ewart within the respective periods specified in their sentence—each of them, as often as he shall so return, shall be whipped and retransported; and Gordon shall remain abroad fourteen years, and Ewart seven years, from the time of their being respectively last delivered over for trial." Seven are sentenced to be carried back to the Edinburgh tolbooth, there to remain—William Macnish, tailor, three months; Thomas Gibson, flesher, two months, and till he pay a fine of five hundred merks; William Wood, gardener, George Bell, nailer, and John Rae, tailor, six weeks; James Thomson, smith, and Charles Sturgeon, shoemaker, one month. A fine of nine hundred merks is imposed on William Kirkpatrick, merchant; and all except the three persons to be banished are required to find bail for their good behaviour for two years—Kirkpatrick and Gibson in nine hundred merks each, and the rest in three hundred merks each. Kirkpatrick, finding bail in Court, is set at liberty; the others being carried away by the officers, we see them no more: and the curtain drops on the last sad scene of this extraordinary municipal contest.

CHAPTER XLVII.

BREAD RIOTS IN THE BURGH — A RAIDING PARTY FOILED — THE MILITARY CALLED OUT WITH FATAL RESULTS—MORE TOWN IMPROVEMENTS: A NEW SLAUGHTER-HOUSE AND BUTCHER MARKET CONSTRUCTED—QUEENSBERRY SQUARE FORMED — THE MILLS REBUILT — ERECTION OF THE INFIRMARY, AND STATISTICAL INFORMATION RESPECTING IT—DISASTROUS EFFECTS OF THE FAILURE OF THE AYR BANK IN THE TOWN — RETROSPECT OF THE PRECEDING EIGHTY YEARS.

MORE rioting! Has the quarrel between the Pyets and the Corbies broken out afresh, that bands of angry men are gathering in the High Street, and frantic-looking women are moving to and fro, instead of minding their household affairs? The groups merge into one great turbulent throng, and, actuated by a common impulse, and swelled by contributions from Bridgend, move at twilight towards the mills on the Galloway side of the Nith, as if they had serious work to do in that direction. It is no municipal question, no party conflict, that is generating such a commotion. A terrible dearth of food is experienced in the Burgh; meal has been at a famine price for weeks; the patience with which hunger was borne for a long time has given way; and the prevailing maxim with the populace is now that of the freebooter—that

> "They should take who have the power,
> And they should keep who can."

Not that indiscriminate pillage is the main design of the mad rabble: to prevent the exportation of grain and meal is what they chiefly wish. This is why they surround the mills, and what is expressed in hundreds of hoarse voices; the plundering which ensues being but the natural sequel to long suffering, and the tempting opportunity for removing it that is now enjoyed. The rioters are so powerful and fierce, that the legal authorities scarcely attempt to cope with them; and by the midnight of

this dreadful day, the mills, granaries, and many private stores, have fallen into the undisputed possession of the mob.

At this grave juncture, Provost Dickson, after consulting with his brother magistrates, resolved on applying for aid to the chief of the law establishment in the metropolis. A communication to that effect was sent off, addressed to the Burgh's agent, "John Davidson, Esq., at his house in Castlehill, Edinburgh," with a note to that gentleman as follows:*—"Sir, the enclosed Letter to the Lord Justice-Clerk contains an information of a mobb that has happened here to prevent the exportation of meal from this part of the country to the west parts of Scotland, which the peace officers of the law have not been able to quell; and application is made to his Lordship for a military aid, and his authority and counsel on this unhappy occasion—and as dispatch and much secresy and prudence are necessary, we have thought it best to give you the trouble of managing the matter; and I beg you will immediately make the application to his Lordship, for which we shall gratefully acknowledge.—We are, Sir, your most obedt. servt.,—JNO. DICKSON, Provost. Drumfries, 23 Febry., 1771, Saturday night."

It is obvious from this application, and the legal proceedings which arose out of the riot, that it must have been of a very alarming character indeed. The indictment served upon its captured leaders, charged them with holding "unlawful and tumultuous assemblies," with committing "masterful invasions, depredations, assaults, riots, batteries, and other criminal acts;" but as they were not accused of having withstood the military when sent from Edinburgh at the request of the magistrates, it may be safely inferred that peace was restored, and the law rendered paramount without much difficulty. One William Johnston, and several others, were tried at the circuit court of the Burgh in the following August, for the above crimes, perpetrated with others their associates, "during the night between the 22nd and 23rd days of February that year, in or about Dumfries and the village of Bridgend." A somewhat indefinite verdict was returned by the jury, they finding the libel not proved as to several of the panels; but as to the rest, finding it proved "that there were mobs at the time and places libelled, and that

* The original is in the hands of Mr. David Laing.

certain of the panels (whose names they specified) "were guilty art and part of the crimes libelled." The High Court of Justiciary, on being appealed to, were of opinion, though the verdict was not so distinct and accurate as it should have been, that execution should pass upon it; and therefore they sentenced two of the prisoners to be transported, and the rest to be imprisoned, some for a longer, some for a shorter term."*

A few years after this riotous outbreak, some of its leading features were reproduced, with the addition of others still more tragical. Another dearth, with its train of suffering and repining, visits the Burgh; and it is again caused or intensified by the grain dealers and farmers exporting their stuff rather than sell it to the townspeople at a lower price. The "masterful invasions and depredations" of 1771 are repeated, only they are this time directed against vessels in the river, and the yellow corn growing upon its banks. A party of the marauders, hurrying down the Dock, lay violent hands on some farmers who are sending their produce out of port. Not a single sack can be got on board; and the ships have to sail away minus their expected cargo, whilst the frightened ruralists beat a rapid retreat, leaving their precious stuff in the possession of the crowd. Another party of them openly resolve upon a plundering expedition to Laghall, a farm on the Galloway side of the Nith. Fortunately the announcement reaches the ears of one Janet Watson, "a servitrix" at the very farm that is threatened with such an unwelcome visit. Off at once she sets down the Dumfries bank, crosses the river, which was very shallow at the time opposite Mavis Grove, hurries to Laghall, near by, and raises the hue and cry with such effect, that before the predaceous rioters arrive such a guard is mustered at the farm that the former, resolute though they are, never venture within fighting range, and, fairly out-generaled by the faithful Janet, beat a retreat back to the Burgh—only, however, to become more unruly there.

Days elapse, and the mob becomes increasingly mischievous and threatening, till the military have to be called out; and in a moment of indiscretion, the chief magistrate bids them fire.

* For a report of this appeal case, see Maclaurin's Arguments and Decisions in Remarkable Cases before the High Court of Justiciary, pp. 541–551.

Most of the soldiers elevate their pieces when doing so; and but for this humane movement, the results would have been dreadful. As it is, a stray shot takes effect on a fine young man not connected with the rioters, who falls lifeless on the street. Truly a tragical *finale* to these protracted bread riots; and the wonder is that those engaged in them did not exact summary vengeance when they saw the poor youth's blood reddening the pavement. On the day of his burial, the whole trading population turned out; so that from Townhead to St. Michael's Gate nothing was seen but a mass of mourners, with countenances expressive of grief and indignation. The funeral procession had to pass the offending Provost's shop (the first south of the King's Arms Hotel, in High Street)* while proceeding to the churchyard; and the pall-bearers, acting according to a previous arrangement, advanced to the door of the premises, in order, by way of testimony, to lay the coffin for a minute or two on the counter. But, before this could be done, those inside closed the door with such critical haste, that it struck the coffin: and the bearers, unable to gain admission, knocked solemnly with it three times on the door, and then departed.

Though sometimes interrupted by disturbances such as these, and always straitened by inadequate resources, the Town Council kept the external improvement of the Burgh steadily in view. To enable them to meet liabilities and carry on public works, they, in 1770, opened a cash account, to the extent of £1,000, in the Dumfries branch of Douglas, Heron, and Company's Bank. Having such a command of funds, they effected many salutary changes. One of the principal undertakings entered upon at this time was the erection of a new butcher market and slaughter-house, on a site between the back street called East Barnraws and the Loreburn; this being associated with another scheme scarcely less important, the opening up of a market square by the removal of the existing flesh market and slaughtering place, together with part of the ruins of the New Wark ranging beside them along the east side of High Street. All that remained of that ancient structure was purchased from Mr. Patrick Heron of Heron, at an expense of £90, and nothing more was left standing of it except the north wall; the inhabi-

* At present occupied by Messrs. Lawson & Shaw, clothiers.

tants being, it is said, thankful to see such a memorial of the late unhallowed scenes put out of the way.

All these operations, together with the opening of a street named the Wide Entry, or King Street, leading from the new square to the new flesh market, were completed in 1770, at an expense of more than £700, about £114 of which was raised by public subscription. For the market an annual rent of from £40 to £50 was obtained, in the form of rates on the sheep and cattle slaughtered and exposed in it for sale. In the year preceding, the grain mills were rebuilt, after a design by the celebrated engineer, Mr. Smeaton, at a cost of £633. Among the minor works effected at this busy period was the enlargement of the Council-house. It was rickety with age, as well as restricted in its accommodation; and the authorities were spurred on to its reconstruction from a rather singular circumstance. In 1769, the portrait of their patron, the Duke of Queensberry—for which he had sat, at their request, to an artist in London—arrived in due course; but, like the Vicar of Wakefield's grand family picture, it was so large that the low-ceilinged house could not take it in; so that the councillors were laid under a renewed obligation to amplify their hall, which they did accordingly. As a more striking illustration than any yet given, perhaps, of their enterprise at this time, it may be mentioned, that, anticipating the great sanitary enterprise of our own day, they patronized a scheme for supplying the town with water, to be distributed from a tank in pipes, by means of the new machinery at the mills—a most laudable project, which proved abortive owing to no fault of theirs.

A hospital or infirmary for the sick poor was still awanting; and to secure that *desideratum* a committee was formed, presided over by Charles, Duke of Queensberry, and with Sir William Maxwell, Bart., of Springkell, vice-president. The Town Council cordially granted an acre of the High Dock as a site for the proposed building, for an annual feu duty of £5, which the Council allows as a yearly subscription, so that no ground-rent burdens the establishment. With due masonic pomp, the foundation stone was laid on the 11th of July, 1777, by the worthy vice-president, who had from the beginning zealously promoted the philanthropic undertaking. The Infirmary,

a neat, plain structure of three stories, was completed at an expense of £823; and a score of patients, or more, who had been attended to in a temporary hospital, were at the close of 1778 transferred to the new house—the first of a long line of inmates that have been ministered to within its walls. No fewer than 330 patients were treated during 1789–90; and the demand for admission was such that a wing had to be added to the building, the expense of which was £458. That year the subscriptions amounted to £229, the total receipts to £387—figures which furnished proof that the institution was much needed, and heartily appreciated. As time rolled on, bringing an increase of population to the district, with a proportional increase of sick and poor, many more patients pleaded yearly for admission into this mansion—hospitable in the truest sense; and additional wards were obtained by the construction of a second wing in 1809, at a cost of £600.* On the 13th of May, 1807, a charter from the Crown incorporated the contributors into a body politic, under the name of the Governors of the Dumfries and Galloway Royal Infirmary—the governors consisting of benefactors to the extent of twenty guineas or more, paid within two years, who thereby become governors for life; subscribers of not less than one guinea annually, and the two physicians, the two surgeons, and the treasurer for the time being. For the first fifteen years the medical officers were paid nothing for their services, except a small allowance of five shillings a day granted by the Government for military patients, when troops used to be billeted in the Burgh. That allowance having ceased in 1821, a salary was given to the staff; the amount of which at present is £20 to each of the physicians, and £25 to each of the surgeons. A house surgeon, who is termed clerk and apothecary, receives £40 a year, besides board and lodging.

The number of patients, from the opening of the house till

* From a period soon after the opening till 1839, a ward was set apart for insane patients—an arrangement only excusable because there was no lunatic asylum in the County. By the completion of the Crichton Institution, in that year, due provision was made for the proper treatment of sufferers from mental disease; and the Infirmary was freed from a class of patients to whom it could offer little better than seclusion and restraint, according to the old mad-house system—now, happily, exploded.

1826, cannot be ascertained, but 9,320 were under treatment; and if the proportion of admissions, which each year was about a twelfth, be deducted, the result—8,544—indicates the number of inmates during that period. From 1826 till 1859, the admissions were 14,070: total of both periods, 22,614—a yearly average in the first period of 170, in the second of 426. These figures are exclusive of 1,026 soldiers admitted prior to 1826, and a few militiamen since. From 1836 till 1866, the average admissions yearly ranged from 371 to 614, and the patients under treatment from 405 to 650; the highest of these numbers applying to 1847, the saddest year in the annals of the institution. There are, in addition, many out-patients, who visit the Infirmary for medical or surgical treatment. Prior to 1846, they sometimes numbered fully 2,000 yearly; but of late the average has not been more than 1,350. From an elaborate calculation, we learn that medical cases in the house last twenty-three days on an average, with a mortality of 10 per cent.; and that the average period of the surgical cases is thirty days, with a mortality of 1¼ per cent.: the rate in both together averaging about 7 per cent. For the year ending 11th November, 1865, the death-rate was only 6·2.*

The Infirmary is supported by donations, legacies, and church collections, in addition to annual subscriptions. During the first ten years, the subscriptions averaged £177; and in the ten years ending 1826 they rose to an average of £324. Usually the expenditure has been in excess of the annual income. In the decade ending 1836, the yearly outlay was £889, and the income £927; in the next decade, the average outlay was £1,037, and the income £811; and in the next, the average outlay was £1,153, and the income £869. The balance is made good by draughts upon the fund formed from donations and legacies, which have been truly munificent; and but for which the doors of the institution must have been long since closed, or its usefulness been very seriously impaired.†

* For the sake of comparison, we give the mortality in the other principal infirmaries of Scotland in 1865:—Greenock, 15·578; Glasgow, 11·669; Edinburgh, 11·35; Dundee, 8·97; Perth, 8·33; Paisley, 8·152; Aberdeen, 7·994. —*Eighty-ninth Report of the Dumfries and Galloway Royal Infirmary*, p. 7.

† For many of these facts and statistics we are indebted to a well-written

The Infirmary contains one hundred beds, which are never all occupied at a time; and as the existing accommodation is more ample than the demand for it, no applicant for admission is rejected, provided he is recommended by one of the governors, and his complaint is not incurable. Most of the patients, as might be supposed, belong to the district; but Ireland and the north of England furnish a large proportion; and occasionally some poor foreigner, fallen down far away from his birth-place, finds a second home in the house, and, set up there anew by kindly treatment, resumes his journey grateful and rejoicing. The liberality of the directors in this respect is beyond all praise. As a whole, the Infirmary is excellently managed: it is a blessing to the poor, and a credit to the district.

Whilst prosecuting improvements, and raising or helping to raise new public buildings, the Council, prudently mindful of the old ones, caused them to be insured to the extent of £4,600, in the Sun Fire Office, London.* This prudential step was well and speedily rewarded, as the grain mills were accidentally burned to the ground on the night of the 31st of October, 1780; and the managers of the insurance office, after a process of arbitration, paid the town £1,530, which, with the value of the blackened materials, and such machinery as was rescued from the flames, went far to make up the loss that had been sustained.

manuscript history of the Infirmary, by Philip Forsyth, Esq., of Nithside, a gentleman who takes a great interest in the establishment, and officiated for many years as chairman of its weekly committee.

* The policies, as still preserved, show what these edifices were, and furnish an idea of their pecuniary worth. Schedule 1 consisted of the Council Chamber, town clerk's office adjoining, and two upper rooms, occupied as a public school, in which Dr. Dinwiddie taught arithmetic and mathematics: the buildings, all under one roof, were insured for £300. 2. The grammar and writing schools, with the lodging above, occupied, among others, by Dr. George Chapman, the grammar school master—insurance, £500. 3. The Presbytery house, insured for £100. 4. The new salt market, and room above the same, also insured for £100. 5. The English school, and sheriff clerk's office under it, insured for £200. 6. The new flesh market and slaughter-house—insurance, £700. 7. The guard-room, weigh-house, court-house above these, and rooms in the upper story, all in the Mid-Steeple buildings—insurance, £400. 8. The town's proportion — one-half — of the minister's manse, £200. 9. The Mill-hole mill, now used as a snuff-mill, insured for £100. 10. The town's mills, on the Galloway side, as rebuilt in 1769, insured for £2,000—the building, £700, and the machinery, £1,300.

Masons and millwrights soon made the spectral ruins give way to a more commodious erection; and, before a twelvemonth passed by, the plash of the wheels churning water into foam, and grinding husky grain into stuff for life-sustaining bread, rose as pleasantly on the ear as if no sad catastrophe had occurred.

But for the existence of Douglas, Heron, and Company's Bank, some of the town improvements noticed in this chapter could not have been carried out, and would scarcely have been undertaken. The bank itself had a brief, brilliant, meteor-like duration, going down in little more than two years, carrying with it to ruin not a few families connected with the town and district. It was not without reason that Burns characterized it as "a villainous bubble." Originated in November, 1769, by the Honourable Archibald Douglas and Mr. Patrick Heron (the gentleman already named as owner of the New Wark), it soon acquired popularity and patronage, on account of its imposing list of shareholders, and its accommodating mode of doing business. Long and liberal credits were given; the directors being seemingly more anxious about the number than the commercial status of their customers. And the former had, among themselves, several needy adventurers, who had neither money nor respectability to lose; some who had both, but were destitute of knowledge and prudence: so that, between the knaves and fools of the directory, the original capital of £150,000 could not but melt away with fearful speed, and all the exhaustive calls that came to be made upon the proprietors failed to keep the concern afloat. At Ayr, its headquarters, a speculative mania sprang up, resulting in the production of several mercantile companies—airy nothings in a double sense, formed by partners of the bank out of its cash account, who thus traded with themselves, under the names of Whiteside and Co., Maclure and MacCree, and such like. To complicate matters, these shadowy firms transacted business with each other. The Bank of England, with its millions of bullion, could not have borne up long against such gross recklessness.

When, early in 1772, a storm from without gathered round Douglas, Heron, and Company's establishment, it had no resistive force, having been already exhausted from within. Their own notes came showering in upon them, representative of crushing

debts which they could not meet nor stave off. The local crisis was intensified by the occurrence of a general monetary panic. Anything—everything, to save the doomed ship. The desperate device of selling redeemable annuities was tried among other measures, only to sink it deeper in a sea of ruin; and in June it went down. The assets of the bank, including debts and bills of exchange, amounted to £1,237,043 7s. 1d., the liabilities considerably exceeding that sum; for though there were debts due to the extent of £700,000, the larger half of this sum had been contracted, in the way already explained, by the directors themselves. A committee appointed to wind up the company's affairs, found it necessary to make a fresh call of £1,400 per share upon such partners as still remained solvent; and, from the report given in, it appeared that, after allowing for all assets, the balance against the bank was £366,000, involving a loss of £2,600 on each share, exclusive of interest.

How seriously Dumfries suffered from the collapse of this gigantic bubble company may be inferred from the many names of the burgesses belonging to the town, and of proprietors intimately connected with it, that appear in the share list. On consulting it we find that Ebenezer Hepburn, the Provost, is down for £500; that Edward Maxwell, merchant, is a subscriber to double that amount; that Gilbert Paterson, James M'Whirter, David Forbes, William Hunter, John Wilson, John Graham, junior, all merchants; Thomas Stothart, writer; and Ebenezer Wilson, bookseller, are in the list for £500 each. There are four subscribers to the extent of £2,000, including the Burgh's patron, Charles, Duke of Queensberry, and Archibald Douglas of Douglas. Henry, Duke of Buccleuch, is in the list for £1,000. The ancient family of Craigdarroch sustained a severe shock, by being involved to the amount of £1,500; and Andrew Crosbie of Holm,* who subscribed £1,000, lost by the

* Andrew Crosbie, advocate (son of Provost Crosbie, Dumfries), was a successful lawyer, and justly looked upon as one of the most eloquent pleaders of his time, at the Scottish bar. As many of the incidents in "Guy Mannering" occurred in Dumfriesshire, it was all the more natural in Scott to take the ablest lawyer of the County as the prototype of the learned, witty, and benevolent advocate who had the Ellangowan family and Dandie Dinmont for his clients. In these respects the character of Mr. Crosbie corresponded pretty closely with that of Paulus Pleydell, Esq., in the romance.

disaster all the fortune he had gained by his eloquent pleadings as an advocate. Among the remaining Dumfriesshire partners were Patrick Heron of Heron, one of the projectors, £1,000; William Douglas of Kelhead, £1,000; Robert Maxwell of Cargen, £1,000; John Dickson of Cowheath, £500; Captain William Maxwell of Dalswinton, £500; Gilbert Gordon of Halleaths, £500; Dr. William Graham of Mossknow, £500; John Carruthers of Holmains, £500; William Hay of Crawfordston, £500; and Sir Robert Laurie of Maxwelton, £500. Dumfriesshire furnished nearly one third of the original shareholders, and one fourth of the capital; and when the ruinous calls that were made upon them, enforced by diligence and hornings, are taken into account, it is not surprising that sad memories of the Ayr Bank still linger in the district.

The first eighty years of the eighteenth century were thus, as we have seen, fruitful of great events in Dumfries; and during that time the aspect of the place experienced a greater change than in any period of corresponding length before or since. Here, in old St. Michael's burying ground, among the dust of these generations, sleep the relics of some whose lease of fourscore years began with the century. Before they laid them down to die, what curious tales would they tell their grandchildren of what had passed before their eyes in youth and age: the burning of the articles of Union at the Market Cross; the desperate conflicts between the "runners" of tobacco and the enforcers of the revenue; the troubles of the '15, when the town was turned into a military camp; the unwelcome visit of Prince Charlie, with his reiving Highlanders, in the '45; the brewers' anti-exciseman riot; the other internecine feuds of the Burgh, crowned by the never-to-be-forgotten conflict between the Pyets and the Crows; and the fell bank catastrophe, which ruined many families, and broke some sufferers' hearts. When these patriarchs were boys, the town consisted of the High Street, the East Barnraws and the West Barnraws running parallel with it for a short way on each side; Kirkgate, by which the leading thoroughfare was continued southward to the gates of St. Michael's; the Friars' Vennel, running at a right angle from it to the Nith; and Lochmaben-gate and Townhead Street diverging from it in other directions. Then

W. H. Mc Farlane, Lith. Edinr.

DUMFRIES IN 1777,
from a Sketch by John Clerk Lord Eldin.

the river wandered pretty freely according to its own sweet will, there being no banks eastward to restrain its revels; the Dock meadow, habitually visited by Lammas floods and Solway tides, lay a comparative waste, partially fringed with willows, but wearing no woodland crown. There was no harbour worthy of the name; no place of refuge for the aged or orphan poor; no asylum for the sick; only one church; and not a solitary steeple. They had seen a narrow lane widened to secure a second convenient approach to the river; St. Michael Street prolonged far past the Church; the commencement of Queensberry Street, an intermediate one between High Street and the East Barnraws; the expansion of the suburbs; the formation of extensive roads; the construction of a new market-place, Queensberry Square; the arborial decoration of the Dock; the embankment of the wayward Nith; the erection of a caul over it below the bridge, of the grain mills on its right bank, and of Glencaple Quay on its left bank, nine miles further down. They had witnessed, moreover, the building of the Mid-Steeple, always associated in their recollection with a terrific anti-Union riot; the building of the New or Castle Church; the rebuilding and spiring of St. Michael's place of worship, at a time redolent of tartan kilts and Gaelic gibberish—the figure of a "pretty" youth mingling in the maze—with sinister faces that long afterwards terrified them when asleep; the erection of a home in which decayed burgesses and destitute children received the merited hospitality of the town; the opening of a house in which pale disease put on the hue of health, and "death, which comes to all," was rendered less dismal to the poor and destitute; and the completion of several other great undertakings, designed for purposes of utility or ornament. And if any of these octogenarians had survived another decade, they would have seen many additional improvements projected and carried into effect.

CHAPTER XLVIII.

PROVOST STAIG — HIS INFLUENCE AND SERVICES — A POLICE ACT OBTAINED — PATRICK MILLER OF DALSWINTON, A BURGESS AND COUNCILLOR OF DUMFRIES—HIS INVENTION OF THE PADDLE-WHEEL, AND APPLICATION TO IT OF STEAM AS A MOTIVE POWER—RENEWED DEARTH AND DISTURBANCES — THE COUNCIL PROVIDE MEAL, AND DISTRIBUTE IT AMONG THE INHABITANTS—TITHE OF BREADSTUFFS LEVIED BY THE HANGMAN—THE TRIBUTE OBJECTED TO BY THE FARMERS, AND VIOLENTLY RESISTED BY THE POPULACE—OPINION OF COUNSEL AS TO ITS LEGALITY—BUILDING OF A NEW BRIDGE PROJECTED—THE WORK PROCEEDED WITH—DIFFICULTIES ENCOUNTERED AND OVERCOME—FREEMASONRY IN DUMFRIES.

At Michaelmas, 1783, a gentleman was elevated to the provostship, who, for more than a generation afterwards, took a leading part in public affairs—Mr. David Staig. If, during much of that time, any one deserved to be termed the king of the town, it was he. It is related of a member of Council, who, being rather deaf, could not well hear the discussions, that he habitually asked, before a vote came to be taken, "What does Provost Staig say? I say the same as Provost Staig." And to many councillors besides this openly subservient one, Mr. Staig's word was law. He had a fair share of natural abilities; was shrewd, inventive, enterprising, politic, fond of power, not insensible to flattery; was, withal, warm-hearted and virtuous — using his influence, so far as his judgment went, for the advancement of the public weal. For upwards of forty years he represented the Bank of Scotland in the Burgh—and was thus a monetary potentate, with a host of most obedient subjects; and but for the electoral law, that prohibited one man from being chief magistrate longer than one year, or two at most together, under a penalty of a thousand pounds Scots, he might have reigned as provost for life.

The first important undertaking with which his name is

closely associated, was a measure to provide for the paving, cleansing, lighting, and watching of the Burgh, for which there had long been a felt necessity. It received from Mr. Staig a hearty advocacy; and when the Council agreed to apply to Parliament in the matter, he and Mr. Aitken, town clerk, were sent to London for that purpose; and also to obtain, if possible, another renewal of the duty on ale and tonnage, which was about to expire, and which had become more than ever a necessary item of the revenue. Thanks to the energy of the deputation, and the valuable assistance rendered by William, Duke of Queensberry, Sir James Johnston of Westerhall, member for the Burghs, and Lord Kinnaird, an Act of Parliament for the joint objects aimed at was obtained—the police portions of it taking effect from 1788.*

In the rank and file of the merchant councillors, there was a man of a far higher stamp than the civic chief. His name first appears associated with town matters in the following minute:—"29th September, 1789.—The said day, Patrick Miller, Esq., of Dalswinton, one of the four new merchant councillors, before being sworn in, was admitted a burgess in the usual manner, and accepted and gave his oath of burgessship in the ordinary way, and promised to keep a sufficient gun and sword for the defence of the town when called for; and the Council, for good services done and to be done by the said Patrick Miller, remit the burgess composition payable by him." Well might the members of Council pay this compliment to their illustrious colleague, "for good services done." He had already, by improving his estate of Dalswinton, a few miles from Dumfries, set a noble example to the agriculturists of the district; and had, just a few months before, launched on a lake formed by him out of a noxious swamp, the first paddle-propelled vessel ever made—the product of his mechanical

* The Act was a very costly affair. Exclusive of personal charges, the expense was £421 12s.; contrasting seriously with the outlay for the Ale Act, in 1737, which was only £157, and for its renewal, £270, in 1762. Besides, Mr. Aitken was paid £26 5s. for drawing the bill, and for loss of time in going to London; which, with the expenses incurred when staying there seven weeks, and for travelling, increased the entire charge against the town to £550—one third of which was charged on the police rate to be henceforth levied, one third on the ale duty, and the remaining third on the tonnage.

genius, and the pioneer of those magnificent steamers that have revolutionized the commerce of the world.*

In the spring of 1796, the Burgh once again suffered from a dearth of food, and consequent disturbances. For several seasons before, the harvest was deficient; and, in consequence, oatmeal, the staple of the district, rose from about its usual price of 1s. 10d. a stone to 2s. 6d.—a large sum at a time when labourers earned barely 1s. a day, and few tradesmen so much as 2s. Even in ordinary years, it was customary for the Town Council to store up grain or meal, when they could get a good bargain, in order to retail it at or below prime cost to the inhabitants; and when a pinch came, or was threatened, the Council used special diligence to obtain supplies. On the 2nd of February, 1795, the Council, at the instance of Mr. Staig, laid in 10,000 stones of meal, he liberally advancing the purchase-money. Before the year closed, this large supply was exhausted; the renewed scarcity was rendered less endurable by

* Attempts have been made in our own day to rob Mr. Miller of his claim to be considered the originator of steam navigation; but that he not only invented the paddle-wheel, but was the first to propose the application of steam to it as a motive power, has, we think, been proved satisfactorily. As early as February, 1787, Mr. Miller published a pamphlet, in which, after describing his proposed mode of propelling ships, he said: "I have reason to believe that the power of the steam-engine may be applied to work wheels so as to give them a quicker motion, and consequently to increase that of the ship. In the course of this summer I intend to make the experiment; and the result, if favourable, shall be communicated to the public." During that year Mr. James Taylor, for whom the credit has been claimed of suggesting the application of steam to the wheels instead of manual power, was engaged as tutor at Dalswinton; and when Mr. Miller's invention was put to a practical test, in October, 1788, Mr. Taylor furnished the subjoined notice of the great event to the *Dumfries Journal*:—"The following is the result of an experiment no less curious than new. On the 14th instant, a boat was put in motion by a steam-engine upon Mr. Miller's (of Dalswinton) piece of water at that place. For some time past, his attention has been turned to the application of the steam-engine to the purposes of navigation. He has now accomplished and evidently shown to the world the practicability of this, by executing it on a small scale: a vessel twenty-five feet long and seven broad, was on the above date driven with two wheels by a small engine. It answered Mr. Miller's expectations fully, and afforded great pleasure to the spectators present. The engine used is Mr. Symington's new patent engine." In this and other instances, Mr. Taylor gave Mr. Miller the undivided honour of the invention; and it seems sufficiently clear that Mr. Symington's connection with it was simply that of a practical mechanic.

the rigour of a December day: a resolution was therefore adopted to purchase no fewer than 16,000 additional stones of meal. Mr. Staig once more furnished means for so doing; and a public subscription was opened towards the expense of selling out the meal, and paying the interest on the money advanced for its purchase. Whilst these patriotic arrangements were being made by the Council, the lower classes, either ignorant or mistrustful of them, and suffering the pains of a protracted scarcity, rose to riot and pillage in almost the same manner as is described in a preceding chapter. The alarming saturnalia began on Saturday, the 12th of March, 1796, became increasingly violent on Sabbath the 13th, and were with difficulty suppressed in the evening of the latter day. On Monday, the 14th, the Council met with the Sheriff-Substitute of the County and several justices, to devise means for allaying the prevailing excitement, and to prevent further breaches of the peace. Among other steps taken by them for these purposes, they issued a printed notice of the following tenor:—"Disturbances of a very serious nature having taken place within this Burgh and the neighbourhood, about the want of meal, the Sheriff-Substitute of this Shire, sundry justices of the peace for the County, and also the Stewartry of Kirkcudbright, and the magistrates and Town Council of Dumfries, think it necessary to give this public intimation, that a very large quantity of meal is now purchased by the town for the supply of the inhabitants until a new crop comes in, and that it will be sold out as the necessities of the community require. Notice is also given, that if, after this intimation, the tumults which have already taken place are persevered in, the civil power will think it incumbent on it to call in the assistance of the military, to repel such outrages; and it is earnestly requested, that all heads of families keep within doors their servants and children." The authorities, on the following day, issued an address to farmers, "requesting, in the most anxious manner, that such of them as have quantities of meal to spare, will, without loss of time, send the same into the town of Dumfries to be sold in the market place;" a word of caution being added to the inhabitants "not to impede, hinder, or molest farmers or dealers from bringing their meal to market."

At a conference which the Provost held some time previously with the members of "The Practical Farming Society of the Shire of Dumfries and Stewartry of Kirkcudbright," they had signified their readiness to supply the Burgh "with meal sufficient for the consumpt thereof, at the market and selling price," only objections had been taken to the mode in which certain dues were levied at the market. No sooner were the sacks of meal, pease, beans, and potatoes set down there for sale, than in came the Calcraft of the day armed with a capacious iron ladle, which he dipped into each sack, and depositing what was drawn from them in a wallet of his own, walked off: thus in a legal but repulsive manner tithing the staff of life in part payment of his services as the dread minister of death to evil doers. Many abortive attempts had been made by farmers and grain-dealers to get rid of these exactions; and on one occasion, in 1781, when the executioner, Roger Wilson, was about to levy his dues, he was violently opposed by a dealer named Johnston, who refused to let the detested ladle of the detested functionary pollute his meal-bag, and was sent to jail in consequence—from which, however, he was soon liberated, as he threatened to prosecute the magistrates for wrongous imprisonment.

There being a likelihood that this opposition would be followed up by others, the Council asked advice on the whole matter from the distinguished advocate, Mr. Andrew Crosbie of Holm (the Pleydell of "Guy Mannering," as we have already explained). In the memorial laid before him, the following among other statements were made:—"The town have a common executioner or hangman, who executes not only the sentences pronounced by the magistrates of the Burgh, and of the King's judges on their circuits, but also the sentences of the sheriff, and of the justices of the peace at their quarter-sessions. The town has been in use to pay his house rent, and a salary over and above. Roger Wilson, the present executioner, has since he was admitted received from the town £6 of salary, and £1 13s. 4d. for a house rent. Over and above this salary and rent, he and his predecessors have been in use of levying and receiving weekly—to wit, each market day, being Wednesday—the full of an iron ladle out of each sack of meal, pease, beans, and potatoes, and the same as to flounders. . . . Nor is it known how the custom

came to be introduced, whether there ever was any agreement thereanent betwixt the town and County; but certain it is, that such custom or tax has been levied past the memory of the oldest people without quarrel or dispute till Wednesday." The resistance given by Johnston to the tax is stated, and the memorialists then proceed to say:—"As there appears a fixed resolution and conspiracy to resist and forcibly obstruct the levy of this usual custom, and as it is of some importance, being, according to the executioner's own account, worth upwards of £13 yearly, the magistrates and Council request the advice of counsel how to act in the business."

In answer to this memorial and queries annexed to it, Mr. Crosbie expressed his belief that an officer of the law can acquire right to duties "established by custom upon no other title than that of his office;" and that therefore the Dumfries executioner had a clear right to the market dues "that have been levied by himself and predecessors in office from time immemorial." He, however, though approving of what had been done to Johnston, counselled a more formal course of procedure towards future delinquents, adding: "If the officers, when assisting the hangman in his exactions, are deforced, the deforcers may be committed to prison and tried criminally by the magistrates for the deforcement." The opinion thus obtained was acted upon with good effect; but the question continued in an unsettled state till, at the juncture which arose in 1796, Provost Staig, with characteristic sagacity, proposed to surrender the obnoxious tribute; and the Council concurring, it was forthwith abolished. In lieu of the dues, Joseph Tait, the then executioner and the last functionary of his kind placed on the regular staff of the Burgh officials, was allowed £2 a year in addition to his former salary. At the close of March, the meal purchased by the town was sold to labourers at 2s. 6d. per stone, and to the higher classes at 3s.; by midsummer it fell to 2s.; and before the season's crop was gathered in, it rose to 2s. 4d. and 2s. 6d. But we do not read of any further food riots occurring; and it may be fairly inferred that peace, with comparative plenty, was enjoyed by the Burgh during many after years. It was acknowledged on all hands that Mr. Staig was "the pilot who weathered the storm" at this tumultuous

period. The County magistrates concurred with those of the town in thanking him for "his cool and steady conduct" whilst the tempest raged; and a massive silver *épergne*, value £80 was voted to him by the Council as a token of their gratitude for this and other valuable services rendered by him to the Burgh.

The closing years of the century were distinguished by something better than bread riots—more especially the building of a handsome bridge over the Nith. As the traffic of the town year after year increased, the old bridge, on which much of it was thrown, became the less able to bear the burden. The venerable pile had withstood the flood below, and borne its living tide of passengers, for fully five hundred years. It required and deserved rest and relief; and the Burgh and the district needed more accommodation than its narrow thoroughfare supplied. Not only the Burgh of Dumfries, but the County, and the Stewartry of Kirkcudbright, went heartily into the movement for a new bridge as soon as the subject was fairly mooted, in 1790. A committee of thirteen gentlemen, made up of representatives from each, managed the undertaking. The contractors engaged by them—Mr. Thomas Boyd, architect, who furnished the design, and Mr. William Stewart, mason—became bound to build the bridge for £3,735; but owing to alterations in the plan, and unlooked-for difficulty in founding one of the piers, a much greater outlay was incurred. Besides, in order to make a suitable access at each end, land and houses had to be purchased at a dear rate, by which the expense was still further swelled; so that the enterprise came to be a very serious one in a pecuniary sense. The Burgh, the County, and the Stewartry contributed £1,000 each to the fund; the Government, after many pressing representations, gave a similar sum; individual subscriptions being relied upon to make up the rest. In presence of vast crowds stationed on both banks of the river, and on the old bridge, the foundation stone of the fabric was laid with masonic honours.*

* The stone bore a Latin inscription, of which we append a translation:—"By the will of Almighty God, in the reign of the most august prince George III., and in a most flourishing period of the British empire, the foundation stone of the bridge over Nith, to be built for public convenience, and at the joint expense

For awhile the work went smoothly onward; but when, at the close of 1792, preparations were made for founding the abutment nearest Dumfries, it was discovered that the rock, which was easily reached on the Galloway or west side, sloped away to such a depth on the east as to be virtually inaccessible. With the view of getting a solid resting-place for the abutment, a proposal was made to place it eight or ten feet further west, at the risk of spoiling the symmetry of the bridge, by contracting its three mid arches to that extent. On a day in July, 1793, when the Nith was low, a final trial was made: thirty men working at three ordinary pumps, and twelve at a chain pump, whilst the contractors drove down an iron rod in search of the coveted sandstone. The water, as if jealous of the operations, would and did rush in, spite of all the pumping, which proved as ineffectual to keep it out as were the webs of silken cloth and twine to save the Scotch king's ship from the destructive tide.* In the words of the committee's report, "the water came pouring in on all sides so fast, that the workmen had much difficulty in emptying it; and it appeared that the further they went down, the greater quantity of water came in." Though the rod was driven down nineteen feet four inches below the surface of low water, "there appeared no certainty of reaching the freestone rock, and the quantity of water that issued from the gravel on all sides continued to increase." In these perplexing circumstances, Mr. Staig, at the committee's request, took means for obtaining the opinion of a skilful engineer, Mr. John Richardson, Edinburgh, on an ingenious device contrived by themselves for founding the abutment. Wooden piles to

of the County and town of Dumfries and Stewartry of Kirkcudbright, was laid (amidst the acclamations of a numerous concourse of spectators) by Alexander Fergusson of Craigdarroch, Esq., grand master of the mason lodges constituted in the southern district of Scotland, accompanied by a respectable body of the order, on the 19th August, of the Christian era, 1791—from the institution of masonry, 5791. May the undertaking be fortunate and prosperous, and merit the approbation of posterity."

* "They fetchèd a web o' the silken claith,
Anither o' the twine,
And they wapped them into the gude ship's side;
But aye the sea came in."

Sir Patrick Spens.

support the masonry were at one time thought of. It was ascertained that the third pier eastward of the old bridge was based on timber, and why not this abutment of the new? A timber foundation was ascertained to be as impracticable as one on stone; and the plan proposed by the committee having been sanctioned by the engineer, was acted upon and found to answer. It was of this nature:—The pier or landstool was commenced thirteen feet and a half below the surface of low water mark, with a course of stones in the front, each six feet long, two feet broad, and fourteen inches thick, the ends projecting fully a foot from the face of the pier. Behind this row another was placed; the stones of the same breadth and thickness, but only five feet in length. Thus a foundation was laid, eleven feet broad at the base, on which stones lessening gradually in size were built, till the requisite thickness was obtained when the masonry reached the surface. The advantage secured by this process was, that the stones were laid in the gravel in such a way as to be level at the upper end with one another, whilst each kept its own quantity of water at bay; the whole being well pointed with mortar, so as to prevent the insidious element from impairing the solidity of the mass. The pier, after about a month's labour, was successfully finished on the 3rd of August, 1793, and the whole bridge was satisfactorily completed in the autumn of the following year.

In connection with the bridge, a new street had to be formed between it and the old bridge, and an embanked roadway—the precursor of Buccleuch Street—had to be made in the direction of the New Church; so that the whole character of this part of the town was revolutionized. When the expense of these and other works was added to that of the bridge, it was found that the sum amounted to £6,356 19s. 6d.; the cost of the bridge itself, and of the approaches to it, being £4,588 3s. 6d. To meet this large outlay, there was the £4,000 formerly mentioned, contributed in equal proportions by the town, the County, the Stewartry, and the Government, and £2,006 subscribed by sundry noblemen and gentlemen; leaving a trifling balance, which was cleared away by additional subscriptions. By the erection of the new bridge, a low, flat, unoccupied bank of the Nith was transformed into an elevated site for stately houses,

and a beginning made to the most fashionable part of the Burgh; and it may safely be said, that no previous undertaking since the middle ages so altered and improved the aspect of the town, not to speak of the direct advantages which it secured.

Both the Infirmary and the new bridge were, as we have seen, founded with masonic pomp and display. Freemasonry was first represented in the district by the Kilwinning Lodge, Dumfries, chartered on the 7th of February, 1750—twenty-two years before the Infirmary was founded. The Journeymen Lodge, Dumfries, followed; date of erection, 10th December, 1754. In course of time this lodge almost lost its distinctive character, by the admission of members who could neither hew nor build; and eventually the latter swarmed off to form the Operative Lodge—those who remained receiving a new charter as the Thistle Lodge, on the 7th of February, 1776. Another lodge was erected in Dumfries, in April, 1775, under the name of St. Michael. So numerous did the brethren of the "mystic tie" soon become in Dumfriesshire, that it was constituted into a "district," or province, in 1756. Its first president or grand master was Mr. Andrew Crosbie (Pleydell); its second, Mr. Alexander Fergusson of Craigdarroch, "so famous for wit, worth, and law," and the triumphant hero of the "whistle" symposium at Friars' Carse; its third, Mr. William Campbell of Fairfield; its fourth, Mr. Francis Sharpe of Hoddam; its fifth, Major William Miller, younger of Dalswinton, and son-in-law to Provost Staig; its sixth, Mr. John Babington of Summerville, near Dumfries; its seventh, Mr. Stewart of Nateby Hall; while its eighth and present "P.G.M." is Mr. Lauderdale Maitland of Eccles, one of whose ancestors was the Norman knight Eklis, already introduced to our readers. There are at present three masonic lodges in the Burgh: the Thistle, the Operative, and the St. Michael. The Kilwinning has been long dormant, if not extinct; and so have two other old Dumfries lodges—the St. Andrew, and the Union. Altogether, the Dumfries brethren in active membership number at present about a hundred—the greater proportion of these belonging to the Thistle Lodge.

CHAPTER XLIX.

BURNS IN DUMFRIES — SKETCH OF THE POET AS HE FIRST APPEARED IN THE BURGH — MANNERS AND CUSTOMS OF THE INHABITANTS AT THAT PERIOD: THEIR POLISH, CONVIVIALITY, AND TORYISM — BURNS'S CONNECTION WITH THE DUMFRIES PUBLIC LIBRARY — HE GETS HIMSELF INTO TROUBLE ON ACCOUNT OF HIS POLITICS — HE FALLS INTO DISFAVOUR — HIS PECUNIARY CIRCUMSTANCES WHEN AN INHABITANT OF THE TOWN.

TOWARDS the close of 1791, Dumfries could number among its citizens a man who had already made some noise in the world, and who came to be recognized as one of Scotland's most illustrious sons. His figure was remarkable; so that even a cursory observer must have at once seen that it was the outward framework of an extraordinary individual. Five feet ten in height, firmly built, symmetrical, with more of the roughness of a rustic than the polish of a fine gentleman, there was a something in his bearing that bespoke conscious pre-eminence; and the impress thus communicated was confirmed by his swarthy countenance, every lineament of which indicated mental wealth and power: the brow broad and high; the eyes like orbs of flame; the nose well formed, though a professional physiognomist would have said that it was deficient in force; the mouth impassioned, majestic, tender, as if the social affections and poetic muse had combined to take possession of it; and the full, rounded, dimpled chin, which made the manly face look more soft and lovable. When this new denizen of the Burgh was followed from his humble dwelling in Bank Street to some favourite friendly circle where the news of the day or other less fugitive topics were discussed, his superiority became more apparent. Then eye and tongue exercised an irresistible sway: the one flashing with emotional warmth and the light of genius—now scathing with its indignant glances, anon beaming with benignity and love; the other tipped with the fire of

natural eloquence, reasoning abstrusely, declaiming finely, discoursing delightfully, satirizing mercilessly, or setting the table in a roar with verses thrown off at red heat to annihilate an unworthy sentiment, or cover some unlucky opponent with ridicule. Need it be said that these remarks apply to Robert Burns?

His first appearance in Dumfries was on the 4th of June, 1787, two months after the second edition of his poems had been published. He came, on invitation, to be made an honorary burgess; neither the givers nor the receiver of the privilege dreaming, at that date, that he was destined to become an inhabitant of the town. All honour to the Council that they thus promptly recognized the genius of the poet. Provost William Clark, shaking hands with the newly-made burgess, and wishing him joy, when he presented himself in the veritable blue coat and yellow vest that Nasmyth has rendered familiar, would make a good subject for a painter able to realize the characteristics of such a scene. The burgess ticket granted to the illustrious stranger bore the following inscription:—"The said day, 4th June, 1787, Mr. Robert Burns, Ayrshire, was admitted burgess of this Burgh, with liberty to exercise and enjoy the whole immunities and privileges thereof as freely as any other does, may, or can enjoy; who being present, accepted the same, and gave his oath of burgess-ship to his Majesty and the Burgh in common form." Whilst tenant of Ellisland, a farm about six miles distant from Dumfries, Burns became, by frequent visits to it, familiarly known to the inhabitants. Soon after Martinmas, 1791, accompanied by Bonnie Jean, he took up a permanent residence in the Burgh, and there spent the remainder of his checkered life; so that Dumfries became henceforth inseparably associated with his latest years. He had just seen thirty-one summers when he entered upon the occupancy of three small apartments of a second floor on the north side of Bank Street (then called the Wee Vennel). After residing there about eighteen months he removed to a self-contained one-story house of a higher grade in Mill Street, which became the scene of his untimely death, in July, 1796.

What varying scenes of weal and woe, of social enjoyments,

of literary triumphs, of worldly misery and moral loss, were crowded within the Dumfries experiences of the illustrious poet! There he suffered his severest pangs, and also accomplished many of his proudest achievements. If the night watches heard at times his sorrowful plaint, and the air of the place trembled for a moment with his latest sigh, it long burned and breathed with the immortal products of his lyre; and when the striking figure we have faintly sketched lay paralyzed by death, its dust was borne to old St. Michael's, and the tomb of the national bard became a priceless heritage to the town for ever.

Dr. Burnside says of his parishioners, at the time when Burns became one of them:—"In their private manners they are social and polite; and the town, together with the neighbourhood a few miles around it, furnishes a society amongst whom a person with a moderate income may spend his days with as much enjoyment, perhaps, as in any part of the kingdom whatever." Other evidence tends to show that the society of the Burgh was more intellectual than that of most other towns of the same size in Scotland. Soon after Burns came to reside in it, various circumstances combined to make it more than at any former period, perhaps, a gay and fashionable place of resort. A theatre was opened, which received liberal patronage from the upper classes of the neighbourhood; several regiments were at intervals stationed in the Burgh, the officers of which helped to give an aristocratic tone to its society; and the annual races in October always drew a concourse of nobles, squires, and ladies fair to the County town.

The Theatre was opened for the first time on the evening of Saturday the 29th of September, 1792, under the management of Mr. Williamson, from the Theatre-Royal, Haymarket, London, assisted by Mr. Sutherland, from the theatre of Aberdeen; "when," says the *Dumfries Weekly Journal*,* "the united elegance and accommodation of the house reflected equal honour on the liberality and taste of the proprietors, and design and execution of the artists, and conspired with the abilities of the performers in giving universal satisfaction to a crowded and

* The *Journal* was owned and edited by Provost Jackson; and it is to his grandson, Mr. Robert Comrie of Largs, that we are indebted for the passages quoted from it.

polite audience. In a word, it is allowed by persons of the first taste and opportunities, that this is the handsomest provincial theatre in Scotland." It is added that Mr. Boyd was the architect of the building, and that the scenery was from the pencil of Nasmyth.

How the rein was given to fashionable dissipation and animal enjoyment, during the racing season, in these exuberant days, is graphically described by the *Journal*. "The entertainments of the hunting, races, balls, and assemblies, by the Caledonian and the Dumfries and Galloway Hunts, being now over (October 30th, 1792), we embrace the earliest opportunity of informing the public that they have been conducted with the utmost propriety and regularity, and, we believe, have given general satisfaction. The sports of the field in the morning were equal to the wishes of the gentlemen of the chase; the diversions of the turf through the day afforded the highest satisfaction, not only to those immediately interested, but to thousands of spectators; and the performances of the stage in the evening gave high entertainment to crowds of genteel people collected at the Theatre. Lady Hopetoun's box on Thursday evening, being the play asked by the Caledonian Hunt, exhibited an assemblage of nobility rarely to be seen in one box in the theatres of the metropolis. Besides, the noblemen and gentlemen of the Caledonian Hunt had drawn together almost all the genteel families in the three southern counties of Dumfries, Kirkcudbright, and Wigtown; and we believe it may be safely affirmed that there never was on any occasion such an assemblage of people distinguished for their rank, fortune, and elegance of manners, seen in this place, or perhaps in any provincial town in Scotland. Besides the daily entertainments at the ordinaries, there was a ball and supper given by each of the Caledonian and Dumfries Hunts, which for the number and distinguished rank of the company, the splendour of the dresses, the elegance and sumptuousness of the entertainments, the richness and variety of the wines, exceeded every thing of the kind ever seen here."

Lest it should be thought that the local journalist, from a feeling of partiality, should be overcolouring the picture, let us see how it looked in the eyes of a comparative stranger. It so

happened that Robert Heron, the topographical writer and historian, visited Dumfries in the very week of these festivities, and put upon record his impressions of the Burgh.* "It is perhaps," he says, "a place of higher gaiety and elegance than any other town in Scotland of the same size. The proportion of the inhabitants who are descended of respectable families, and have received a liberal education, is greater here than in any other town in this part of the island. These give, by consequence, a more elevated and polished tone to the manners and general character of this city. The manner of living which prevails here, is rather showy than luxurious. To be esteemed genteel, not to sit down to a board overloaded with victuals, is the first wish of every one." After sketching at greater length, in the same style, the normal condition of the Burgh, he goes on to describe its holiday aspect. "Both the Dumfries and Galloway and the Caledonian Hunts," he says, "were assembled here at this time. Every inn and ale-house was crowded with guests. In the mornings the streets presented one busy scene of hair-dressers, milliners' apprentices, grooms and valets, carriages driving and bustling backwards and forwards. In the forenoon almost every soul, old and young, high and low, master and servant, hastened out to follow the hounds or view the races. At the return of the crowd they were all equally intent, with the same bustle and the same ardent animation, on the important concerns of appetite. The bottle, the song, the dance, and the card table, endeared the evening and gave social converse power to detain and to charm till the return of morn. Dumfries of itself could not afford ministers of pleasure enough for so great an occasion. There were waiters, pimps, chairmen, hair-dressers, and ladies—the priests and priestesses from all those more favourite haunts where Pleasure ordinarily holds her court. Not only all the gayer part of the neighbouring gentry were on this occasion assembled in Dumfries; but the members of the Caledonian Hunt had repaired hither from Edinburgh, from England, and from the more distant counties of Scotland. The gay of the one sex naturally draw together the gay and the elegant of the other. There was

* Observations made in a Journey through the Western Counties of Scotland, by R. Heron, 1792, vol. ii., pp. 72–76.

such a show of female beauty and elegance as, I should suppose, few country towns, whether in Scotland or England, are likely to exhibit on any similar occasion."

A gay, refined, intellectual town enough, truly; and quite suitable, therefore, as a place of sojourn for Burns, the sentimental bard. But inasmuch as it was fashionable, aristocratic, courtly, given up in no small measure to the idolatry of rank, and fanatically afraid of any thing that could be called ungenteel or democratic, it was no congenial home for the man who dared to say:

> "Ye see yon birkie, ca'd a lord,
> Wha struts, and stares, and a' that:
> Though hundreds worship at his word,
> He's but a coof for a' that!
> For a' that, and a' that,
> His riband, star, and a' that:
> The man of independent mind,
> He looks and laughs at a' that!"

In another respect, the town was but too congenial to the poet's tastes and habits. "John Barleycorn," to use his own metaphor, bore potential sway within it. "The curse of country towns," says Robert Chambers, "is the partial and entire idleness of large classes of the inhabitants. There is always a cluster of men living on competencies, and a greater number of tradesmen whose shop duties do not occupy half their time. Till a very recent period, dissipation in greater or less intensity was the rule, and not the exception, amongst these men; and in Dumfries, sixty years ago, this rule held good."* Thrown into company of this kind, sought after and lionized by all casual visitors, is it at all wonderful that a man of Burns's temperament should have often indulged too deeply? It was no disgrace then, for either lords or commoners to fall drunk below the bacchanalian board. More's the pity that poor Burns, so supreme in many things, was not superior to the jovial drinking customs of his day. Had he lived in a discreeter age, he would have been a better and happier man. Whilst the Burgh had its full share of jovial fellows, who habitually caroused and sang, in a doubtful attempt "to drive dull care away," and called the marvellous gauger, nothing loath, to their assistance, he had frequent opportunities, which he willingly

* Life and Works of Burns, vol. iii., p. 209.

embraced, of breathing a purer atmosphere, and enjoying a higher communion than theirs. Burns was a man of many moods; he was mirthful and gloomy by turns: the pride and paragon of a refined circle at Woodley Hall, Friars' Carse, or Mavis Grove, one day; and on some not distant night, the hero of a merry group, fuddling madly in the Globe tavern, singing in all tipsy sincerity the challenge of his own rollicking song:—

> "Wha last frae aff his chair shall fa',
> He is the king amang us three."

The poet often sank deeply in the mire; but he did not wallow in it. In spite of all that has been said to the contrary, we feel justified in stating that he never became habitually intemperate, or a lover of the bottle for its own sake. His extreme sociality often led him into excess: none can tell how often he drained the intoxicating cup in order to purchase a momentary forgetfulness of his disappointments and his cares.

Dumfries had ceased to be the Whig town which it was during the troubles of 1745. Provost Staig was an inveterate Tory: the councillors and other leading men were, with few exceptions, of the same political creed. When a cry arose in favour of Parliamentary reform, the municipal body voted addresses to the King against it, and brimful of devoted loyalty; and when news of the French Revolution reached the town, it excited a general feeling of alarm. The Provost and his colleagues looked upon the British Constitution as perfection itself, and their reverence for it was only equalled by their horror at the doings of the French democracy. In the following extracts from the *Dumfries Journal*, we find the loyal, anti-democratic, and orthodox condition of the town faithfully mirrored. "On Tuesday, June 4th, 1793 [King George the Third's birth-day], an unusual display of loyalty eminently manifested itself through all ranks of people in this place. In addition to what we observed last week, it is but justice to notice the ardent loyalty of the rising generation, who, having procured two effigies of Tom Paine, paraded with them through the different streets of this Burgh; and at six o'clock in the evening consigned them to the bonfires, amid the patriotic applause of the surrounding crowd." After a general descrip-

tion of the enthusiastic mode in which the anniversary of his Majesty's birth-day was celebrated that year, special notice is taken by the sympathizing journalist of the proceedings in which the gentlemen of the Loyal Native Club* manifested "their attachment to the best of sovereigns on this joyous day." This association, formed on the 18th of January, 1793, "for Preserving Peace, Liberty, and Property, and for Supporting the Laws and Constitution of the Country," included among its members many influential inhabitants — their president being Commissary Goldie, and their secretary, Mr. Francis Shortt, town clerk. "A few ladies," we are told, "on the morning of the auspicious day brought bandeaux of blue satin ribbon embroidered by themselves with the words 'God Save the King!'" which were presented in their name by the president to the members, and worn all day by the latter round their hats. "The club met at three o'clock afternoon, in the King's Arms Tavern, and after partaking of an elegant dinner, no less than fourteen loyal and well-adapted toasts were drank; and a fifteenth bumper toast of 'God bless every branch of the Royal Family!' was given by way of *finale* to this species of toasts. The club also drank bumpers to the loyal town of Dumfries, and to the magistrates; and in like manner to each of the ladies who had contributed so obligingly and attentively to the decoration of the members. At six o'clock the club adjourned in a body to the Town Hall, where they joined in the loyal and distinguished rejoicings which took place there in the evening. At eight o'clock they went to the assembly, and wore their bandeaux across their breasts."

Burns did not, like most of his fellow-townsmen, deplore the French Revolution; on the contrary, he heartily sympathized with it, and was not the man to conceal his sentiments on any question at the dictate of prudence. "He was," says Lockhart, "the standing marvel of the place; his toasts, his jokes, his epigrams, his songs, were the daily food of conversation and

* Burns's impromptu satire on the club is well known:—

> "Ye true, loyal natives, attend to my song;
> In uproar and riot rejoice the night long;
> From envy and hatred your corps is exempt,
> But where is your shield from the darts of contempt."

scandal; and he, open and careless, and thinking he did no great harm in saying and singing what many of his superiors had not the least objection to hear and applaud, soon began to be considered among the local admirers of the good old King and his minister, as the most dangerous of all the apostles of sedition, and to be shunned accordingly."* A curious and characteristic illustration of the way in which the poet gave vent to his political views, may here be recorded. A public library was opened in the Burgh, towards the close of 1792; and Burns, who had assisted in establishing it, was admitted a member on the 5th of March, 1793; the minute of the proceedings stating that the Committee had, "by a great majority, resolved to offer him a share of the library free of the usual admission money (10s. 6d.), out of respect and esteem for his merits as a literary man." Reciprocating this kindness, Burns, on the 30th of the same month, presented four books to the library—"Humphrey Clinker," "Julia de Roubigné," "Knox's History of the Reformation," and "De Lolme on the British Constitution."

The last-named volume contained a frontispiece portrait of the author, the back of which displayed these words, written in the poet's bold, upright hand:—"Mr. Burns presents this book to the library, and begs they will take it as a creed of British liberty till they find a better.—R. B." Very simple, innocent words in themselves; but awfully daring at that time, and excessively imprudent when proceeding from a Government officer. Burns, on reflection, quailed before the danger he had thus rashly incurred; and, hurrying next morning to the house of Provost Thomson, with whom the books had been left, he expressed an anxious desire to see De Lolme, as he was afraid he had written something upon it "which might bring him into trouble." On the volume being produced, he, before leaving the room, pasted the fly-leaf to the back of the engraving, in order to seal up his seditious secret; but any one holding the double leaf up to the light may easily find it out, the volume being still in the library, and its value immeasurably enhanced by this inscription.†

* Life of Burns, pp. 211–12.

† In the same library (now the property of the Dumfries and Maxwelltown Mechanics' Institute) there is another book, the thirteenth volume of Sir John Sinclair's Statistical Account of Scotland, which reveals another glimpse of the

Burns identified himself by more than rash words with the democrats across the Channel. A vessel engaged in the contraband traffic from the Isle of Man having entered the Solway, was watched by a party of Excise officers, including the poet. She became fixed in the shallows; but her crew were so numerous and well armed that the party durst not attempt her capture unaided; and Mr. Lewars, the poet's friend and brother exciseman, was sent to Dumfries for a guard of dragoons. Burns, with a few men under his orders, was meanwhile left on the look-out in a wet salt marsh; and as the time passed thus wearily away, Lewars was blamed by the impatient watchers for his seeming tardiness, one of them going so far as to wish that the devil had him in his keeping. Burns saw a humorous ingredient in the irreverent desire, and in a few minutes expanded it into the well-known ditty, "The Deil's awa wi' the Exciseman," with which he diverted his colleagues till Lewars arrived with the soldiers. Our poet could, when occasion required, play the part of Captain Sword as well as Captain Pen. Putting himself at the head of the force, he waded sword in hand to the vessel's side, and was the first to board her and call upon her smuggling crew to surrender in the King's name. Though outnumbering the assailing party, they quietly submitted. The vessel was condemned, and, with all her arms and stores, sold at Dumfries.

poet in Dumfries. Under the head "Balmaghie," a notice is given of several martyred Covenanters belonging to that parish, and the rude yet expressive lines engraved on their tombstones are quoted at length. The pathos of the simple prose statement, and the rugged force of the versification, seem to have aroused the fervid soul of Burns; for there appears, in his bold hand-writing, the following verse pencilled on the margin by way of foot-note:—

"The Solemn League and Covenant
Now brings a smile, now brings a tear;
But sacred Freedom, too, was theirs:
If thou'rt a slave indulge thy sneer."

We had occasion, in December, 1859, to consult this volume; and, on discovering the lines, recognized the poet's caligraphy at once, and had no difficulty in concluding that they constituted the first rough draft of his well-known epigram in praise of the League and the Covenant, quoted in a preceding chapter. The matured lines are usually represented as an impromptu rebuke by Burns to some scoffer at the Covenant; but this precious holograph demonstrates the real circumstances under which they were originated.

Had the matter ended here, the poet's services might have secured his promotion; but unfortunately he sinned them all away, by purchasing four of the captured carronades, and sending them, with a eulogistic epistle, as a present to the French Convention. The carronades and letter were intercepted at Dover; and forthwith the Commissioners of Excise ordered an inquiry to be made into the conduct of their officer. Burns, in a letter to his patron, Mr. Graham of Fintry, stated that he was "surprised, confounded, and distracted" on hearing of the threatened investigation. He warmly repudiated the interpretation put upon his behaviour, declared his devout attachment "to the British Constitution on Revolution principles;" and closed with the touching appeal: "I adjure you to save me from that misery which threatens to overwhelm me; and which, with my latest breath, I will say I have not deserved."

It was long believed that the poet's official prospects were utterly blighted by the inquiry; and that, as a consequence, he became more dissipated and reckless. Some of his biographers have gone further, and attributed his early death to the same cause; but what says Burns's superior in the Dumfries Excise district—Mr. Findlater? In a letter on the subject, that gentleman says:—"I may venture to assert that when Burns was accused of a leaning to democracy, and an inquiry into his conduct took place, he was subjected in consequence thereof to no more than perhaps a verbal or private caution to be more circumspect in future. Neither do I believe his promotion was thereby affected, as has been stated. That, had he lived, would, I have every reason to think, have gone on in the usual routine. His good and steady friend, Mr. Graham, would have attended to this. What cause, therefore, was there for depression of spirits on this account? or how should he have been hurried thereby to a premature grave? I never saw his spirit fail till he was borne down by the pressure of disease and bodily weakness; and even then it would occasionally revive, and, like an expiring lamp, emit bright flashes to the last."

Besides, Burns, the very year before he died, actually officiated as a supervisor; and there is every reason to conclude that he would soon have been permanently promoted to that rank, had not death intervened. Whilst we think that

the charge against the Excise Board, of neglecting or ill-using Burns, is undeserved, we are decidedly of opinion that the treatment he received from the superiors of the Board and the Government of the day was infamous. It was a disgrace to them, and must ever be a source of the deepest regret to all admirers of the poet, that they allowed a few random specks of disaffection to rise up between them and the lustre of his genius; and that, too, when it was pervaded and intensified by the purest patriotism. When the war between Britain and France broke out, in 1793, Burns joined a volunteer company that was formed in Dumfries; and, according to the testimony of his commanding officer, Colonel De Peyster, he faithfully discharged his soldierly duties, and was the pride of the corps, whom he made immortal by his verse, especially by the vigorous address beginning—

> "Does haughty Gaul invasion threat?
> Then let the loons beware, sir;
> There's wooden walls upon our seas,
> And volunteers on shore, sir.
> The Nith shall run to Corsincon,
> And Criffel sink in Solway,
> Ere we permit a foreign foe
> On British ground to rally!"

Burns was the laureate of the company, "and in that capacity," says Lockhart, "did more good service to the Government of the country, at a crisis of the darkest alarm and danger, than perhaps any one person of his rank and station, with the exception of Dibdin, had the power or the inclination to render."

"His 'Poor and Honest Soger,'" says Allan Cunningham, "laid hold at once on the public feeling; and it was everywhere sung with an enthusiasm which only began to abate when Campbell's 'Exile of Erin' and 'Wounded Huzzar' were published. Dumfries, which sent so many of her sons to the wars, rung with it from port to port; and the poet, wherever he went, heard it echoing from house and hall. I wish this exquisite and useful song, with 'Scots, wha hae wi' Wallace bled,' the 'Song of Death,' and 'Does haughty Gaul invasion threat?'—all lyrics which enforce a love of country, and a martial enthusiasm into men's breasts—had obtained some reward for the poet. His

perishable conversation was remembered by the rich to his prejudice: his imperishable lyrics were rewarded only by the admiration and tears of his fellow-peasants."

In the spring of 1793, Burns addressed the following letter "To the Hon. the Provost, Bailies, and Town Council of Dumfries." "Gentlemen,—The literary taste and liberal spirit of your good town has so ably filled the various departments of your schools, as to make it a very great object for a parent to have his children educated in them. Still, to me, a stranger, to give my young ones that education I wish, at the High School, fees which a stranger pays will bear hard upon me. Some years ago, your good town did me the honour of making me an honorary burgess. Will you allow me to request that this mark of distinction may extend so far as to put me on the footing of a real freeman of the town in the schools? If you are so very kind as to grant my request, it will certainly be a constant incentive to me to strain every nerve where I can officially serve; and will, if possible, increase that grateful respect with which I have the honour to be, gentlemen, &c.,—ROBERT BURNS."* The request was at once complied with, to the great gratification of the poet, who was devotedly attached to his children, and desirous above all things to give them a liberal

* "As to Burns," says Mr. Carruthers of Inverness, writing to us on the 27th of January, 1866, "I have one scrap for you. You will most likely print the short letter which the poet addressed to the Provost, Bailies, and Town Council of Dumfries, respecting the education of his children. The original draft of the letter, in Burns's hand-writing, is in the British Museum; and when there lately, I copied a part of it which was omitted in publication. After the second paragraph of the printed letter, ending with the words, 'put me on the footing of a real freeman of the town' of Dumfries, there occurs this passage:—'That I may not appear altogether unworthy of the favour, allow me to state to you some little services I have lately done a branch of your revenue—the two pennies exigible on foreign ale vended within your limits. In this rather neglected article of your income, I am ready to show that within these last few weeks my exertions have secured for you of those duties nearly the sum of ten pounds; and in this, too, I am the only one of the Excise (except Mr. Mitchell, whom *you pay* for his trouble) who took the least concern in the business.' It will be worth your while seeing," continues Mr. Carruthers, "if the letter is preserved among the Town Council papers, whether Burns himself omitted the above passage (which is certainly not in good taste), or whether it was thrown out by Currie." We have been unable to discover the original, and suspect that the interesting question raised by our esteemed correspondent must continue to remain unanswered.

education. "In the bosom of his family," says Mr. Gray, one of the teachers in the Academy, "he spent many a delightful hour in directing the studies of his eldest son, a boy of uncommon talents. I have frequently found him explaining to this youth, then not more than nine years of age, the English poets from Shakspeare to Gray; or storing his mind with examples of heroic virtue, as they live in the pages of our most celebrated English historians. I would ask any person of common candour, if employments like these are consistent with habitual drunkenness."

But though not systematically intemperate, his habits were too lax and irregular for the community in which he lived, convivial though it was; and many who disliked him on other grounds magnified his excesses, and made these a pretext for "sending him to Coventry." On one well-known occasion our errant poet received the cut direct from some of the patrician citizens. During an autumnal evening, in 1794, High Street was gay with fashionable groups of ladies and gentlemen, all passing down to attend a County ball in the Assembly Rooms. One man, well fitted to be the cynosure of the party, passed up on the shady side of the thoroughfare, and soon found himself to be doubly in the shade. It was Burns. Nearly all knew him, but none seemed willing to recognize him; till Mr. David M'Culloch of Ardwell, noticing the circumstance, dismounted from the horse on which he rode, politely accosted the poet, and proposed that he should cross the street. "Nay, nay, my young friend," said the bard pathetically; "that's all over now!" and, after a slight pause, he quoted two verses of Lady Grizel Bailie's touching ballad:—

> "His bonnet stood aince fu' fair on his brow,
> His auld ane looked better than mony ane's new;
> But now he lets't wear ony way it will hing,
> And casts himsel' dowie upon the corn-bing.
>
> "O! were we young, as we aince hae been,
> We sud hae been galloping doun on yon green;
> And linking it over the lily-white lea;
> And werena my heart light I wad dee."

This incident has been adduced as a proof that Burns at this period (admittedly the darkest in his career) had become an

object of "universal rejection." Never was there a greater mistake; and it would be even wrong to suppose that the dejection that he felt, and expressed in Lady Bailie's verse, was more than momentary, or otherwise than semi-dramatic. One who is overcome by real heart distress, does not seek to give it vent by measured poetical quotations. Half an hour after the rencontre, Burns and Mr. M'Culloch had some cheerful chit-chat over a glass of punch in the bard's own house—the latter having thoroughly recovered his spirits; and so charming was his discourse, and so sweetly did Bonnie Jean sing some of his recent effusions, that the Laird of Ardwell left the couple with reluctance, to join his fashionable friends in Assembly Street.

Mr. Gray, referring to the poet about this time, states that though malicious stories were circulated freely against him, his early friends gave them no credit, and clung to him through good and bad report. "To the last day of his life," he says, "his judgment, his memory, his imagination, were fresh and vigorous as when he composed the 'Cottar's Saturday Night.' The truth is, that Burns was seldom intoxicated. The drunkard soon becomes besotted, and is shunned even by the convivial. Had he been so, he would not long have continued the idol of every party." Burns's circumstances whilst in Dumfries were humble, but not poverty-stricken. His official income was £50, extra allowances usually bringing it up to £70; and his share in fines averaged an additional £10. "Add to all this," says Chambers, "the solid perquisites which he derived from seizures of contraband spirits, tea, and other articles, which it was then the custom to divide among the officers, and we shall see that Burns could scarcely be considered as enjoying less than £90 a year.*

According to the testimony of the bard's eldest son, given to Mr. Chambers, and amply corroborated by others, the house in Mill Street was of a good order, such as were occupied at that time by the better class of burgesses; and his father and mother led a life that was comparatively genteel. "They always had a maid-servant, and sat in their parlour. That apartment, together with two bedrooms, was well furnished and carpeted; and when good company assembled, which was often the case, the hospitable board which they surrounded was of a patrician

* Life and Works of Burns, vol. iv., p. 124.

mahogany. There was much rough comfort in the house, not to have been found in those of ordinary citizens; for, besides the spoils of smugglers, as above mentioned, the poet received many presents of game and country produce from the rural gentlefolk, besides occasional barrels of oysters from Hill, Cunningham, and other friends in town; so that he possibly was as much envied by some of his neighbours, as he has since been pitied by the general body of his countrymen." *

* Life and Works of Burns, vol. iv., p. 125.

CHAPTER L.

NOTICE OF BURNS'S CHIEF PRODUCTIONS WHILST RESIDING IN THE TOWN, OF THE LOCALITIES ASSOCIATED WITH HIM, AND OF THE PERSONS COMMEMORATED IN HIS POEMS—HIS EVERY-DAY LIFE IN THE BURGH—HIS LAST ILLNESS, DEATH, AND FUNERAL—HIS WIDOW AND CHILDREN—ERECTION OF A MAUSOLEUM OVER HIS REMAINS—THEIR EXHUMATION AND REBURIAL—OPENING OF THE MAUSOLEUM VAULT AT THE FUNERAL OF MRS. BURNS—A CAST TAKEN FROM THE SKULL OF THE BARD.

AMID all Burns's changes of mood and condition, the Muse never long deserted him; and were he tested by his productions in Dumfries, exclusive of his previous poems, he would still be recognized as our greatest lyrical bard. Indeed, considering the time absorbed in the faithful performance of his work as an exciseman, and of his family duties, and the time spent by him in company, good, bad, or indifferent, we cannot but wonder at the teeming wealth which his mind disclosed during his latest years.

Nearly a hundred songs are the fruit of this period; the list including his most humorous ditties, many of his finest amatory effusions, and all his best battle lyrics. "Willie Wastle," "Auld Rob Morris," and "Duncan Gray," are referable to it; so are "Contented wi' little and cantie wi' mair," "Cauld kail in Aberdeen," "Meikle thinks my luve o' my beauty," "Ken ye what Meg o' the Mill has gotten?" and "Last May a braw wooer cam doon the lang glen." With these mirth-moving creations mingle many pervaded by the soul of pathos, and which one can scarce name without tearful emotion; such as, "Thou hast left me ever, Jamie," "The lovely lass o' Inverness," "My heart is sair, I daurna tell," "How lang and dreary is the night!" "Farewell! thou stream that winding flows," "Ye banks and braes o' bonnie Doon," "Canst thou leave me thus, my Katy?" "Ae fond kiss, and then we sever," "O wert thou in the

cauld blast, on yonder lea, on yonder lea." Then what images of female beauty, warm heart-affection, and pictures of rural life, are suggested by the mere titles of others on the list: "Bonnie Jean," "Pretty Polly Stewart," "The lassie wi' the lint-white locks," "The fairest maid on Devon's bank," "My wife's a winsome wee thing;" with other heroines, to whom the poet promises, "I'll meet thee on the lea rigg;" or petitions, "Wilt thou be my dearie?" or depicts, whilst mixing up other congenial ideas in the verse, "Sae flaxen were her ringlets," "O wat ye wha's in yon toun?" "Flow gently, sweet Afton," "'Twas na her bonnie blue een was my ruin," "My love is like a red, red rose," "Luve will venture in where it daurna weel be seen," "Yestreen I had a pint o' wine, a place where body saw na." The catalogue of soft, tender, amatory effusions is enriched also by "The braw, braw lads on Yarrow braes," "True-hearted was he, the sad swain of the Yarrow," and others having a sprightlier air; such as, "O whistle and I'll come to ye, my lad." Sparkling with surpassing brilliancy in this galaxy of song are the noble martial ode, "Bruce's Address;" the lay in which love and patriotism blend beautifully together, "Their groves o' sweet myrtle let foreign lands reckon;" the proud lyric of the honest man, though poor, "A man's a man for a' that;" and the best exponent of what Scotchmen feel towards friends, home, and country, "Auld Langsyne."

Such are a few of the matchless songs penned by Burns in his little chamber in Bank Street, in his more stylish parlour in the street since honoured with his name, on the Dock meadow, "adown winding Nith," along the side of the river towards Martinton-ford, or among the ruins of Lincluden Abbey on the opposite bank.

All the localities in Dumfries, as elsewhere, mentioned in the poet's verse, acquired an interest, however commonplace before—such is the influence of genius; and many scenes or objects in themselves sweet, look more lovely since he sang their praise. The river that flows past the town was always picturesque; but it seems a finer stream since the words of Burns were penned:—

> "Adown winding Nith I did wander,
> Of Phillis to muse and to sing;"

and since he declared that, as compared with the proudly-swelling Thames,

> "Sweeter far's the Nith to me,
> Where Comyns aince had high command."

The huge hill that overlooks the river's conflux with the sea, appears to rear a loftier crest since he patriotically protested that, before an invading foe should be allowed to desecrate our shores,

> "The Nith should rin to Corsincon,
> And Criffel sink in Solway;"

and Tobias Bachup's rare old spire was more than ever taken from the category of ordinary buildings, when the loyal bard doomed King George's enemies to

> "Hang as high's the Steeple."

Even the King's Arms Inn was no longer quite prosaic, after one of its window panes had scratched upon it the well-known epigram of the gifted and sometimes irreverent gauger:—

> "Ye men of wit and wealth, why all this sneering
> 'Gainst poor excisemen? Give the cause a hearing.
> What are your landlords' rent-rolls? Teasing ledgers!
> What premiers?—what even monarchs? Mighty gaugers!
> Nay, what are priests, those seemingly good, wise men?
> What are they, pray, but spiritual excisemen?"

The Parliamentary elections for the Dumfries Burghs acquired more than a political or local interest as soon as he etherialized them, and rendered the Five Carlines classical by his famous ballad regarding a contest in 1790, when the two rival candidates* sought to curry favour with "Maggy by the banks o' Nith," "Blinkin' Bess o' Annandale," "Whisky Jean," "Black Joan," and "Marjory o' the mony lochs," than whom

> "Five wighter carlines warna foun'
> The South countra within."

It would have been well for the bard if he had had no drinking "howf" like the Globe, with its syren-servant, Anna of the "gowden locks;" but who without emotion can visit this

* James Johnstone of Westerhall, the "Border Knight," and Captain Miller, younger of Dalswinton, the "Sodger Lad."

famous Dumfries tavern—once too familiar with his presence, and often vocal with his song; or sit in his old-fashioned chair, that still continues in "Burns's corner," and trace his characteristic inscription on the window of its upper parlour:—

"The grey-beard, old Wisdom, may boast of his treasures,
Give me with gay Folly to live.
I grant him his calm-blooded, time-settled pleasures;
But Folly has raptures to give."

Preserved in the amber of his imperishable verse are the names of many persons—some to honour, others to shame—most of which would have been utterly forgotten save for their casual association with his own. Need we mention the accomplished Mrs. Riddel of Woodley Park (now Goldilea, and once known as The Holm, when occupied by the Whig ex-provost whom the Jacobites captured in the '45), one of the most historical houses in the vicinity of Dumfries, and made all the more so by Burns's visits to its mistress; or Miss Lorimer, Kemmis-Hall, "the lassie wi' the lint-white locks"—the Chloris whose charms he celebrated in many a song? When Provost Staig's daughter recovered from a fever under the care of a distinguished Dumfries physician, he immortalized the lady in the following lines:—

"Maxwell, if merit here you crave,
That merit I deny.
You save fair Jessie from the grave!
An angel could not die."

While the same fair lady was being wooed by the swain whom she afterwards wedded—Major William Miller, younger of Dalswinton—Burns again complimented her, and commemorated the courtship in the charming lyric which begins:—

"True-hearted was he, the sad swain o' the Yarrow,
And fair are the maids on the banks of the Ayr;
But by the sweet side of the Nith's winding river,
Are lovers as faithful, and maidens as fair.
To equal young Jessie, seek Scotland all over—
To equal young Jessie, you seek it in vain;
Grace, beauty, and eloquence follow her lover,
And maidenly modesty fixes the chain."

And when another Jessie (Miss Lewars) proved a "ministering angel" to him whilst suffering from his last illness, he expressed

his gratitude, and performed for her a similar service, by making her the subject of some of his sweetest lyrics and of his best impromptus. Taking up a crystal goblet containing wine and water, he wrote upon it the following toast, and then presented to her the brimming chalice:—

"Fill me with the rosy wine,
Call a toast—a toast divine;
Give the poet's darling flame,
Lovely Jessie be the name:
Then thou mayest freely boast,
Thou hast given a peerless toast."

On Miss Lewars complaining of indisposition, Burns, with the pleasantry that rarely forsook him, said that to provide for the worst, he would furnish her with an epitaph as companion to the toast:—

"Say, sages, what's the charm on earth
Can turn Death's dart aside?
It is not purity and worth,
Else Jessie had not died."

And when she recovered a little, the poet, saying there was "a poetic reason for it," wrote as follows:—

"But rarely seen since Nature's birth,
The natives of the sky;
Yet still one seraph's left on earth,
For Jessie did not die." *

John Bushby of Tinwald-Downs—who raised himself from humble circumstances to wealth and position, first as a writer and then as a banker in Dumfries—was long on friendly terms with Burns; but a quarrel between them brought down upon his head some bitter diatribes which he scarcely merited; and it would have been better every way had "Black-lippit Johnnie" never been made to figure in the poet's pages. More creditable to Burns are the epigrams by which he has rendered John Syme of Ryedale famous. Mr. Syme is still well remembered in the town as a fine specimen of the old Scottish gentleman—clear-headed, warm-hearted, well-cultivated, cour-

* Miss Lewars was afterwards married to Mr. James Thomson, writer, Dumfries. She died in 1855, at the age of seventy-seven, and lies interred in the immediate vicinity of the mausoleum.

teous, full of anecdote and wit, and, as the fashion then went, devoted to the pleasures of the table, which he never relished so much as when Burns was his cronie. With them was sometimes associated Dr. William Maxwell of Dumfries;* though, when the trio met, it was generally less as "three merry boys" than as the leading Whigs of the place (for as such they were recognized), to discuss politics over a brimming bowl. Among Burns's happiest impromptus were those addressed by him to his friend Mr. Syme. On the poet sending a dozen of porter from the Jerusalem tavern to Ryedale, he accompanied the present with the lines:—

> "Oh, had the malt thy strength of mind,
> Or hops the flavour of thy wit,
> 'Twere drink for first of human kind,
> A gift that even for Syme were fit."

On one occasion, when Burns was about to take leave of his host at Ryedale, he was pressed to take another glass; and he forthwith wrote on the tumbler an answer of consent:—

> "There's death in the cup, sae beware—
> Nay, mair, there is danger in touching;
> But wha can avoid the fell snare?
> The man and his wine's sae bewitching."

* Burns's fervid, emotional nature, strong sense of nationality—and, let us add, *animus* against the Presbyterian clergy—made him at times a Jacobite; and his abhorrence of arbitrary rule, his sense of justice, and respect for man's natural rights, conspired to make him almost a Jacobin. His friend, Dr. Maxwell, had also sympathies of the same seemingly conflicting nature. A son of the gallant Kirkconnell Maxwell, who went out with Prince Charles in 1745, and became the historian of his expedition, he had a hereditary tendency towards Jacobitism; but when studying medicine in France, he caught the revolutionary spirit that was rampant there in 1793, and ever afterwards retained the impression which it produced upon his ardent, youthful mind. A more congenial companion Burns could not have possessed, and no doubt Maxwell's masculine intellect exercised a large amount of influence over the poet. In a notice of Dr. Maxwell's death, which appeared in the *Dumfries Times* of 22nd October, 1834, it is remarked:—"His intimacy with Burns, whose friend as well privately as professionally he was, and of whose last illness he was a faithful and affectionate soother in both capacities, has in some measure rendered the name of Maxwell literary property; while the liberal principles of the deceased, his visit to Paris during the early days of the first Revolution, and the well-known denouncement of him and his presumed designs by Burke, gave him a permanent place in the political history of the country."

Towards the close of 1795, the poet, when suffering from declining health, wrote in a less mirthful mood, and paid Syme the finest compliment of all, by declining a tempting invitation to dinner at Ryedale in the following terms:—

> "No more of your guests, be they titled or not,
> And cookery the first in the nation;
> Who is proof to thy personal converse and wit,
> Is proof to all other temptation."

A man of rare worth—Colonel Arentz Schulyer de Peyster of Mavis Grove—finds merited commemoration in the poet's verse. After honourable service in North America, he retired to Dumfries, the native town of Mrs. De Peyster; and at the stormy period of the French Revolution he turned his military talents to account, by embodying and training the 1st Regiment of Dumfries Volunteers, of which Burns was a member. "In his person he was tall, soldier-like, and commanding; in his manners easy, affable, and open; in his affections warm, generous, and sincere."* He died in 1822, at the advanced age of ninety-six years or more, regretted by the entire community. The reader will recollect the rhymed epistle which Burns, early in 1796, sent to his commander in answer to some kind inquiries regarding his health. No better thing of the kind has the bard produced than the letter beginning—

> "My honoured Colonel, deep I feel
> Your interest in the poet's weal:
> Ah! how sma' heart hae I to speel
> The steep Parnassus,
> Surrounded thus by bolus pill
> And potion glasses."

When John Maxwell of Munches,† the greatest agricultural improver of his time near Dumfries, attained to his seventy-first birth-day, Burns closed a complimentary address to him in six lines, which have as much of the bard's peculiar manner as any other product of his muse within so small a compass:—

* *Dumfries Courier.*

† "Mr. Maxwell," says Robert Chambers, "was grandson's grandson to the Herries of Queen Mary's day. One cannot learn without a pleasing kind of surprise, that a relation in the fifth degree of one who was Warden of the West Marches in 1544, should have lived to the close of the French revolutionary war, which was the case of Mr. Maxwell, for he died in June, 1814."—*Life and Works of Burns*, vol. iii., p. 205.

"Farewell, auld birkie—Lord be near ye!
And then the Devil he daurna steer ye;
Your friends aye lo'e, your foes aye fear ye:
For me, shame fa' me,
If neist my heart I dinna wear thee,
While Burns they ca' me."

In Burns's time the principal brewer at Dumfries was Mr. Gabriel Richardson (provost of the town in 1802 and 1803). Between the poet's family and that of Mr. Richardson there was a good deal of intimacy, and the eldest sons of both were sent on the same day to Mr. Gray's grammar school together. The Provost's son grew up and became a great traveller and naturalist; but, as we have heard him humorously stating, the first notable expeditions he ever made were on the back of the quadruped that drove a small cotton mill then in full activity at Dumfries, and which Burns notices as follows in a letter to the lady of Woodley Park:—"There is a species of the human genus that I call *the gin-horse class:* what enviable dogs they are! Round, and round, and round they go. Mundell's* ox that drives his cotton mill is their exact prototype: without an idea or a wish beyond their circle—fat, sleek, stupid, patient, contented; while here I sit altogether Novemberish, a *mélange* of fretfulness and melancholy—not enough of the one to rouse me to passion, nor of the other to repose me in torpor." Burns long predeceased Mr. Gabriel Richardson; but he kept the memory of a worthy man green by writing his epitaph beforehand:—

"Here brewer Gabriel's fire's extinct,
And empty all his barrels:
He's blest if as he brewed he drink—
In upright, honest morals."

The poet's daily life in Dumfries is very graphically and fairly described by Robert Chambers, in the following passage:—"So existence flows on with Burns in this pleasant southern town. He has daily duties in stamping leather, gauging malt-vats, noting the manufacture of candles, and granting licenses for the transfer of spirits. These duties he performs with

* This was Dr. Mundell, who, on retiring from professional service in the Royal Navy, started, in company with some other gentleman, a cotton factory, which flourished for a number of years, till it was injured by the war with America. He was uncle to the present Mr. Mundell of Bogrie.

fidelity to the king, and not too much rigour to the subject. As he goes about them in the forenoon, in his respectable suit of dark clothes, and with his little boy Robert perhaps holding by his hand and conversing with him on his school exercises, he is beheld by the general public with respect, as a person in some authority, the head of a family, and also as a man of literary note; and people are heard addressing him as Mr. Burns—a form of his name which is still prevalent in Dumfries. At a leisure hour before dinner, he will call at some house where there is a piano—such as Mr. Newall, the writer's—and there have some young miss to touch over for him one or two of his favourite Scotch airs, such as the "Souter's Daughter," in order that he may accommodate it to some stanzas that have been humming through his brain for the last two or three days. For another half-hour he will be seen standing at the head of some cross street, with two or three young fellows—bankers' clerks or 'writer chiels' commencing business—whom he is regaling with sallies of his bright but not always innocent wit; indulging there, indeed, in a strain of conversation so different from what had passed in the respectable elderly writer's mansion, that though he were not the same man, it could not have been more different. Later in the day he takes a solitary walk along the Dock Green by the river side, or to Lincluden, and composes the most part of a new song: or he spends a couple of hours at his folding-down desk, between the fire and window in his parlour, transcribing in his bold round hand the remarks which occur to him on Mr. Thomson's last letter, together with some of his own recently composed songs. As a possible variation upon this routine, he has been seen passing along the old bridge of Devorgilla Baliol, about three o'clock, with his sword-cane in his hand, and his black beard unusually well-shaven, being on his way to dine with John Syme at Ryedale, where young Mr. Oswald of Auchencruive is to be of the party—or may be in the opposite direction, to partake of the luxuries of John Bushby at Tinwald-Downs. But we presume a day when no such attraction invades. The evening is passing quietly at home, and pleasant-natured Jean has made herself neat, and come in at six o'clock to give him tea—a meal he always takes. The post comes into Dumfries at eight o'clock at night. There

is always a group of gentlemen on the street, eager to hear the news. Burns saunters out to the High Street, and waits among the rest. The intelligence of the evening is very interesting. The Convention has decreed the annexation of the Netherlands, or the new treason bill has passed the House of Lords with only the feeble protest of Bedford, Derby, and Lauderdale. These things merit some discussion. The trades lads go off to strong ale in the closes; the gentleman slide in little groups into the King's Arms Hotel or the George.

"As for Burns, he will just have a single glass, and a half-hour's chat beside John Hyslop's fire [at the Globe tavern], and then go quietly home. So he is quickly absorbed in the little narrow close where that vintner maintains his state. There, however, one or two friends have already established themselves, all with precisely the same virtuous intent. They heartily greet the bard. Meg or John bustles about to give him his accustomed place, which no one ever disputes. And somehow the debate on the news of the evening leads on to other chat of an interesting kind. Then Burns becomes brilliant, and his friends give him the applause of their laughter. One jug succeeds another—mirth abounds—and it is not till Mrs. Hyslop has declared that they are going beyond all bounds, and she positively will not give them another drop of hot water, that our bard at length bethinks him of returning home; where Bonnie Jean has been lost in peaceful slumber for three hours, after vainly wondering 'what can be keeping Robert out so late the nicht.' Burns gets to bed a little excited and worn out, but not in a state to provoke much remark from his amiable partner, in whom nothing can abate the veneration with which she has all along regarded him. And though he beds at a latish hour, most likely he is up next morning between seven and eight, to hear little Robert his day's lesson in Cæsar; or, if the season invites, to take a half-hour's stroll before breakfast, along the favourite Dock Green."*

Early in January, 1796, the poet's stay at the Globe was protracted far into the morning. There was a fell frost in the air, and a deep snow on the ground, as he passed up the close on his homeward way. Hours elapsed, however, before he

* Life and Works of Burns, vol. iv., pp. 130–2.

reached home. Affected by the liquor he had taken, and the freezing cold of the atmosphere, a drowsiness—dread prelude of the sleep of death—overpowered him, and he lay long insensible at the head of the close, where it joins with Shakspeare Street. He had been suffering previously from what Dr. Currie calls "an accidental complaint," which, with the strong medicine given to counteract it, disarmed his constitution, so that the merciless air of the month which, thirty-seven years before, "blew handsel in on Robin," pierced through his frame with unresisted and fatal influence. But for this casual incident, the thread of his existence might possibly have been much prolonged; and better fortune was in store for him had he lived to enjoy it. The political ferment from which he suffered had subsided; he was acquiring a higher social position—was no longer a suspected person—was in the fair way of obtaining professional advancement—and was being consoled, in some degree, for present poverty, by rich foretastes of future fame, which must have been most welcome balm to his proud and wounded spirit. Burns was never fairly himself after that dreadful morning, though, swan-like, he kept singing under the shadow of death.

About two months afterwards, Miss Grace Aiken, daughter of Burns's early patron, Mr. Robert Aiken of Ayr, when proceeding along the streets of Dumfries to visit her friend Mrs. Coupland, passed by a tall, gaunt, rather slovenly-looking person of sickly aspect, who uttered an exclamation which made her pause. The voice was the voice of [illegible]s, but the figure seemed to her that of quite another man: so altered was he since, ten years before, she had seen him at her father's house. On being urgently solicited to accompany her to the residence of Mrs. Coupland, Burns consented, and there conversed with Miss Aiken and their hostess of other and happier days spent on the banks of Ayr and Doon. Spring went and came without bringing any relief to the doomed bard; and summer found him lying hopelessly prostrate in a humble cottage at Brow, on the shores of the Solway, whither he had gone in a vain search for health. Writing to Mr. Cunningham of Edinburgh, on the 7th of July, he said: "I fear the voice of the bard will soon be heard among you no more. For these eight or ten months I

have been ailing—sometimes bedfast, and sometimes not; but these last three months I have been tortured with an excruciating rheumatism, which has reduced me to nearly the last stage. You actually would not know me if you saw me—pale, emaciated, and so feeble as occasionally to need help from my chair."

Whilst in this critical state, he received a letter from a Dumfries solicitor, Mr. Matthew Penn, requiring payment of a bill amounting to £7 4s., due to Mr. Williamson, draper, for his volunteer uniform. It had been simply placed with other over-due accounts in the hands of the legal gentleman, as that seemed the best mode for getting them discharged. It contained no threat; but Burns's mind was so unhinged by disease, that the missive appeared to him the very language of menace. Had he been in health, his knowledge of business would have enabled him to see the real meaning of Mr. Penn's letter: as matters stood, it told upon him with overwhelming force. "A rascal of a haberdasher"—thus he wrote to his cousin Mr. James Burnes, at Montrose—"to whom I owe a considerable bill, taking it into his head that I am dying, has commenced a process against me, and will infallibly put my emaciated body into jail. Will you be so good as accommodate me, and that by return of post, with ten pounds." On the same day (July 12th) he used similar language in a letter to Mr. George Thomson:—"After all my boasted independence, curst necessity compels me to implore you for five pounds. A cruel scoundrel of a haberdasher, to whom I owe an acc[illegible] taking it into his head that I am dying, has commenced a process, and will infallibly put me into jail. Do, for God's sake, send me that sum, and that by return of post." Both of the gentlemen promptly responded to the poet's heart-rending appeal. Burns's health had slightly improved, and he had penned at Brow the charming lyric—alas that it was his last!—"Fairest maid on Devon's banks," when the receipt of this lawyer's letter thoroughly paralyzed him. "Home, home, home—if only to die!" Such was the language of his heart.

Allan Cunningham, who was then residing at Dumfries, says:—"The poet returned on the 18th in a small spring-cart. The ascent to his house was steep, and the cart stopped at the foot

of the Mill-hole Brae: when he alighted he shook much, and stood with difficulty; he seemed unable to stand upright. He stooped as if in pain, and walked tottering towards his own door: his looks were hollow and ghastly, and those who saw him then expected never to see him in life again." The same author has given an affecting picture of the state of popular feeling in the town during the brief interval between Burns's return and "the last scene of all." Dumfries, he says, "was like a besieged place. It was known he was dying, and the anxiety, not of the rich and the learned only, but of the mechanics and peasants, exceeded all belief. Wherever two or three people stood together, their talk was of Burns, and of him alone. They spoke of his history, of his person, of his works, of his family, of his fame, and of his untimely and approaching fate, with a warmth and an enthusiasm which will ever endear Dumfries to my remembrance. All that he said or was saying—the opinions of the physicians (and Maxwell was a kind and a skilful one) were eagerly caught up and reported from street to street. . . . As his life drew near to a close, the eager yet decorous solicitude of his fellow-townsmen increased. It is the practice of the young men of Dumfries to meet in the streets during the hours of remission from labour, and by these means I had an opportunity of witnessing the general solicitude of all ranks and of all ages. His differences with them on some important points were forgotten and forgiven: they thought only of his genius—of the delight his compositions had diffused; and they talked of him with the same awe as of some departing spirit whose voice was to gladden them no more."

In presence of his wife, children, and a few friends, including the ever-faithful Jessie Lewars, Burns breathed his last, on the 21st of July. According to the testimony of his eldest son, the latest words of the poet were a muttered execration on the legal agent by whom his closing days had been unintentionally embittered and curtailed. The local newspaper, published a few days afterwards, contained the following intimation of the mournful event:—"Died here, on the morning of the 21st inst., and in the 38th year of his age, ROBERT BURNS, the Scottish bard. His manly form and penetrating eye strikingly indicated extraordinary mental vigour. For originality of wit, rapidity of

conception, and fluency of nervous phraseology, he was unrivalled. Animated by the fire of nature, he uttered sentiments which by their pathos melted the heart to tenderness, or expanded the mind by their sublimity. As a luminary emerging from behind a cloud, he arose at once into notice; and his works and his name can never die, while divine Poesy shall agitate the chords of the human heart."

These words but inadequately express the loss which Scotland and the world sustained by the premature demise of this gifted, and, with all his defects, still glorious son of song. A sympathy for the varied sufferings he had undergone, a regret for the neglect he had experienced, now mingled with and intensified the homage given to his genius, and caused his faults of life to be overlooked, if not forgotten. Intense was the feeling of sorrow that prevailed in Dumfries and neighbourhood when it was known that the mighty heart of the man who had long given life and lustre to the locality was throbless. He had been, generally speaking, honoured and appreciated by the people of the place; but when he lay hushed in the sleep of death, he became to them doubly dear. All deplored the loss of such a distinguished citizen, and shared in the general lamentation that so little had been done by the dignitaries and rulers of the nation to keep him in worldly comfort and economize his precious life. And yet, whilst we share this painful feeling, we are inclined to think that Burns's fame has benefited by the pity which his fate awakens. If he had received a greater share of "good things" in this life, been feted, caressed, and pensioned, the world might have not the less admired his productions, but he would have awakened far less of personal interest. We might in that case have liked Burns's poems equally well (though even that is doubtful), but we would not have loved or heeded so much Burns himself. Thus, if this theory be true, his earthly crosses and poverty enriched the heritage of his endless fame, and dowered it as well "by the tears" as by "the praises of all time."

The remains of the poet were removed to the Trades' Hall, in High Street, on the evening of Sabbath, the 24th of July, preparatory to the funeral, which, at the request of his brother volunteers, it was resolved should be conducted with military

honours. A regiment of the Cinque Ports Cavalry, and the Fencible Infantry of Angusshire, then quartered in Dumfries, offered their assistance on the solemn occasion; and the principal inhabitants of the town and neighbourhood signified a wish to take part in the procession. On Monday, the 25th, in the presence of an immense crowd of tearful symphathizers, the funeral train moved slowly down to St. Michael's cemetery. A party of the volunteers appointed to perform the requisite military service at the interment, were stationed in front, with their arms reversed; the other members of the company supported or surrounded the coffin, on which were placed the hat and sword of their illustrious fellow-soldier; the civilians were ranged in the rear. In this order the procession moved onward; whilst the streets through which it passed were lined by the horse and foot soldiers, and the accompanying band played the "Dead March" in "Saul." Arrived at the place of sepulture, the body was committed to the tomb; three volleys of musketry fired over the grave completing the affecting ceremony. "The spectacle," says Dr. Currie, "was in a high degree grand and solemn, and accorded with the general sentiments of sympathy and sorrow which the occasion had called forth." On the forenoon of this sad day, the newly-made widow was seized with the pains of labour, and, just as the grave closed over her husband's dust, gave birth to a son, who died in infancy.

Of the other members of the bard's family, only one survives, William Nicol. Both he and his brother, James Glencairn, obtained commissions in the East India Company's army; and, after a highly honourable career, each attained the rank of lieutenant-colonel. They resided together for many years at Cheltenham, honoured and beloved for their benevolence and amiability. The eldest son, Robert, went to London in 1804, where he held a clerkship in the Stamp Office till 1833, at which date he retired to Dumfries. He possessed a considerable amount of poetical genius, was a good musician, an excellent mathematician and linguist; and whilst he mentally resembled his father more than either of his brothers, he was the only one of the family in whom the features of the bard were distinctly traceable. Robert's conversational powers were also of a high order, and his company, as may be well supposed, was much

sought after and relished by such strangers as his father's fame attracted to Dumfries. He died in 1857; his brother James, in 1865; and both were laid beside their father's dust, under the mausoleum.

Mrs. Burns continued to reside till her death in the house which has been hallowed by her husband's presence, an object of universal respect on account of her amiability and worth, and the interest which attached to her as the "Bonnie Jean" of his verse—the uncomplaining, fond, and faithful companion of his wedded life. By the proceeds of a fund raised for the widow, she was enabled to bring up her sons in a creditable way. In 1817, Mr. Fox Maule (now Lord Dalhousie) settled a pension on Mrs. Burns of £50 a year, after a vain attempt to obtain for her a Government annuity: this she enjoyed about eighteen months, when her son James, having been promoted to a situation in the Indian Commissariat, made such arrangements for her comfortable maintenance as allowed her to resign the pension, which, if so disposed, she might have retained for life.*

For many years, a simple slab of freestone, placed over the poet's grave by his widow, was his only material monument. Eventually, however, a general movement was made for the erection of a mausoleum in some degree worthy of his genius; and as money flowed in liberally for the scheme, from almost every quarter, and from lowly peasants and mechanics up to Majesty itself, the work was proceeded with and completed in 1815. The mausoleum, in form like a Grecian temple, was designed by Mr. T. F. Hunt of London; and a mural sculpture for the interior was supplied by an Italian artist named Turnerelli, intended to embody one of the poet's own conceptions—the

* The poet, by his wife Jean Armour, had nine children—five sons and four daughters; two of the former, and the whole of the latter, died in childhood. Robert, the eldest son, left a daughter, Eliza, who married Dr. Everitt, a surgeon in the East India Company's service. She has been long a widow, and now resides, with her only daughter, Miss Everitt, in Belfast. Colonel William N. Burns is a widower, without issue. Colonel James G. Burns left a daughter by his first marriage, who married Dr. Berkeley Hutchinson. They had a son and three daughters, who, with their mother, still survive. By a second marriage, he had one child, Miss Burns, who also survives. Such are the existing descendants of the national bard in 1867.

genius of Coila finding her favourite son at the plough, and throwing her inspiring mantle over him. The figures were critically inspected by a committee of gentlemen, including the poet's brother, Gilbert, who signified his high satisfaction with the graceful appearance of Coila, and the etherial lightness of her mantle; and under the guidance of his correct eye and tenacious memory, the sculptor was enabled to render more faithful the likeness of the principal figure. As a whole, however, the statuary is not of the highest class, though it has sometimes been greatly underrated. This much may be said in its favour, that its meaning is intelligible; and that if it does not satisfy fastidious art-critics, it appeals successfully to the popular eye and heart.

There being no room at the north corner of the churchyard where Burns was at first buried for the erection of a bulky structure, the mausoleum was built on a site in the south-east, so that the body had to be transported thither—a delicate duty, which was performed with as much privacy as possible. On the 19th of September, Mr. William Grierson of Boatford, the zealous secretary to the committee, Mr. James Thomson, superintendent of the monument, Mr. Milligan, builder, and Mr. James Bogie, gardener, Terraughty, "proceeded to the spot before the sun had risen, and made so good use of their time that the imposing ceremony was well-nigh completed before the public had time to assemble, or in fact were aware of the important duty in which the others had been engaged.* Two sons of the poet had been laid beside him—Maxwell Burns, the posthumous child who died in 1799, and Francis Wallace Burns, who died in 1803, aged fourteen. "On opening the grave the coffins of the boys were found in a tolerably entire state, placed in shells, and conveyed to the vault with the greatest care. As a report had been spread that the principal coffin was made of oak, a hope was entertained that it would be possible to transport it from the north to the east corner of St. Michael's without opening it, or disturbing the sacred deposit it contained. But this hope proved fallacious. On testing the coffin, it was found to be composed of the ordinary materials, and ready to yield to the slightest pressure; and the lid removed, a spectacle was

* Picture of Dumfries, p. 85.

unfolded which, considering the fame of the mighty dead, has rarely been witnessed by a single human being. There were the remains of the great poet, to all appearance nearly entire, and retaining various traces of vitality, or rather exhibiting the features of one who had newly sunk into the sleep of death: the lordly forehead, arched and high, the scalp still covered with hair, and the teeth perfectly firm and white. The scene was so imposing that most of the workmen stood bare and uncovered—as the late Dr. Gregory did at the exhumation of the remains of the illustrious hero of Bannockburn—and at the same time felt their frames thrilling with some undefinable emotion, as they gazed on the ashes of him whose fame is as wide as the world itself. But the effect was momentary; for when they proceeded to insert a shell or case below the coffin, the head separated from the trunk, and the whole body, with the exception of the bones, crumbled into dust."* When the remains had been religiously gathered up, they were placed in a new coffin, and interred beside the dust of the two boys. The vault was then closed; and the party, solemnized by their close communion with "the buried majesty" of this Coila-crowned king of song, left the place.

Nineteen years passed by, and the vault of the mausoleum was opened to receive a new inmate—the poet's widow, who died after surviving him the long period of thirty-eight years. How, on the night preceding the interment (30th March, 1834), a number of gentlemen, after receiving due authority, descended into the vault, and obtained a cast of the poet's skull for a phrenological purpose, is well known.† Dr. Blacklock of

* Picture of Dumfries, p. 86.

† It was Mr. James Fraser (now Bailie) who took the cast, and he still retains the original matrix. A cast of the skull having been transmitted to the Phrenological Society of Edinburgh, Mr. George Combe drew up from it an elaborate paper on the cerebral development of the poet. He laid great stress upon its size, 22¼ inches in circumference, and upon the extreme activity of brain, indicated by other data. Commenting upon the whole, Mr. Combe said: "No phrenologist can look upon this head, and consider the circumstances in which Burns was placed, without vivid feelings of regret. Burns must have walked the earth with a consciousness of great superiority over his associates, in the station in which he was placed—of powers calculated for a far higher sphere than that which he was able to reach—and of passions which he could with difficulty restrain, and which it was fatal to indulge. If he had been placed

Dumfries, one of the party, drew up a report of the appearance of the cranium, from which it appears that it was found to be in a high state of preservation. "The bones of the face and palate," he says, "were also sound; and some small portions of black hair, with a very few grey hairs, while detaching some extraneous matter from the occiput." When the vault was once more opened, for the interment of Burns's eldest son, in May, 1857, the skull of the bard was found to have altered very little since the cast had been taken from it. To secure its better preservation, the vacant space of the enclosing casket was filled with pitch, after which the precious "dome of thought" was restored to its position, to be no more disturbed, we trust, till the day of doom.

from infancy in the higher ranks of life, liberally educated, and employed in pursuits corresponding to his powers, the inferior portion of his nature would have lost its energy, while his better qualities would have assumed a decided and permanent superiority."

CHAPTER LI.

EDUCATION IN THE BURGH—ERECTION OF AN ACADEMY—SALARIES OF THE TEACHERS—THE ARMSTRONG BURSARIES—NOTICES OF THE SEVEN TRADES—THE CONTESTS FOR THE SILVER GUN—A NEW TRADES' HALL BUILT—PRESENTATION OF A PUNCH-BOWL TO THE CRAFTSMEN, AND OF A GOLD CHAIN FOR THE CONVENER—INSECURITY OF THE PRISON—A NEW JAIL BUILT IN BUCCLEUCH STREET—THE TURNKEY MURDERED BY A PRISONER—GASTOWN FOUNDED—A NEW NAVIGATION ACT OBTAINED—THE NITH DEEPENED AND EMBANKED—ERECTION OF BRIDGEND INTO A BURGH OF BARONY, UNDER THE DESIGNATION OF MAXWELLTOWN.

THE poet's sojourn at Dumfries constitutes a marked era in its history; and to speak of an event occurring in or about "Burns's time" is still customary in the Burgh. Adopting that familiar phraseology, let us briefly notice how educational matters stood with the Dumfriesians in Burns's time. Of established schools for teaching English there were three, the masters of which had amongst them a salary of £20 per annum, and 2s. 6d. per quarter from each pupil. There was one established grammar school (Latin) the teacher of which had a salary of £20, he receiving no wages from the children of burgesses, but 5s. per quarter from others, and Candlemas offerings from all—the scholars numbering about a hundred. Other two schools were endowed by the town: namely, one for arithmetic, book-keeping, and mathematics; salary, £28; wages, 5s. per annum from children of burgesses; 7s. 6d. from other children, with no offering at Candlemas; number of pupils about 60: and one for writing; salary, £22; wages the same as the preceding; scholars, 70. The grammar school teacher, in addition to his higher salary, had a dwelling-house assigned to him; an advantage possessed by none of the other masters. By this time the Town Council had cancelled their illiberal edict against adventure schools: so that several of these existed in

the Burgh, at some of which French, drawing, and dancing were taught; and there were, besides, two or three boarding schools for girls.

The endowed schools had no local connection till 1802, when, by means of a general subscription, they were all embraced under one roof, in a neat, substantial structure erected near Townhead. At first the new Academy was managed by a committee of the subscribers; but in 1814 it was handed over to the paymasters of the teachers, the Town Council, who continue to act as its directors. The education taught in the Academy at present consists of four departments. Over one of these, including Latin, Greek, French, and German, Mr. W. H. Cairns, an accomplished scholar, presides, with the title of rector; though, strictly speaking, there are few, if any, rectorial duties attached to his office. The salary is £37 11s. 10d.; interest of mortified money, £26 8s. 2d.: in all, £64. Another, the English department, with numerous collateral branches, is under the able management of Mr. Duncan Forbes: salary, £20 8s.; interest, £9 12s.: in all, £30. A third department, mathematics and arithmetic, was taught, up till the present summer, by Mr. David Munn, distinguished for his mathematical attainments; but he having been appointed to a mastership in the High School of Edinburgh, Mr. Neilson, from the same city, was elected as his successor, on the 16th of August last. The salary is £16 16s. 6d.; interest, £8 3s. 6d.: in all, £25. Lastly, penmanship and drawing are efficiently taught by Mr. David Dunbar, whose salary is the same as that of the mathematical master. Mr. Dunbar is the author of a meritorious volume of poems, published in 1859. The salaries of the masters are supplemented by the interest of £3,000, bequeathed for this purpose by Mr. Crichton of Friars' Carse, and which became payable on the death of Mrs. Crichton, in 1862. At present the interest amounts to £120, of which the English, writing, and mathematical teachers receive £15 each, the remainder going to the rector; but on condition that he shall keep a well-qualified assistant, and educate ten poor boys gratuitously. The pupils at the Academy have, during the last thirty-four years, been all on the same footing as respects fees; the exemption in favour of burgesses' children having been withdrawn soon after

the adoption of the Burgh Reform Act; and Candlemas offerings having long since gone out of use.

A number of valuable bursaries are attached to the Academy, for which it is indebted to one of its teachers—Mr. William Armstrong, of the mathematical department, who died in 1859. By a trust deed dated 1852, Mr. Armstrong conveyed his whole estate to five private friends, as trustees, for payment of his debts, and for behoof of two relatives who were to receive the interest of the same, but who predeceased the testator; and lastly, were to convey the remainder of his estate "to the provost, bailies, and town clerk of the Burgh of Dumfries, and the rector of the grammar school, and the masters of the mathematical, English, and writing departments of the Academy, and their successors in office, as trustees for the following purposes: namely, to invest the remainder, and apply the annual rent of the whole, in order to establish bursaries in connection with the said Academy, to be called the "Armstrong Bursaries:" one of the value of £18, another £15, and others £12 each; and to be awarded to such scholars competing for them as shall, in the opinion of the trustees, rank first, second, third, and so on, in point of regular attendance, general scholarship, and good conduct," at the annual examination of the Academy by its patrons, and who shall have attended its classical and mathematical departments for two years previous to such examinations. Also, that the successful competitors shall not be entitled to receive the bursaries unless they *bona fide* intend to prosecute their studies in the universities of Edinburgh or Glasgow, and attend the mathematical and any other class, during the session immediately subsequent to the award of the said bursaries; that the bursaries shall be enjoyed for one year only, unsuccessful competitors being permitted to join in any after competitions, if not more than eighteen years of age. The benevolent testator's free estate is worth upwards of £2,000; so that, besides the fixed bursaries of £18 and £15, enough of interest is left for four or five others of £12 each.

Several men of note, in addition to those named in a previous chapter, have been connected as teachers with the Burgh schools, both before and since they were joined into one academy; these

including Dr. Dinwoodie, who acted as astronomer to Lord Macartney's Chinese expedition; the Rev. James Gray (Burns's intimate friend); Dr. Alexander Ross Corson; and the Rev. John Wightman of Kirkmahoe. The Academy has long enjoyed the reputation of being a first-class educational establishment.

Our latest direct reference to the Trades bore the date of 1673. How have they fared during the interval between that year and the period we have now reached? Each of the corporations has increased numerically; but as respects their internal economy, scarcely any change is noticeable. A minute of 1st September, 1720, reveals the fact that some ordinary shoemakers had dared to "usurp the science of bootmaking," without having first been duly initiated into its mysteries; and of course these aspiring cordwainers were heavily fined by the rulers of the craft. "Weave truth with trust," was the favourite motto of the websters; but in March, 1764, some of them proved so far false to their vows of freemanship, as to lend "sundry utensils" to unfree weavers, thereby causing "great loss and damage to the incorporation:" fined 3s. 4d. sterling each. But what was their offence compared with that of John Taylor, who, "though no ways connected with the trade" of habit-making, was actually detected "turning an old coat" for William Crow, silversmith, Dumfries, in that artizan's own house? The box-master and officer of the tailors caught him "red-handed" in the act, and seizing the ancient garment, they brought it before a meeting of the body, in proof of his audacity and their courage. An action of "spulzie and damages" was raised against the trade by Taylor; but as the case is not further noticed in the minute-book, we may assume that it was dismissed. Stay-making in these days was a branch of tailoring, and guarded with as much jealousy as any other part of it; yet Elizabeth Knox, residenter, who was "noways free with the trade, or had no title to exercise that kind of business," was detected in the very act of patching up an old pair of stays, and fined 6s. 8d. sterling for "the transgression"—the stays being detained till the money was forthcoming.

On the 17th of December, 1792, the master tailors met, and "having taken into consideration that the prices charged by them for work done to their customers has been nearly the same for a

hundred years past, although all other mechanics have increased their wages," they resolved to form their "log" according to the following rate of charges, English money:—Making a gentleman's suit of clothes, 10s.; making a gentleman's greatcoat, 5s. 6d.; mechanics' and livery servants' clothes, 8s.; boy's first suit, 3s.; mending clothes, per hour, 2d.; ladies' habits, 10s. 6d.; ladies' greatcoats, 5s.: any one charging a lower figure, to be fined 10s. 6d. for each offence. The first workmen's "strike," perhaps, that ever took place in the Burgh, is traceable in a minute of the same trade, dated the 4th of January, 1796. We thus learn that all the journeymen tailors, stimulated by the example of their masters, declined to work further, unless their wages were raised from six pence per day with victuals to ten pence; and that the employers offered eight pence a day with victuals—a compromise which was accepted by the men after they had stood out for a week or more.

Our information respecting the craftsmen has hitherto been chiefly drawn from the records belonging to each; but the Seven Trades had books in which their transactions as a united incorporation were minuted, and to these, so far as they exist, let us turn for a little. The oldest ones are a book of accounts beginning in 1714, and a minute-book dating from 1767.* The accounts relate chiefly to rents drawn from the letting of their hall and lodgings connected with it, amounting to some £40 sterling at the first of these periods; to sales of meal and barley, which the deacons laid in in large quantities and sold out to the brotherhood with a profit; to charges for repairs on the property, and the expenses incurred when Riding the Marches, shooting for the Silver Gun, or at convivial meetings. A few specimens will suffice.

Under date 9th November, 1722, it is stated that the deacons and others discussed six bottles of wine "that day we rod the marches," the price being 9s. sterling. The Marquis of Annandale having received a ticket of freemanship on the 29th of July, 1723, four bottles of claret were drunk by the fathers of the freemen on the head of it—the rate of charge the same, 1s. 6d. per bottle. A goodly donation of fifty pounds from the Duke of Queensberry having replenished the box-master's

* In the possession of Mr. James Dinwiddie, Irish Street.

exchequer in November, 1722, his Grace's almoner, "Waterside," was treated to "thrie bottels of whit win" in a change-house—charge, 4s. On the 7th of May, 1727, the following entry occurs:—"Spent at a meeting of the Deacons in the hall anent the Silver Gune shoting, for 5 pynts and half mutchkin brandie, 19s." The chief carousal of the year was on Michaelmas night, when sometimes the Trades spent a ninth part of their entire rental in toasting the health of the newly-elected magistrates: the bill for 1760 running thus:—"4 pints of spirits [whisky at this date having become a common drink], 16s.; 2 lib. sugar, 1s. 8d.; 6 lemons [to flavour the inevitable punch], 9s.; 8 bottles of wine, 16s.; 12 lib. cheese, 3s.; 7 doz. baikes, and 3 sixpenny loaves." The Trades were not selfish in their sociality; money votes to the poor of the town being sometimes given at these festivities, and frequent entries occurring in their books of small sums paid away to poor strangers at the instance of the Convener. The magnitude of their transactions in "victual" may be inferred from the payments made in 1775—£540 10s. for oatmeal; £97 3s. for barley; and £107 2s. 8d. for herrings. Most of the minutes are too dry or detailed for quotation. They record in brief terms the annual elections; notice still more briefly the Silver Gun competitions; and become more communicative after the tide of the Trades has begun to ebb, and their history has lost its early charm.

In 1785 it was resolved that the Silver Gun should be shot for only once in five years; and ultimately the contest came to be only once in seven. The following are the dates of this great carnival of the Trades, so far as they can be ascertained:—28th March, 1742, Thomas Dickson, glover, convener; 4th June, 1746, James Aiken, glover, convener; 4th June, 1762, Thomas Gibson, flesher, convener; 4th June, 1766, William Crosbie, tailor, convener; 5th June, 1777, John Paterson, hammerman, convener; 4th June, 1779, William M'Ghie, squareman, convener; 4th June, 1781, John Blackstock, shoemaker, convener; 5th June, 1783, Robert Maxwell, hammerman, convener; 4th June, 1785, John Ogilvie, shoemaker, convener; 4th June, 1791, Robert Thomson, hammerman, convener; 4th June, 1796, William Hayland, hammerman, convener; 4th June, 1802, Kinloch Winlaw, squareman, convener; 4th June, 1808, John Fergusson, squareman, convener;

4th June, 1813, John M'Craken, squareman, convener; 5th June, 1817, Alexander Lookup, skinner, convener; 23rd April, 1824, Robert M'Kinnell, hammerman, convener; 24th April, 1828, Alexander Howat, flesher, convener; 8th September, 1831, James Thomson, squareman, convener. The Gun has not been competed for since 1831, when it was won by Deacon Alexander Johnston of the tailors, who on that account had the honour of carrying the trophy in a great procession that took place in the Burgh at the celebration of Burns's centenary.

During "Burns's time" the Trades were a very powerful body. Taking in master freemen, journeymen, and apprentices, they formed an operative force fully 700 strong, or about a ninth part of the whole population. Those who love precise details will not be displeased with the subjoined statistics, applicable to the year 1790. Hammermen: 40 freemen, 16 journeymen, 14 apprentices; total, 70. Squaremen (masons, joiners, cabinet-makers, painters, and glaziers): 86 freemen, 84 journeymen, 50 apprentices; total, 220. Tailors: 45 freemen, 20 journeymen, 20 apprentices; total, 85. Weavers: 42 freemen, 15 journeymen, 2 apprentices; total, 59. Shoemakers: 110 freemen, 84 journeymen, 42 apprentices; total, 236. Skinners and glovers: 14 freemen, 5 journeymen, 4 apprentices; total, 23. Fleshers, 23—all the journeymen free, and, like Harry of the Wynd, killing for their own hand; apprentices, 10; total, 33.

Some time in 1703, the Trades, wishing to get rid of the inconveniences arising from their open-air gatherings, acquired the hall to which reference has been already made. It was a large room above the Meal Market, for which they paid 900 merks. Thirty years afterwards we find them located in a second hall, near the New Church; and before the expiry of other thirty years, their Blue Blanket is seen displayed from another building opposite the Mid-Steeple; which in its turn was superseded by a new hall erected on the same site in 1804. This, the fourth and last building possessed by the craftsmen of the Burgh, cost for mason work £368 5s. 6d., less £58, the value of the old materials; for joiner, plaster, slater, glazier, and plumber work, £838 17s. 5d.; a few other items increasing the aggregate to £1,167 2s. 11d. sterling.

On the 4th of June, 1806 (the anniversary of George the

Third's birth-day), the new Hall was publicly taken possession of by its owners. At twelve o'clock the colours of the Trades were displayed from the windows; and in the evening the Blue Blanket, or grand banner of the united Incorporations, was hung from the high front of the building; while the interior was crowded with a festive company, including the deacons, the magistrates, the officers of the Royal Artillery Company, and of the Dumfriesshire and Troqueer Volunteers, the whole presided over by Convener Samuel Primrose. This was the first of many jovial meetings held in the same hall. At the time of its erection, the Trades were in full force. Those who took part in the "house-heating" ceremony that signalized its opening, never fancied that theirs was the last generation in which the freeman's monopoly would be maintained, or that the day was at hand when their convivial gatherings, shooting competitions, and grand Rood-fair processions, would cease; that their property would for the most part be disposed of, and all their goodly paraphernalia, including the convener's gold chain, the gigantic punch-bowl, and the far-famed Silver Gun, would pass into other hands.

The bacchanalian vessel here referred to was a present from Convener Grainger, and is really a magnificent product of the potter's art. As the meeting at which the bowl was presented was a characteristic one, illustrative in some degree of the Trades and the town when in holiday attire, we copy the account given of it by the local journalist:—"On Tuesday evening last [Hogmanay, 1806], the Convener and Deacons of the Incorporations of this town gave an elegant entertainment in their new Hall to upwards of a hundred gentlemen of the town and County. Convener Ferguson, in name of the Incorporations, presented the freedom of the Trades to John Murray, Esq. of Murraythwaite, vice-lieutenant of the County; to John Forrest, Esq., provost of Annan; and to Colonel John Murray, nephew of the vice-lieutenant, with appropriate addresses to each, to which they made suitable replies. Mr. Robert Grainger, merchant, in a very handsome manner presented to the Incorporations a most elegant china punch-bowl and silver spoon. The bowl, we understand, will contain ten gallons. On the upper ring in the inside are the words, 'Success to the Wooden

Walls of Great Britain!' on the second ring, 'Success to the Incorporations of Dumfries!' on the outside the lion rampant, with the words, 'God keep the King and the Craft!' being the arms and motto of the Incorporations; and many other emblematical devices. After the bowl was filled by the convener ["with good rum punch," says the minute-book], a great number of constitutional and patriotic toasts were given. The evening was spent with the greatest conviviality and harmony; and, indeed, the manner in which the whole was conducted reflected the highest honour upon the Incorporations of this town." In the same year, the Trades were presented with a gilt silver chain and medal, by Deacon Fergusson, "to be worn by the convener, only on particular occasions;" and by Mr. Thomas Boyd, the architect of the new Hall, with an elegant chair for the convener, which piece of furniture was decorated with the arms of the Incorporation, at the expense of another burgess, Mr. William Grierson, junior, merchant. The "plenishing" of the hall was further enriched by a beautifully-executed model of a frigate in full sail, placed above the entrance—the gift of Captain Affleck, Aberdeen; and by a capacious snuff-mull, ingeniously constructed out of a ram's head, a present from Captain M'Dowall.

In 1825, when the system, though still seemingly vigorous, was nodding to its fall, the public of Dumfries showed their appreciation of it by subscribing for a magnificent badge of office, to be worn by its chief. On the evening of the 9th of September, that year, the subscribers met with the Trades' officials in the Coffee House, High Street, for the purpose of presenting their gift, which consisted of a massive chain and medal. Provost Thomson officiated as speaker on this occasion. He pointed out the way in which James VI. had recognized the importance of the Dumfries craftsmen, and then said:—"The representative of the Trades is justly entitled to such a badge of office as has now been presented to him, not less as a mark of honour and respect than from a consideration that it is proper that one holding so important a situation should be publicly distinguished. Should days of difficulty and confusion at any time arise, no man is able to lend so material aid to the civil authorities as the Convener of the Incorporations; and

round him, with their well-known feelings of loyalty, they will not, in such an event fail to range themselves, to support the peace of the town, and the laws and religion of the country." After a personal compliment to the recipient of the chain, Convener Allan Anderson, and his immediate predecessor, Mr. M'Kinnell, the Provost closed by investing the former with the badge, and begging him to accept it for the Trades, as a token of the esteem in which they were held by their fellow-citizens.* The worthy convener returned thanks in suitable terms. The chain, a double one, is made up of four hundred and nineteen links; the medal attached to it is surrounded with beautiful embossed work, and has this inscription engraved on the centre:—"Presented to the Seven Incorporated Trades, by a few of the inhabitants of Dumfries."

On the 5th September, 1812, an institution was founded which was well fitted to exercise a refining influence on the community, we mean the Dumfriesshire and Galloway Horticultural Society. The meeting called for that purpose consisted chiefly of gardeners, and was presided over by Mr. William Hood; Mr. William Grierson of Boatford and Mr. John Learmont of Dumfries taking a leading part in the proceedings. The society grew at a rapid rate; and so strong had it become in 1823, that a great anniversary meeting was held that year, followed by a dinner, at which Colonel Dirom of Mount Annan (distinguished in his day as a great agricultural improver) took the chair, and at which the members presented Mr. Grierson with a handsome silver cup, by way of recognizing the interest he had taken in the success of the society, and their appreciation of his services in "bringing it to that perfect state at which it had now arrived."

The old jail, which stood on the east side of High Street, was never at its best a very strong building. When, in 1682, two brothers, George and Richard Storie, were consigned to it, charged with murdering Francis Armstrong at Alisonbank, on the Border, the former speedily effected his escape; and the magistrates fearing that the latter would do the same, were fain to send him under the sheriff's authority to the "Heart of Midlothian."† In the following year a complaint was made

* Seven Trades' Minutes. † Privy Council Records.

to the Privy Council by Sir Patrick Maxwell of Springkell, that Ludovick Irving, a notorious highwayman, whom he had caused to be followed to Ireland, captured there, and lodged in Dumfries prison, at an expense of £200 sterling, had been allowed to break ward and disappear. The criminal was first put into "a sure vault"—a place that belied its name; and then consigned "to ane outer room which had no sure posts or doors"—a circumstance which the prisoner soon took advantage of. Sir Patrick claimed his expenses and demanded the punishment of the magistrates for allowing Irving to get his liberty; with what success does not appear.* On the 30th of April, 1684, the Privy Council resolved that as "by the throng of prisoners in the Tolbooth of Dumfries, the same has been already broken and is yet in the same hazard," the strong vaults below the Castle should be prepared for the reception of prisoners; and the likelihood is that the vaults would be used for that purpose till the jail was made a little less vulnerable.

"At a much more recent period," says M'Diarmid, "the sister of the celebrated Jeanie Deans, *alias* Helen Walker, was confined in one of the cells of the Dumfries jail, while awaiting her trial for child murder; and a female still alive [in 1832], who knew both sisters intimately, stated lately in the presence of her master, Mr. Scott, optician, that the individual who wronged 'Effie,' and afterwards became her husband, frequently visited Dumfries in the evenings, and conversed and condoled with her 'through the grating.'" †

In the autumn of 1742, a vagrant woman from the North, named M'Donald, was sent to prison for pilfering a pair of stockings. As she was being consigned to a dark cell, she prayed the jailor to allow her a small bit of candle with which to light up its gloom. The wish was complied with; and an hour afterwards, just as the ten o'clock bell had ceased to ring, the whole upper part of the prison was in a blaze. With some difficulty the flames were subdued, but not till after the third story of the building had been consumed, and, what was infinitely more pitiful, till the poor miserable prisoner from the Highlands, whose candle had caused the conflagration, had been burned to death. A large portion of the jail had in con-

* Privy Council Records. † Picture of Dumfries, p. 72.

sequence to be rebuilt, according to the plan of a committee who recommended that a part of the arch above "the thief's hole," the whole of the upper story, and the south gable, should be reconstructed, with an addition to the latter of an outer staircase.* So increasingly insecure had the prison become with the lapse of years, and so defective was it in other respects, that the County and Burgh authorities resolved in 1801 to erect a new one. It was commenced in the following year, and completed in 1807. The site selected was objectionable on account of its being low and damp, and in a genteel part of the town—Buccleuch Street—to which the prison was no ornament. It contained eight cells for criminals, four small rooms for debtors, and several apartments fronting the street, in what was called the Bridewell division of the building.

With this prison is associated the blackest incident in the life of David Haggart, notorious as the smartest thief and most daring burglar and jail-breaker of his day. Though, when occupying the "stone jug" of Dumfries (to borrow a term from his own jargon), he was but a slim youth of twenty-two, no fewer than fifteen charges of house-breaking and theft hung over his head. He had escaped from far stronger bastiles than that of Dumfries, and reckoned with confidence on getting outside of it also, by means of false keys which he had managed to fabricate. A fellow-captive named Laurie induced him to throw aside this plan, and adopt the bolder one of knocking down Hunter, the head-jailor, with a stone in a wipe (piece of cloth), and getting hold of his keys with which to set themselves free. Two other prisoners, Dunbar and M'Grory—the latter lying heavily ironed under sentence of death for the cruel murder of a pedlar boy on Eskdale-muir—were made confederates in the plot; and the four felons only waited for a favourable opportunity to put it into execution. Dunbar, when in the cage (an erection in the court where prisoners got the benefit of fresh air), had a stone handed up to him by a sympathizer from below; several iron-cutting implements were conveyed by Haggart to M'Grory; and when the scheme of the conspirators was quite ripe, they heard with exultation one morning that Mr. Hunter had gone to attend the annual races then taking

* Town Council Minutes.

place at Tinwald-Downs. The jail-governor absent, they had none left to cope with but Morine the turnkey. A little sharp work with the "chive;" a well-delivered blow to stun the key-keeper—merely to stupify, not by any means to kill him; and the jail-birds, so they fancied, would bid farewell to their "cage"—with what peculiar joy in the case of the murderer, who would flee not for liberty merely, but life!

In the literal cage three of them were placed on that eventful day; the fourth, M'Grory, being confined in a separate cell. Haggart, it would seem, could pass out of the cage as easily as if he had had a magic word to open it, like that used by the thieves in the Oriental tale; and when twelve o'clock struck, he was lying crouching in a closet at the top of a stair that led to the condemned cell—derned there with deadly weapon—the stone tied in part of a blanket—and ready to assail the turnkey when he passed that way. Morine required to do so: two clergymen were on a visit to the convict; Laurie, according to the cue given him, called on Morine to come up and let out the ministers; and whilst the poor man was obeying the treacherous summons, a murderous blow from Haggart made him stagger and fall. In a trice afterwards, Haggart was outside the prison; and, heedless of all his confederates, off he set along Irish Street, round by Shakspeare Street into the King's Arms yard, across High Street, down the Vennel to the Nith, and then away by the left bank of the river to Comlongan wood. The blood-stained fugitive, though pressed hard by Mr. John Richardson, an active criminal officer, reached Carlisle in safety; hearing, by the way, to his horror, the true tidings that Morine had died that night at ten o'clock. Several months afterwards, however, he was apprehended in the north of Ireland by Mr. Richardson; and ere many more weeks elapsed, he was executed in Edinburgh for the murder of the unfortunate Dumfries turnkey. The jail which was the scene of this memorable tragedy, was superseded, in 1851, by a huge ungainly structure; possessing, however, excellent interior arrangements, with accommodation for sixty inmates.

At a meeting of the Council in 1804, the magistrates were authorized "to lay out the tonnage money now on hand, in building the new quay at Kingholm; and, if necessary, to

borrow money for the object." The revenue from tonnage was at this time about £165 a year, which left but a small surplus; and, as usual, the bank had to be drawn upon for the completion of the works, which was effected in 1806, the first foreign vessel arriving at Kingholm Quay being the "Clementina," with sugar, on the 16th of September of that year.* We have already seen how, by the liberality of Mr. Maxwell of Nithsdale, the town became possessed of the ground on which Glencaple village was built; and we must now notice how it acquired the lordship of another hamlet erected nearer home.

At a meeting of Council held on the 23rd of March, 1812, the important subject of the moss lands belonging to the Burgh was introduced by Provost Staig. He stated that a few days ago he and the other magistrates had visited certain of these mosses situated within the royalty, over which sundry individuals had enjoyed the liberty of casting turf; and that as their servitudes had expired, or would soon cease, the property might now be feued or otherwise disposed of as might seem best. They had also, he said, gone to Whinnyhill, where a considerable number of feus had been taken and several houses built, by which the locality had been greatly improved, and the revenue of the town increased. As Mr. Joseph Gass had originated the village, and done much to foster its growth, he proposed that it should be called Gastown, in compliment to its founder. Provost Staig's propositions were cordially approved of. On the 5th of the following September, charters were granted to various persons for twenty-three allotments, at a ground rent of from 10s. to £1 13s. 4d. yearly, each; the entire feus amounting to £26 12s. per annum. In this manner the infant village of Gastown acquired a goodly addition to its size. On the same day fifteen additional feus at Glencaple were let at an aggregate of £13 10s. Thus from these two sources a sum of fully £40 a year was at once added to the revenue of the Burgh; and that in course of time came to be further benefited by the condition imposed on the feuars of "doubling the duty the first year of the entry of every heir or singular successor."†

On the 16th of January, 1810, the Council received from the County Commissioners copies of a bill prepared by them and

* Town Council Minutes. † Ibid.

the Commissioners of the Stewartry, for improving the navigation of the river, and the police regulations of the Burgh. Hitherto the Council had been the Neptunes of the Nith; and now these other bodies desired, by means of a new legislative trident, to acquire dominion over its waters, and also sought to intermeddle with the internal affairs of the town. The Provost, Mr. Robert Jackson, was not of a temper to tolerate such assumptions; and in resisting them he was backed by nearly all the councillors. A conference was brought about between a committee of the latter and the chief promoters of the measure, with the view of coming to a common understanding respecting it; but as the County authorities stood out for "the bill and the whole bill," those of the town declared war against them, and prepared a bill of their own, based on their existing Tonnage, Ale-duty, and Police Act, passed in 1787, and which had almost run its course.

Both parties made preparations for a Parliamentary campaign, but no real battle ensued. A technical flaw in the burghal measure having endangered its success, its promoters were induced to withdraw it, on condition of receiving payment of their expenses from the other side, amounting to £926 5s. 4d. When, in the following year (1811), the rival bill was introduced, the Council made strenuous exertions to get it modified, in the belief that it was wiser for them to act thus, than to bring up their own measure anew. Mr. Maitland of Eccles, who was sent to London to look after the town's interests in the matter, met with considerable success. In reporting the results, he stated that a new arrangement for the first year had been made, which assigned to the magistrates their due place in the commission; that the original clause in the Act which conferred power to deepen the river as far up as the Caul, and which in its operation would have endangered the mills and injured the cattle market, had been so altered as to make the foot of Assembly Street the boundary of the trust; and that he had obtained the insertion of a clause to provide for the improvement of the river before any of the promoters who had subscribed money towards accomplishing the purposes of the Act, should be allowed to finger a shilling of their shares.*

* Town Council Minutes.

It was further reported by Mr. Maitland, that though he had not got the police clause cancelled which "proposed to attach £100 sterling annually during the currency of the bill from the common funds of the Burgh," the town would be virtually relieved from it; "seeing that he had obtained a bond from Mr. Maxwell of Terraughty, a leading promoter of the bill, to free and relieve them from "this most oppressive and unjust assessment." Finally, Mr. Maxwell had come under an obligation to reimburse the town for the expenses—estimated at upwards of £450—incurred in opposing the Act.* With some reluctance, the Council acquiesced in the measure as thus modified, and it was brought into operation in 1812. It was provided that the commissioners till the first of November that year, should consist of the Dumfries magistrates, the deacon-convener, and certain merchants and County gentlemen who had each subscribed £100 or more to the fund raised for carrying the Act; that in future the Commissioners of Supply for Dumfriesshire and the Stewartry should at their annual Michaelmas meetings nominate ten of their number each, and the merchants and shipowners of Dumfries should, three weeks prior to the 1st of November each year, nominate six of their number each to administer the Act.

As important operations were contemplated on the river, the rates were made much higher than before. A duty of 1s. 2d. was imposed on every ton of goods or merchandise imported or exported, except coals and lime, on which six pence per ton was levied. A duty of six pence per ton register was charged on vessels from foreign ports entering the river, and of two pence on vessels arriving from the coasts of the United Kingdom; and it was provided that one penny per ton should be paid by all vessels anchoring at or near Carsethorn, except such as were chartered to the port of Dumfries; the limits of the port being from the Nith, opposite the bottom of Assembly Street, to Southerness, and a point opposite to it on the other side of the Solway.

Though considerable sums of money had been expended in improving the river whilst it was under the management of the Town Council, it had altered little since the time when the Scoto-Irish ploughed its waters in their curraghs. The new Commissioners of the Nith aimed at making it navigable

* Town Council Minutes.

up to Dockfoot by large vessels; and with this laudable end in view, operations were commenced on a great scale, according to plans furnished by a distinguished civil engineer, Mr. Hollingsworth. The works were of a varied nature. In the first instance the course of the stream was rendered less circuitous than before, by an extensive cutting on the Dumfries or Kingholm side, and another corresponding incision on the Galloway side at Nethertown; secondly, an embankment was formed on both sides for the double purpose of fixing the new channel, and of rendering the adjacent lands less liable to be flooded; thirdly, the river was deepened by excavations, dredgings, and the reduction by blasting of the annoying stratum of rock that lay right across its bed a little below Castledykes. The proprietor of Nethertown, Major M'Murdo, received no less a sum than £1,548 15s. as the price of the land given up by him for this undertaking; and about £800 was paid for the ground taken on the Dumfries side—the town receiving as its share of this sum, £246 16s. 6d. For the cuttings upwards of £1,000 was paid; and the embankments must have cost at least as much. If to all these sums be added the cost of obtaining the Act of Parliament, £974; of survey, £51; of levelling, £20; of buoys fixed farther down the channel, £90; and of other works bearing on the great object they were all intended to subserve; the improvements begun in 1812 must, when finished, have cost fully £7,000.* The operations were superintended by a committee, of which Mr. James M'Whir, merchant, was convener; and such a high sense was entertained by the Commissioners of that gentleman's services in the matter, that, by way of acknowledgment, they voted him a sum of 250 guineas. When the works were nearly completed, in 1823, Mr. M'Whir reported upon them to the Commissioners, and proposed a scheme for liquidating the debt that had been incurred. Mr. Hollingsworth, he said, had engaged to secure for them seven feet of water at the Dock for two or three days during the time of spring tides; which promise had been more than realized, as at such seasons the depth of water at Dockhead was now for four or five days eight feet, and at Dockfoot ten feet. He further explained, that by the erection of a small stone jetty at Laghall,

* Minutes of the Nith Navigation Commissioners.

opposite Kingholm Quay, the channel there, which could formerly be forded ankle-deep, was now eight feet deep at low water. The sum originally subscribed for the works was £9,800, of which £7,225 had been drawn by the treasurer; and adding interest for eleven years, and the floating liabilities, about £2,000, the total debt on the trust would amount to £13,000. The revenue since 1811 had been £11,367 9s. 5d., or an average of £950 a year; and there was every reason to expect that the annual income would soon reach £1,000 or guineas. Mr. M'Whir proceeded in his report to show that the best mode of repaying the loan was by borrowing £7,000 on the credit of the revenue —a proposal which was adopted and acted upon.* He further stated that, "by the kind exertions of the magistrates," the sum of £400 would be placed at their disposal for the purpose of erecting a commodious harbour in the immediate vicinity of the town; a vote to that amount having been obtained by ex-Provost Kerr from the Convention of Royal Burghs. Remembering the conflict between the promoters of the new Act and the Town Council, Mr. M'Whir rather keenly contrasted the "liberal policy of our present local governors" with what he called "the persecutions formerly experienced" by their predecessors in office. In due time the money granted by the Convention was spent in the erection of a massive harbour wall at Dockhead—which, however, has been of little service to the shipping.

At a more recent date, other embankments were erected between Kingholm Quay and Kelton. The latest work of an extensive kind undertaken by the Nith Commissioners was the construction of a huge sea-dyke below Glencaple Quay, which cost no less a sum than £6,000; and though it has had the desired effects of deepening and straightening the channel at that place, it is a matter of question whether these advantages have not been secured at too great an expense, considering how much the revenue has been reduced by the railways, and the difficulty which the shipping of the port have in competing with "the steeds of steam," which carry on the traffic of the district with a speed and regularity that cannot otherwise be rivalled. All the money hitherto spent in improving the Nith has failed to make it a good navigable river. Capacious vessels, drawing seven feet

* Minutes of Nith Commission.

of water or so, can easily come up the estuary to within a few miles of Dumfries; but after that, in spite of what Mr. Hollingsworth and other engineers have done, difficulties commence which are only fairly overcome for the time being when the tidal flux is at least sixteen feet high. For these reasons the shipowners and merchants are beginning to think that, instead of trying to subdue the all but impracticable channel between the town and Glencaple Quay, they ought to connect them, or otherwise reach a deep sea harbour by a railway; and thus (to use a nautical phrase) splice the perfect mode of land transit on the defective river transit, and secure for the Burgh the full benefits of both. Mr. M'Whir, in his report (already quoted from), anticipated that the revenue of the Nith, which had yielded an average of £950 annually from 1811 to 1823, would soon increase to £1,000 and upwards. In 1831 it amounted to £1,072 17s. 4d.: it has been occasionally a few pounds higher since; but as soon as the railway system of the district came into full play, the commerce of the river declined, and it is now in a state of great depression.

Long before "Burns's time," Bridgend had become a populous town; but even after the beginning of the current century, when it numbered nearly two thousand inhabitants, it had little business and no local government, save what was exercised by the County justices and the superior of the soil. On account of the latter circumstance, the town became tenanted by more than its fair share of lawless characters: wandering tinklers, who, wearied with camp life in Galloway or Annandale, found readily within it welcome rest and refuge; runners of contraband goods from the Isle of Man, who could usually count on safe lodgings in Bridgend; while of native poachers and other roughs it reckoned not a few. Being located in a different county, the Dumfries magistrates had no jurisdiction over it whatever. Tam o' Shanter eluded the Alloway witches by putting a running stream between him and them, and Burgh delinquents in the same way often effected their escape by wading the Nith at its fords, or crossing it by the bridge, well assured that the officers of justice durst not pursue them into Galloway. When criminals were actually followed into Bridgend by those having the requisite authority, they frequently baffled

the beagles of the law by diving into a labyrinth of underground buildings which lay near the river's brink, where whisky was distilled in defiance of the gauger, and where a gipsy gang held rule under their chief, Ryes Aitken, who was nearly as great a local celebrity in his day as Jock Johnstone, or even Big Will Bailie. There was much of exaggeration in the statement attributed to a London magistrate—Sir John Fielding—that the metropolitan detectives could trace a thief over the entire kingdom if he did not get to the Gorbals of Glasgow or Bridgend of Dumfries; for in that case they had to give up the chase. But it was unquestionably a somewhat lawless town, till, by its erection, in 1810, into a burgh of barony, under the name of Maxwelltown, it acquired a magistracy of its own. The charter was obtained greatly through the exertions of the late Mr. Philip Forsyth of Nithside; and in recognition of his services in this and other respects, he had the honour of being elected first provost of the burgh.* Maxwelltown has long been as peaceable a place as any in the British dominions; and, with its extensive iron foundries and woollen manufactures (of which we shall afterwards speak), and its large timber works and saw-mill (the latter the property of Messrs. Gillies & Son), it possesses no inconsiderable extent of trade. Its inhabitants have rapidly increased during the present century, and it is now the most populous town of Kirkcudbrightshire: population in 1861, 3,600.

* The town, which was long without any proper local government, has now police authorities under Rutherford's Act, as well as a baronial magistracy and council.

CHAPTER LII.

PECUNIARY DIFFICULTIES OF THE BURGH — BANKRUPTCY IMMINENT — THE REVENUE PUT UNDER TRUSTEES — DETAILED ACCOUNT OF THE TOWN'S PROPERTY, INCOME, AND CHARGES—SALE OF KINGHOLM AND BARKERLAND —THE MORTIFIED MONEY OF THE BURGH.

THE year 1817 was a melancholy one for Dumfries. It was to the Burgh what the day after an exhaustive carouse is to a repentant prodigal. For a hundred years or more the town had been living beyond its means; and latterly it had been incurring heavy liabilities, which became daily more burdensome and pressing. Great improvements had been effected; important public buildings had been raised for beauty and use: all these undertakings being excellent in their way—only, they were too numerous and costly for the revenue of the town, even had that been rigidly economized. But frequently the feu duties and rents, of which it was in a considerable measure made up, were badly looked after; expensive law-suits were recklessly entered into; and every year a good round sum was spent by the authorities on what were delicately called "entertainments," which in plain English meant eating and drinking at the expense of the public. Perhaps the facilities given by Mr. Staig for obtaining loans from the Bank of Scotland during the long period in which he was at the head of affairs, tended to make the Council additionally extravagant. The bank was deemed by them an inexhaustible mine, into which they could never dig too deeply; and a long array of bills bearing heavy discounts, bore witness to the persistency with which they drew upon its resources. What with lavish outlays for objects proper and improper, money borrowed at excessive rates, expensive litigation, and losses incurred from defaulting feuars, tenants, and collectors, the Burgh was brought to the verge of bankruptcy.

An unfortunate circumstance occurred in the summer of 1816 which precipitated the crisis. The chamberlain or treasurer

resigned his office; and when his accounts came to be examined, it was found that he was the town's debtor to the extent of at least £1,500, a sum he was unable to refund.* His cautioner or surety, Mr. John Maitland of Eccles, was called upon to make up the deficit; but before he did so, the creditors of the Burgh became alarmed, and some of them pressed their claims unmercifully—in particular the Humane Society, which, with a rigour at variance with its name, demanded instant payment of £1,000 it had lent to the town. Whilst this body clamoured and threatened, the trustees of the deceased Robert Wilson, tanner, commenced a process against the Council, without previous warning, for the payment of £800, for which bills had been given. The dilemma into which the authorities were thrown is indicated by the minute of a meeting held by them on the 14th of April. Mr. Maitland, it appears, had received notice that, unless he paid the money for which he had become bound, diligence would be used against him; and at the above meeting it was announced that no communication had been received from him in reply. It is then stated that as an arrestment had been used in Mr. Maitland's hands, at the instance of Mr. Wilson's trustees, "the Council authorize the magistrates, or any other members of Council, to enact themselves as cautioners in the Sheriff-Court books to make the arrested funds forthcoming, and thereby obtain letters of loosing the arrestment used in his hands, and in the hands of the town's debtors, tenants, &c.; and such of the members of Council as grant such bonds of caution, the Council declare the obligation to be for behoof of the town, and the Council become bound to relieve them of their cautionary engagements; and until this is accomplished, the meeting delay giving any directions with regard to the diligence against Mr. Maitland."

At another meeting, held soon afterwards, it was intimated that at least temporary relief had been obtained by Messrs. Shortt and Locke, the town clerks, having subscribed a bond of caution for loosing the arrestments; and that Mr. Maitland was about to sell part of an estate belonging to him, so as to be able to satisfy the town. During this breathing time a Committee appointed to consider the revenue, for the purpose of introducing

* Town Council Minutes.

more economy into its management, laid before the Council an elaborate and interesting report on the subject. It showed that the total annual revenue of the Burgh was £2,306 7s. 11d., made up as follows:—Permanent feu duties payable by the town's vassals, £124 4s.; rents of lands, houses, cellars, and timber yards, £484 11s. 9d.; rents of mills and granaries, £546 15s. 3d.; teinds payable out of the lands of Drum and others, including small teinds from town's vassals, £68 11s. 2d.; customs payable at the bridge, trone, three ports, &c., the average of which for the last seven years was £656; impost on ale, which had yielded on the same average £100; fees for admission of burgesses, also on an average of seven years, £50; church seats, the rent from which had latterly been £176 5s. 9d., but to which the committee proposed an increase of £100. Deducting £13 1s. 1d. as stipend payable to the minister of St. Michael's Church, the net revenue from all these sources amounted to £2,293 6s. 10d.*

The expenditure, as already stated, had been gradually, year after year, getting more out of keeping with the income; and how to proportion them, so as to let the difference be on the safe side, was the most difficult part of the task assigned to the Committee. With the view of securing this desirable result, they proposed means for augmenting the revenue as well as reducing the expenditure. The Committee stated that the interest on the debts first required to be dealt with: these consisting of sums permanently placed in the town's hands for charitable and useful purposes, and for the greater part of which heritable security was granted betwixt the years 1730 and 1740, over the mills, Milldamhead, Dock, four inclosures of Barkerland, customs at the bridge, and other duties. Of these there were mortified to the hospital and poor, £2,201 6s. 6d.; to the schools, £1,119 4s. 1d.; to two poor individuals under Paterson's deed, £20: in all, £3,340 10s. 7d. Then, secondly, there were temporary loans amounting to £18,898 9s.; current bills, £1,399 5s. 8d.; accounts due to tradesmen, agents, &c., £1,422 19s. 8d.; interest of these debts up till Whitsunday, 1817, £945 3s. 1d.; deducting rents and feu duties in arrear and falling due, £1,454 6s. 9d.; and computed sum to be owing

* Town Council Minutes.

by the late chamberlain, £1,300, the debts of the town were £23,252 1s. 2d.—the interest on which was £1,162 12s. The Committee's reductions under this head were very trifling, but they suggested various changes in regard to the clerks' fees, salaries of subordinate officials, and outlay for repairs, by which a saving of several hundred pounds a year might be effected. In regard to the municipal feasts, they proposed that "all entertainments be laid aside, excepting the annual dinner at the election of magistrates, and that even considerably restricted in the amount usually contracted."* It was admitted that about £80 a year had been of late spent in this way; and the Committee, after suggesting that the allowance should be restricted to fifteen guineas for the Michaelmas dinner, relented so far as to add five guineas for other festive incidents "of an unavoidable nature."

A mode of letting the small feus so as to be more productive, and several other proposals for increasing the revenue, were embodied in the report; the annual expenditure, as modified, being set down as follows:—Interest, £1,162 12s.; repairs, £100; management, £144 19s. 10d.; salaries to ministers, schoolmasters, chamberlain, fiscal, billet-master, jailor, officers, precentor, and bellman, £512 5s. 10d.; total expenditure, £1,919 17s. 8d.; which deducted from the revenue, £2,293 6s. 10d., leaves a surplus of £373 9s. 2d.; which balance, however, must be reduced to £250 in order to allow a small contingency fund of £123 9s. 2d. a year. "This sum of £250," said the Committee, will certainly not speedily produce any important reduction of the debt of the town, but if its operation as a sinking fund be allowed to accumulate annually, it will, with the operation of compound interest, in the course of thirty-three years, fully discharge the whole debts, except what is called the mortified money, amounting to £3,340; or in twenty-two years and a half one half of these debts will be discharged." The Committee noticed to deplore the embarrassments occasioned by the various law-suits in which the town was unfortunately concerned, and recommended that in future, wherever practicable, all disputes with other parties should be settled by amicable arrangement or arbitration.

Finally, the Committee proposed that the revenues of the

* Town Council Minutes.

Burgh should be handed over to trustees for behoof of the creditors; and that an effort should be made to negotiate a loan on heritable security, with which to pay off such debts as were most pressing. The report, after being slightly altered, was adopted by the Council; and a committee of the creditors having approved of the proposal for the appointment of trustees, Bailie Barker, his son Mr. John Barker, and Mr. John Fergusson, ex-convener of the Trades, were named as such, with Messrs. Thomson, Johnston, and Miller as a committee of advice from the Council; and Mr. William Gordon, senior agent for the treasurer of the kirk-session, the preses of the Humane Society, and any other claimants to the extent of £500 who chose to attend, as a committee of the creditors.* On the death of Mr. Fergusson, in 1820, Mr. Adam Rankine and Mr. James Locke were appointed trustees in his stead. For nearly seven years, the public purse was out of the Council's hands; but at the close of 1824, they recovered hold of it, in virtue of an arrangement with Mr. Robert Taylor of Broomlands, whereby he gave them a loan of £20,000 at 3½ per cent., with which they liquidated nearly all the debt, and relieved the trustees of their onerous duties.† As we shall soon see, the incubus thus rolled away soon returned, like the stone of Sisyphus, with redoubled violence, and made wasting havoc of the town's inheritance. As security for the large sum thus advanced, Mr. Taylor received a bond over the property and income of the Burgh; it being part of the bargain, that unless the principal were paid up in five years, he would become entitled to the rate of interest then current. In the deeds was embodied a very comprehensive and detailed statement of the town's income and expenditure, which enables us to understand precisely its financial position at the time. We subjoin the substance of the document:—

PROPERTY AND INCOME.

Branch I.—Lands.

1. The farm of Kingholm, about a mile below the Burgh, extending to sixty or sixty-one Scots acres: rent, £150 a year. The property, from its situation on the Nith, and "the intrinsic goodness of the soil," cannot be worth less than £5,500.

* Town Council Minutes. † Ibid.

2. The lands of Milldamhead, lying on both sides of the great turnpike road from Dumfries to Carlisle, twenty acres in extent: rent, £55; valued at £1,700.

3. The grazing called Dock and Dock Park, containing six acres: let at £55. This property lies on the Nith, immediately below the town, and is "the richest grazing ground in the south of Scotland; but its value must depend not on that, but on its local situation for warehouses or trade, as it forms the harbour of the town during spring tides. The beauty of the scenery also renders the property valuable for villas, on a part of it at least. Though the Burgh would not incline to dispose of it unless under particular circumstances, for the improvement of the place, yet, in the view of the estimate proposed," if offered for sale it would not be worth less than £2,000.

4. Garden and houses at Dock Park: rent, £6 10s.; value, £400.

5. Millgreen, on the opposite side of the river: rent, £22; value, £650.

6. Garden at the mills: rent, £2 2s.; value, £100.

Branch II.—Feu Duties, or Ground Rents.

These are secured on the properties, and amount annually to £119, with teind duties to the extent of £4 7s. 4d. In general the owners of the houses built on these feus would be glad to relieve their property from the burden, and to them they are worth at least twenty times the yearly rental; but they may be entered as valued at £1,800.

Branch III.—Rents of Buildings.

1. Cellar and granary at Meal Market: rent, £12; value £200.

2. The warehouse and shops in the Mid-Steeple buildings: rent, £47 5s.; value, £1,400.

3. Stable-yard at Sands: rent £2; as for the benefit of the public street the yard ought to be removed, no value is put upon it.

4. Shop and school-room in Bank Street, formerly occupied as a salt market: rent, £20; value, £350.

5. Timber yards on the river: rent, £16 15s. These ought to be removed to afford more accommodation for the cattle market, and therefore they are left unvalued.

Branch IV.—Corn Mills.

1. Flour mill: rent, £220.
2. Barley mill: rent, £60.
3. Oat mill: rent, £171.

4. Waulk and frieze mill: rent, £31 10s.; value of the whole, £7,215.

5. Granaries attached to the mills, with ground behind: rent, £57 5s. 3d.; value, £855.

Branch V.—Customs and Market Dues.

1. Pontage or bridge dues: rent, £434.
2. Fees levied on goods brought into the markets: let at £47 10s.
3. Fees levied on grain brought into the markets: let at £47 10s.
4. Fees at Flesh Market: let at £21.
5. Fees at weighing-machine: let at £40 10s.

With regard to the first article, it is explained that the right of the Burgh to uplift fees from all black cattle going southwards from Galloway, the lower parts of Ayrshire, and the north of Ireland, extends for twenty miles along the river, and therefore commands the whole of such cattle. It is added that the right applies to all horses, sheep, merchandise, &c., and produces a steady rent which must improve with any improvement of the country at large. The value, therefore, cannot be estimated at less than twenty times such rent, namely, £11,800.

Branch VI.—Impost on Ale.

Average annual amount, £104. Deducting ten per cent. for expense of collection, £94 is left; and the value of the tax, at fifteen times the sum, is £1,400.

Branch VII.—Fees Payable on the Admission of Persons to the Freedom of the Burgh or Corporations.

Annual average, £89. "This is a permanent fee, and, according to increased population, must necessarily increase." At fifteen times the present average, the value is £1,335.

Branch VIII.—The Rents of Seats

In two Established Churches, £300; which, fifteen times multiplied, amounts to £4,500.

Branch IX.—Miscellaneous.

1. The building occupied as the Council Chamber and town clerk's offices, which is proposed to be sold whenever the lease of the old Court-house expires: value, £500.

2. Green-sands, and other vacant grounds, worth at least £525. Total amount of the town's annual rent in 1824, £2,142 4s. 7d. Total value of the town's property and income, £42,230.

CHARGES, OR OUTLAY.

BRANCH I.—PUBLIC AND PAROCHIAL BURDENS.

1. Communion elements, £30; stipend to minister of St. Michael's Church, £11 14s. 7d.; ditto to minister of Troqueer, £1 19s. 6d.; fees to Convention of Burghs and Exchequer, £13.

BRANCH II.—SALARIES AND MISCELLANEOUS ALLOWANCES,

Stated or occasional, amounting in all to £528 16s., including £53 6s. 8d. to magistrates and conveners for burgess tickets; £4 18s., "trades' dollars and wines, according to custom of the Burgh;" and £15 15s. for annual entertainment at election of magistrates.

Total annual expenditure, £579 10s. 1d.

From the foregoing statement, very cheering but somewhat fallacious deductions were drawn by the authorities. As the debt, which was upwards of £23,000 in 1817, had now been diminished to £20,000, they fancied that they would be able to go on reducing it at even a greater rate. There was an annual revenue of £2,142 4s. 7d.; the difference between that sum and the annual expenditure as given above was no less a sum than £1,542 14s. 6d. Deducting from that the interest of Mr. Taylor's loan (£20,000) at 3½ per. cent., left £862 14s. 6d.; and diminishing that still further by allowing £362 14s. 6d. for new works and repairs, there would still be available £500 a year of surplus, which scrupulously reserved as a sinking fund would be sufficient in forty years or so to sweep away the entire debt, if such should be deemed expedient; and at all events the Council would be thereby enabled to pay off all pressing creditors without having to part with a single rood of land.*

That the retrenchment resolved upon was scrupulously carried out, may be inferred from the following Council minute, dated 3rd July, 1827:—"The said day Mr. Barker reported that yesterday he had paid to Mr. Taylor £1,000 in part of his debt, being two years' saving fund from the revenues of the town." But it unfortunately so happened that the gentleman who had opportunely come to the relief of the town in 1824, now intimated that he wished to have the loan repaid in 1830, as he needed the money.† This demand seems to have thoroughly perplexed and disheartened the Council. Possessed of the loan,

* Town Council Minutes. † Ibid.

they had difficulties enough with which to contend; deprived of it, they would be overwhelmed with embarrassments, unless they escaped from them by repeating the humiliating expedient —adopted too often by their predecessors—of selling another portion of the Burgh's landed property, which it had possessed for ages. They saw no possibility of obtaining a second loan at a moderate rate of interest, to enable them to pay off the existing one; retrenchment had been carried to the farthest limit; they could not hope for any such increase of revenue as would afford any sensible relief. "We must therefore," said the Council, "submit to dire necessity, and dispose of the patrimonial acres, as the only means within our reach for removing our difficulties and maintaining the public credit."

Accordingly, the sale of certain subjects was resolved upon; and Mr. Brand of Mountainhall and Mr. Pagan of Curriestanes, on being appointed to value them, reported to the following effect:—The lands of Kingholm, £7,160, if divided into six lots as they suggested; or if offered whole, the upset sum to be £6,300. Dock Park or Kennedy's Garden, if sold for building lots, £1,120; gardener's house and offices, £380; but if the whole were put up at one lot, the upset might be £1,200. The lands of Milldamhead, worth £100 an acre—in all, £1,925; but as they were burdened with a high stipend of £5 12s., it was suggested that £600 should be the upset price of the portion north of the English road, and £1,120 of the part lying on the other side. The two-story house in Bank Street, built for a salt store, was valued at £200.* On the 19th of July, 1827, the two estates were sold by public auction: Kingholm being bought by Mr. John Hannah of Hannahfield, for £6,300;† the north half of Milldamhead, by Mr. James Black, for £800; and the south half by Mr. John Richardson, for £1,120. For the other lots there were no offers; and fortunately, on this account, the Dock Park remains till this day the property

* Town Council Minutes.

† As showing the value of the same property in 1712, we quote the following Town Council minute, dated on the 26th of September that year:—"The land enclosed in the Kingholm, consisting of forty-two acres of plowable ground or thereby, lately enclosed, together with the house thereon, was by public roup let to John M'Nish, deacon of the weavers, for three years after Martinmas, for twinty-two pounds sterling yearly."

of the town. Some years later, the house in Bank Street was sold for £300.* About the same period, the six acres of land, with the feus, on which the village of Glencaple is built, passed into private hands, all except a small strip which was sold about four years ago to Mr. James Gordon, solicitor, for £50.

It is a matter of lasting regret that the sacrifice of Kingholm and Milldamhead was rendered unavoidable by sheer thriftlessness. Since the date of the sale their market value has been more than doubled; and were the rents yielded by them poured into the public treasury, the Council would be able to embark in many useful schemes, which, under existing circumstances, they dare not think of. But this lament is vain; and some consolation arises from the fact that the lavish outlay long indulged in secured not a few lasting improvements, which a timorous financial policy would have left undone. By means of the £8,220 obtained in the above way, the payment in whole or part of the sum owing by the ex-chamberlain, and other sums borrowed on the remaining property and on the revenue, the Council paid their principal creditor, and got the town out of the troubled waters in which it was nearly wrecked.

Notwithstanding all the sacrifices of this nature that have been made since the reign of James V., when they are supposed to have commenced, till the present day, Dumfries still possesses no inconsiderable amount of landed property. Most of it is disponed in feu, or is held by parties who have acquired possession on titles originally bad, but which are legalized through prescription, although it is believed there are some who hold Burgh land without any title whatever, and whose claims therefore are susceptible of being challenged. A piece of moss at Stoop, about twelve acres in extent, was sold on the 7th of February, 1863, for £52, to the holder of a right of pasturage over it, he being desirous of rendering it by culture more productive. Altogether, about 985 acres are held from the town by charter, including not only what was feued as moss, but what was known as the common lands of the Burgh. Most of it is under cultivation of some kind, not more than 101 acres being left in its primitive mossy or boggy condition. Besides the chartered and moss lands, there are—(1) The Green-sands

* Town Council Minutes.

(formerly called the Upper Sandbeds), including Pudding-flat, near Albany Place; (2) the Academy grounds; (3) the Dock and Dock-yard; (4) a portion of the Dock Park, south of Hamilton's feu; (5) land at mills and Mill-green; and (6) land at the gunpowder magazine below Kingholm quay. The revenue yielded by these six subjects varies. For the year ended 15th September, 1866, it amounted to £65 15s.; from the chartered lands the same year, the sum of £247 19s. 11$\frac{23}{24}$d. was exigible: in all, £313 14s. 11$\frac{23}{24}$d. The revenue under the second head included £7 10s. 5d. for properties in the town, but exclusive of the feus that lie southward of the Infirmary (these being included in the landward part), and exclusive of what is known as small feus; and one feu of 2s. in the Burgh roods, not entered in the chamberlain's books.*

Frequent mention has been made of the money bequeathed to the Burgh for educational and charitable purposes. It is usually spoken of as a debt, which it undoubtedly is—only, like the National Debt, the money cannot be called up, but remains in perpetual trust. As a sequel in some degree to the monetary operations just described, the whole of this mortified money, amounting to £4,205 14s. 1d., was in 1832 formally made over by the magistrates and Council in a bond and disposition to themselves. From this deed† we take the following statement of the bequests:—

1. Robert Johnston, of the parish of St. Ann, Blackfriars', London,

* It is supposed by many that the ancient ceremony of Riding the Marches was designed to show that all the land within the boundary thus described belonged absolutely to the Burgh; but this extreme view admits of question. We think it probable that when the town was royally chartered all the lands within the royalty not in the lawful possession of any one would be granted by the Crown to the Burgh; but the Crown would scarcely prejudice the rights of other superiors, and consequently private parties might have held lands within the marches perambulated; just as, on the other hand, the Burgh held land outside these marches—in Troqueer for instance, where at present some parties hold their lands and possessions as vassals of Dumfries. The Riding of the Marches was, we are inclined to think, originated and continued for the purpose of keeping in remembrance the extent and situation of the territory over which the magistrates had jurisdiction, civil and criminal; and it may have taken the place of an older practice mentioned by Lord Stair—that of whipping boys at march stones, in order to make them remember the boundary line for life.—*Institutes of the Law of Scotland*, third edition, 1759, pp. 716–17.

† Embodied in the Minutes of Council, 1832.

by his will dated 30th of September, 1639, left £600 "to be employed in stock or wadsett of lands, for the perpetual yearly maintenance of the aged, blind, lame, and impotent people" of Dumfries.

2. John Raining, of the city of Norwich, bequeathed, on the 28th of March, 1722, £500, to be let out at interest or laid out in the purchase of lands, for the maintenance of six poor widows of the town, sixty years of age or upwards, at the rate of 12s. to each, quarterly; and the surplus to be applied in paying a good capable schoolmaster to teach poor fatherless boys English, Latin, and arithmetic.

3. Mrs. Marion Archibald, relict of Dr. George Archibald, physician in Dumfries, left, on 20th September, 1733, £60, to be laid out on good security, for the better maintenance of two poor widows, not under sixty years of age, and relicts of burgesses and inhabitants of the Burgh.

4. James and William Moorhead left for the erection of an hospital as already fully set forth in this work.

5. Charles, Duke of Queensberry gave, on the 11th of October, 1742, £300 for behoof of the said hospital.

6. Mrs. Ann Dalzell or Hopkins, relict of Robert Hopkins, left, on the 30th of December, 1768, £100 for the same purpose.

7. James Brand of Drumclyre left, on the 29th of December, 1790, £100 for the same purpose.

8. Miss Lilias Simpson, on the 29th of December, 1790, bequeathed £10 for a like purpose.

9. William Johnston, of Madeira, left £100 for relief of the poor in the Parish, as recorded in a Council minute of 30th March, 1801.

10. Mrs. Janet Hay or Gillespie left £10 for behoof of the hospital (date not recorded).

11. Samuel Donaldson, of London, left £200, minus legacy duty; one half for the poor, and the other half for the benefit of a schoolmaster, as recorded in a Council minute of 13th October, 1813.

12. Provost George Bell of Conheath left £100; the interest to be paid to the schoolmaster authorized by the magistrates and Council to teach English, by way of addition to his salary.

All these sums, amounting to £2,382 2s., are solely vested in the magistrates and Council; and those subjoined are intrusted to them in conjunction with other bodies.

13. John Paterson left, on the 22nd of February, 1717, 400 merks Scots, or £22 4s. 5⅓d. sterling, the ordinary interest of 8000 merks, for maintaining a well-qualified schoolmaster within the Burgh "to

the end of the world," to teach children in a free school, without receiving from them any fee or reward, in the Latin rudiments, grammar, rhetoric, classic authors, and Greek New Testament. Then, by another later deed, Mr. Paterson left 200 merks, or £11 2s. 2⅔d. sterling, the interest of 4000 merks, for maintaining a well-qualified schoolmaster to teach within the Burgh, "to the end of the world," the children of burgesses, indwellers, and burden-bearers, and eight children of the poorer sort of merchant burgesses and burden-bearers of the Burgh, in writing, arithmetic, book-keeping, and navigation. An additional sum of 3000 merks was bequeathed by Mr. Paterson to enable the magistrates and Council of Dumfries, and ministers of the Parish, in whom the principal sums were vested, to uplift the same, as secured by bond on certain lands, and invest them in some other way if deemed advisable.

14. The before-named George Bell bequeathed £50 to the magistrates, Council, and Kirk-Session, for behoof of the Hospital.

15. Various legacies, accumulated to £906 10s., were vested in the magistrates, Council, Parish ministers, and Kirk-Session, for behoof of the poor in the town and Parish.

16. By a resolution of the directors of the Hospital, dated 7th March, 1831, £35 17s. 3d. was set apart from the ordinary funds of that charity.

So much for the mortified money which figures so prominently in the ledger of the Burgh, and gives life to some of its chief educational and charitable institutions.

CHAPTER LIII.

A GOLD CHAIN PURCHASED FOR THE PROVOST—PRESENTATION ADDRESS BY DR. SCOTT—THE NEW ASSEMBLY ROOMS BUILT—GAS INTRODUCED, AND OTHER IMPROVEMENTS EFFECTED—FORMATION OF A MECHANICS' INSTITUTE—REMOVAL OF LAG TOWN HOUSE, THE TURNPIKE—THE BURGH'S CHARTERED RIGHTS CONFIRMED BY THE CROWN—THE DEAN CONSTITUTED DEAN OF GUILD—THE "DRY YEAR," 1826—EXTRAORDINARY MEAL MOB—THE MURDERER HARE IN DUMFRIES—HE IS MOBBED AND PURSUED TO THE JAIL BY THE POPULACE—THE PRISON BESIEGED—TERRIBLE RIOT.

THOUGH for many years after 1817 the rulers of the town were much engrossed by matters of finance, they did not neglect other public questions; and the enterprise of private parties united with theirs in promoting several beneficial measures. A new approach was made to the Burgh from the north; the site of the cattle market on the White-sands was enlarged and paved; a free school was built on the Green-sands in 1821; and the Mid-Steeple and St. Michael's steeple were each supplied with a new clock, the cost of both, defrayed by subscription, being about £190. Just when the monetary shoe might have been supposed to pinch most severely, the lieges clubbed their shillings and guineas on an expensive article of luxury with which to decorate their chief, though the town could barely pay its debts. This was a magnificent double chain of gold, which cost within a trifle of £150. It was publicly presented to the Provost, Mr. John Kerr, on the 3rd of August, 1822; the Rev. Dr. Scott, minister of St. Michael's, making an eloquent presentation speech in name of the subscribers, and the Provost responding in appropriate terms. At the next meeting of Council a minute was adopted recommending his honour to wear the smaller part of the chain constantly, but to reserve the longer and heavier part, with a medallion that is attached to it, for "extraordinary occasions." This advice is still acted upon; and on great days the Provost also wears a rich ermined robe purchased by the Council in 1862.

The modern part of the town—commenced in the north, after the building of the new bridge—received an important addition when the new Assembly Rooms were erected, in 1825; and the following year was signalized by a great event—the lighting of the Burgh with gas, provided by a company having a capital of £8,000. Almost contemporaneously with this increase of material illumination, there came into existence a society which has been the means of diffusing much intellectual light—we refer to the Dumfries and Maxwelltown Mechanics' Institute. It was started on the 15th of March, 1825, at a meeting held for the purpose in the Trades' Hall, presided over by Provost Thomson; and in the course of the following year it was in full working order. The members of the original committee are entered in the minute-book as follows:—Provost Thomson, Mr. John Gregan, Mr. William M'Gowan, Mr. Connechie, Dr. T. T. Duncan, Mr. Grierson, Mr. J. Charteris, Convener Anderson, Mr. John Gibson, Mr. Thomas Roberts, Dr. H. Duncan, Mr. Barker, Mr. Walter Newall, Mr. Thomas Watson, and Mr. James Wilson. At first the annual subscription was 8s. per annum; for children of members, and apprentices, 4s. When the Institute was ten years old it numbered 150 members. Its fortunes have been very varied: more than once it almost ceased to exist, and was only kept alive by the zealous efforts of Mr. William Mundell, grocer; Mr. Thomas Roberts, carver and gilder; Mr. John Bell, ironmonger; Mr. James Charteris, turner; Mr. Alexander Crombie, architect; Mr. William C. Aitken, brassfounder; Dr. W. A. T. Browne, president of the Institute, and others of its early promoters. Sixteen years ago, when the Institute was in a somewhat sickly condition, Mr. Christopher Harkness became its secretary; and from that date it has grown in size and improved in health. It is now, and has been for a lengthened period, one of the most prosperous societies of the kind in the United Kingdom. There are connected with it an excellent reading-room, a well-selected library of nearly 8,000 volumes, a course of lectures during the winter, and classes for young lads whose early education has been neglected. The terms are only 4s. a year for adult males, 3s. for females, and 2s. for apprentices. Usually the membership numbers between 600 and 700. A very elegant and commodious hall, built for the Institute from

a design by Mr. Alexander Fraser, architect, was opened about the close of 1861. It has sitting accommodation for 1,002 persons, and cost about £1,500.

One of the local journalists, writing on the 5th of September, 1826, thus notices the improvements to which the introduction of gas formed a sort of climax. "For a long period," says the writer, "Dumfries was so stationary that it might have been included in the list of what an Irishman calls *finished towns.* But a new spirit has gone abroad. . . . If we consider the number of streets in Dumfries and Maxwelltown that have been finished, planned, and partly executed within the last few years, the tenements rebuilt, the houses gutted to make shops of, or in other respects remodelled and repaired—the marvels, in a word, worked by Messrs. Sinclair and Howat, Newall and Inman, Brown, Hair, and many others, we are quite sure that the original 'shooters of the Siller Gun,' were they to rise from their graves at this moment, would scarcely be able to recognize the ancient Burgh they lived, died, and earned their bread in. The widening of English Street, and the approach by the Townhead, are both very great improvements; and strangers visiting us from the South and North must now receive favourable impressions of the cleanliness and neatness that characterize Dumfries from the moment they approach the shores of the Nith."

One of the changes involved the removal of a large old pile called the Turnpike, the town house of the Lag family, and in which the noted persecutor Sir Robert Grierson spent the latest years of his life, and died in 1736. It is pretty generally known that Sir Walter Scott depicted Sir Robert under the title of Redgauntlet, in the romance of the same name; but the facts are known to few, that the monkey companion of the aged knight, Major Weir, had a veritable existence, and that the "cat's cradle," where the curious creature slept, was a remote turret of the Turnpike that had been built for a place of observation in ancient times.*

* The Laird of Lag and his favourite are so racily described by Wandering Willie, in Scott's romance of "Redgauntlet," that we must here introduce a portion of the sketch. "There sat the Laird his leesome lane, excepting that he had beside him a great, ill-favoured jackanape, that was a special pet of his; a cankered beast it was, and mony an ill-natured trick it played—ill to please it was, and easily angered—ran about the haill castle, chattering and yowling,

The inquiry into the town's pecuniary matters made the circumstance painfully prominent, that some of the legal deeds by which its property and privileges were held had been lost or destroyed. Lest injurious results should follow, the Burgh's legal agent in Edinburgh was instructed to take steps for obtaining a confirmation of its chartered rights. On the 8th of May, 1827, the Provost (Mr. William Thomson) intimated to the Council that the agent had succeeded in procuring, at an expense of £144 15s., "a renewed charter of confirmation by his present Majesty of the former charters granted to this Burgh by the sovereigns of this part of the United Kingdom, in which all the privileges, immunities, jurisdictions, and customs pertaining to the Burgh were particularly and specially enumerated and confirmed." It was further reported by the Provost, that on the 23rd of the preceding month, public infeftment had been taken on the new charter at the market cross, a record of which would be duly entered in the registers of sasines for the Burgh and County.

By the same royal grant the Burgh acquired a right of guildry, which it did not previously possess.* As already pointed out, strenuous efforts were put forth by the merchant councillors in the reign of James VI. to obtain a privilege of this nature, which failed chiefly on account of opposition from the Trades. The King, as appears from a document discovered in 1826, when the Burgh records were removed from the old to

and pinching and biting folk, especially before ill weather or disturbances in the State. Sir Robert ca'd it Major Weir, after the warlock that was burnt; and few folk liked either the name or the conditions of the creature—they thought there was something in it by ordinar'. . . . Sir Robert sat, or I should say lay, in a great armed chair, wi' his grand velvet gown and his feet on a cradle—for he had baith gout and gravel—and his face looked as gash and ghastly as Satan's. Major Weir sat opposite to him in a red laced coat, and the Laird's wig on his head; and aye as Sir Robert girned wi' pain, the jackanape girned too—like a sheep's-head between a pair of tangs: an ill-faured, fearsome couple they were. The Laird's buff coat was hanging on a pin behind him, and his broadsword and his pistols within reach; for he keepit up the auld fashion of having the weapons ready, and a horse saddled day and night, just as he used to do when he was able to loup on horseback and away after ony of the hill-folk he could get speerings of." The Major was literally pistolled by Sir Gilbert, the next laird of Lag, though not (need we add?) under such circumstances of *diablerie* as are so graphically narrated in the romance.

* Town Council Minutes.

the new Council Chamber, actually gave his sign-manual in favour of the application; but infeftment was never passed upon it. The dean, annually elected by the Council, had no very extensive jurisdiction; but the charter of 1827, when given effect to, converted him into a dean of guild, increased his powers considerably, and gave him a court and officers of his own. Mr. John Barker held the office in its simple form when the new law came into force; and he having resigned it, was thereupon elected as the first dean of guild in Dumfries, at a meeting of Council held on the 31st of July, 1827; and at the same time five gentlemen were appointed to co-operate with him, and a clerk and procurator-fiscal were attached to his court, all in terms of the charter.

The crops of 1826 suffered from a protracted drought, which has made the year a memorable one. As a consequence, grain advanced considerably in value: oatmeal, which had formerly been selling in the Queensberry Square market at a moderate figure, rose to fully three shillings per stone—an advance that occasioned much discontent in the town and district, and ultimately led to a serious riot. On Wednesday the 12th of July there was a very welcome fall of rain—the first that had occurred for several weeks—accompanied by a brief but exceedingly violent thunderstorm. Just before the elemental strife commenced, a storm of popular indignation burst forth, provoked by a meal-monger from Maxwelltown, who, seeing that his stock was in great demand, advanced its price to three shillings per stone. When challenged for doing so, he defended his conduct; and, in exchanging verbal compliments with the dames of the market, he ventured to assail one of them with an epithet which no woman cares about submitting to. Blows followed words, and a dangerous scuffle would have ensued had not the hot-headed man of the meal been apprehended, examined before a magistrate, and committed to prison.

He was unfortunately liberated on bail, and with consummate foolhardiness resumed his position beside his meal-bags, and vaingloriously announced to an assembled crowd that "Three-Shilling Rab" was among them once more, and that he must have an additional twopence per stone on account of the trouble he had been put to. "Meal at three and twopence! Sorrow

on ye for a rascally auld skin-flint! Take that, and that, for yer shamefu' greed!" And with these significant words came a shower of corresponding missiles, directed against "Rab," who, hurriedly retreating from the furious tempest he had reawakened, found temporary shelter in the house of Mr. Bairden, on the opposite side of the square. From the voices of the disappointed mob rose sounds which rivalled the bellowing of the thunder that afterwards rolled above the Burgh. So violent was the rabble outcry, that in answer to it the trembling refugee had to be turned out; and when that was done, off he darted down the Long Close into Irish Street, in as great trepidation as Tam o' Shanter with the witches on his track. Less fortunate than that famous wight, he was caught at the foot of the close by a party of the rioters who had taken a ready cut for that purpose; and after they had given him a sound beating, he managed to escape from their hands; and, all bloody and bruised, he reached with difficulty the Maxwelltown side of the river, where he remained safely hidden for the night. The poor man's house was then visited by the populace, who broke its window panes; and then, in the madness of their rage, hurried to the houses of other meal-dealers, which they treated in a worse way, though their owners had not sinned after the similitude of "Three-Shilling Rab."

"The scene that now ensued," says the local journalist, "baffles description. Stones and other missiles were flying in all directions; windows were smashed, doors forced, furniture broken, and even stolen; and some houses in which not an obnoxious individual resided, soon exhibited an appearance resembling the effects of a bombardment. The damage thus done to many individuals was great; and one in particular rates his loss at upwards of £20. On the Dumfries side the police and special constables prevented, in a great measure, the fatal results which might have been anticipated; but in Maxwelltown there was no regular police or public body of sufficient power to suppress such general risings, and hence the fury of the mob raged there almost without control, until it might be said to have exhausted itself merely by its own violence."

A meal-dealer in Church Street had a narrow escape. He was closely besieged in his own premises; and when doors and

windows had been beaten in, he retreated by a back door, and hurrying out for bare life, broke through a thick thorn hedge, and near "the noon of night" presented himself, pale and trembling, at the house of a neighbour, by whom his escape was facilitated. We well recollect seeing, next day, the "cairn" of huge stones, some of them ten pounds in weight, which, piled up in the floor of his shop, seemed in our childish eyes a terrific memorial—and it was really such—of the fury of the rioters. The cause of all the commotion was punished with a fine of two guineas. When returning from the police court, he received some verbal abuse, but no actual violence; and in the afternoon he propitiated the populace, and saved himself from further annoyance, by offering his meal at the reduced rate of two shillings and nine pence per stone.

By far the greatest riot that ever occurred in Dumfries of modern date, took place on the 6th of February, 1829. For months before, the deeds of the notorious Burke, who strangled a number of persons and sold their bodies to doctors for dissection, excited the horror of the whole country. He suffered death for his crimes, but his accomplice, William Hare, escaped by turning "king's evidence;" and the authorities in Edinburgh having arranged to send him to his native country, Ireland, he arrived at Dumfries by coach on his way to Portpatrick. The news spread rapidly; and under its excitement a vast crowd, estimated at eight thousand people, collected on the streets—the greatest concourse being in the vicinity of the King's Arms Hotel, where Hare was located, waiting the departure of the Galloway mail. At first, several gentlemen were freely admitted to see him. When, however, the crowd outside increased, and began to use threats of violence, he was removed for greater security to a closet adjoining the tap-room. There he was traced; and a fierce band of intruders, with cries of "Burke him! Burke him!" burst in, who would undoubtedly have made their words good, had not several policemen arrived and cleared the room. The time for the Portpatrick mail to start (eleven o'clock) having come, the inn-yard was cleared with difficulty, the horses were yoked, and the coach was drawn out. Hare did not make his appearance. If he had ventured forth, no trembling quadruped with the name he bore ever experienced

a worse fate than that which awaited him. The wrath of the "Monument rangers," of the "Kirkgate blades," and all the nameless rabble of the town, from the Moat-brae to the Cat's Strand, was fairly up: they would have torn him to pieces without mercy; and it is scarcely exaggeration to say, in the words of Shakspeare:—

> "Had all his hairs been lives,
> Their great revenge had stomach for them all."

Two passengers were sent forward a few miles in a gig, and the coach started perfectly empty, excepting the guard, driver, and Mr. Alexander Fraser, one of the sons of the proprietor. The vehicle literally toiled through the multitudinous living mass that surged and heaved in High Street, and barely opened to let it pass. When at the head of Buccleuch Street, the coach was stopped and scrutinized. No one was found inside; and lest Hare, who was a small man, should be secreted in the boot, it too was searched; and the mob being satisfied that the object of their hatred must still be at the King's Arms, permitted the mail to pass on its journey without further harm. According to a statement current at the time, the rioters had arranged to stop the coach a second time at the bridge, and throw Hare over the parapet into the river; and failing that, to "Burke" him at Cassylands toll-bar, the gates of which had been barricaded by them beforehand. Not having found him in the coach, they returned bent on finding him in the hotel, and making him there feel their vengeance.

Strange to say, many persons were allowed to visit Hare in the afternoon at his quarters in the tap-room, whilst a *posse* of policemen stood at the wide entry to the inn, keeping the angry crowd at bay. "By these successive visitors he was forced to sit or stand in all positions; and cool, and insensate, and apathetic as he seemed, he was occasionally almost frightened out of his wits. Abuse of every kind was plentifully heaped upon him, as the only fitting incense that could meet his ear; and one woman, it is said, seized him by the collar and nearly strangled him; while a sturdy ostler who happened to be present, though perhaps not at the same moment, addressed him in these emphatic words:—'Whaur are ye gaun, or whaur can ye gang to? Hell's owre guid for the like o' you—the very deevils, for

fear o' mischief, wadna daur to let ye in; and as for heaven, that's entirely out o' the question!'"*

How to get rid of the unhappy man became every hour a more pressing question for the magistrates. They saw that on no account must he be kept in the King's Arms till after sunset; as the mob, favoured by darkness, might resort to desperate measures in order to reach its prey. It was thought if he could by any means be consigned to the prison in Buccleuch Street, its walls would defy any siege to which it might in consequence be subjected; and, with this end in view, an ingenious device was resorted to. A little before three o'clock a chaise and pair were brought to the door of the inn, to which a trunk was attached, and about which a great fuss was made. "Now we'll catch the gallows loon, and gie him't hot and heavy!" roared the exulting rabble. Not so, good Master Mob, bent on a red-handed ministry of retribution; the chaise you see is but a delusive decoy-duck, and the wretched man you seek for has, under guidance due, leaped from the window of his apartment, crawled like a viper, as he is, along a lengthened line of wall lest his upright form should attract observation, and hurrying into another chaise that stood ready for him at the bottom of the yard, has set off in it at a lightning-like pace.

The postilion, Murdoch by name, plied his whip and managed his team in gallant style. Had he been driving a worthy man instead of a vile miscreant away from a host of foes, he could not have performed his task more heroically. Before reaching his destination he had to make the circuit of half the Burgh—down Shakspeare Street; round Nith Place, the corner of which was turned so sharply that the conveyance ran for a moment on two wheels, and was nearly upset; up the White Sands. Lashed right and left, how the half-maddened horses did run! Even if they had flown like the fiery Pegasus, they could not have altogether eluded the vigilance of the Argus-eyed multitude; and just as the clattering equipage dashed by the foot of Bank Street, it was encountered by such a rush of rioters from that thoroughfare and other quarters, that to make way against the cataract seemed for a while impossible. Many a one in the condition of the King's Arms Jehu would have compounded for his own

* Picture of Dumfries, p. 100.

safety, by complying with the fierce demand, "Stop, and let the murderer oot!" that greeted him on all sides; but Murdoch neither stopped nor parleyed, but drove right on, though before he reached the head of the Sands, the crowd, swelled by contributions from Friars' Vennel and Maxwelltown, had become so dense that he only made way through it with the utmost difficulty. Several times the chaise, caught by a score of hands, was brought to a dead stand; and had not the mettled steeds plunged forward again the next minute, Hare would have had no chance. Keeping up the panel as best he could, cowering in a corner to escape the stones directed against him, his condition during that terrible ride was truly pitiable; though perhaps scant pity was due to the monster who had without compunction assisted in putting numbers of his innocent fellow-creatures to death.

Up Bridge Street! The mass becomes closer as the passage grows narrower, and the panting horses make scarcely any progress up the incline. The mob becomes denser and more desperate; and the vehicle, wedged in all round, rocks with the heaving multitude as if it would capsize. At this moment, when all hope must have left both driver and passenger, the crowd suddenly opens up; a portion of it withdrawing to the end of the new bridge, to hold it, in the belief that the route of the chaise lies that way. It luckily lies in quite an opposite direction. Now then, postillion, there is yet a chance left of life and safety! Handle your ribbons and lay on whip as you never did before! And he does by a marvellous feat in jockeyism clear the corner into Buccleuch Street, almost at a bound; and then, having a wide thoroughfare before him, he rapidly leaves the baffled rabble behind, reaches the prison—the next instant its huge door opens, and then closes between the fugitive and those who seek his blood.

His escape raised their fury to a higher pitch than ever. They forthwith laid regular siege to the jail; and for hours afterwards the whole neighbourhood rang with a Babel of noise —the sound of blows struck against the prison gate, of breaking gas lamps and window panes, of howls, threats, and curses, by which the "night was made hideous." For four hours the north-west part of the town was in full possession of the rioters;

and it was only because the jail was strong compared with their "munitions of war," that their pertinacious endeavours to storm it proved unavailing. They wrenched the ponderous knocker from the massive door, kept up an incessant battery of large stones against the door itself, while lighter missiles of the same metal—a truly petrifying shower—were poured down into the prison yard, doing much mischief to the buildings. Whether the leaders of the assailing mob had ever heard of the means by which Bruce in 1305 won the Castle of Dumfries, we know not; but when their other appliances failed, they thought, like him on that occasion, of resorting to fire. "Tar-barrels and peats!" "Peats and tar-barrels!" they muttered to each other. "Ay, ay; let us burn down the door, and roast the wild beast in his den!" responded in louder terms the rank and file; and in all likelihood the incendiary proposal would have been acted upon, and much valuable property been laid in ashes, had not a hundred special constables reinforced the police and militia staff at this critical period, and joined them in a bold attempt to clear the ground.

Repeated charges were made by the men of peace for this purpose, and eventually with more success than could have been looked for, seeing that the "insurgents" were so numerous and menacing. Once that the rabble tide began to turn, its waters receded rapidly, and in one short hour afterwards it became manifest that the fearful crisis was over; though a diminished crowd occupied most of the street, and seemed still bent on mischief. When the ten o'clock bell rang, the rioters, congregated outside the ring made by dint of staff and baton, numbered several thousands; but a while before midnight they melted away, till only a few hundreds were left; and when the morning of the 7th of February came, cold and bleak, it found not a solitary son of violence astir. Wearied with the work of the wild day and wilder night, the mob, dissolved into quiet fragmentary units, was taking its needed rest; and none but the friends of order kept the streets. Before day-dawn, Hare was roused from a troubled slumber, and told to prepare for his instant exit: he was rightly looked upon as an Achan in the camp, who for the sake of the town's peace, not less than his own safety, must be thrust out, now that an opportunity for

doing so presented itself, before that the populace rose again in wrath, "like a giant refreshed with wine;" and so he was conveyed to the English road by a sheriff's officer and two militia-men, and the tempestuous episode of Hare in Dumfries was brought to a peaceful issue.*

* Hare had, it appears, been smuggled out of Edinburgh jail muffled in a cloak, and been taken up by the mail coach at Newington. "In his progress to the South, his life was repeatedly placed in the greatest jeopardy. Like Cain, a mark was set on his head; yet he finally escaped, and, when the storm blew over, found his way in a coasting vessel to the shores of Ireland. Half a year afterwards, his sister, while returning from the harvest, called for his bundle at the King's Arms Inn, announcing herself in a whisper; and readily obtained an article that was found lying in a corner of the tap-room, like a polluted thing that nobody would appropriate, or even encounter the defilement of throwing away."—*Picture of Dumfries*, p. 102.

CHAPTER LIV.

GREAT REFORM AGITATION—THE BURGH PRONOUNCES IN FAVOUR OF REFORM—SELF-DENYING SUPPORT GIVEN TO IT BY THE SEVEN TRADES—COUNTY REFORM MEETING—GENERAL SHARPE, IN THE LIBERAL INTEREST, OPPOSES MR. KEITH DOUGLAS, THE TORY MEMBER FOR THE BURGHS—UPROARIOUS ELECTION MEETING IN THE COURT-HOUSE—VARYING FORTUNES OF THE REFORM BILL—SERIOUS DISTURBANCES IN THE BURGH ON ACCOUNT OF ITS REJECTION BY THE PEERS—ULTIMATE SUCCESS OF THE MEASURE—GREAT REFORM JUBILEE AND BANQUET—RETIREMENT OF MR. KEITH DOUGLAS—ELECTION CONTEST BETWEEN GENERAL SHARPE AND MR. DAVID HANNAY.

BEFORE the generation that was contemporary with Burns had passed away, the very liberality in politics for which he was tabooed began to prevail, till the once Tory town again became Whiggish, if not something more. Throughout the country at large, a feeling had risen up against every thing that savoured of monopoly and exclusive privilege. So early as 1818, we find some faint traces of it in Dumfries, as manifested by the refusal of persons, when made burgesses, to pay the customary fines, and by non-freemen beginning business within the Burgh in defiance of the deacons and the dean of guild.* No doubt the financial mismanagement from which the town suffered so much, tended to make the inhabitants increasingly dissatisfied with the existing order of things, and prepared them to join heartily in the national cry that was soon afterwards raised for Parliamentary and Burgh Reform. Mr. David Staig, influenced by failing health, and the embarrassments of 1817, finally withdrew from public life that year—the last of the old provosts whose word was law; and with him the inveterate Conservatism of which he was at once the guardian and representative disappeared from the Council.

During his magisterial era, the Dumfriesians were accustomed

* Town Council Minutes.

to look upon the British Constitution as perfect, or nearly so, and the close burgh system as a worthy pendicle to it, which none save rash fools would interfere with; but in 1830 such a change had come over both the people and their rulers, that they with an almost unanimous voice repudiated the Duke of Wellington's memorable declaration to his fellow-peers, on the 26th of October, when he said, "I am thoroughly convinced that Britain possesses, at this moment, a Legislature which answers all the good purposes of a legislature in a higher degree than any scheme of government whatever has been found to do in any country in the world; that it possesses the confidence of the country; that it deservedly possesses that confidence; and that its decisions have justly the greatest weight and influence with the people." This anti-Reform manifesto of the Conservative Premier gave a mighty impulse to the popular counter-movement. Enthusiastic meetings to protest against it, and pronounce in favour of the Reform Bill brought into the House of Commons by Lord John Russell, were held all over the country. Annan took the lead in Dumfriesshire; the County town followed soon after; and before 1831 was many weeks old, all the Royal Burghs, and numerous other places in the south of Scotland, had given in a hearty adhesion to the Reform cause.

The Dumfries meeting, held in the Court-house on the 2nd of December, 1830, was the greatest political gathering that had ever, up till that date, taken place in the town, at least in modern times. It was densely crowded, comprised most of the principal burgesses, and, to give it increased influence and *éclat*, the Provost, Mr. John Fraser, though a Conservative, presided—seemingly not unwilling to be carried with the current of the prevailing tide. The resolutions, eight in number, declared the dissatisfaction of the inhabitants with the existing mode of election, as not affording "a full, free, and equal representation of the people" in the Commons House of Parliament; and they especially pointed out the defective nature of the Scottish representative system, inasmuch as "the whole number of voters for all the burghs in Scotland was conform to a Parliamentary report of 1825," according to which "the right of voting is exercised by delegates from the several burghs, who

are chosen by the Town Councils themselves, being self-elected bodies, and uncontrolled by their nominal constituents, the great body of the inhabitants." Among those who took a prominent part in the business were the following gentlemen:—Mr. Robert Murray, writer, afterwards provost; Mr. Thomas Harkness, writer; Mr. David Hannay, banker; Mr. William M'Gowan, writer, afterwards provost; Mr. John M'Diarmid, editor of the *Dumfries Courier;* Mr. Benjamin Oney, clothier; Mr. Miles Leighton, merchant, afterwards provost; Mr. William M'Gowan, builder; Mr. Robert Wallace, writer; Mr. James M'Whir, merchant; Mr. Robert M'Harg, merchant; Mr. Archibald Hamilton, writer; Dr. M'Cracken, and Captain M'Dowall; making up in themselves—not to name others of the same standing present—no inadequate representation of the worth, intelligence, and material interests of the town. All the resolutions, with a petition to the House of Commons based upon them, were unanimously adopted. Mr. Adam Rankine, a gentleman noted for his fervid temperament and public spirit, was so pleased with the meeting, that he forwarded an account of it by express to Lord Advocate Jeffrey, the substance of which was communicated by Mr. Gibson Craig to a great Edinburgh Reform meeting, and elicited from it a round of cheers in honour of "the judicious resolutions and patriotic example of the citizens of Dumfries."

Patriotic and unselfish the movement certainly was, so far as men of the councillor stamp were concerned. They had long enjoyed a monopoly which gave them exclusive political and municipal power, and trading privileges; and now they united with their less-favoured fellow-countrymen in demanding its abolition. The Incorporated Trades of Dumfries manifested the same self-denying spirit. The pending Reform Bill was rife with a more sweeping revolution for them than even for the merchants of the guild; and it would not have been wonderful if they had obstinately opposed the measure, or given to it a sullen, passive resistance. Were the bill to pass, farewell then to their time-hallowed heritage of seven seats at the Council Board, with all the political influence, social status, and (more precious than any thing else to some) all the pleasant hob-nobbing with nobility which these involved; whilst, following

fast in the wake of the bill, were coming kindred measures by which their ancient incorporation was to be broken up as if it had never been. Rising above such selfish considerations, the Seven Trades met in their own Hall on the 4th of March, 1831, under the chairmanship of their chief, Mr. James Thomson, convener, and voted a unanimous address to his Majesty, William the Fourth, expressing their sincere approval of, and gratitude for, "the liberal, safe, equitable, and comprehensive Bill of Reform which has been lately introduced into the House of Commons."*

On the 15th of the same month, a general meeting of the inhabitants was held, presided over by Provost Fraser, at which the Reform Bill was approved of with the same cordiality and unanimity that characterized the first Dumfries meeting. Mr. Robert Murray, after explaining its chief provisions, was warmly cheered when he exhorted those present to be up and doing in support of the Throne and the Cabinet at the present crisis; and he took occasion to pay a high compliment to the Trades, whose address to the King, he said, had been read by him with the liveliest pleasure; and proud he felt in being the townsman of persons who, unlike the great borough-mongers, were willing to waive their exclusive privileges, and sacrifice their private interests for the good of the public.†

Even the County of Dumfries could not help having its Reform meeting. It took place on the 18th of March—Vice-Admiral Sir Robert Laurie in the chair. A series of resolutions was proposed by Sir William Jardine of Applegarth, and seconded by Mr. Leny of Dalswinton, approving of the Bill so far as it affected the Scottish burghs, but disapproving of it on the ground that it fixed the franchise for counties too low, and dealt too sweepingly with the English pocket boroughs. Major-General Matthew Sharp of Hoddam, ‡ "the coming

* Seven Trades' Minutes. † *Dumfries Courier.*

‡ General Sharpe was of the old Kirkpatrick line, whose ancestor Ivon held lands in Annandale in the middle of the twelfth century. The Kirkpatricks, as we have seen, possessed the estate of Closeburn for centuries; but in 1780 it was sold to Mr. Menteath by Sir James Kirkpatrick, whose son, Sir Thomas Kirkpatrick, sheriff-depute of Dumfriesshire, married Jane, daughter of Charles Sharpe of Hoddam, descended from John Sharpe, who purchased that estate from the Earl of Southesk in 1690. William Kirkpatrick of Ellisland, grand-

man" for the Dumfries District of Burghs, then stepped forward on behalf of the whole bill, thereby fluttering the timid Volscians of the Shire. His amendment to that effect was seconded by Mr. Monteath of Closeburn, and lost by the narrow majority of one vote; eighteen gentlemen having supported the resolutions, and seventeen the amendment.

Three days afterwards, the second reading of the bill was carried in the House of Commons by the same small majority of one; the minority including the member for the Dumfries Burghs, Mr. Keith Douglas.* In the following month an amendment was adopted in committee which was deemed fatal to the integrity of the measure. That ministers might appeal to the country on its behalf, Parliament was forthwith dissolved; and a large majority of members pledged to support the bill were returned. Dumfries was bent on giving a practical rebuke to its peccant representative; so was Annan. No doubt was entertained as to what these two burghs could and would do in the matter; but there was no such certainty as regarded the other three "carlines," they being still largely pervaded by the old exclusive leaven. On the 20th of May the Dumfries Council met in their chamber for the purpose of choosing a delegate to vote for them at the ensuing election. As the public were admitted, the place was packed to suffocation, and the proceedings were gone through under circumstances of great excitement. General Sharpe was present with the view of promoting the candidature on which he had fairly entered. Mr. Keith Douglas was also there to defend his obnoxious vote, and endeavour to placate the fierce opposition which

son of Sir Thomas, married a daughter of Lord Justice-Clerk Erskine; and their son Charles succeeding to the estate of Hoddam, assumed the name of Sharpe. Burns, in 1791, addressed to Mr. Sharpe a humorous epistle under a fictitious signature, enclosing three stanzas written by him to what he calls a charming Scots air of Mr. Sharpe's composition, and complimenting him on his being an exquisite violinist (as he was). Mr. Sharpe married a daughter of Renton of Lamberton, a lady whose beauty is celebrated in "Humphrey Clinker." Their eldest son was General Sharpe; their second, Charles Kirkpatrick Sharpe, the celebrated wit, artist, and antiquary. Another son, William Sharpe, is the present proprietor of Hoddam.

* Mr. William Robert Keith Douglas was the fifth son of Sir William Douglas of Kelhead, M.P. for the Dumfries burghs, by Grace Johnstone of Lockerbie. He represented the Burghs from 1812 till 1832.

it had aroused. His explanations were received with impatience; and when he went on to say that he could not engage to support the Reform Bill when next brought forward, the audience greeted the intimation with hisses and groans—sweet music to the honourable gentleman's rival, who on rising afterwards, and giving an unhesitating approval of the bill, received in return a boisterous ovation from the crowd. Bailie Thomson moved that Provost Fraser be appointed delegate, seeing that he had always acted consistently, and would vote for the Liberal candidate, General Sharpe. The motion was seconded by Bailie Corson, and carried unanimously; not a vote being proffered or voice raised in favour of the Tory candidate, though he had represented the burghs for eighteen years. Bailie Thomson, with the view of preventing any mistake as to the delegate's intentions, begged to ask if he accepted the office on the condition proposed. "Undoubtedly," was Provost Fraser's reply, "I shall be happy to give effect to the intentions of the Council;"* and with this satisfactory assurance the meeting quietly dispersed.

Annan, with the same unanimity, elected a commissioner pledged to vote for the Reform candidate; Lochmaben was divided on the subject, but eventually chose a pro-Douglas delegate by a majority of seven votes to six; and delegates of the same stamp were elected unanimously by Sanquhar and Kirkcudbright: so that, however much the populace might rage and storm, the old member was sure of being once more returned. The parliamentary election took place on Monday the 23rd of May, at Dumfries, and was preceded by a demonstration which, for numbers, scenic effect, and enthusiasm, was quite unprecedented.

Early in the morning, the Trades and many of the other inhabitants mustered in great force, and with flags, emblematic devices, and music, marched out to Gastown with the view of giving an imposing welcome to General Sharpe, and Mr. Scott, banker, the Annan delegate. On the hero of the day being descried advancing in an open carriage, accompanied by several of his friends, a shout was raised which made the welkin ring. Mr. Scott, who followed with Provost Irving of Annan in another

* *Dumfries Courier.*

vehicle, was also warmly greeted. As if by magic, the horses were loosed from the carriages, and the latter drawn townwards by a stud of stout lads and men, only too glad to honour in this questionable way the gallant champion of Reform. The procession, with this curious cavalcade in the van, occupied more than a mile of the road, each marcher having a knot of ribbons at his breast of the true-blue colour, whilst no fewer than forty-three banners fluttered overhead. It passed up a portion of English Street, then by Loreburn Street and Townhead into the main thoroughfare. As the magnificent procession defiled down High Street, the voice of the Mid-Steeple bells ringing welcome could scarcely be heard for the deafening cheers with which its leading figure was saluted. After a brief breathing time in the King's Arms Hotel, the General, with a large retinue of supporters, walked to the scene of contest, receiving flattering salutes by the way; whilst there was none so poor or polite as to do any reverence to the rival candidate as he also passed up to the place of meeting—the Court-house —already filled to overflowing with an impassioned multitude.

The preliminaries are conducted in a pantomimic style; for no sooner does Mr. Keith Douglas take his seat, than a tumultuous uproar begins. Shouts of "Bribery!" "Perjury!" mingle with the inarticulate din; and, as thunder-clouds answer each other, hoarse voices from Buccleuch Street swell responsive to the Babel sounds within. During a slight lull in the tempest, Mr. Murray, writer, protests, on technical grounds, against the delegates from Sanquhar and Lochmaben being permitted to vote; and Mr. Patrick Robertson, advocate, who is present with Mr. Douglas, contends that their commissions are quite valid, and must be received, which opinion is supported by the sheriff who presides. The votes are taken. Provost Fraser of Dumfries and Mr. Scott of Annan give their suffrages for General Sharpe, and are loudly cheered. Major Crichton of Sanquhar votes for Mr. Keith Douglas; so do Provost Shand of Kirkcudbright and Mr. John J. Henderson of Lochmaben, amid a chorus of hisses and yells. The returning officer thereupon announces, or is understood to announce, that William Robert Keith Douglas, Esquire, has been duly elected as representative of the Dumfries District of Burghs in the Commons House of

Parliament. The honourable gentleman must, of course, rise to return thanks. He need not. He may feel grateful to the small majority of the Lochmaben councillors, who sent a commissoner to turn the scale in his favour; but he owes nothing to the audience he now endeavours to address. They reject him—will have none of his thanks—his eloquence is reduced to dumb, fantastic show; the noise that greeted him being, says an ear-witness, so terrific that it "would have utterly overwhelmed the voice of the most stentorian-lunged orator that ever fretted his hour on a hustings."* On the contrary, the defeated candidate, though but a poor speaker, is listened to, not with patience merely, but delight. Though beaten to-day, he sees with prophetic eye that victory will be his within the next six months; and there is tremendous cheering when he makes an oracular declaration to that effect.

The meeting has put down Douglas, but is not yet done with him; for the indomitable Annan delegate rises, intent on giving him a "heckling." "Will Mr. Douglas support those parts of the ministerial measure, Schedules A and B, which disfranchise the rotten boroughs? Let him say yes or no to this plain question." The honourable gentleman does not wish to be made further sport of by the Philistines of Reform. He keeps his seat, and makes no sign, intending to reserve his answer till a more convenient season, and for the safer latitude of Westminster; and the inquisitorial Annanite, on tendering the same question to the worthy hero of Hoddam, receives a reply that will fall like a bomb-shell on the camp of the borough-mongers. He means to give these pestilent gentry no quarter, and goes for the whole alphabet of Reform, from A and B down to Z; and thus elicits a fresh acclamation from the audience. The newly-elected member now moves as if he wished to speak—under what impulse, none can tell; but there is as little disposition as ever to hear him. He gives up the vain attempt; and as the sheriff declares the business finished, the populace slowly retire, with loud cries of "Let him no gang back to Parliament and say he is oor member!" "Bribery and corruption!" "Let us have a look at the Lochmaben delegate!" Mr. Douglas, with the commissioners who voted for him, retired by a back door leading to a

* *Dumfries Courier.*

street in the rear of the Court-house, and, entering the carriage of Mr. Peter Johnston of Carnsalloch, that was kept waiting for him, drove off to that gentleman's residence with the utmost speed. This arrangement was fortunately kept secret, otherwise the exciting scenes of the Hare hunt of 1829 might possibly have been repeated with higher game in view. General Sharpe's procession back to his hotel was like that of a triumphant conqueror. It was even more brilliant and imposing than his entry into the Burgh on that eventful day.

Dumfries showed conclusively that it had become Whiggish once more, as in the period before and long subsequent to the Revolution. Forty years ago, poor Burns was forced to tremble at his own audacity in hinting that a better "creed of British liberty" would by-and-by be obtained than the British Constitution as expounded by De Lolme; now the member for the Burghs is ostracized for adhering too closely to De Lolme, and there is an earnest, importunate, all but universal cry raised in Dumfries for an extensive reform of the Constitution. In the national agitation for this purpose, the Burgh, according to its size, took a full share. Every critical stage of Lord John Russell's bill was watched with feverish anxiety: bonfires blazed at the Monument or the Cross when it made any decided advance; indignant meetings were convened in the Town Hall or Court-house when its progress was arrested by opposing factions. More especially was the Burgh stirred to its utmost depths when, on the 10th of October, 1831, the astounding intelligence arrived that the bill, which had been read a third time in the House of Commons on the 21st of September by a majority of 109, had been rejected in the Upper House by a majority of 41. "Yesterday," says the *Courier* of the 11th, "was a doleful day in Dumfries—by far the most doleful we ever remember. . . . At the post-office and other parts of the town, particularly High Street, the greatest anxiety prevailed to obtain a peep of the newspapers or hear the news. Before eleven o'clock a.m. a number of our townsmen—some of them men of extensive property—had assembled together, each enquiring of his neighbour what was to be done. Despondency was altogether out of the question; and in all our experience we never saw men more confident of the high vantage-ground

on which they stand. A public meeting was of course determined on, which, having been called by the Provost on a requisition addressed to him, passed a series of strong resolutions regretting the fate of the bill, expressing a hope that his Majesty would still retain the Reform ministry in office, and that he would take such constitutional steps as they might advise for ultimately securing the success of the measure."

The bill, in a somewhat altered form, was reintroduced next session; its second reading was carried in the Lower House by 324 to 162, a majority of two to one; and on the 19th of December it passed its final stage in the Commons by the reduced majority of 116. When, in the following April, the bill was allowed to be read a second time in the Upper House without opposition, the country was agreeably surprised; but that feeling gave way to indignation when the tactics of the Tory peers came to be understood. The Opposition, led by Lord Lyndhurst, opened an ambuscade upon the measure when in committee: they insisted upon deferring the disfranchising clauses till after the enfranchising clauses had been considered —a device which was supported by 151 votes to 116; and the result was looked upon as indicative of such inveterate hostility to the bill on the part of their lordships, that Earl Grey and his colleagues at once resigned office. Never in modern times has the country been nearer the verge of revolution than during the few days which intervened between the noble lord's surrender of the seals, and his reacceptance of them after the Duke of Wellington failed in his endeavours to form a ministry.

In full sympathy with the feeling of the times, a political union was established in Dumfries "to preserve the peace," "to guard the people from being betrayed into acts of disorder," and to use every effort for the purpose of obtaining "a full and efficient representation of the people" in Parliament; whilst the Council and the general public voted addresses to the King, urging him to recall Earl Grey, and signed petitions to the Commons, adjuring them to "withhold all supplies" until the Reform Bill should be clothed with the authority of law. Hitherto the political meetings in the Burgh had been always closed with a round of cheers in honour of Royalty; but there was no such sequel to the demonstration in the Court-

house on this occasion. The vocation of the gallant officer, Captain M'Dowall, who invariably acted as fugleman, was for once in abeyance. "In anticipation of a different state of things," says the *Courier* of May 15th, "a great dinner was projected for the King's birth-day, but the order has been countermanded, and bids fair to be postponed *sine die.* The addresses [adopted at the meeting] were extended as speedily as possible, and in the course of ten hours were signed by 2,002 persons; being 800 more names than were attached to any previous petition, even where they remained for signatures at least an equal number of days."

Dumfries thus manifested its steadfast adhesion to the principles of Reform; and it is to be regretted that the mob of the town insisted on supplementing the constitutional movement by a manifesto of its own. On the evening of the 14th of May, a pot-orator held forth in the market-place; the burden of his harangue being the iniquity of the borough-mongers, and the threatened ruin of the kingdom by the stubbornness of the anti-Reform King and the Tory peers. So much was the speaker's eloquence relished by the listening crowd, composed mostly of boys, that they paraded him shoulder high through the principal streets; and then, after dropping him on *terra firma,* they, seized by a destructive impulse, broke the windows of a house in George Street, and of another elsewhere, whose inmates were believed to belong to the unpopular party which the speaker had denounced. This affair, trifling in itself, would have received no notice here, had it not been the prelude of a more serious disturbance. The tribune of the streets having resumed his dangerous vocation next day at dusk, he was, in virtue of a magisterial sentence, committed to "durance vile." On Thursday the good news arrived that the reins of power had been once more put into the hands of Earl Grey; and whilst the populace were busy burning tar-barrels in honour of this event, the thought of the imprisoned orator—a martyr in the cause of Reform—darted across their minds, and turned their joy into rage. As if with one consent, they, to the number of fifteen hundred or more, hurried to Buccleuch Street, assailed the prison door with stones, tried to destroy it by fire when the missiles proved ineffectual; and a fearful night, like

that in which Hare was besieged, seemed about to set in, when a powerful body of constables charged the rioters, and off they set, reluctantly leaving the captive demagogue to his fate.

In the course of a few weeks afterwards, the Burgh presented quite a different aspect with reference to the battle for Reform. The Opposition, overawed by the Prime Minister's resolution to recruit his ranks by an extensive creation of new peers, at length gave way, and allowed the bill to be read a third time, by a majority of 106 to 84, and the royal assent was given to it on the 7th of June. As a necessary pendant to it, the measure for Scotland was passed by the Lords, and became law in the following month. It increased the number of the Scotch members from forty-five to fifty-three; but its value consisted chiefly in the change it made in the class of electors, which, as Sir Archibald Alison remarks, "was so great as to amount to a total revolution. The old town councils, in great part self-elected, were succeeded by a host of ten-pound shopkeepers and householders, actuated by different interests, and swayed by different influences; while the old parchment freeholders, who followed their directing magnate to the poll, were superseded by a multitude of independent feuars in villages, and of tenants in rural districts." A jubilee, to celebrate this great constitutional triumph, was resolved upon by the Dumfriesians; and rejoicings worthy of that imposing title were held on the 11th of August. The old town itself was daintily bedizened for the gala-day. Flags floating from windows and pinnacles—garlands crossing from street to street—triumphal arches rising in all the principal thoroughfares, made the place look quite grand and gay. "In walking along the streets it was difficult to get quit of the impression that Birnam or some other woods had mistaken Dumfries for Dunsinane. We have witnessed many anniversaries of Waterloo, but never within our recollection were the gardens and groves laid under contribution to anything like the same extent."* And then there was such a procession! For centuries the Seven Trades had been famed for this sort of pageant; and now, when inaugurating a new political era, fraught with ruin to all their peculiar privileges, they seemed bent on making their last public march under the old close

* *Dumfries Courier.*

system the most imposing one that had been seen in modern times. The incorporated craftsmen were well supported by other operatives; and the great civic regiment formed by these bodies was wound up by a juvenile company just as eager as their elders to take part in the parade and in the triumph. But this processing through the crowded town, occupying as it did from one o'clock till three, made the marchers hungry and thirsty—ravenous, in fact, for the goodly supplies of meat and drink provided for them at their own firesides, in taverns or public halls; and before gloamin' vanished in the mirk, and for hours afterwards, Convener Grainger's huge punch-bowl was in extraordinary request, and all and sundry were busy refreshing their wearied frames and toasting the good cause in brimming cups, illustrating that connection which, according to the national poet, exists between freedom and whisky.

Besides many private parties, there were at least eight public dinners on the evening of this joyous day. The people were exhilarated to an unexampled pitch by the success that had been achieved, and their faith in a practical Utopia that was to follow in its wake, though it has never yet arrived. In such a rosy and inspiring atmosphere, liberally—we do not say intemperately—moistened with mountain dew, it was natural that they should be hearty in their revels, and also exuberant in their eloquence. We are told by the local chronicler of the jubilee, that "never before did Dumfries hear so many speeches spoken—see so many merry hearts met together." The elevated nature of the oratory, which elicited deafening after-dinner plaudits from sympathizing listeners, may be gathered from the following extract of a speech given by Mr. M'Whir when presiding at the merchants' meeting in the old Assembly Rooms, crowded by the presence of more than a hundred and fifty gentlemen. After showing that the British people had encountered the conqueror of Napoleon and the hero of a hundred fights, the chairman said: "Such, my countrymen, such was the high and gallant bearing of the men of Britain; and what is their reward? They have gained a victory and a triumph unparalleled in the history of the world; and they have gained them in peace. The victory and the triumph they would at all events have gained—no power under heaven could

prevent it; but it might have been a victory won at the cannon's mouth—a triumph cradled on the bloody battle-field. And what are the consequences? Listen, my countrymen—listen to the words of Henry Brougham, thirty months ago, when on his canvass in Yorkshire. 'Take,' says he, 'all broad Scotland—from east to west, from north to south, in her cities and in her provinces—she is one vast rotten burgh!' And what is broad Scotland now? Why, the beams, the radiant beams of the glorious sun of liberty are now shining, and showering, and streaming over every hill and every vale, every mountain, every strath, and every glen, in our beloved native land; and you have the pleasure, the indescribable delight, of knowing that, in common with your countrymen, you have secured to yourselves, to your children, to your children's children, those rights and privileges to which as free-born Britons you are justly entitled. And to whom, to whom are you indebted for this mighty boon? You know it well: it is to the high-minded, the united, the brave British people. Pledge me, then, in a flowing, in a brimless bumper, and drain it off to the very lees—to the people, to the brave British people!"*

Pretty good, that; though it may on cool reflection seem rather too highly poised. But it suited the taste and temperature of the meeting, and the sentiment was rapturously responded to with that highest of festive numbers, "three times three." In a district where such sentiments prevailed, Mr. William Robert Keith Douglas, M.P., could expect no more favours. Feeling himself to be foredoomed, he quietly withdrew into private life.

Though this was the case, General Sharpe did not get leave to walk the course. A new rival of liberal politics, Mr. David Hannay of Carlinwark House, agent for the National Bank in Dumfries, entered the field and received a considerable amount of support. The first election for the Five Burghs under the new Act took place on the 18th of December, 1832. It was a scene of intense excitement. Once more General Sharpe, who continued to be the popular candidate, was met by a grand procession in the English road, and

* *Dumfries Courier.*

escorted to the hustings which were erected in Queensberry Square. Mr. Hannay having also reached the arena, accompanied by a goodly retinue of gentlemen, the business was proceeded with. Provost Corson, seconded by Mr. M'Diarmid, proposed General Sharpe; and the other candidate was nominated by Mr. Sinclair, bookseller, and seconded by the provost of Maxwelltown, Mr. John Hairstens. Both candidates addressed the immense crowd assembled in the Square; but it was long before Hannay, who was a capital speaker, could command a hearing. On a show of hands being called for, the presiding officer, Sheriff Kirkpatrick, said: "It seems almost impossible for me to decide which party has the majority; but my impression is that General Sharpe's is the most numerous." Provost Corson, on being consulted on the point, cried, "Two to one, and far more, in favour of General Sharpe!"* "Then," said Mr. Hannay, "I demand a poll;" and accordingly the battle was fought out in the polling booths on the following Thursday and Friday. From the first it was looked upon as a matter of certainty by all save a few sanguine Hannayites, that Sharpe would be returned; yet, as the voting went on, the parties seemed to be well-balanced in the chief burgh; and Kirkcudbright, with a clannish feeling for the Galloway candidate, supported him so well, that had it not been for the powerful muster made by his Annanite opponents he would have borne away the prize. But, as on a previous memorable contest,

> "Up sprang Bess o' Annandale,
> And a deadly aith she's taen,
> That she wad vote the Border knight,
> Though she should vote her lane."

So fully and faithfully did the Annan electors carry out this resolution, that they soon and finally decided the wavering balance in favour of General Sharpe.

At half-past twelve o'clock on Friday, a return was issued as follows:—For Sharpe, 239; for Hannay, 225. This was but a small majority for the former gentleman; shortly afterwards, however, a messenger from the General's citadel burgh, "fiery red with haste," he having ridden sixteen miles in seventy minutes, brought a despatch couched in these terms:—"Annan,

* *Dumfries Courier.*

half-past twelve o'clock, Friday.—For General Sharpe, 143; for Mr. Hannay, 16; majority, 127; nine only to poll." This news was not simply discouraging to Mr. Hannay's committee—it was overwhelmingly crushing. Fight as you may, stout burghers of Kirkcudbright, you cannot, unless doubled in number, change the fortunes of the day. Seventy-nine of them supported the squire of Carlinwark: twice seventy-nine, with Annan so dead against him, could not have secured his success. It was known late on Friday night in Dumfries, that not only had Sharpe been returned, but that his majority was most decided; and the public sentiment found vent, as usual, in bell-ringing and barrel-burning outside—in convivial gatherings within. Next morning printed returns, which proved to be nearly correct, were issued, as follows:—"Close of the poll. For General Sharpe: Dumfries, 275; Annan, 144; Kirkcudbright, 28; Sanquhar, 22; Lochmaben, 19. For Mr. Hannay: Dumfries, 265; Annan, 17; Kirkcudbright, 79; Sanquhar, 18; Lochmaben, 10." At twelve o'clock, the sheriff, in the audience of a rejoicing multitude, declared the state of the poll: that in all the burghs General Sharpe had received 487 votes, and Mr. Hannay 375; and that General Sharpe had been duly elected by a majority of 112.

Thus the honest, unvarnished chief of Hoddam rose to the summit of his earthly ambition. He was worthy of the honour awarded to him, and was proud and grateful for having received it. In tendering his thanks, he warmly repudiated the charge brought against him by his opponents, of a want of interest in the County town; and closed by saying, "Some of my ancestors repose in St. Michael's churchyard; and as further proof of my alleged want of sympathy, it is my wish that my ashes shall rest in the same spot. Provided I do my duty to the satisfaction of the constituency, I hope some surviving friend, after my course is run, will inscribe on my tombstone—for I can desire no prouder epitaph—'Here rest the remains of the first representative of the Independent Constituency of the Dumfries District of Burghs.'"*

* The old monument of the Sharpe family, erected at the south-western corner of the cemetery, is enriched with fine carved work, and two mourning cherubs, beautifully executed. General Sharpe died in 1841, and was buried in the churchyard of Hoddam.

CHAPTER LV.

CHOLERA APPEARS IN THE COUNTRY—PRECAUTIONARY MEASURES TAKEN IN DUMFRIES—ITS BAD SANITARY CONDITION—ENTRANCE OF CHOLERA INTO THE TOWN—ITS SPREAD AND FATAL RESULTS—STATISTICS OF CASES AND DEATHS.

BEFORE the close of the protracted agitation to which the reader's attention has just been turned, the fearful malady, cholera morbus, began to excite alarm throughout the country. It had long scourged India. In 1831 it appeared in the north-west of Europe, and after committing sad ravages there, crossed over in some Hamburgh vessels to Sunderland, first startling that town with its presence on the 26th of the following October. Next spring many places far separate from each other were visited by the fell disease, and the towns that had hitherto escaped awaited their turn in gloom and terror. Dumfries for the two preceding years had been more than usually healthy; but as soon as the warning note was sounded from Sunderland, steps were taken to improve its sanitary condition, which was admittedly defective. A vigorous Board of Health was constituted on the 15th of March, 1832,* and under its directing agency, supplemented by private effort, the houses of the humbler classes were cleansed with hot lime; and, what was of more moment, perhaps, supplies of nourishing soup and other

* The Board (constituted by a Privy Council order) consisted of the following gentlemen:—Provost Corson; Bailie Robert Armstrong; Bailie James Swan; Mr. George Montgomery, dean of guild; Mr. James Thomson, deacon-convener; the Rev. Robert Wallace; Dr. William Maxwell; Mr. Archibald Blacklock, surgeon; Mr. James M'Lauchlan, surgeon; ex-Provost M'Kie; ex-Provost Fraser; Mr. John Commelin, agent for the British Linen Company; Mr. John M'Diarmid; Mr. Robert Threshie of Barnbarroch; and Mr. James Broom, town clerk.

food were served out to many of their inmates during the winter season. After much had been done to put the old tenements of the closes, in which hundreds of families dwelt, in better order, and effect other improvements, the town was still in a very unsatisfactory state. The scavenging was deficient; the drainage merely nominal; and, worst of all, the water supply was limited and impure.

With the exception of what was furnished by a few wells and private pumps, all the water used for domestic purposes was carried by hand or carted in barrels from the Nith by four old men, who doled it out in tin pitchers or cans, from door to door, at the rate of five canfuls a penny. The river, when swelled by heavy rains, which was often the case, became thick with mud; and it was constantly exposed to a more noxious pollution, caused by the refuse poured into it from the town. The quality of the water did not improve by being borne about in barrels of suspicious aspect; and often, indeed, the liquid drawn from them during summer acquired a taste-me-not repulsiveness by the presence of innumerable little objects, pleasant to no one save an enthusiast in entomology. Besides, the water, whether bad or indifferent, was often not to be had for love or money by the families who depended on the barrels. Sometimes these intermitting fountains stopped running altogether. At such periods, portions of the town experienced a water-dearth, and obtained a faint inkling, at least, of one leading phase in Oriental life. When the Burgh was originally built, the houses were massed in closes together, that they might be more easily defended against a foreign enemy; and when cholera came, as come it did, these places of defence were its chief objects of attack. The town, in fact, as a whole, when looked upon from a sanitary point of view, lay open and exposed to the visitation. A neighbouring city, Carlisle, had a passing call from the disease in July. Coming nearer and nearer, it entered the little village of Tongland Bridge, where it left two victims; and after lingering some weeks about the district, doing little harm, but gathering increased power and venom, the fell destroyer burst upon Dumfries.

The first sufferer was a respectable elderly widow, named Paterson, residing in English Street, who was seized on the 15th

of September, and died on the following day.* A man in good circumstances, also advanced in life, who resided in an opposite house, hearing of what had occurred, became much alarmed, took ill, and was a corpse before twenty hours elapsed. These were the first prey of the pestilence. For about a week afterwards, it seemed to be but dallying with its work, at the rate of only one death per day: a heavy mortality in a population of ten thousand, yet not very alarming, every thing considered. "Can this really be cholera?" many asked; and some concluded that it was a mere British imitation of the Asiatic disease; others, that it was the real disorder, but of a mild type, and that the town was going to get off with a very slight attack. From the 15th of September till the 24th, inclusive, there were seventeen cases, nine of which were fatal; but when, on the 25th, fourteen new cases and nine deaths were announced, all the people felt that the veritable plague was in their midst, and were filled with fear and trembling.

This was in Rood-fair week, when the great annual horse market is held, and the Trades' processions and rejoicings used to take place. No pageantry in this the closing week of September, 1832, save dismal processions, coming so thick that they jostle each other as they hurry onward to the tomb; no revelry, but numerous incidents that might well have figured in Holbein's fantastic picture, "The Dance of Death." September 26th, nine new cases, and five deaths; 27th, thirty-seven new cases, and five deaths; 28th, sixty-eight new cases, and nineteen deaths! The plague is now holding high carnival! May God, in His great mercy, take pity on the poor town, and stay the ravages of the destroyer! But it has, as it were, little more than begun its fatal mission, and speeds on through all parts of Dumfries and the neighbouring burgh of Maxwelltown, sparing

* The second case occurred on the 16th, and the third on the 17th September, in a house of three stories directly opposite to Mary Paterson's house. The names of the sufferers were William Bell and John Paton; who, being advanced in years, both rapidly sank and died. There were some miserable lodging-houses, for the reception of vagrants from all parts of the kingdom, adjoining Mary Paterson's house; and such was the anxiety of her neighbours to witness and relieve her sufferings, that two gentlemen, and a town's officer, had to stand at her door till within an hour of her death, to prevent them harassing both her and her medical attendants; one of whom, Mr. M'Cracken, shortly afterwards fell a victim to the disease.—*Note by* Dr. Blacklock.

no age, smiting rich and poor alike, and prostrating the strong nearly as much as the feeble. At first the humbler classes suffered most severely: eventually it mattered little whether people sojourned in narrow, noisome courts, or in spacious squares—in the vilest rookeries of the Vennel, or in the stately mansions of Buccleuch Street: all places were freely visited, and no respect of persons was paid.

What rendered the cholera more appalling, was the circumstance that every one believed it to be both infectious and contagious. It was supposed that an affected individual distilled a poisonous influence all around him; that there was death in his touch; and that the virus of the malady lurked in every article of his dress. He was counted like a leper of the old Levitical dispensation, and, alas! too often treated as such; and when the cases began to multiply, the town was looked upon as a magazine of disease—a place devoted to the plague, which no man dared to enter, and from which many hastened in panic-fear, only, however, in some instances, to fall cholera-stricken in their flight. Moreover, the disease was very little, if at all, amenable to medical treatment. It was a mysterious epidemic, which "walked in darkness," defying all the science and devotedness of the faculty.

> "The salutary art
> Was mute; and, startled at the new disease,
> In fearful whispers hopeless omens gave.
> To heaven, with suppliant rites, they sent their prayers:
> Heaven heard them not. Of every hope deprived,
> Fatigued with vain resources, and subdued
> With woes resistless, and enfeebling fear,
> Passive they sunk beneath the weighty blow.
> Nothing but lamentable sounds was heard,
> Nor aught was seen save ghastly views of death.
> Infectious horror ran from face to face,
> And pale despair. 'Twas all the business then
> To tend the sick, and in their turns to die.
> In heaps they fell: and oft one bed, they say,
> The sickening, dying, and the dead contained."*

In addition to the resident medical gentlemen, five practitioners were brought from Edinburgh, and two from Castle-

* Armstrong's Art of Preserving Health, book iii.

Douglas, by the Board of Health. The whole of them, we believe, performed their duty faithfully; and, sad to tell, two of the native surgeons, Mr. William M'Cracken and Mr. John M'Ghie, martyrs to their professional zeal, caught the malady and died. No cases were admitted into the Infirmary—a most unwise resolution to that effect having been adopted by a majority of its governors; and the poorer class of patients, instead of being laid in the well-furnished, well-ventilated, spacious wards of that institution, were crowded into a hospital made out of an old granary, at the foot of English Street. Here they had little chance of recovering; and their close contact with each other tended to intensify the disease—though the truth is, that there was nearly as great a proportion of deaths among rich persons attacked, and treated in their own houses, as among the poor, one case in every two of both classes having usually a fatal result. The civil authorities of the town, the clergymen, and the influential inhabitants generally, soon rose above the terror which at first seized upon men of all ranks, and co-operated zealously and courageously with the medical practitioners in their efforts to stay the course of the disease.

Direct resistance to it was found to be of little service; but a plan for withdrawing out of the way those who were peculiarly exposed to an attack, was adopted with success. When the head of a poor family was laid low, and the arrows of the pestilence were flying right and left in his homestead, its remaining members were conveyed to rooms in the Academy prepared for their reception, and there comfortably boarded and otherwise cared for. The doors of the High School were closed when the disease became epidemic; and they were reopened early in October for heart work rather than head work, that an asylum might be afforded to widows and orphans hurrying away from their ravaged homes and the presence of the destroying pest. By the middle of the month this house of refuge numbered a hundred and twenty inmates, chiefly fatherless children, whose varied wants of mind and body were supplied by a band of "ministering angels;" and it is gratifying to record that the well-aired lodgings, nourishing food, and warm clothing given to the poor refugees, kept them in health and strength when

the localities they had fled from were still haunted by the destroyer. Good food and comfortable clothing were rightly considered as a species of defensive armour, which sometimes turned away the poisoned shaft when medicine would have been of no avail. A soup kitchen was opened on a liberal scale; and that in itself, there is every reason to suppose, foreclosed many an attack. Great quantities of tar and pitch were burned in the lanes and streets, making the prevailing gloom more lurid. This was for the purpose of disinfecting the atmosphere; but the dusky vapour thus sent into it was of no service as compared with the savoury smoke from the generous broth doled out liberally to every applicant. To meet the great expense incurred, a rate was imposed by the Board of Health; a large fund was raised by voluntary subscription; and many towns, both in England and Scotland, showed their sympathy for Dumfries—cholera-stricken more than any town in proportion to its size—by handsome pecuniary contributions for its relief.

Having said this much regarding the means taken to cope with the disease, we must now trace its further progress. Any and every effort to stay its course or propitiate its fury seem, for a while at least, utterly fruitless. September 29th.—The awful visitor is still making fearful havoc: new cases, fifty-two; deaths, thirteen. September 30th.—Worse and worse: no fewer than seventy-three new names are registered, and fourteen deaths occur. October 1st.—Fifty-six new cases, and twenty-three deaths. October 2nd.—Deadliest day of all—"Be thou for ever blotted from the calendar!" The new cases are fifty-five; the deaths, forty-four. We dare not pause to reflect upon the scenes of horror which these figures suggest—scenes such as the Burgh never witnessed before, though often desolated by the fiend of war; unless when, in 1623, it was scourged by both plague and famine, which, during the spring and summer, destroyed at least five hundred of the inhabitants. "The bare recollection of them," says the *Courier*, at the time of the crisis, "is enough to quail the stoutest heart; what, then, must have been the dreadful reality? Hearses plying in every street; patients seized, and in imminent danger, faster than the bearers were able to remove them, or mourners to accompany them to their

long home; the gravedigger's spade in constant requisition; the strong man stricken down in his pride; the feeble snatched in a few hours from a sick-bed to the tomb; the hospital emptied, and as quickly filled again; for several days scarcely a single recovery; the faculty fatigued beyond endurance, compelled to ride the shortest distances, and yet unable to answer the incessant calls of suffering humanity; at other times seriously affected themselves, until relieved by the promptitude and skill of their brethren; shops for general business shut at noonday; publicans warned to close their stores at dusk, that the vicious might be hampered in their evil propensities; every vehicle employed in removing family after family to the country; the public schools dismissed; St. Michael's vacated from the dread of cholera graves, and Divine service performed in the Court-house; trade suspended, workshops depopulated, and industrious traders gathered into knots, discussing the fearful extent of the pestilence; many requiring medical aid, and paralyzed from the force of terror alone; every countenance shaded with grief, and a whole community the picture of despair."

October 3rd, when the disease reached its culminating stage, was market-day; but when death was mercilessly titheing the town, no business toll was levied at the bridge. Out of nearly sixty carriers, only one made his appearance. No butter, eggs, or poultry were offered for sale. Not a solitary bullock was seen on the Sands, though two thousand cattle at least would have been there under ordinary circumstances. Next day (October 4th) brought little abatement of the epidemic; for though the deaths fell to twenty-seven, sixty-two new cases were announced. The report on October 5th was thirty-two new cases, and only eleven deaths; and people began to breathe with some degree of freedom. The weather, too, underwent an auspicious change. During the first ten days of the visitation, the sky wore a peculiar aspect; and when the suffering Burgh was viewed from the surrounding heights, a dense mass of cloud appeared hovering over it, which spectators, with no great stretch of fancy, compared to a vast funeral pall. The pressure of the atmosphere was felt to be unusually heavy, though that was partly attributable, no doubt, to the circumstance that the nervous system of those who breathed it had lost its wonted tone through the operation

of grief and terror. On the 30th of September, after heavy rain on the preceding day, the sky became comparatively bright. The dull, close season returned, however, and continued till the 4th of October, when copious showers fell, followed by a smart frost next morning, with its welcome accompaniment, a light, healthy, bracing atmosphere. Though this improvement in the weather was short-lived, it exercised a cheering influence: the buoyant air combined with the lightening calendar to bring gleams of hope to many a despairing heart—ay, and health to the pulse of many a wasted frame. Then the more sanguine portion of the inhabitants flattered themselves with the idea that the epidemic would decline as rapidly as it had been developed: but, on the 6th, thirty-six new cases and seventeen deaths were reported, as if it had obtained a new lease of power; and before the cycle of the disease was finished, October had run its course.

As showing the march of the disease for the following fortnight, we quote from a diary published in one of the local newspapers. October 7th (Sabbath).—"To-day the weather was wet and stormy; the thermometer still lower, and the rain occasionally mixed with hail." New cases, thirty-one; deaths, four. 8th.—"Another showery and stormy day." New cases, thirty-five; deaths, twenty-one. 9th.—"The town still unprecedentedly dull and deserted; many shops remaining closed at noonday." New cases, fourteen; deaths, fourteen. 10th.—"Although this is market-day, the town is nearly as dull as it was last week. Only two or three carriers have arrived, and these from a considerable distance, such as Newcastle, Edinburgh, and Glasgow. Some of the hucksters have procured a small supply of butter, but the price is advanced twenty-five per cent. The Sands is minus a single bullock, and some of the jobbers are anxious that the magistrates should transfer the market to the nine-mile toll-bar. To this advice the authorities demur, and have intimated a hope that in the course of a week or two the panic will die away, and matters proceed in their ordinary course." New cases, sixteen; deaths, fourteen. 11th.—"The weather dreadful, and contributing, among many other causes, to depress the animal spirits." New cases, fifteen; deaths, eight. 12th.—"To-day, the weather is better; compara-

tively few hearses have been seen; in certain wards, scarcely a new case has occurred; and the whole faculty have evidently profited by one or more nights of sound repose." New cases, thirteen; deaths, eleven. 13th.—"The weather to-day was delightful; the medical report, the most cheering that has yet been issued. Nine new cases; six deaths." 14th.—"There has been one case of cholera in the Infirmary, and eight in the Poorhouse. The under jailor and his wife died of cholera some time ago. The head jailor was next attacked, and had hardly recovered when his sister-in-law fell a victim. Some of the prisoners have also been seized." New cases, twenty; deaths, five. 15th.—"The weather is still close, gloomy, and moist. New cases, twenty; deaths, eleven." 16th.—"The weather was rather unpromising in the morning, and 'heavily in clouds brought on the day;' but it improved in the course of the forenoon, and enabled many to brace their nerves, and breathe a purer atmosphere, by strolling a few miles into the country. The medical report was exceedingly cheering, and had an excellent effect on the spirits of the people." New cases, four; deaths, eight. 17th.—"Another cheering report; one or two lots of cattle on the Sands; goodly lots in motion for the markets of the South; a considerable number of maidens in the egg and butter market; friends long amissing showing face at last, and the town altogether ten per cent. better than it has been for the last three weeks. The weather good; the air bracing, and free from moisture; and every thing tending to restore us to, not frighten us from, our propriety." New cases, three; deaths, three. 18th.—"The medical report still excellent, and several of the stranger practitioners about to leave us. To-day the soup-kitchen was opened under excellent management." New cases, four; deaths, four. 19th.—"Report to-day not quite so favourable: eight new cases, three deaths, and twenty-eight recoveries. The recoveries, however, are a cheering circumstance; and we begin to indulge the hope that we will ere long be enabled to announce a clean bill of health. The weather continues delightful, is verging to what it should be during winter, and the remark has become nearly as current as a password, that Dumfries will soon be itself again."

And so, happily, it was, before many more weeks elapsed.

For some time one or two fatal cases per day were reported; and on the 30th of October it was announced, for the first time during the visitation, that not a single death had occurred. The fell destroyer still tarried in the town and suburbs, as if loath to leave a locality where he had acquired such a hecatomb of victims; but about the middle of November, after a two months' reign of terror, the fiat of an interposing Providence stayed his terrible hand, and, like the overmastered fiend in Bunyan's dream, he "spread forth his dragon's wings, and sped him away." "Few can figure to themselves the pleasure we at length feel," says the *Courier* of the 13th of November, "in announcing that the doors of the cholera hospital have been closed, and that its only occasional inmate is a supernumerary nurse, whose instructions are to keep the pest-house ventilated and free from damp—a precaution which has been adopted in other quarters. During the past week—that is, from Monday the 5th till Monday the 12th current—the new cases were reduced to five, and the deaths to two; the recoveries within the same period were seven; and yesterday the patients under treatment were so low as five—most, if not all, of whom are expected to recover."

The entire number of persons attacked by cholera in Dumfries, as officially reported, was 837; of whom 380 were males, and 457 were females. The deaths reported were 421: 187 males, and 234 females. It was ascertained, however, from the number of coffins made, and the sexton's accounts, that the real deaths exceeded the reputed ones;* and the probability is, we think, that the mortality was not less than 550. Of the fatal cases, 68 occurred in the cholera hospital. Maxwelltown, population considered, suffered about as severely as the sister Burgh; the cases there having been 237, and the deaths 127. A large proportion of those who died in Dumfries were buried in a plot of St. Michael's churchyard set apart for the purpose. Here gangs of gravediggers were busy for weeks together piling the coffined dead tier above tier, and before the pit was finally covered over, it had received at least 350 bodies within its dark embrace. The Cholera Mound, as this vast charnel-house is popularly called, lies along the west side of the burial ground;

* Pamphlet on Cholera Morbus. D. Halliday, Dumfries.

and a neat cenotaph tells the fate of those who sleep below, and of their fellow-sufferers, in the following words:—

In this Cemetery,
and chiefly within this enclosure,
lie the mortal remains
of more than 420 inhabitants of Dumfries,
who were suddenly swept away
by the memorable invasion of
Asiatic cholera,
A.D. MDCCCXXXII.
That terrific Pestilence
entered the town on 15th September,
and remained till 27th November;
during which period it seized
at least 900 individuals,
of whom 44 died in one day,
and no more than 415 were reported
as recovered.
That the benefit of this
solemn warning
might not be lost to posterity,
this Monument
was erected, from collections made in
several churches in this town.

Ps. xc.—Thou turnest man to destruction; and sayest, Return, ye children of men. Thou carriest them away as with a flood.

Mat. xxv. 13.—Watch therefore; for ye know neither the day nor the hour.

CHAPTER LVI.

PROSTRATION OF TRADE—MOVEMENT IN THE TOWN FOR BURGH REFORM—THE FIRST ELECTION UNDER THE NEW MUNICIPAL SYSTEM—THE SEVEN TRADES: "LAST SCENE OF ALL," SALE OF THEIR GOODS AND CHATTELS—NEW POLICE ACT—AGITATION FOR A NEW MARKET—LAPSE OF THE ALE-DUTY, AND ABOLITION OF THE PETTY CUSTOMS—RETROSPECT OF THE PRECEDING SIXTY YEARS.

As may easily be supposed, the trade of the town was injured for years by this visitation. The Highland occupation occasioned directly and indirectly a loss of at least £5,000; but probably four times that amount would not cover the expenditure and loss arising from the cholera. Yet, appalling and exhaustive though the epidemic was, it did good in one respect, by originating a great sanitary movement, having for its main objects street sewerage and improved water supply: the former was partially obtained; for the latter the town had unfortunately to wait nearly twenty years. It was very near securing the boon. One of the town clerks, Mr. James Broom, a gentleman of great talent, energy, and public spirit, whose memory is held dear in Dumfries, was one of its principal advocates. Provost Corson, Mr. James Swan, and other members of the Town Council, were anxious for it, but somehow or other the efforts put forth by them failed; and a scheme prepared by Mr. Jardine, civil engineer, in 1833,* for introducing the water of Nunland springs, from the neighbouring Galloway hills, figured on paper, but went no farther. It may be a mere fancy on our part, that the desire for municipal freedom was also stimulated by the disease; but we incline to the opinion that the inhabitants became more anxious to acquire the right of self-government, from a belief that they would thereby be able so to improve the town, as to render it less likely to be ravaged by epidemics in future.

* Town Council Minutes.

Certain it is that they exhibited much zeal in the matter; and that their rulers, self-elected though they were, manifested a praiseworthy desire to get rid of the old close system. On the 5th of April, 1833, the Council discussed the Burgh Reform Bill, that had been brought into Parliament by the Lord Advocate. It was generally approved of; and the Provost was commissioned to attend a special meeting of the Convention of Royal Burghs, for the purpose of expressing the Council's views on the subject. These were extremely Liberal—Radical almost, as shown by the instructions given to Mr. Corson. On the motion of Mr. Allan Anderson, seconded by Mr. David M'Gill, the commissioner was enjoined to move, "That in regard to the qualification clause for voting for Council and magistrates, the whole shall be vested in the resident householders of a certain rent; and the right proposed to be conferred on freemen, and guilders or burgesses, merely as such, shall not form a part of the bill."* This blow at monopoly was followed by another heavier one at class-privilege—Mr. William Nicholson (afterwards provost) moving that the commissioner be also instructed to propose, "That in regard to this Burgh, and burghs of a similar right and population, the rent qualifying a voter be five pounds"—a motion which, like the first one, was unanimously agreed to.

Whilst the Council called on the legislative Hercules to help the municipal waggon out of the mire, they set their own shoulders manfully to the wheel. Without waiting for Parliamentary action, they, on the 12th of the same month, at the instance of the Provost, resolved with one accord to lay open the privileges of the town to all and sundry.† Since the days of Robert Bruce, if not before, no one could begin business as a merchant or as a tradesman in the town, without first being made a burgess or freeman, at considerable expense. If the applicant was the son or son-in-law of a burgess or freeman, he was required to pay a smaller "composition" sum; but in other cases the "fine," as it was called, was often a serious affair, amounting latterly to £13 6s. 8d.—a heavy tax on young shopkeepers and craftsmen, and hindering many altogether from commencing business in the Burgh. A few days afterwards, at a crowded meeting of the inhabitants, a vote of thanks

* Town Council Minutes. † Ibid.

to the Council was passed, and petitions to Parliament were adopted, praying for the abolition of burgh incorporations in Scotland; the petitioners setting forth that these had outlived their time; "that the prosperity of towns where no such incorporations exist, and the decay of towns where they do exist, sufficiently prove that they are equally unprofitable to their members as to the public; and that from its local circumstances this truth has been specially exemplified in the case of the town of Dumfries." The chief speech on the occasion was made by the deacon of the shoemakers, "Orator Wilson," a fluent tribune of the people, who did good service in the agitation for Reform. He proclaimed himself to be a Radical politician, eager to lay the symbolic axe at the root of all abuses. He held up to ridicule the idea of people, before they could open shop in the Burgh, having to pay down £13 6s. 8d. for a paltry piece of "sheepskin;" and he asked how they could petition Parliament to give up the East India monopoly if the Seven Trades' monopoly was maintained unbroken. But the Trades themselves would be as honest as they were brave, and co-operate with the Council in breaking down the exclusive system. As for the magistrates and Council of Dumfries, "they will live in the hearts of their townsmen for the noble concession they have made, and fame will carry their names and actions to distant posterity. Their fame," continued the speaker, rising with his subject—"their fame, I say, will be as lasting as the pyramids of Egypt. Time will never shake it, and imperishable laurels will deck their brow."*

Some little laughter mingled with the applause which greeted this peroration; but the soaring eloquence of the worthy deacon did not go a bit too high for the majority of his hearers. It was a time of vast expectations, as well as of much excitement; and big words—what the Americans term "bunkum," or "tall talk"—were much in vogue.

The Scotch Burgh Reform Bill received the royal assent in September, 1833, and took effect on the first Tuesday of the following November. Greatly to the disappointment of the Dumfries Town Council and community, the qualification for voters was fixed at double the figure they had proposed. Instead

* *Dumfries Courier.*

of a five-pound rent, one of ten pounds was adopted. The new mode of election was, however, such a vast improvement on the delegate system, that it was warmly welcomed in the Burgh; and the proceedings on the 6th of November, when it was put in force, excited great interest. Numerous candidates were started, in all the four wards into which the town had been divided by a royal commission. We append the names of the gentlemen who received the honour of being the first councillors of the Burgh chosen by popular suffrage. First ward: Robert Murray, writer, 72 votes; Thomas Hairstens, tanner, 57; Captain M'Dowall, 47; Thomas Milligan, plumber, deacon of the smiths, 45; George Dunbar, cabinet-maker, deacon of the squaremen, 45; Samuel Blaind, jun., draper, 38. Second ward: William Gordon, writer, 72; John Barker, banker, 71; Robert Thomson, merchant, 71; James Walker, wine merchant, 53; James Dinwiddie, painter, 50; John Anderson, bookseller, 49; Thomas Lonsdale, ironmonger, 32. Third ward: Robert M'Harg, merchant, 68; Robert Scott, hosier, 57; William Nicholson, chair-maker, 46; Joseph Beck, coach-builder, 42; Christopher Smyth, writer, 40; George Kerr, cabinet-maker, 35. Fourth ward: Robert Kemp, writer, 56; Thomas Harkness, writer, 47; Thomas Kennedy, seedsman, 46; Alexander Lookup, skinner, 45; Benjamin Oney, clothier, 41; Robert Kerr, tanner, 40. As the burgess fine, though condemned, was still exacted, Captain M'Dowall declined on principle to qualify for his seat by paying it. A new election for the vacancy was therefore ordered, which resulted in the return of Mr. George Montgomery, draper. The Council being now quite made up, elected Mr. Murray, writer, a gentleman of great ability and moral worth, as the first Reform Provost of Dumfries; Messrs. Kemp, M'Harg, and Harkness were elected bailies; Mr. Walker was appointed dean of guild; and Mr. Barker treasurer and chamberlain. A banquet in the Commercial Hotel appropriately crowned the inauguration of the new municipal system in the Burgh.*

By an Act of Parliament passed in 1846, the chief of the exclusive privileges possessed by the Dumfries Trades, and all similar incorporations, were abolished; and long before that year the Seven Trades had become virtually defunct—a frag-

* Town Council Minutes, and local newspapers.

ment of the body remaining, but all its original spirit gone. The few remaining members continued to hold the property of the Trades, till, in March, 1852, they adopted a unanimous resolution to sell the movable portion of it, except the Silver Gun, which was handed over to the Town Council for preservation. Against this resolution, so far as the convener's gold chain was affected, Mr. Adam Rankine, as a subscriber for the badge, applied for an interdict. The case thus raised excited much interest. The sheriff-substitute, Mr. Trotter, decided it in favour of the pursuer: Sheriff Napier, on appeal, reversed the decision; and his interlocutor, on being advocated, was sustained by the Lord Ordinary Rutherford. Accordingly, the chain and the other articles were disposed of by public auction, in the Trades' Hall, on the 8th of April, 1854. Altogether, a melancholy sight it must have been—one that is rather depressing to reflect upon, though it was but the natural sequence of the wise reform that had been effected. Think of these historical relics being knocked down like vulgar chattels! Even the venerable quarto Bible which the syndic of the craftsmen used at church, passed into other hands, and that for the paltry sum of seventeen shillings. The little silver seal with which the documents of the brotherhood had been stamped for nearly two centuries, was, for a sorry equivalent of ten shillings, deprived of its official *caste*, so to speak, in spite of its lion, fierce, crowned, and rampant, and its motto, "God save the King and the Craft!" A sword once owned, according to tradition, by the Red Comyn, and seemingly old enough to have been worn by him on the day of his fatal rencontre with Bruce, brought £3 3s. The great Grainger punch-bowl, first brimmed with rum toddy in 1806, under the merry conditions we have previously related, and which so often afterwards replenished glasses that were drained in drinking the toast it bears, "Success to the Incorporations!" lapsed into the moderate seclusion of private life for £2;* the accompanying silver divider being separated from it, and sold for fifteen shillings. The wonderful snuff-mull presented by Captain M'Dowall, brought to an unexpected pinch, drew £3 3s. For the ebony staff of office, now that the convener's occupation was gone, £2 18s. was realized; and the gold chain

* The punch-bowl is now in the possession of Mr. David Dunbar, Dumfries.

of that once powerful, but now impotent, chief of the Trades, became metaphorically dim on this mournful day, though it fell into the hands of a worthy townsman, Mr. Samuel Milligan, merchant, for the sum of £35.

The proceeds of the entire sale amounted only to £54 2s. 6d.; and it is certainly to be regretted that the principal effects were not purchased for preservation, instead of being scattered to the four winds. In course of time, the Trades' Hall, and the pews in St. Michael's Church belonging to the Incorporations, were also disposed of;* Mr. Francis Nicholson, merchant, becoming the purchaser of the Hall, in 1847, for £650, but £630 had previously been borrowed on the building.

One of the first fruits of the Reformed Parliament was a General Police Act for such burghs as chose to avail themselves of it. The chief provisions of the measure were adopted at a public meeting held in Dumfries on the 17th of January, 1834; and in accordance with it, a rate of one shilling in the pound was imposed, divided as follows:—Paving, independent of road money, 1d. per pound, £75; watching, 3d. per pound, £225; lighting, 3½d. per pound, £262 10s.; cleansing, 1d. per pound, £75; miscellaneous, ½d. per pound, £37 10s.; interest and sinking fund, 3d. per pound, £225: total, £900. In allocating these sums, it was assumed that the rental assessable would be £18,000.

The mode of supporting the poor of the Burgh and Parish by church-door collections, and the alms-giving of the benevolent, had long been looked upon as unsatisfactory; and so greatly had they been increased in number by the cholera visitation, that the adoption of some new plan was felt to be imperative. An endeavour to raise funds by a voluntary assessment having been tried without success, a resolution was adopted by the Town Council and police commissioners, in May, to impose a legal rate for the relief of the poor. From the statistics on which they proceeded, we learn that the valued rent of the Burgh was set down at £18,772 8s.; of the Burgh roods, £4,450 13s.; and of the landward part of the Parish, £7,441 15s.: in all, £30,664 16s.

* "It was a curious circumstance," says Mr. John Anderson in his manuscript account of Dumfries, "that Selkirk was the name of the deacon of the trade who led the van in the sale of the Kirk seats."

So fearfully, however, had the epidemic scourge of 1832 depopulated the town, and injured its trade, that a deduction of £670 10s. had to be made from the valuation, for shops and houses that were standing unlet. The rate was fixed at a maximum of one shilling in the pound, leviable half-yearly: the computation being that, with the rural part of the Parish concurring, the first assessment of six pence would yield £767; which, if carefully husbanded, would, it was believed, suffice for more than six months, and reduce the second instalment to four pence or less.

During this summer (1834) a movement was commenced for obtaining improved market accommodation. From a distant, if not immemorial period, the country damsels from the neighbouring district exposed their butter, eggs, and poultry for sale on a part of High Street adjoining the Mid-Steeple. There they stood every Wednesday, alike in winter as in summer, exposed to the elements, with no shelter or adequate accommodation for their wares, and—however ungallant the phrase may seem—forming a serious obstruction to the traffic of the principal thoroughfare. For their convenience, as well as that of their burghal customers, a proposal was mooted for flitting the fair rural merchants to the building in the east of the town that had been assigned to the corporation of fleshers, in 1768, for the sale of meat, and which had latterly been almost deserted by them for shops in the Vennel and in Maxwelltown, where no dues were exacted. Whilst this scheme was warmly advocated by some members of the Council, others opposed it, chiefly on the plea that the site was far from being a central one. The inhabitants were also greatly divided in opinion on the subject—the *pros* and *cons* were keenly debated; and it was only when the objectors were unable to point out a better place obtainable at a moderate expense, that their opposition was withdrawn, and the scheme finally adopted. Its chief promoters were: the Provost, Mr. Kemp, elected on the death of Provost Murray, after only six months of service; Bailies Harkness, M'Harg, and Dinwiddie; and Councillors Smythe, Beck, and Oney. The building, which belonged to the town, was adapted to its new destination at an expense of less than £500—the builder's contract being £406 10s. It was duly opened for the sale of

rural produce in 1835; and though rather remote from the centre of the Burgh, the New Markets are a decided acquisition. One of the local newspapers, the *Times*, fairly traced their establishment to the operation of Municipal Reform, and proposed that a name should be given to them commemorative of the fact—a suggestion, however, which was not acted upon. In further accordance with the reforming spirit of the day, the ale-duty, worth £60 to £70 annually, was allowed to lapse; and the Council, on the motion of Mr. William Gordon, seconded by Bailie Harkness, resolved, by a majority of twelve to six, to abolish a lot of vexatious little dues called the Trone and Three-Port Customs, levied at the entrances of the town, on butter, eggs, cheese, and such like articles, and on grain transmitted through the Burgh, and which averaged about £45 a year.*

At the date of 1780 we gave such a review of past events as might have been taken by an aged Dumfriesian. Now that nearly two other generations have come and gone, a similar retrospect may be given; and who so fit to furnish it as the senior town clerk, Mr. Francis Shortt of Courance—"a venerable gentleman," says M'Diarmid, writing in 1832, "who retains all his faculties, and a vast fund of local information, at the advanced age of seventy-eight." We cannot now obtain his reminiscences in a literal sense, but we can fancy some of the many changes which he saw during his protracted pilgrimage of more than eighty years. We can suppose this intelligent octogenarian entertaining his more youthful contemporaries with his recollections of how the factious Pyets and Crows ruffled each other's plumage in the famous magisterial contest of 1759; of what mutinous mobs he had witnessed—such as the meal riots in 1796, and, a generation afterwards, the popular hydra-headed Nemesis that dogged the heels of the murderer Hare, and the popular tempests which preceded the birth and cradled the infancy of Reform; of the high Conservatism cherished when Robert Burns, poet and Radical, burst like a meteor on the town, and the ultra Liberalism that came afterwards, and would have made him a demi-god had he not long before prematurely passed away; of how the bard looked when he was gauging barrels, or handling his arms as a

* Town Council Minutes.

loyal volunteer, or electrifying a social party with his conversational eloquence, or "crooning" some newly-born lyric that was to live for ever—or how, sadly changed, his haggard visage and wasted frame told full surely, in the spring of 1796, that Dumfries was about to lose its most illustrious son—the world, "the greatest poet that ever sprang from the bosom of the people." The aged town clerk would be able to tell, too, of the building of the New Bridge, the Theatre, the County prison, the Court-house, the Academy, the Assembly Rooms, the New Markets, of the entire new town lying north-east of Friars' Vennel, and of such alterations in the shop-architecture of the old town as amounted to a revolution. Of days of darkness and adversity he would also be competent to speak: how a valuable part of the landed inheritance of the town had to be sacrificed to keep its head above the waters of bankruptcy; and how, when the haven of prosperity was reached, a horrible tempest, in the shape of pestilence, overtook and devastated and well-nigh wrecked the devoted Burgh. Great as were the historical incidents and material mutations he had seen in his boyhood and prime, the moral revolution effected during his later years was greater and more important. The Dumfries of his childhood had changed before his eyes externally, socially, and politically: it still retained many of its ancient characteristics—the old Old Bridge, the venerable Mid-Steeple, Friars' Vennel (little altered since Burns used to pass down it on his way to Ryedale or Lincluden College), the closes (more's the pity!) of the same pattern as at the date of King James's visit; and the town was still watered by the classic Nith, still overlooked by the "bonnie hills of Galloway," but nevertheless much expanded and modernized. The relics of the Greyfriars' Monastery, of the Castle, and of the New Wark—all of which the old man had gazed upon—had disappeared, with numerous other memorials of mediæval times, and so also had the manners, customs, ideas, and modes of government with which he was long familiar. In the days of his early manhood, the close, irresponsible system seemed to be also still in its prime; and to talk of Parliamentary or Municipal Reform, savoured of treason: now, in his old age, Reform is popular, fashionable, and has already shown its power by sending to the right-about all

self-elected or clique-appointed burgh rulers or senatorial representatives.

Of such important incidents and striking changes, occurring within the limits of a life-time, such a faithful witness and "honest chronicler" as we have named could have given, and, we have been assured, often did give, a graphic narrative to his friends. Would that some Boswell had committed the spoken record to paper, or that the local journalists had by other ways and means made their annals more comprehensive and minute. Had this latter course been generally pursued, our labour throughout a portion of this work would have been greatly lessened, and the results been rendered more satisfactory. It is but right, however, to add, that, thanks to the newspapers of the town, minute details of the great Reform agitation, and of the dread visit of the epidemic, have been preserved; and by drawing largely on their columns, we have been enabled to give a copious, and, we trust, an acceptable history of both.

We now, at the close of the old municipal system, stop the general narrative for a little, in order to complete what we have to say respecting the religious denominations, trade, literature, and distinguished men of the Burgh.

CHAPTER LVII.

ECCLESIASTICAL: THE ROMAN CATHOLIC CONGREGATION; THE EPISCOPALIANS; THE WESLEYAN METHODISTS; THE SECESSION; THE RELIEF; THE REFORMED PRESBYTERIANS; THE INDEPENDENTS; THE BAPTISTS; THE EVANGELICAL UNIONISTS; THE CATHOLIC APOSTOLIC—MOVEMENT FOR A THIRD PLACE OF WORSHIP, ST. MARY'S—THE DISRUPTION AND ITS RESULTS: FORMATION OF FREE CHURCH CONGREGATIONS IN DUMFRIES AND MAXWELLTOWN.

BEFORE the close of the sixteenth century Dumfries was thoroughly Protestant, the Reformation having been radical and complete. This result was effected chiefly by the great body of the inhabitants renouncing Roman Catholicism, and in some degree by the rigorous proscription to which all who adhered to that faith were liable. It is reported that old St. Michael's Parish Church was the last place throughout Scotland in which mass was celebrated before the Presbyterian Establishment was set up; and before it was "said or sung" again in the Burgh, many generations passed away. During that long interval, such few Romanists as resided in the Parish could only take part in public worship by attending, with some risk to themselves, at the chapels of Terregles and Kirkconnell; and on more than one occasion the priests who officiated at the latter place were seized and sent off to be examined by the Privy Council, on charges of acting illegally by prosecuting their calling and endeavouring to proselytize. Two hundred years after the Reformation, there were only thirty-eight Roman Catholics in the entire Parish of Dumfries.* These were ministered to by Mr. Pepper; but the body remained without a place of worship till 1811, when a commodious chapel, dedicated to St. Andrew, was built by subscription, to which the Terregles and Kirkconnell families liberally contributed, as also the clergyman of the congregation, Mr. William Reid. It cost, site included, about £2,600; and since its erection large

* Dr. Burnside's MS. History.

sums have been expended on internal furnishings and ornamentation. When Mr. Reid died, in 1845, at the advanced age of seventy-eight, he was succeeded by Mr. Henry Small, who had previously acted as his assistant for several years. On the death of Mr. Small, in 1857, Mr. John Strain of Dalbeattie became his successor. In 1858, Mr. Strain was appointed President of Blair's College, near Aberdeen; and in 1864, was elected Bishop of Abila and Vicar-Apostolic of the Eastern District. Mr. Patrick Macmanus, who had formerly officiated as curate to Mr. Small, was transferred, in 1858, from Murthly Castle to Dumfries, where he still continues to officiate. A school-house with a fine ornamental tower—the latter designed by the Honourable Marmaduke C. Maxwell of Terregles—was built contiguous to the chapel in 1843. Fifteen years afterwards the chapel acquired a still more imposing accompaniment, in the shape of a tall, handsome spire. The lower part is Norman or Romanesque, tinged with Byzantine, and from a design by Mr. John H. Bell, architect; while the upper portion, or spire, which is Early English, and is remarkable for its airy lightness as well as elegance, was designed by Mr. Alexander Fraser, architect. The number of Roman Catholics in Dumfries, Maxwelltown, and surrounding district, which has been greatly swelled by immigrants from the sister island, is estimated at 2,640.

Episcopalianism was not quite rooted out of the Burgh by the Revolution settlement; though the Presbyterian clergy there, as elsewhere, strove hard to get it extirpated from the country. On the 27th of April, 1703, the Presbytery of Dumfries instructed Mr. Veitch "to oppose and protest against" any proposal that might be made in the Commission of Assembly for granting a single grain of toleration to "Black Prelacy," from which they had suffered so much.* About ten years afterwards, however, an Act of Parliament was passed permitting all Episcopal clergymen who should take the oath abjuring the cause of the exiled Stuarts, to use the Church of England service in Scotland. In virtue of this just enactment, the Episcopalians of the Burgh began soon to exercise their own mode of worship openly; though it was not till 1756 that they were in circumstances to build a chapel. A scheme for erecting

* Presbytery Records.

a suitable fabric was laid before a meeting of "the Episcopal Society in Dumfries," held on the 22nd of March, 1754, the preamble stating that the society had "long laboured under the very disagreeable necessity of having religious worship in a place very unfit and uncommodious." The proposal in effect was, that a chapel should be built, at a cost (including site) of £250, to accommodate from 150 to 200 persons—£100 of the sum to be raised by subscription, the rest to be borrowed; that the minister's stipend should be restricted to £50, "paid out of the profits of the chappell;" that the interest of the borrowed money should be discharged yearly; that £10 should be taken from the remaining surplus every year, with which to form a sinking fund to liquidate the debt; and lastly, after these deductions, that the sum of £8 6s. 8d. a year should be allotted for a clerk. This scheme, on being read over to the meeting, was signed by all present, numbering twenty-seven, in token of approval; and a committee—consisting of Mr. Richard Jameson, minister; Mr. Charles Stewart of Shambelly, the head of an ancient family long settled in Kirkcudbrightshire; Mr. William Carruthers, merchant in Dumfries; and Mr. John Story, writer there—was named to carry it into effect. In due time the chapel was built on a site* in Lochmaben-gate; but though Sir William Grierson of Rockhall furnished building materials without charge, in the shape of 10,000 bricks, and Sir John Douglas of Kelhead supplied twenty cart-loads of lime on the same free terms, and though others of the neighbouring gentry gave liberal subscriptions, the committee found that the expenditure exceeded the fund at their disposal by more than £200.† From the wealthy lord of Staffold Hall money had to be borrowed, the interest of which was not paid; and Mr. Lowthian having assigned the bond to his nephew, Mr. Ross, merchant in Dumfries, that gentleman would have raised diligence upon it, had not Mr. John Bushby (with whose name all readers of Burns are familiar) come to the rescue by lifting the bond—which, however, Mr. Stewart had ultimately to

* At present occupied as a garden by Mr. John A. Smyth, solicitor.

† Among the accounts given in to the Committee was one of £3 5s. 1½d. from "Painter M'Ghie," as he was familiarly called—the Jacobite whose false alarm in 1745 sent Prince Charlie in hot haste out of the Burgh.

discharge. By pecuniary difficulties such as these, the infant congregation was nearly extinguished: but it struggled through, and survived them all; and now, when matured, it is one of the wealthiest in the Burgh. The papers relating to its early history show that the revival and reorganization of Episcopalianism in Dumfries were mainly due to the exertions of Mr. Charles Stewart of Shambelly.* The chapel in Lochmaben-gate was a plain building, octagonal in form, with a pavilion roof. A much larger and handsomer place of worship in Buccleuch Street has been occupied by the congregation since about 1820; and the foundation stone of what promises to be a very imposing Episcopal church, was laid on the 1st of August, 1867, at Dunbar Terrace, by Mr. Gilchrist Clark of Speddoch (acting for Colonel M'Murdo, the lay representative of the congregation), in presence of the bishop of the diocese, the clergyman of the congregation, and many of its members. The design—supplied by Mr. W. Slater and Mr. R. H. Carpenter, Regent Street, London—is of the First-pointed Gothic, and includes a tower and spire 120 feet high. Sittings will be provided (a hundred of them free) for 450 worshippers. Dr. Babington, his son Mr. Charles Babington, Mr. Farquhar, and Mr. Short, have been successively ministers of this congregation; and the present clergyman is Mr. Archibald M'Ewen, M.A., who succeeded Mr. Short in 1846. From 600 to 700 souls are connected with the congregation, the communicants numbering about 170. During the incumbency of Mr. Babington, the congregation, originally connected with the Anglican Establishment, was received into full communion with the Scottish Episcopal Church.

Betwixt 1780 and 1790, Dumfries was repeatedly visited by

* The Shambelly branch of the Stewarts has been settled in that estate for many hundred years. Captain William Stewart of Shambelly, a gallant officer who served under Sir Robert Rich in Flanders, died in July, 1745, of wounds received in action; and at his death the property devolved upon his brother-german, Charles Stewart, whose services to the Episcopalian body are recorded in the text. Charles Stewart was a devoted Jacobite. He occupied as his town residence the large house in Nith Place which forms part of the premises that belong to the Mechanics' Institute, and was among the first of the Dumfriesians to welcome his royal namesake when he entered the Burgh in 1745. The grandson of Charles, Mr. William Stewart, succeeded to the estate in 1844, and is the present head of the family.

the apostle of Methodism, John Wesley. He originated a "society" or congregation in the Burgh, which seems at first to have been superintended by a Mr. Dall. There are several entries in Wesley's journal by which the footprints of the great divine may be traced in the town, and his impressions of it can be obtained. Proceeding from Carlisle on the 13th of October, 1788, he says:—"To-day we went on through lovely roads to Dumfries. Indeed, all the roads are wonderfully mended since I last travelled this way. Dumfries is beautifully situated, both as to wood and water, and gently rising hills, &c.; and is, I think, the neatest, as well as the most civilized, town that I have seen in the kingdom. Robert Dall soon found me out. He has behaved exceedingly well, and done much good here; but he is a bold man. He has begun building a preaching-house larger than any in Scotland, except those in Glasgow and Edinburgh! In the evening I preached abroad in a convenient street on one side of the town. Rich and poor attended from every quarter, of whatever denomination; and every one seemed to hear for life. Surely, the Scots are the best hearers in Europe!"* Next day Mr. Wesley preached in the unfinished meeting-house situated in Queen Street; and again in the evening, when, he says, the congregation was nearly double, and, if possible, more attentive. "One or two gentlemen, so called," he says, "laughed at first; but they quickly disappeared, and all were still while I explained the worship of God in spirit and in truth. Two of the clergy [probably Dr. Burnside and Dr. Mutter] followed me to my lodging, and gave me a pressing invitation to their houses. Several others, it seems, intended to do the same; but having a long journey before me, I left Dumfries earlier in the morning than they expected."† Subjoined are other entries, all, like the preceding one, highly complimentary to the Dumfriesians. "June 31st, 1790.—We set out at two [from Glasgow], and came to Moffat soon after three in the afternoon. Taking fresh horses, we reached Dumfries between six and seven, and found the congregation waiting: so, after a few minutes, I preached on Mark iii. 35. Tuesday, June 1st.—Mr. Mather had a good congregation at five. In the day I conversed with many of the

* Journal of the Rev. John Wesley, A.M., vol. iv., p. 400.
† Ibid., p. 401.

people: a candid, humane, well-behaved people; unlike most that I have found in Scotland. In the evening the house was filled; and truly God preached to their hearts. Surely God will have a considerable people here."* Methodism did thrive in Dumfries for a considerable period after being initiated there by its founder. It was in its most flourishing condition, perhaps, from 1800 to 1825, including a period (1821–3) when the Rev. Hodgson Casson, an eccentric humourist and good preacher, had charge of the society. Since the latter year, owing greatly to the removal by death of some of the leading Wesleyan families—the Bailiefs, Hinchsliffes, and others—its membership has been much reduced. As one sign of progress, however, it may be mentioned that the chapel in Buccleuch Street, which the Episcopalians will vacate when their new chapel is erected, has been purchased for the Wesleyans.

There was no organized body of Dissenters from the Established Church in Dumfries till towards the middle of the eighteenth century. In 1733, just as Ebenezer Erskine and his seven colleagues found themselves under the necessity of separating from the Establishment, the Rev. James Purcell was presented by the Crown to the Church of Troqueer, much against the wish of the parishioners. They opposed his settlement over them, were supported by the Presbytery of Dumfries, and, on appeal, also by the Synod; but when the case was carried to the General Assembly, in 1734, that court reversed the previous decisions, and ordered Mr. Purcell's ordination to be proceeded with; which injunction the Presbytery refused to execute, and in consequence he was ordained by a committee of the Assembly appointed for that purpose. This high-handed act almost emptied the Church of Troqueer. Many of the people connected themselves with other parochial churches; others flocked to hear the seceding preachers, then opportunely visiting the district, and eventually became the nucleus of a dissenting congregation. They travelled for many years for ordinances to Lockerbie, till, in 1759, on being organized at Dumfries by the Associate Synod of Sanquhar, they obtained a minister of their own, Mr. Thomas Herbertson, ordained over them in September, 1761. The newly-formed congregation

* Journal, vol. iv., p. 466.

enjoyed his services for only eleven months. In 1764 they addressed a call to Mr. William Inglis, a native of Leslie, in Fifeshire; who, having accepted it, was ordained early in the following year. While Robert Burns resided in the Burgh, he was a seat-holder in Mr. Inglis's church, and often sat under his ministry; and when the poet was asked, in a taunting tone, why he did so, his reply was characteristic, and highly complimentary to the preacher. "I go," said Burns, "to hear Mr. Inglis because he preaches what he believes, and practises what he preaches."* On the 22nd of June, 1810, Mr. James Clyde, probationer, Perth, was ordained colleague and successor to Mr. Inglis. The latter dying in 1826, the entire pastoral duties devolved on Mr. Clyde till 1838; when he received Mr. David L. Scott of Dalravel, Perthshire, as his assistant and successor. Mr. Clyde died on the 7th of March, 1851, in the seventy-fifth year of his age and the forty-first of his ministry; and his successor, Mr. Scott, is the present pastor of the congregation. Their first place of worship was built about 1760, in Loreburn Street: their present one, a handsome Gothic church, was erected on the same site in 1829. Number of communicants on the roll, 305.

Another body of seceders from the Established Church, the Relief, took root in the Burgh in 1788, planted there by the Relief Presbytery of Glasgow. Mr. John Lawson was the first pastor of the congregation, he having been ordained about a year after its formation. On resigning his charge, in 1807, he was succeeded in the following year by Mr. Andrew Fyfe, who, with a large number of the congregation, as is elsewhere stated, joined the Established Church in 1835. The next minister was Mr. William Adam, ordained in 1837. He remained only a short period in the charge; Mr. William Blackwood succeeding him in the spring of 1840, and continuing his oversight of the congregation till 1845. Mr. John Hogg, ordained in the following January, demitted in 1850; and soon afterwards a call was given to the present minister, Mr. John Torrance, whose ordination took place on the 20th of November,

* Statement made by the Rev. D. L. Scott, at a soiree held on the evening of the 23rd of December, 1861, to commemorate the centenary of the congregation.

1851. The church built in 1788 bore the following inscription:—"Christo et Ecclesiæ Liberatæ Dicata." It was reconstructed internally in the autumn of 1858, at a cost of about £250. In 1867 the building was purchased for a wool store by Messrs. T. & R. Carlyle, Waterbeck; and a very handsome church, with spire, in the Pointed Gothic style, from a design by Mr. Barbour, is being erected for the congregation near the corner where Townhead Street joins with the Lovers' Walk. It will be seated for 460 persons. Number of communicants, 200.

About fifty years after the Secession Church had obtained a solid footing in Dumfries, a second congregation was formed in the town under singular circumstances. Mr. John Lawson of the Relief, having received the present of a gown or cassock, and intimated his intention of wearing it when preaching, not a few of his hearers were dissatisfied. They looked upon the gown as worse than uncalled for; they considered it an unseemly innovation on the old simple clerical attire, and as savouring in some degree of that prelatical system which they had learned from their fathers, and with such good reason, to detest. They remonstrated with their minister against his wearing the obnoxious garment, without success; and rather than seem to sanction its use, they, in number about a hundred, left his church, and formed themselves into a separate body, assembling in a meeting-house erected on the "Burghers' Brae," Buccleuch Street. The new congregation succeeded in obtaining an able pastor, Mr. Walter Dunlop, a native of Haddingtonshire, whom they called in February, 1809, when he was officiating in Liddesdale. He was soon after inducted into his Dumfries charge, and continued to occupy it with success for the remainder of his life. Mr. Dunlop was in many respects a remarkable man. He was a good preacher, and eventually became as noted in the neighbourhood for his conversational humour as for his pulpit oratory. The latter, though what would now be deemed old-fashioned and rustic, was highly effective. The manner of it was warm, earnest, and impressive; the matter, rich, "sappy," and soundly evangelical. So active and irrepressible was his perception of the ridiculous, and so fond was he of repartee, or of putting down any assumption, or of "shooting folly as it flies," that he was sometimes blamed for indulging in sallies

that were out of keeping with his sacred calling. But if in this respect he was not beyond criticism, it is due to his memory to say, that he was devotedly attentive at the couch of suffering and the bed of death. His natural temperament might lead him to the house of mirth, but it never caused him to neglect his visits to the house of mourning. Mr. Dunlop, when at his best, had a portly, "sonsie" presence, which accorded well with his reputation as a humourist. In 1845, when failing with increasing years, the congregation elected as his colleague and successor the Rev. Marshall N. Goold. Mr. Dunlop, however, died on the 4th of November, 1846, in the seventy-second year of his age and the forty-second of his ministry, a few months before the ordination of Mr. Goold, who has since then continued to be the sole minister of the congregation. An imposing and tasteful new church, according to a Gothic design furnished by Mr. Alexander Crombie, architect, Dumfries, was erected by the congregation on the site of their original place of worship in Buccleuch Street. It was opened on the 17th of May, 1863; and is highly ornamental to that fashionable part of the town. Its entire cost was about £2,000. There are nearly 400 names on the communion roll.

The district which gave Renwick to the Cameronians has always abounded with them since the date of their origin. Early in the eighteenth century the village of Quarrelwood, Kirkmahoe, was one of the main centres of the body in Scotland, and it eventually became its chief seat in Dumfriesshire. In 1743, the Quarrelwood pastor, Mr. John Curtis, took part with three other ministers in constituting the Reformed Presbyterian Church, as the denomination came to be called. The region assigned to the little ecclesiastical capital, Quarrelwood, was a very extensive one, bounded by the Esk on the east, the Urr on the west, by a line from New Galloway to Moffat on the north, and by the Solway on the south. It stretched over between thirty and forty parishes, so that the officiating pastor must have undergone immense toil in ministering to the far-scattered families of his flock, at a time when there were few roads and scarcely a wheeled carriage in the County. Mr. James Thomson, ordained in 1796, was the second minister; and in his day a new church and manse were erected at Quarrelwood, and

the congregation multiplied extensively. In course of time it became the nursing-mother of new settlements, there being now seven Reformed Presbyterian congregations in the district, all tracing their origin to the little sanctuary at Quarrelwood. It was not till 1826 that a few members of the body began to hold meetings in Dumfries. Increasing in number, they took the George Inn ball-room, and next the Old Assembly Rooms, as temporary places of worship; and having obtained the services of a regular pastor—Mr. James Brown, ordained in November, 1831—they erected their present commodious church in Irving Street, which was opened in May of the following year. On Mr. John Jeffray, the minister of the Quarrelwood congregation, proceeding to America, its members, with one accord, connected themselves with the Dumfries congregation. Mr. Brown's ministry lasted little more than two years. During the cholera epidemic of 1832 he overtasked his strength in visiting the sick, and died young, of consumption, in May, 1834. He was succeeded by Mr. John M'Dermid, ordained in October, 1835, who, after ministering acceptably to the congregation for nearly twenty years, accepted a call to the third Glasgow congregation. Mr. Alexander Macleod Symington, B.A., son of the distinguished Professor William Symington, was ordained as Mr. M'Dermid's successor on the 12th of June, 1856; and he continued to officiate as minister of the congregation till 1867, when he accepted a call from the congregation of St. Andrew's Presbyterian Church, Birkenhead. The Dumfries congregation possesses several interesting relics connecting it with Quarrelwood and the fathers of the Church. These are a set of communion utensils, consisting of two large oval plates, four flagons, four cups, all of pewter, with the words engraved on each, "Belonging to the Old Covenanted Presbyterian Dissenters in Scotland, 1745;" also numerous tokens of sheet lead, square shape, initialed "G. M. [General Meeting], 1745," on one side, and "L. S." (Lord's Supper) on the other.* In 1866 the interior of the church was reconstructed, and a spacious hall was added, which is used as a school-room and for congregational meetings. The number of communicants is about 300.

* Some of these particulars are taken from a statement made by Mr. James Halliday at an annual meeting of the congregation, on the 23rd of February, 1865.

To the labours and liberality of the brothers Haldane is traceable the first formation in the Burgh of an Independent or Congregational church. The elder of the two, James A. Haldane, carried out a series of preaching tours through Scotland, commencing in 1797; and afterwards the younger, Robert, joined in the work. They repeatedly visited Dumfries, where, as was their wont, they held numerous field-meetings, which were addressed by James Haldane, who was a Boanerges in preaching power. Sometimes Mr. Charles Simeon, of King's College, Cambridge, and Mr. Rowland Hill, were associated with the Haldanes in their itinerating home mission. The General Assembly—at that time pervaded by a chilling "moderatism" —sought to check the evangelizing enterprise by issuing a "pastoral admonition," in which they warned the people to beware of strange preachers, and debarred Episcopalians or other strangers from occupying the pulpits of the Established Church. This edict caused the Messrs. Haldane to secede from the Establishment, and to adopt the Congregational form of ecclesiastical government. Mr. Robert Haldane, at an expense of £30,000, erected or purchased places of worship in Edinburgh, Glasgow, Dundee, Perth, Dumfries, and other towns, in which they might have unrestricted liberty to preach. The chapel thus originated in Dumfries was lost to the Independent body by the brothers who had built it becoming Baptists. In 1814 it was purchased by the County for a Court-house; and after being refronted, was opened as such by the Lords of Justiciary in the spring of 1816. In 1866 it was bought by the Burgh for a Town Hall, at a cost of £1,120. About 1810, the Dumfries Independents, then worshipping in a small chapel in Irish Street, gave a call to Mr. John Dunn of Berwick-on-Tweed, under whose ministry they increased greatly in number. He was a man of almost apostolic fervour; and his name, for a series of years, was associated with many philanthropic movements in the town and district. Soon after the death of Mr. Dunn, in 1820, Mr. Thomas Young became pastor of the church; and on his removal to Garliestown, in 1833, he was succeeded by the present minister, Mr. Robert Machray, M.A. A new Independent chapel, erected in Irving Street, after a neat Italian design, was opened on the 6th of September, 1835; and it was

enlarged so as to furnish 650 sittings, in 1862. In 1842 Mr. Machray resigned his charge, that he might proceed to London; and in 1854 he returned, on invitation, to his former pastorate—the duties of which, in the interval, were successively discharged by Mr. James Cameron, now of Colchester; Mr. James Mann, now of Birkenhead; and Mr. Thomas Pullar, who went to Hamilton, and eventually to Canada. Number of church members, 130.

A small body of Baptists has existed for a long time in the Burgh, but without any stated pastor. The members meet in the chapel in Irish Street (formerly occupied by the Independents) for worship and mutual exhortation.

How much, in matters municipal and social, the Burgh has been influenced by the Irvings, we have frequently shown; and we have now to point out, in a line or two, how one of the greatest of the name, if not "the noblest Roman of them all," set his mark upon its ecclesiastical polity. After Edward Irving—born at Annan, the capital of the district in which his race was cradled—was cast out from the Scottish Church, in 1833, he visited Dumfries, and originated a congregation, holding his peculiar views regarding apostolic gifts, the personal reign of Christ, and the manifestations of the Holy Spirit. After the lapse of several years, its members were scattered; but about eleven years ago the congregation was reconstructed, and, as far as circumstances would then permit, the ritual of the Catholic Apostolic Church was introduced, that being the name taken by the denomination which Mr. Irving originated. The Irish Street chapel was for a while occupied by the body; but they now possess a small building specially designed for their peculiar service, which was erected at a cost of about £1,000, in Queen Street, and opened on the 12th of March, 1865. The style is Norman Gothic, its chief feature a front elevation with tower and pinnacle fifty-eight feet high. The office-bearers of the congregation are of various grades, the chief being Mr. Robert Craig and Mr. Thomas Graham, ministers.

Early in January, 1862, a branch of the Evangelical Union Church was formed in Dumfries, chiefly by members of other denominations who had been led to adopt Arminian views of the Atonement. They meet in the Market Hall, not yet having

acquired a chapel of their own. Mr. John Dunlop, ordained 3rd November, 1863, was the first pastor of the church; and he having resigned his charge, was succeeded by the present minister, Mr. James Maconachie, whose induction took place on the 9th of April, 1865. The church is Congregational in its form of government: membership fully one hundred, with a considerable body of adherents.

A movement for a third place of worship in connection with the Established Church was commenced in 1835, under the following circumstances. Mr. Andrew Fyfe, minister of the Relief church, and a large majority of his congregation, presented a petition in that year to the ecclesiastical courts, praying to be admitted within the pale of the Establishment. This prayer was acceded to; but when the petitioners sought to carry away with them the church and manse from the Relief body, the minority who remained in it successfully resisted the attempt by the aid of the civil courts, and Mr. Fyfe and his adherents were left without a place to worship in. That they might not remain long in such a predicament, a subscription was entered into, and so zealously promoted by Major Adair, Captain M'Dowall, Mr. John Anderson, bookseller, and other gentlemen, that in the course of a few months a fund of £2,520 was obtained, and a fine commanding site for the new ecclesiastical edifice was secured—none other than the celebrated eminence on which Bruce's brother-in-law, Sir Christopher Seton, was executed by command of Edward I., and on which the patriot's widow afterwards erected a chapel dedicated to his memory. On this hallowed mount, granted by the Crown for the purpose, the foundation stone of the building was laid, with masonic honours, on the 24th of May, 1837; and, under the name of St. Mary's Church, it was first opened for public worship on Sabbath the 17th of November, 1839. Being Gothic in its architecture, it is in keeping with the historical associations of the place, and is altogether a very elegant church. The architect of the building was Mr. John Henderson of Edinburgh; its cost, £2,400. Additions by purchase were made to the ground for the formation of a cemetery, which is already mournfully studded with the memorials of a populous race that lie slumbering beneath its turf; one of its earliest tenants having been the first pastor

of St. Mary's, Mr. Peter Thomson of Kincardine, Perthshire, who, after a brief but bright ministerial career of nine months, died of fever caught in the course of one of his pastoral visits. Mr. Fyfe and some of his friends were rather dissatisfied with the arrangement, which, instead of making him the minister of St. Mary's, appointed him as Mr. Thomson's colleague, with an annual stipend of only £30, and the privilege of preaching in the evenings, and getting the collections then taken by way of supplement. Mr. John R. Mackenzie of Inverness was ordained as successor to Mr. Thomson, in the summer of 1841; and under his ministry the congregation, already large, increased considerably. For the year ending Martinmas, 1841, the rent for sittings, every one of which was taken, amounted to £200 17s.; the collections to £93; the minister's stipend being fixed at £180. When the Disruption occurred, in May, 1843, Mr. Mackenzie, with the great majority of his people, joined the Free Church. For upwards of two years afterwards no new minister was settled in St. Mary's, its pulpit being supplied fortnightly by the Presbytery. As might have been supposed, the attendance was miserably thin, and the revenue much reduced. For the half year ending November, 1844, the seat rents and collections amounted to less than £39; eventually the sittings were not let at all, and for the next six months, ending in May, 1845, the proceeds of the ladle and the plate were but £9 2s. 1d. The congregation reached a zero-point when, one forenoon whilst the air was congenially cold, they adjourned for service to the vestry, in which there was room enough and to spare after they had all assembled.

The fortunes of the congregation revived soon after Dr. Freeland, formerly of Airdrie, became their minister, in July, 1845; as a proof of which the seat rents rose to £146 11s. for the year ending November, 1846, and the collections to £96. Dr. Freeland having been translated to the church and parish of Balmaghie early in 1847, he was succeeded by Mr. David Brown, now of St. Enoch's Church, Glasgow. The next minister of St. Mary's was Mr. James Stewart; and he having become settled at Wilton, Mr. John Mein Austin, formerly of Johnstone, succeeded him, in May, 1852. Mr. Austin's pastorate was signalized by the endowment of St. Mary's, and its erection into a regular

parish church. This was effected in 1853, at an expense of £3,590, about £1,200 of which was obtained by subscription, £800 from the General Assembly's Endowment Committee, while the rest was borrowed on the personal security of the trustees of the church; the principal expenditure having been on the purchase of feu duties, which yield £137 12s. 9d. a year. Mr. Austin became parish minister of St. Mungo in the beginning of 1861; and during his last year in St. Mary's the seat rents yielded £121; the collections, £78 7s. His successor, Mr. William B. Turnbull, formerly of Edinburgh, was ordained in May, 1862. Mr. Turnbull finding that the debt, which amounted to £1,550, was a disheartening incubus on both minister and people, resolved, if possible, to get rid of it. By a sale of grave plots, and from other sources, it was reduced to £1,200; by means of a subscription it was further diminished to little more than £400; and by a crowning device, that of a bazaar, held towards the close of 1863, the entire remaining liabilities were swept away, and a small balance was left in the hands of the treasurer. For the year ending November, 1864, the seat rents yielded £148; the collections £100 2s.; and the whole revenue of the church amounted to £383 8s. The stipend has ranged from £180—the sum paid to Mr. Mackenzie—to £200 and to £320 5s.; the latter amount having been received by Mr. Turnbull during the second year of his incumbency. Mr. Turnbull accepted the presentation to Townhead Church, Glasgow, in 1866, and was succeeded by the present minister, Mr. James Mackie, formerly of Partick, Glasgow. The names on the communion roll number about 480.*

Dumfries took a fair share in the great "ten years' conflict" which ended in the disruption of the National Church on the 18th of May, 1843. A few weeks before that date, the local Presbytery was rent by the withdrawal from it of many members, because the majority, acting according to the prescribed policy of the moderates, persisted in excluding the names of *quoad sacra* ministers from its roll. Those who retired formed themselves into a Constitutional or Protesting Presbytery; and when the Free Church of Scotland was formed, congregations

* Many of these details are taken from a statement drawn up for the congregation by one of its members, Mr. William Milligan, solicitor.

actuated by the same principles as the Presbytery were organized in nearly every parish of the district. The members and adherents of St. Mary's congregation who joined Mr. Mackenzie in quitting the Establishment, together with not a few from St. Michael's and the New Church, worshipped as a Free Church congregation for nearly a year in the Old Assembly Rooms, varied by occasional open-air diets in the summer months. Their first communion was dispensed in the Castle Gardens, George Street, on the 27th of August, 1843, in presence of about 3,000 persons, and under circumstances which resembled in some respects the great hill-side sacramental assemblages of the olden time. The services throughout were highly impressive, acquiring a tone of subdued enthusiasm, as well as of solemnity, from the character of the conditions with which they were associated. On the preceding day, the foundation stone of a church for the congregation was laid in George Street by the Rev. Dr. Candlish; on the 14th of April, 1844, it was opened for divine service; and the sacrament of the supper was dispensed in it on the following Sabbath, to upwards of 600 communicants. The building is plain, but neat, externally; internally, it is elegant and commodious, affording sitting room for 1,000 persons. The cost, including site, was about £1,400. A manse adjoining the church was built in 1846. In March, 1847, Mr. (now Dr.) Mackenzie accepted a call from the Broad Street congregation, Birmingham, in connection with the English Presbyterian Church, and was succeeded by Mr. James Julius Wood, M.A., formerly of New Greyfriars', Edinburgh, who was inducted on the 8th of June, 1848. In 1856 he received the degree of D.D. from the University of Glasgow; and in 1857 Dr. Wood had the honour of being elected moderator of the General Assembly of the Free Church of Scotland. This congregation, over which he still ministers, has all along been one of the largest and most flourishing in the town. Number of communicants, fully 600.

On the opposite bank of the Nith, the results of the Disruption were not less decisive. During the church-extension movement begun by Dr. Chalmers, a chapel of ease was erected in Maxwelltown, of which Mr. James Begg, now Dr. Begg of Edinburgh, was the first minister. Built in 1829, it was

destroyed by fire on the evening of Rood-fair Wednesday, 1842, and next year a new chapel was erected in its stead; the congregation—a large one from the first—continuing to prosper under the ministry of Mr. Ranken. So many of its members and adherents withdrew to constitute a Free Church congregation, that the chapel was nearly emptied, even though its minister thought fit to continue in the Established Church.* At first they met for worship in the stackyard at Nithside, the proprietor of which estate, Mr. Philip Forsyth, was a stanch member of the Free Church, and did much to promote its principles, as well as to secure the success of the Maxwelltown congregation. On the 28th of August, 1843, the foundation stone of a church for the congregation was laid by him at Laurieknowe; and so active were the contractors, that it was opened for worship on the 19th of November following. On the 2nd of October the congregation gave a unanimous call to Mr. William Brown Clark, minister at Half-Morton, who eventually accepted the same, and was inducted on the 5th of April, 1844. In February, 1853, Mr. Clark resigned his charge, in order to accept the pastorate of a Presbyterian congregation in Quebec. His successor, Mr. David Purves, formerly of Aberdour, Fifeshire, the present minister, to whom a unanimous call was given, was inducted on the 6th of October, 1853. The church being a plain, unpretentious building, the congregation resolved, in 1865, to erect a very handsome new church, with spire, from a Gothic design by Mr. Barbour, which was founded on the 6th of July, that year, Mr. Murray Dunlop of Corsock, M.P., performing the ceremony; and it was occupied by them for the first time on the 15th of November, 1866, Dr. Begg conducting the opening services. The church cost, with site, about £2,200; of which sum Mr. William Milligan of Westpark contributed £300. Present number of communicants, about 500.

In 1864 there rose up at the foot of High Street, Dumfries, a beautiful Territorial Church, which is at once the product and memento of an extraordinary religious awakening that took place in the town during the spring of 1861. Some of those who experienced the influence of that revival, resolved to put

* The Maxwelltown congregation in connection with the Established Church is under the ministry of Mr. William Graham, ordained in 1863.

forth a special effort, in order to give permanence to its results, and extend a similar influence to such as were still living in the habitual neglect of religious ordinances. The scheme met with a large measure of success. A congregation was formed under the care of Mr. Robert Milligan, now of Wolflee; and Mr. Gilbert Laurie, after ministering to them for two years, was ordained as their pastor in September, 1866—the Free Church Assembly having previously sanctioned the charge. The Territorial Church, built for the congregation through the liberality of Mr. Milligan of Westpark, Mr. George Henderson of Nunholm, and other friends, was opened for service on the 1st of January, 1865. It cost, with site, about £1,800: it supplies accommodation for 500 sitters; and there is provision for the erection of galleries, if needed, to hold 250 more. The average attendance is upwards of 400; number of communicants, about 200. Connected with the church there is a spacious hall, in which a flourishing school is held, attended by about 200 children, chiefly of the poorer classes.

As showing, in a single sentence, the progress of Dumfries ecclesiastically considered, it may be mentioned that, a hundred and forty years ago, there was only one congregation in the Burgh; and that at present there are no fewer than sixteen congregations, only two of which are State-endowed, the rest maintaining ordinances and defraying all other expenses on the voluntary principle.

CHAPTER LVIII.

COMMERCE OF THE PORT—CUSTOM-HOUSE RETURNS—THE CATTLE, SHEEP, AND PIG TRADES OF THE BURGH—HOSIERY—TANNING AND CURRYING—BASKET-MAKING—HORTICULTURE AND THE NURSERY TRADE—RISE AND PROGRESS OF THE TWEED MANUFACTURE — THE MAXWELLTOWN IRON-WORKS—BUSINESS OPERATIONS IN DUMFRIES.

TWELVE or thirteen vessels were all that the port of Dumfries could boast of in 1790. Three of these traded in foreign wines, or in timber and hides from the Baltic; the others being employed as coasters, exporting grain and potatoes, and bringing back lime, coal, and merchant goods. Forty years before that time, Dr. Burnside tells us, "there was a considerable tobacco trade carried on from Dumfries. At an average of four years, 1,250 hogsheads were annually imported. It is alleged, however, that the exportation was considerably greater; and that, in consequence of some unhappy mistakes of this kind, the trade was discouraged. It has since entirely failed."

The first link in the railway chain by which Dumfries is now united to the great centres of business throughout the country, was formed by the opening of the Glasgow and South-Western Company's line from the Burgh to Gretna, on the 22nd of August, 1848: others were supplied when the whole of that railway was completed to Glasgow, in September, 1850, when the Castle-Douglas and Dumfries railway was opened, in November, 1859, and when the Burgh was brought within the range of the Caledonian line by the opening of a branch to Lockerbie, in September, 1863. These various railways have done much to develop the trade of the Burgh and the district; but, as already noticed, they have seriously reduced the traffic of the port.

In 1831, the Commissioners of Tonnage had a revenue of nearly £1,100; in 1844, just before the rival mode of transit began to take effect, the revenue had risen to £1,212; but even

then the trust was heavily indebted to the Bank of Scotland—the expenditure including payments for debt and interest to the extent of £1,356, and there being a deficit on the year of £144.

In the same year (1844) the tonnage dues inwards were as follows:—1,233 tons register, foreign vessels, at 6d., £30 16s. 6d.; 27,473 tons, coasting vessels, at 2d., £228 18s. 10d.; 6,413⅛ tons of goods, at 1s. 2d., £374 2s.; 13,928¾ tons of coals, at 6d., £348 4s. 4d.; 212 tons of lime, at 6d., £5 6s. Outwards: 540 tons coasting vessels, at 2d., £4 10s.; 3,776½ tons of goods, at 1s. 2d., £220 5s. 11d.; total revenue, £1,212 3s. 7d.

Twenty years afterwards, the revenue showed a great depreciation. In 1864 the dues inwards were: 1,930⅓ tons, foreign vessels, at 6d., £48 5s. 2d.; 9,229 tons, coasting vessels, at 2d., £76 18s. 2d.; 2,925⅔ tons of goods, foreign, at 8d., £97 10s. 2d.; 6,564⅞ tons of goods, coasting, at 8d., £218 16s. 7d.; 2,843 tons of coal, at 1d., £11 16s. 11d.; 346 tons of lime, at 1d., £1 8s. 10d. Outwards: 70 tons, coasting vessels, at 2d., 11s. 8d.; 2,980⅛ tons of goods at 8d., £99 6s. 9d.; total revenue, £554 14s. 3d.

In the year last ended (10th June, 1867), the income of the Commissioners was set down as follows:—Inwards, 702 tons, foreign vessels, at 6d., £17 11s.; 7,191 tons, coasting vessels, at 2d., £59 18s. 6d.; 148$\frac{4}{15}$ tons of goods, foreign, at 8d., £4 19s.; 833$\frac{1}{10}$ tons, at 10d. (the rate having been raised in August, 1866), £34 14s. 6d.; 567⅝ tons of goods, coasting, at 8d., £18 18s. 6d.; 4,859$\frac{8}{10}$ tons, at 10d., £202 9s. 10d.; 282 tons of coals, at 1d., £1 3s. 6d., and 2,170 tons at 2d., £18 1s. 8d.; 198 tons lime, at 1d., 16s. 6d., and 577 tons at 2d., £4 16s. 2d. Outwards: 111 tons register, foreign vessels, at 6d., £2 15s. 6d., and 276 tons at 2d., £2 6s.; 176 tons of goods, at 8d., £5 17s. 4d., and 1,702$\frac{3}{10}$ tons at 10d., £70 18s. 5d.; 86 tons, foreign, at 10d., £3 11s. 8d.; donation of Mr. Witham, for lengthening wall at Aird's Point, £25; total revenue, £473 18s. 1d., or fully £738 less than in 1844, before the railways came into operation.

The expenditure in 1866–7 was £480 4s. 2d., leaving a deficit of £6 6s. 1d.; but this is exclusive of the heavy interest on the sum borrowed for the construction of the sea-dyke between Glencaple Quay and Aird's Point, which, on account of the reduced condition of the trust, was not paid this year.

From the Custom-house point of view, the port of Dumfries stretches far beyond the jurisdiction of the Nith Commissioners, extending as it does from the river Sark, the boundary between Scotland and England, to the rivulet or offing of Kirk Andrews Bay, in the Stewartry of Kirkcudbright, and including, as creeks, Annan, sixteen miles, Barlochan, seventeen miles, and Kirkcudbright, twenty-eight miles distant from Dumfries.

In 1790 the vessels entered to the port inwards in this extensive sense numbered 253, with a tonnage of 8,982, and 357 men; while 135 vessels, of 5,264 tonnage, with 357 men, entered outwards. Before twenty years had elapsed, the trade of the port had doubled in amount, as the following figures for 1809 will show:—Vessels entered inwards, 493; tonnage, 18,985; men, 1,389. Outwards: 287 vessels, 12,090 tonnage, 802 men. As further illustrative of the progress of the port, it may be mentioned that the annual average of five years, ending with 1794, shows only 459 vessels, 15,718 tonnage, and 1,310 men; while the average of the quinquennial period ending with 1809 exhibits 743 vessels, 29,427 tonnage, and 2,069 men. The returns issued for the year ending the 31st of March, 1864, are as follows:—Number of vessels, 117; tonnage, 13,139; vessels entered inwards, of which 19 were foreign, tonnage, 795; outwards, of which 4 were foreign, tonnage, 314. The total duties amounted to £5,970, made up thus:—On imports not warehoused, £296; on warehoused goods brought from other ports, £5,664; miscellaneous, £20.

Since 1864, a considerable amount of traffic has been withdrawn from the port by the recently-formed wet dock at Silloth, on the Cumberland side of the Solway, where the freights are lower than at Dumfries, and vessels are discharged afloat. Timber can be landed at Silloth, and floated in rafts up the Nith, at much less expense to the importers than if brought direct into the river; and sometimes, to escape the heavy dues, they get their cargoes landed at Granton, and brought down to Dumfries overland by the Caledonian railway. The Dumfries Custom-house returns for the year ended the 31st of March, 1867, give 99 vessels, with a tonnage of 12,714; 7 vessels (all British) entered inwards, with a tonnage of 1,383; and 2 entered outwards (one foreign and one British), tonnage, 353;

duties, £6,991 9s. 7d. The revenue would probably have exhibited a serious decrease, owing chiefly to the late reduction of the tea-duty, had not the Government, since December, 1865, allowed British spirits to be warehoused alongst with foreign spirits, and thereby made the duties more productive. In round numbers, the revenue of the Dumfries Custom-house may be set down at £7,000, and its annual expenditure at £640.

Long before the Union, a considerable weekly cattle market was held on the Lower Sandbeds, now the White-sands. It took place every Monday till 1659, when, to prevent the desecration caused by the droving of cattle on the preceding Sabbath day, the market, by Act of Parliament, was changed to Wednesday. Taylor, the water-poet, who made a pedestrian journey through Scotland in 1618, noticed numerous herds of cattle browsing in the south-west of Dumfriesshire as he passed through it—in Annandale alone he counted "eleven hundred neat, at as good grass as ever man did mow;" but, as in 1655 the custom levied on live stock and merchandise at the bridge amounted to only £573 6s. 8d. Scots,* it is clear that at that early date the cattle sent to the market from its chief source of supply, Galloway, must have been few in number—small as compared with the 30,000 beeves exposed annually for sale on the Sands in our own day. The yearly Rood-fair for horses, in September, is also of remote origin, it having been long in existence when James VI., by a charter dated the 30th of November, 1592, granted two other annual fairs to the town, one at Candlemas, the other early in July, the latter of which had gone into disuse previous to 1790.

The growing importance of the cattle-rearing trade of Galloway, was in 1697 marked by a demand for a road whereby the stock might be driven to the English markets. In June of that year the matter came before the Privy Council. "It was represented that while there was a customary way between the burgh of New Galloway and Dumfries, there was no defined or made road. It was the line of passage taken by immense herds of cattle which were continually passing from the green pastures of the Galloway hills into England—a branch of economy held to be the main support of the inhabitants of the district, and the

* Town Council Minutes.

grand source of its rents. Droves of cattle are, however, apt to be troublesome to the owners and tenants of the grounds through or near which they pass; and such was the case here."* "Several debates," the Council record says, "have happened of late in the passage of droves from New Galloway to Dumfries, the country people endeavouring by violence to stop the droves, and impose illegal exactions of money upon the cattle, to the great damage of the trade; whereby also riots and bloodsheds have been occasioned, which had gone greater length if those who were employed to carry up the cattle had not managed with great moderation and prudence." On a petition from the great landlords of the district—James, Earl of Galloway; Lord Basil Hamilton; Alexander, Viscount of Kenmure; John, Viscount of Stair; Sir Andrew Agnew of Lochnaw, and others—a commission was appointed by the Privy Council, "to make and mark a highway for droves frae New Galloway to Dumfries, holding the high and accustomed travelling way betwixt the said two burghs."

When the Border wars ceased, and cattle were no longer obtained by "lifting," a great impetus was given to the legitimate traffic, which was further stimulated by the Union with England. Soon after that event, the droving trade to the South rapidly progressed, till it became the spring of much wealth to the entire district. It was speedily felt that the demand was unfailing. The breeders of Galloway stock in their native district could not send too many of them to the Sands. A few scores per week were readily absorbed—the Southern appetite, whetted by the sweetness of the prime Scots beef, still cried for more; and before the current century was far advanced, some 15,000 head of heavy cattle were annually exported from Dumfriesshire and Galloway for the English market, most of which changed ownership on the Dumfries Sands.† Thirty years ago the number had risen to 20,000; their value, on an average of years, being not less than £200,000.

* Chambers's Domestic Annals.

† Pennant, who visited Dumfries in 1772, says:—"The great weekly markets for black cattle are of much advantage to the place; and vast droves from Galloway and the shire of Air pass through on the way to the fairs of Norfolk and Suffolk."—*Tour*, vol. ii., p. 101.

The true Galloway is a hardy, well-shaped, profitable beast: the body long, deep, and round; the back straight and broad; the leg short and thick; the foot large; its coat of hair shaggy and black; while the circumstance of its being hornless renders it increasingly valuable. Its native fields are in many instances so sheltered as to favour the health of the animal, and the fine meat it yields—doubtless owing in some degree to the quality of the herbage it browses upon, which is rich and sweet, even when scanty. The cattle of this breed driven to the Sands are chiefly two and three years old. On being bought for the London and other English markets, they lay on additional layers of fat in the nourishing pastures of Norfolk before being sent to the shambles. Though the dusky Galloways have long figured most prominently at the Dumfries market, other breeds, making up about a third of the whole, are well represented; especially the picturesque West Highlanders, which Landseer and Rosa Bonheur like so well to paint, and large herds of which are wintered in Galloway; the "milky mothers" of the Ayrshire race; and a sort of mongrel short-horned breed from Ulster, inferior to the real Irish short-horns, few of which find their way to Dumfries.

When railways were introduced into the district, the beasts, no longer tediously driven along dusty roads, were sent southward by truck—a change which operated beneficially on the Dumfries market; till, by the opening of the Castle-Douglas railway, in 1859, facilities were afforded for despatching Galloways direct, without first sending them to the old central emporium, the White-sands. The business of the market was also much changed when, in 1858, at a mart in the immediate vicinity, Mr. Andrew Stewart originated a weekly sale of live stock by auction—an example which has been extensively followed in many other towns. The palmy period of the Dumfries cattle trade was in the earlier half of the present century, it having declined since about 1848 by the operation of various influences; the chief being the extension of the railway system into Galloway, the establishment of competing markets in the district, and the substitution of sheep for cattle on many farms.

It is still, however, of vast extent—second to none, indeed, on the north side of the Border, as the following statistics for

the ten years immediately preceding a severe attack of rinderpest will tend to show:—The number of cattle exposed for sale on the Sands in 1854, was 28,184; in 1855, 31,552; in 1856, 28,876; in 1857, 24,625; in 1858, 22,605; in 1859, 22,129; in 1860, 20,405; in 1861, 22,186; in 1862, 23,564; in 1863, 20,264; and in 1864 the number was but 17,974, exhibiting a decline of 2,290 head as compared with the preceding year. The Galloway cattle sold in 1864 brought from £6 15s. for one-year-olds, to £14 for those that were between three and four years old; and altogether their value was upwards of £98,000. For Highlanders, the prices ran from £5 for one-year-olds, to £13 for those that were between three and four years; the worth of the whole being at least £63,600. Ayrshire and crosses brought £9 10s. per head; Irish, £5 10s., and adding the estimated value of these to that of the principal stock, a grand aggregate of close upon £162,000 is obtained. The cattle plague alluded to did not appear in the district till about the end of autumn, in 1865, but it seriously reduced the supply of stock for the whole year. The disease, during its course of about five months, appeared on forty farms in Dumfriesshire, fifteen of which were in the Parish of Dumfries. About 710 cattle died of the disease, and more than 130 were killed in order to assist in checking its ravages: the aggregate value of the animals must have been at least £6,000. In consequence of the outbreak, the market was closed on the 8th of November, 1865, and was not reopened till the 15th of August in the following year. The cattle shown in 1865 numbered only 9,605; and during the four and a half months of 1866, only 5,907. For 1867, till the beginning of August, the number was 6,991; making the twelve-month's supply, after the cessation of the disease, 12,898. In 1859 the number of cattle sent from Dumfries by railway was 13,975: since the opening of the Portpatrick railway, in 1861, a gradual decline has been experienced, only 5,362 having been trucked in 1864, 4,751 in 1865, and 3,470 in 1866; the two last years having also been affected by cattle plague.

We can find no traces of a sheep market in Dumfries at an early period. People still living can recollect when the appearance of so many as a score or two of "bleaters" on

the Sands was a rare occurrence: but the rapid increase of turnip husbandry and pastoral farming throughout the County eventually told upon the sheep trade of the town; and it now almost promises to rival in importance the traffic in cattle. As many as 28,000 sheep, old and young, have been annually offered for sale, taking the average of the five years previous to 1866, their value each year being not less, perhaps, than £40,000; the Cheviots, and a breed formed between these hardy mountaineers and the more delicate and heavier fleeced Leicesters, forming the greater portion of the stock.

Every year immense flocks that are never shown on the Sands are sent from the Dumfries railway station, chiefly to Liverpool, Carlisle, Penrith, Appleby, Preston, and Newcastle. The number thus exported was 43,932 in 1859, 39,460 in 1860, 46,007 in 1861, 40,691 in 1862, 37,937 in 1863, 39,811 in 1864, 47,105 in 1865, and 35,076 in 1866. As already hinted, much business not included in any of the above figures is done by the hammer of the auctioneer.

Mr. Stewart sold, at his mart adjoining the Sands, 1,592 cattle, 14,345 sheep and lambs, and 246 calves, in 1864; 856 cattle and 10,427 sheep in 1865; 290 cattle and 9,278 sheep in 1866. A second auction mart was opened in Mr. Michael Teenan's extensive horse bazaar in 1860, and there also extensive sales take place every Wednesday. Mr. David Creighton, who officiates, disposed of 1,518 cattle, 11,453 sheep, and 265 calves, in 1864; 2,513 cattle and 20,293 sheep in 1865; and 1,488 cattle and 18,152 sheep in 1866. In 1865, Mr. Thomas Anderson commenced weekly sales of stock by auction within a temporary enclosure on the Sands. He thus disposed of 282 cattle and 6,422 sheep in 1865, 173 cattle and 7,756 sheep in 1866.

The entire stock sold at Dumfries, on the Sands and in the marts, numbered 13,261 cattle and 68,004 sheep in 1865, 9,828 cattle and 47,239 sheep in 1866. The rapidity with which the sales by auction are effected, contrasts favourably with the old tardy mode of bargain-making, and it is highly probable that the "hammer-in-hand" system of selling stock will come to prevail over every other in all our leading market towns.

For about ninety years, pig-feeding has formed one of the

industrial features of Dumfriesshire. In 1794, the value of the pork cured in Annandale alone was estimated at £12,000; for the whole County, in 1811, the returns were little short of £50,000,* the chief sales taking place on the Dumfries Sands. For many years previous to 1832, upwards of 700 carcasses were sold weekly on the Sands; the average of which was at least 8,000 stones. During the *heat* of the season, the amount was often a great deal more; and instances have occurred in which from four thousand to five thousand pounds' worth of pork have been disposed of in a single day. At one period of the war with France, prices rose to an exorbitant pitch; and even long after they had settled down, the sales in Dumfries averaged £50,000 annually.† Formerly, many hundreds of pigs were fed every year in the Burgh; but as this was deemed objectionable in a sanitary point of view, it was finally put a stop to in 1858. The supply at the market was more seriously diminished by the same influence that reduced the show of cattle on the Sands—the extension of railway intercourse to Castle-Douglas, since which period the falling off has been considerable. Then, of late years, some English dealers who used to buy pork at Dumfries market have adopted the practice of purchasing live pigs in Upper Nithsdale, and sending them by rail to Liverpool, Birmingham, and even sometimes to London; thus further reducing the supply to Dumfries.

For these reasons it is not much to be wondered at that the stock on the Sands, which amounted to 13,550 in 1858–59, had dwindled down to 8,761 in 1860–61, and that there is little chance of it soon reaching its former annual average. In 1861–62, the carcasses numbered 7,998; in 1862–63, 8,620; in 1863–64, 7,307; in 1864–65, 7,268; in 1865–66, 10,773; and in 1866–67, 10,235. Thirty years ago, 5s. 6d. per stone of 16 lbs. was about the usual price. More recently a higher figure has been obtained, rising from 6s. to 8s. 6d. per imperial stone of 14 lbs., according to quality, and also to size; carcasses of twelve or thirteen stones being preferred by curers. In 1861, as much as 7s. 6d. per stone was obtained for best pork, and 7s. 4d. in 1865; while in March, 1866, the very high figure of 8s. 6d. was obtained; these sums being more readily given

* Dr. Singer's Survey of Dumfriesshire. † Picture of Dumfries, p. 27.

because of the supply not keeping pace with the demand.* The season lasts for nearly five months, beginning in the middle of November, and terminating at the end of March or early in April. When the trade was at its best, seven or eight years ago, its annual value was at least £65,000; now it is not worth more than £50,000.

A great stimulus has been given to the agriculture of the district by the exhibitions of the Highland and Agricultural Society, held periodically in the Burgh or neighbourhood. The first of these took place in 1830, when the cattle shown numbered 180; horses, 60; sheep, 247; swine, 19; implements, 18: total, 524. The second took place in 1837, with the following entries:—Cattle, 181; horses, 77; sheep, 512; articles of dairy produce, 31; implements, 36: total, 841. A third show was held in 1845, when the entries were:—Cattle, 297; horses, 75; sheep, 537; swine, 62; poultry, 101; dairy produce, 88; implements, 143: total, 1,302. A fourth show took place in 1860; and the entries at it, compared with those of 1830, illustrate the rural progress of the district during the intervening generation. At this, the last show held under the auspices of the Highland Society at Dumfries, the cattle numbered 298; horses, 166; sheep, 558; swine, 54; poultry, 216; dairy produce, 195; and the extraordinary number of 911 implements: total, 2,398. Good results have also arisen from the competitions entered

* The varying courses of the pork market are shown in the statistics of the extensive trade carried on by the largest bacon-curer in Dumfries, Mr. William Bell, provost of the Burgh in 1864. In 1835, Mr. Bell bought pork at 3s. 2d. per stone of 16 lbs.; and next year, when the imperial stone of 14 lbs. was introduced, he paid to the same dealer 5s. 10d., equal to 6s. 8d. the heavy stone. His transactions on the Sands during the last ten years were as follows:—Season 1856–57: 15,974 stones; average price, 7s. 2d. per stone of 14 lbs. Season 1857–58: 11,294 stones; average, 5s. 8d. Season 1858–59: 14,478 stones, 13 lbs.; average, 5s. 10½d. Season 1859–60: 13,144 stones, 9 lbs.; average, 6s. 4½d. Season 1860–61: 8,455 stones; average, 7s. 0½d. Season 1861–62: 12,709 stones, 7 lbs.; average, 6s. 6d. Season 1862–63: 14,552 stones, 6 lbs.; average, 5s. 5d. Season 1863–64: 12,481 stones, 11 lbs.; average, 6s. 8¼d. Season 1864–65: 14,532 stones, 1 lb.; average, 6s. 9d. In season 1865–66, the average rose to the high figure of 7s. 3½d.; Mr. Bell's purchases of 13,924 stones, 9 lbs., that season, costing nearer £6,000 than £5,000. Next season (1866–67), pork experienced a sudden downfall, he paying an average of 6s. 1⅛d. on 12,912 stones, 2 lbs. Most of the Dumfries hams are sent to London for exportation to India, where they are in high repute.

into by local farming clubs, and which, joined into a Union Agricultural Society at the suggestion of the Duke of Buccleuch, hold quinquennial exhibitions in Dumfries, which are beginning almost to rival those that take place under the auspices of the parent society. The first Union show was held in 1852; at the third, in 1862, the entries included 247 cattle, 112 horses, 177 sheep, 26 swine, and 365 implements; and at the fourth, held on the 1st of October, 1867, there were 232 cattle, 126 horses, 171 sheep, 14 swine, and 138 implements.

From returns obtained by Government we learn, that in 1866 the whole cattle in Dumfriesshire numbered 45,053; the sheep, 371,486; the pigs, 18,619.

A considerable hosiery trade existed in Dumfries during "Burns's time," carried on chiefly by Messrs. Haining, Hogg, and Dickson, the founders of that branch of business in the town. Among others engaged in it at an early date were Mr. James Paterson, Mr. John Pagan, Messrs. Scott and Dinwiddie, Mr. William Milligan (now of Westpark), and Mr. William Carson.* At the beginning of the current century, about thirty frames were at work. Then, and for many years afterwards, the narrow frame of a rude construction was alone used, and no such articles as drawers and shirts, which now form the best part of the business, were wrought upon it. Mr. M'Diarmid, writing in 1832, says: "Dumfries, in the proper sense of the word, can hardly be called a manufacturing town. In former years, striped or checked cottons were made, but the trade has diminished, and of the cotton weavers found in town and country—amounting to about three hundred in all—by far the largest portions are employed through the medium of agents by the manufacturing houses in Glasgow and Carlisle. Hosiery, on the other hand, has become a staple article of trade, and gives employment to upwards of three hundred hands located in Dumfries and the surrounding villages. Of stockings, socks, drawers, and flannel shirts, from three hundred and fifty to four hundred dozen are fabricated weekly, the value of which

* Mr. Carson is the oldest operative stocking-maker in Dumfries. He is hale and cheerful, working occasionally at the frame, though in his eighty-sixth year. He commenced business in 1803, and at that time purchased from Mr. James Paterson the first frames (it is believed) that were ever used in the Burgh. They were five in number, and cost £80.

may be averaged at the same number of pounds; and it would thus appear that the capital turned over in this branch of traffic falls little short of £20,000 yearly." *

Of cotton weaving there is now scarcely any; but the manufacture of hosiery, with its underclothing accompaniments, is still extensively carried on. Much more money than the above sum is now "turned over" in it annually, though it gives employment to fewer weavers than it did thirty-five years ago; the reason being that many of the frames now in use are so improved, that the weaver or knitter can on an average do fully twice as much work with them as with the old narrow machines. The business commenced by Mr. W. Milligan, in 1805, is still carried on by him and partners; one of whom, Mr. John M. Henderson, his son-in-law, is about to enter into the tweed trade on his own account, while the original hosiery trade will be conducted by another of the partners, Mr. Milligan's eldest son, Mr. James B. Milligan. For a number of years circular machines moved by steam power were used in their factory at Dockhead to make hose for the million, each machine being capable of turning out twenty-five dozen of socks per day; but this branch has been discontinued, the firm paying increased attention to the finer departments of the business. The late Mr. Robert Scott, the founder of another and much greater trade in Dumfries, began a hosiery business in 1810, which is still continued by his son, Mr. James Scott, and his son-in-law, Mr. Murray, under the designation of Robert Scott and Sons, who carry on the largest trade of this kind in Dumfries. The hosiery business gives employment to about a hundred and thirty operatives in the Burgh, and nearly as many others at their own houses in Holywood, Collin, Lochmaben, Lockerbie, and elsewhere throughout the district, besides numerous seamers, finishers, and warehousemen.

"Some stockings and hats, a small quantity of linens and coarse woollens, and leather on a large scale, are our principal manufactures," says Dr. Burnside, writing in 1790.† Fifty years afterwards some two hundred hatters were employed in Dumfries; but the "heads of the people" give no employment now to local hands in this line, all the hats sold in the Burgh

* Picture of Dumfries, pp. 9, 10. † MS. History of Dumfries.

being imported. The leather manufacture has been retained and greatly extended. Its annual value was £30,000 in 1832; now it cannot be less than £80,000. The "lion's share" of the tanning and currying done in the Burgh falls to the lot of Mr. Thomas D. Currie of Clerk-hill; and a large business in the same trades is also transacted by Mrs. Wallace, by Messrs. William Watt and Son, and by Mr. John Weir. About 30,000 hides are transformed into leather yearly by these and other firms in the town; the beeves of the district supplying but a small proportion of the raw material, that being chiefly obtained at Liverpool, Birmingham, Newcastle, and Leith. For the finished fabric the principal markets are London and Liverpool.

About 1816, basket-making was started in the Burgh by an enterprising Yorkshireman, Mr. (afterwards Bailie) Hammond. In a short period this seemingly insignificant branch of business grew to such an extent that it became second to none of the same kind in Scotland. Under his successor, Mr. James Kennedy, the Dumfries wicker-ware manufacture retains its old repute. Mr. Kennedy, like Mr. Hammond, grows all his own material, to the culture of which twenty-two acres of land are devoted, and the reaping of which gives employment to about a hundred and fifty persons during "the willow harvest."

In seeds, flowers, and plants of all kinds, Dumfries has a large and valuable trade. About a hundred acres are laid out as nursery grounds in connection with it, which help to beautify as well as to enrich the Burgh. In these about a hundred and fifty hands find employment during the busy season, which lasts about six months each year. The most extensive nursery establishment in the town is that of Messrs. Thomas Kennedy and Company, established in 1787, and which first acquired a high position through the industry and energy of its head, the late Provost Kennedy.* The sole partners at present are Mr. Alexander T. Newbigging and Mr. Robert Cowan, who have seventy acres of ground under culture for their products; and give employment in their establishment during the spring months to a hundred and twenty hands. Their home trade embraces

* There are large nurseries in several other parts of Dumfriesshire; those of Messrs. John Palmer and Son, Annan, which extend to eighty acres, being the chief.

the three kingdoms; and they have business connections with Australia, New Zealand, China, France, Germany, and Holland.

Twenty years ago, Dumfries was no more a manufacturing town than it was in 1832; but the nucleus of a great business that was to make it one was formed in 1846, when Messrs. Robert Scott and Sons, hosiers, purchased premises that had been occupied as a sawmill at Kingholm village, in order that they might spin yarns for their hosiery business. The largest oak springing from the smallest imaginable acorn, would but faintly symbolize the growth of the manufacture that had such a small and simple origin. After the new mill had been in operation for some months, its proprietors secured the services of Mr. John M'Keachie, a weaver of damask table-covers in Maxwelltown; and under his direction an experiment was tried in the construction of tweeds which proved to be encouragingly successful. The Messrs. Scott, with characteristic shrewdness and sagacity, saw at once that the germ of the new business thus inadvertently hit upon was worthy of being fully developed; and with that enterprise for which they were also remarkable, they invested a very large amount of capital in the trade. For a year or two it was only of small extent; but it rapidly increased afterwards, till it became a prosperous concern, profitable to its proprietors, and a great benefit to the Burgh and neighbourhood.

Mr. John Scott having in 1857 become the proprietor of Kingholm Mills, Mr. Robert Scott joined his brother, Mr. Walter Scott of Manchester, in establishing a second tweed factory. The building, erected in an orchard between the foot of St. Michael Street and the Dock Meadow, is truly a noble structure: huge, massive, and turreted, with its chimney stalk rising a hundred and seventy-four feet high, it is almost palatial in its aspect. Too often, elsewhere, town factories are dull, dingy repulsive-looking erections; but in pleasing contrast to all this, the Nithsdale Mills, as the establishment is termed, are a decided ornament to the Burgh. Almost directly opposite, on the Galloway bank of the river, the magic of labour, which performs so many wonders in our day, has brought suddenly into existence another vast industrial hive, similar in appearance, and for the same purpose—the manufacture of tweeds.

It is the property of Mr. Walter Scott; his partnership with Mr. Robert Scott having terminated in 1866; and the Nithsdale Mills having at the same time been disposed of to the latter, who now leases them to his nephew, Mr. Robert Scott, junior, and partner, Mr. Nixon, formerly of London. In 1865, the establishment at Kingholm was purchased by a limited liability company, having a capital of £80,000, with power to create additional shares; and since then it has been carried on under the name of John Lindsay Scott and Company. Mr. Walter Scott's factory, which is termed the Troqueer Mills, was commenced in September, 1866: it is now, after the lapse of little more than a year, nearly completed; and already about two hundred and fifty operatives make it vocal daily with the hum of shuttles and the whir of spindles.

Fully eleven hundred and fifty hands are employed in the three mills, directing or co-operating with thirty sets of machines and a hundred and fifty power-looms, and producing from a million to a million and a quarter yards of cloth per annum. "The wool used is principally the finer qualities of colonial, a very large portion being Port Philip and New Zealand—sufficient guarantee for the excellence and quality of the goods."* Scotch woollen fabrics have long been the favourite wear of men of all ranks; and Dumfries tweeds have acquired a very high repute in the wholesale trade.† They are sent chiefly to London, Manchester, and Glasgow, from which they find their way to continental Europe, to America, India, and Australia; and goods are also sent direct from the mills to many foreign parts, including France, Russia, and the United States. To estimate the beneficial results that flow to the town from the tweed trade, would be no easy task. But for these, and the stimulus given to other occupations by the

* From a well-written paper on the Scotch woollen trade, communicated to the *Dumfries Standard* by the late Mr. David Bell.

† "An old name is still a great power; but, in this age of constant competition, constant progress, and continuous change, the *prestige* of the oldest houses will quickly disappear unless their members are men fully up with the times—marching not only *with* them, but ahead of them. It is because Robert Scott, the father of Dumfries manufactures, was such a man, and because his sons have been animated by the same spirit, that Dumfries has such a reputation throughout the world for the excellence of her tweeds."—*Paper by* Mr. D. Bell.

railways, Dumfries, instead of advancing steadily and rapidly, as it has done during the last eighteen or twenty years, would undoubtedly have retrograded, both as regards population and wealth.

Strictly speaking, the Burgh has no iron-works, but it is only separated by the Nith from a large foundry (proprietor, Mr. Alexander Maxwell), which was established about sixty years since, and is called Stakeford, on account of its proximity to the ford of stakes which crossed the river in ancient times; while, a little further inland, there is a second foundry, still larger (owned by Mr. James A. B. M'Kinnel), that of Palmerstone, established in 1818: both of them, with their bands of busy Vulcans numbering about a hundred and thirty, making Maxwelltown ring with the clang of trade. Metal to the extent of a thousand tons or more, is melted annually at these gigantic iron-works. Their chief products are agricultural implements of all kinds, builders' and joiners' castings, cranes, jennies, railway water tanks, signals and girders, water wheels, gas-works, boilers, and steam-engines. For variety and excellence of work, the establishments are equally remarkable; "and," says the "Visitor's Guide," "we believe that, price considered, nowhere in the kingdom can implements for rural labour be so well obtained—a matter of the first importance to the district around, when we consider that so many of its inhabitants are devoted to the pursuits of agriculture."*

Dumfries does not depend for its prosperity on the surrounding district so much as it did in the ante-railway period, and when there was no tweed manufacture within its bounds; but it is still, fortunately, the capital of an extensive agricultural province, drawing from it a princely revenue, which, distributed amongst its drapers, grocers, ironmongers, jewellers, bakers, booksellers, apothecaries, and other shopkeepers or handicraftsmen, assists them to maintain their respective establishments, and both directly and indirectly confers great benefits on the Burgh.

To some of them, Wednesday, when the country folks come to market, is as good as any three ordinary days; to others it is worth the whole secular week; and this, too, though in some of the towns round about from which customers come, there are

* Visitor's Guide, p. 66.

now shops which, for appearance and resources, all but rival those of the County town. When, therefore, the farming interest is depressed, Dumfries suffers; and when it is buoyant because "horn, corn, wool, and yarn" are bringing good prices, the Burgh sympathizingly rejoices with its agricultural neighbours and patrons. Not content, however, with the customers that voluntarily come from country to town, many Dumfries merchants make business raids into the rural districts, from whence they take back more money yearly than even their extensive town trade is worth. All the largest clothiers of the Burgh adopt the same plan (begun by the late Mr. Kerr in 1813), of travelling for orders to keep their needlemen in better work; and some of them, stretching their measuring tape far beyond the locality, send back vast quantities of English broadcloth in the form of manufactured garments to the other side of the Western Border.

Since the Seven Trades ceased to exist as a united incorporation, in 1834, most of the members then living have been "wede away;" so that were a Siller Gun wappenschaw to be summoned in this present year of grace, fifty men entitled to shoot for the trophy would scarcely be forthcoming. But for all that there is no dearth of craftsmen in the ancient Burgh and its sister town, as the following figures, which refer to those working as journeymen belonging to the Trades that used to be incorporated, will help to show:—Hammermen, including the smiths and moulders that are employed at the foundries, 198; squaremen, 268; tailors, 78; shoemakers, 268, besides 16 cloggers, or makers of strong shoes with wooden soles; skinners and tanners, 60; fleshers, 14; and numerous weavers of hosiery and woollen cloth, as already specified in this chapter, though there is scarcely a vestige left of cotton weaving, which at the beginning of the present century gave employment to about three hundred hands in Dumfries and its immediate neighbourhood.

CHAPTER LIX.

LITERATURE OF THE BURGH: THE DUMFRIES MAGAZINE; THE DUMFRIES JOURNAL; THE DUMFRIES AND GALLOWAY COURIER; THE DUMFRIESSHIRE AND GALLOWAY HERALD; THE DUMFRIES TIMES; THE DUMFRIES AND GALLOWAY STANDARD; THE DUMFRIESSHIRE AND GALLOWAY MONTHLY MAGAZINE; THE DUMFRIES MONTHLY MAGAZINE; THE NITHSDALE MINSTREL; SPEECHES ON VARIOUS PUBLIC OCCASIONS—DISTINGUISHED MEN BELONGING TO THE BURGH, OR CLOSELY CONNECTED WITH IT.

EARLY in the eighteenth century, if not before, there was a printing-office in Dumfries. A small quarto of nearly four hundred pages, entitled "The History of the late Rebellion," written by the Rev. Peter Rae, issued from the press of his brother Robert Rae in 1718, and is perhaps the earliest work of an original character that was printed and published in the Burgh. It is a very creditable specimen of typography, being both neat and correct. About fifty-eight years after that date, the town could boast of a weekly serial in octavo, called the *Dumfries Magazine*, which was also well got up externally; but the literary contents were inferior, and signally lacking in topics of local interest. In 1777, the printer of the magazine, Provost Jackson, dropped it, and started a newspaper, under the title of the *Dumfries Weekly Journal*, the first political broad-sheet published in the town. A glance at some of the earlier volumes of the *Journal* has left upon us a favourable impression: the original writing, though very limited, as was the case in all provincial journals at that time, being generally vigorous and tasteful. The local news is extremely scant; and matters which would in the modern penny-a-lining style be expanded into columns, are disposed of in meagre paragraphs; while of reporting, strictly speaking, there is none. Latterly the *Journal* passed into the hands of Mr. Carson, writer, and then was purchased by the Rev. George Heron; and when in a declining

state, it became the property of Dr. Henry Duncan of Ruthwell, who allowed it to drop in 1833. In April, 1835, its place as a Conservative organ was occupied by the *Dumfriesshire and Galloway Herald.*

To Dr. Duncan, the *Dumfries and Galloway Courier*—a paper that soon acquired more than a district reputation—owes its origin. It was commenced in 1809—got a good start under his able editorship; and when, in 1817, Mr. John M'Diarmid became its conductor, it acquired fresh life, and eventually became one of the most renowned and successful of provincial journals. In the getting up of his broad-sheet, Mr. M'Diarmid exhibited commendable pains and industry. Devoting it more particularly to local matters, he rendered it a copious weekly record of events occurring in, or connected with, the three Southern Counties. It was not the bare news itself, abundant as that was, which made the *Courier* so popular; but it was the style of the composition—so easy, quaint, and mellifluous—that rendered it a general favourite. Mr. M'Diarmid was a thorough master of the literary amenities. His style was usually quiet, playful, and florid; and it was so frequently the fitting vehicle of droll stories regarding prodigies in the earth, air, and waters, or in the fertile fancy of the editor, that the paper became famous for its wonderful paragraphs, and was eagerly read by all lovers of the marvellous. The rural articles penned by him proved also a valuable and attractive feature, as they not only conveyed information respecting agricultural operations and prices, but embodied illustrative anecdotes and pleasing scenic sketches, such as Bewick might have engraved from. Though Mr. M'Diarmid was much occupied with his editorial duties, and in rendering good service as a citizen, he found leisure to write the "Life of Cowper," "Sketches from Nature," the "Picture of Dumfries," and to edit the "Scrap Book." He died in 1852; and since then, the *Courier* has been well conducted by his eldest son, Mr. William R. M'Diarmid, and the sub-editor, Mr. Mitchell.

The *Dumfriesshire and Galloway Herald,* up till a recent date, had for its editor a poet of high rank, Mr. Thomas Aird. His "leaders," especially when of a controversial character, were exceedingly pointed and pithy—sometimes charged with as

much electric force in a few lines as would serve to invigorate an ordinary editorial column. It is now under the efficient editorship of Mr. Alexander D. Murray.

A new Liberal journal, under the title of the *Dumfries Times*, made its first appearance in 1833. It was for nearly three years conducted by Mr. Robert K. Douglas, a well-trained and accomplished political writer. He was also an eloquent public speaker; and in both respects left an impress on the town whilst engaged upon the *Times*. In 1835, he accepted an engagement as editor of the *Birmingham Journal*. When in that capacity, he penned the celebrated National Petition, which embodied five of the six points of Chartism, and is a fine specimen of his style—terse, energetic, and graceful. When Mr. Douglas left Dumfries, the *Times* became the property of Mr. James Broom, town clerk, and Mr. Thomas Harkness; the latter of whom edited it for a few years, and then, in 1842, proceeded with the staff and plant of the establishment to Stranraer, and, dropping the *Times*, brought out the *Wigtownshire Free Press* in its stead.

Early in 1843, the year of the Disruption of the Church of Scotland, a number of the leading non-intrusionists of the town and district, including Dr. Henry Duncan, projected a new journal, which, whilst advocating their views in ecclesiastical matters, should be Liberal in its secular politics. Accordingly, on the 22nd of March, about two months before the Disruption, the first number of the *Dumfries and Galloway Standard* was issued. Dr. Duncan took an active part in the management of the paper for some time. Eventually, Mr. William Johnstone, a gentlemen of decided ability, became its responsible conductor; and on his removal, in 1846, to Dunfermline, where he presides over a large educational institution, he was succeeded by the present editor of the *Standard*, the author of this History.*

* Before the "taxes on knowledge" were repealed, there were no local newspapers in the County, except the three published in Dumfries. There are now four others, the *Eskdale and Liddesdale Advertiser*, commenced in May, 1848, published fortnightly (editor and proprietor, Mr. Robert M. Rome, Langholm); the *Annan Observer*, commenced as a monthly publication, in January, 1857, but published weekly since July, 1861 (editor and proprietor, Mr. William Cuthbertson, Annan); the *Moffat Times* (present series), commenced in May,

About forty-five years elapsed between the time when the *Dumfries Weekly Magazine* was metamorphosed into the *Dumfries Journal*, and the publication of the next literary serial in the Burgh. The new periodical was a monthly of forty-eight duodecimo pages, printed by Mr. J. Swan, and the first number of which appeared in July, 1821, under the title of the *Dumfriesshire and Galloway Monthly Magazine.* Its pages were enriched by contributions from Allan Cunningham, John Mayne, Robert Carruthers, and Robert Anderson, the Cumberland poet. The contents were original essays, tales, anecdotes, sketches in prose and poetry, lyrical pieces, and local births, marriages, and deaths; all combining to make up a most useful and interesting miscellany, highly creditable to the literary character of the town. Among the best things in the first and only volume of the work is a series of versified "Dumfries Portraits," ten in number, by Mr. Robert Carruthers, now of Inverness. Could we have introduced the whole of them, they would have been quite at home in our pages, illustrating as they do some peculiar phases, as well as describing several eccentric characters, of Dumfries life fifty years ago. But we can only find space for one of the sketches, which is subjoined below.*

Mr. M'Diarmid and a few other gentlemen of a literary turn,

1861, issued weekly (proprietor, Mr. William Muir, Moffat); the *Annandale Herald*, originated in August, 1862, issued weekly (editor and proprietor, Mr. David Halliday, Lockerbie). The *Kirkcudbrightshire Advertiser*, published weekly at Castle-Douglas, circulates in Nithsdale and Galloway. It was started in July, 1858, by Mr. John Stodart, who, in 1860, assumed as his partner Mr. John Hunter Maxwell. Mr. Stodart died in March, 1867; and the *Advertiser* is now edited by Mr. Maxwell for himself and the heirs of the late Mr. Stodart.

* The portrait we quote is that of Thomas Wilson, who rang the town bells for sixty-three years, and literally dropped dead at his post just as he had given the first pull to the ten o'clock bell on the night of April 16th, 1825. Having lost his sight when a child, he was familiarly known as "Blin' Tam." Notwithstanding this deprivation, he was famous for his manual dexterity, as well as for his general intelligence.

"For long and many a year has Tam pursued
His trade of ringing bells and shaping wood.
But more than this—a public man is he;
Noise in the world he makes, and loyal glee.
Each king's birth-day the steeple's highest height
He mounts, and stands triumphant in the light;

commenced an important enterprise in the summer of 1825. This was a shilling periodical, octavo size, entitled the *Dumfries Monthly Magazine.* In all, eighteen numbers, forming three thick volumes, were published. Mr. William Bennet, now residing in Burntisland, had the principal charge of the new serial. He was ably supported by Mr. M'Diarmid; by Dr. John Erskine Gibson, a gifted son of genius, who died in 1833, at the early age of thirty-one; by Mr. Carruthers of Inverness; by Mr. Joseph Train, the distinguished antiquary; by Mr. Robert Malcolmson of Kirkcudbright; and by Dr. Browne, long editor of the *Caledonian Mercury.* Among the casual contributors were Mr. William Nicholson, author of the "Brownie of Blednoch;" Mr. William Burnie, who wrote for it a graphic poem on Dumfries; and Miss Isabella Trotter. So indispensable were the services of Mr. Bennet deemed by the proprietors, that on his proceeding to Glasgow, in 1827, to conduct a twice-a-week newspaper there, they dropped the magazine. Six chapters of a history of Dumfries, showing a large amount of research, were contributed by the intelligent editor to its pages; and it is a matter for regret that it was only brought down to the battle of Sark, in 1549.

Fifty years ago the poetical muse was wooed with considerable success on the banks of Nith, if we may judge from a duodecimo volume of original poetry that appeared in 1815, called "The Nithsdale Minstrel," printed at Dumfries "by C. Munro and Co., for Preacher and Dunbar." It comprehends a hundred and twenty pieces, chiefly written by Nithsdale

> Fires his old gun (which more than thirty years
> He thus has shot, exempt from age's fears),
> And waves his hat—a spectacle might draw
> The admiration of each passing *craw!*
> When Britain's triumphs warmed each generous heart,
> Tam, in his glory, bore a public part;
> When with each morning news of victory came,
> And British valour fanned the patriot flame,
> Our festive parties Tam essayed to cheer,
> The flag was hoisted and the bells rung clear,
> And fast and merrily he climbed the stair
> To strike the peal and toast the warriors there."

Blin' Tam, in fact, was to the Mid-Steeple what Quasimodo the hunchback was to the belfry of Notre-Dame.

men, and includes several by Burns, Hogg, and Mayne, not previously published. The Rev. Dr. Wightman of Kirkmahoe is a contributor to a large extent; the Rev. Dr. Duncan of Ruthwell furnishes one poem—a clever parody on "Lochiel's Warning;" Mr. Thomas Cunningham, brother of Allan, supplies a charming song—"The hills o' Gallowa';" and no fewer than thirty pieces, some of them exceedingly good, are from the pen of Mr. W. Joseph Walter, who was tutor at Terregles during the three years ending in 1815. Walter, in fact, was the Magnus Apollo of the volume: all his productions evince great warmth of fancy, regulated by good taste, and venting itself in verse that flows freely and musically. He is best known by his "Verses on an Evening View of the Ruins of Lincluden Abbey," which, long after the issue of the "Nithsdale Minstrel," went the round of several newspapers as "an unpublished composition of the poet Burns." Walter's "Stanzas to Miss —— of ——" are replete with ardent emotion, expressed in lines which Moore need not have been ashamed of. The "Minstrel" was edited by the late Rev. William Dunbar of Applegarth, then a student, and brother of one of the publishers.* Some even of the nameless bards associated with Walter and the others we have mentioned in the production of the "Minstrel," contribute pieces that are quite worthy of appearing in the same collection with theirs; and the book is altogether a credit to the poetical feeling and literary taste of the district at the time of its appearance.

As may have been inferred from the specimens of oratory already incidentally given, Dumfries, during the early part of the present century, had a goodly share of speechmakers; and one of them, whose name has not been mentioned, Mr. Henry Macminn of Lochfield, had a prolific fund of eloquence, that enabled him to dilate easily and effectively on all manner of subjects. A duodecimo volume of "Speeches on various Public Occasions during the last Thirty Years," was published by him in 1831—including, doubtless, his best effusions. Some of them were delivered on themes and in circumstances that render them almost historical; and the book claims a brief notice as being in

* Also a brother of Mr. David Dunbar, sculptor, and of Mr. George Dunbar, the latter of whom has been long a leading citizen in Dumfries.

other respects illustrative of both the oratory and the literature of the Burgh. Never was the local Demosthenes more fervid and exalted than when toasting the memory of Burns. At a festive meeting held in 1822, on the anniversary of the poet's natal day, Mr. Macminn declared that no sooner had the bard reached the summit of Mount Parnassus, "than he was surrounded by the gods, who with one voice pronounced that Burns should take the right hand of Jove himself, in the first chariot of fame, as a poet of the age." Proud ought they to be to have had such a man as their fellow-citizen; "and I must confess, gentlemen," said the speaker in continuation, "that upon this and all occasions you have proved yourselves to be the friends of genius, the admirers of literature, and an honour to this quarter of the globe. You have raised a mausoleum over his ashes: it is magnificent!—you have done it gloriously! You have also provided a punch-bowl to drink to his memory: it is unequalled in any country!—it would do honour to the table of the greatest potentate on earth!—the whole navy of Lilliput might fight a pitched battle in it!" The oration, a lengthened as well as glowing one, closed with a climax:—"Long was I acquainted with Burns. The more I knew him, the more I admired him: he was friendly, honourable, and good-hearted. To the mild, the modest, and the good, he was a shelter from every blast; but to the forward, the wicked, and the impudent coxcomb, his resentment was as a blast from hell!" Often did the Trades' Hall echo with the eloquence of Mr. Macminn. We have heard that on one occasion he eclipsed all his former eulogiums on the Incorporated Seven, by affirming that their fame extended over the whole earth, savage as well as civilized; and that, transcending the bounds of this mundane sphere, it had pierced the confines of the Dog-star itself. In 1824 he was made a freeman by the grateful Trades; and in acknowledging the honour done to him, he, among other handsome things, said that their patriotism and gentlemanly conduct could not fail to make them "the envy and wonder of a surrounding world." When Mr. Macminn, who was a Burgh magistrate for several years, retired from the bench, at Michaelmas, 1825, his health was toasted at a convivial meeting of the councillors. In the course of a characteristic reply, he said: "I retire with reluctance,

because I shall not have the opportunity of associating so often with such good company as sit round the table—I mean the magistrates, Town Council, and Seven Incorporated Trades of this Burgh, who stand so high at present in the scale of being. Yet, at the same time, I must confess I retire with pleasure, because I see the present bench is made up of gentlemen of great respectability and firmness of mind: unshaken in their principles, uncontaminated by corruption, they are the vice-gerents of Almighty God on earth, to execute his will." This volume of speeches is altogether a remarkable one: exaggeration and bombast it has in abundance; but with all such drawbacks, it shows a fertile imagination and a fluency of language, and also at times a flash, though faint, of genuine poetry, that render it very readable, and that helped to make the author in his day an acceptable exponent of public sentiment, on great occasions, in the little world of Dumfries.

Dumfriesshire has produced many men of note;* but it is beyond the province of this work to speak of any except those who were born in or closely associated with the County town; and our notice even of these must be brief. Of Paterson, the great political economist and projector; of Miller, the distinguished agriculturist and ingenious inventor; and of John Mayne, who wrote charming lyrics in the Scottish dialect before Burns rose into fame, we have already spoken. Mayne, born in 1757, grew up among the Seven Trades, over whom his genius has thrown an imperishable lustre. Beginning active life as a printer in the *Journal* office, Dumfries, he closed it as editor and owner of the *Star* newspaper of London. Another member of the "bardic race," still more renowned—Allan Cunningham—was born on the estate of Blackwood, about six miles distant from Dumfries; and whilst learning to build material structures in the workshop of Mr. M'Kaig, mason, he was busy in the "chamber of imagery," composing some of those exquisite ballads which have won for him a niche in the temple of fame. When entertained, in the zenith of his popularity, at a public dinner by the Dumfriesians on the 22nd of July, 1831, "honest

* For an excellent account of these distinguished worthies, the reader is referred to a lecture recently published, "The Eminent Men of Dumfriesshire," by the Rev. James Dodds, Dunbar.

Allan" gratefully recognized the ties of love which bound him to the Burgh. "I am proud," he said, "that my father* and grandfather were freemen of the town. I am proud that all my earliest and most lasting feelings and associations are connected with a place such as this. I am proud that any little knowledge I possess was gathered amongst you; and I can never forget the reception I have met with since my arrival in Dumfries." Thirty years ago the poems of Mrs. G. G. Richardson, a Dumfries lady, were in much repute, and they are so fine that they ought not to be forgotten: some of them, in fervour of feeling and polish, almost emulating the effusions of Mrs. Hemans. The celebrated poet, Mr. Thomas Aird, born at Bowden, Roxburghshire, was for nearly thirty years connected with the newspaper press of the town, and is spending the autumn of an honoured life in its immediate neighbourhood.

Mr. John M'Diarmid's contributions to general and political literature have been already mentioned; also those of Mr. Robert Carruthers, born at Dumfries in 1807. The *Inverness Courier*, under the management of Mr. Carruthers, has acquired merited reputation as one of our ablest provincial journals. He is the author of "The Encyclopedia of English Literature," a "Life of Pope," "The Highland Note-Book," and of a series of lectures on remote periods of Scottish history, which display great research. Another accomplished *littérateur* and journalist, Mr. James Hannay, was born within the hearing of the Mid-Steeple bells. Trained as a naval cadet, he has, since settling down on *terra firma*, turned his nautical experiences to a good account in "Biscuits and Grog," "Singleton Fontenoy," and other literary "yarns." When, in 1854, he published a course of lectures delivered by him in London, and next year another work of fiction, "Eustace Conyers," he established his claim to be looked

* The poet's father, John Cunningham, who was land steward to the ingenious proprietor of Dalswinton, had two other gifted sons: one of them, Thomas Mouncey Cunningham, author of many fine lyrics akin to those of Allan; the other, Peter Cunningham, who acquired high reputation and rank as a naval surgeon, while his well-known works, "Two Years in New South Wales," and "Essays on Electricity and Magnetism," bear witness to his remarkable powers of observation, philosophical acuteness, and literary taste. A sister's son of the Cunninghams, Mr. William Pagan of Clayton, has rendered good service by his writings to the cause of road reform, and has gained additional distinction by his book on the genealogy and birth of the projector Paterson.

upon as one of the cleverest authors of the day. For several years Mr. Hannay was editor of the *Edinburgh Courant;* and he is now once more, at the meridian age of forty, pursuing his successful career as a man of letters in the British metropolis. Every summer almost, the Titan of the literary world, Mr. Thomas Carlyle, a native of Annandale, comes down to Dumfries on a visit to his sister, Mrs. Aitken, where he frequently meets with his brother, Dr. John A. Carlyle, an eminent German and Italian scholar, and best known for his translation of Dante. The great philosopher and historian leads quite a retired life when in the Burgh, being anxious to enjoy needed repose during his periodical visits to his native district.

Among the minor authors connected with Dumfries who remain to be named, are Mr. William M'Vitie, a retired West India merchant, who wrote an entertaining work (published in 1825) under the title of "Winter Evening Tales for the Ingle Cheek," and the popular ballad of "Dryfe-Sands;" Mr. Patrick Miller M'Latchie, a young writer's clerk, whose romance of "Douglas, or the Field of Otterburn," has, since its first appearance, fully fifty years ago, been a great favourite in Dumfries; and Mr. William Miller, who displayed no inconsiderable amount of fancy and taste in his poem of the "Fairy Minstrel," published in 1822.

Dumfries, though rich in architectural products, can boast of only one statue—a figure of Dr. Henry Duncan; and well does he merit that honour from the Burgh, as for the greater part of his eminently useful life he did much to promote its moral, social, and economical progress. He was the third son of the minister of Lochrutton (with whose journal relating to the Jacobite occupation of Dumfries the reader is familiar), and was born in the manse of that parish in 1774. He was presented to the parish of Ruthwell in 1799, and there, while faithfully discharging his ministerial duties, he originated various philanthropic schemes, crowning them all by founding a Savings Bank—the invention at once of his marvellously projective mind and benevolent heart, and which proved the prolific parent of similar institutions, countless in number, that are scattered over all parts of the world. About the same time (1810) an Auxiliary Bible Society and a Missionary Society were

formed in Dumfries, chiefly owing to the efforts of Dr. Duncan; and, as we have already seen, it was he who started the *Dumfries Courier* in the preceding year, and who originated the *Dumfries Standard* in 1843. His intellect was many-sided: a poet and a political economist, a novelist and a naturalist, an antiquarian and a philosopher; yet making all his diversified pursuits subordinate or tributary to his mission as a minister of the gospel. Dr. Duncan died in 1846.*

From 1775 till the close of that century, there was no surgeon in Scotland of higher repute than Dr. Benjamin Bell. His grandfather was proprietor of Blackett House, which estate had belonged to the family for many generations; and his father was a merchant in Dumfries. Benjamin was born there in 1749, educated by Dr. George Chapman, rector of the Academy, and apprenticed to Mr. Hill, at that time the principal surgeon and apothecary of the Burgh. After completing his studies in Edinburgh, he commenced practising in that city, and rapidly rose to the top of his profession. As a skilful operator, a consulting surgeon, as well as a writer on surgery and cognate subjects, he was equally distinguished. He died in 1806.

Another celebrated medical gentleman, Sir Andrew Halliday, spent his closing years in Dumfries. Born at Copewood, parish of Dryfesdale, in 1782, of poor parentage, though tracing his descent from "Tom Halliday," Wallace's "sister's son so dear," he earned his first penny fee by herding cattle; and before he had seen forty summers, he had acquired wealth, fame, and knightly honours. He was emphatically the friend of the insane; and to him we are in a great degree indebted for the

* Dr. Duncan was twice married. By his first wife, Agnes Craig, daughter of his predecessor in Ruthwell, he had two sons and a daughter. The elder son, the Rev. George John C. Duncan, D.D., clerk to the English Presbyterian Church, married Miss Belle Clark, a native of Dumfries, authoress of a most ingenious volume entitled "Pre-Adamite Man;" the younger son, the Rev. William Wallace Duncan of the Free Church, Peebles, who died in 1864, was married to Mary Lundie, daughter of the Rev. Robert Lundie of Kelso, a deeply interesting and highly popular life of whom, by her mother, the second wife of Dr. Duncan, was published soon after her death, in 1840. Barbara Anne, the only daughter of Dr. Duncan, is married to the Rev. James Dodds of the Free Church, Dunbar, a gentleman of great literary acquirements, author of "A Centenary of Church History," "The Eminent Men of Dumfriesshire," "A Memoir of the Rev. Thomas Rosie," and other works.

ameliorative treatment of these unfortunates that is now in vogue. Sir Andrew Halliday's most useful life was brought to a close at Huntingdon Lodge, Dumfries, in 1840.

Among the band of heroic explorers that Great Britain has produced, Sir John Richardson, born at Dumfries in 1787, holds a conspicuous place. His father was Provost Gabriel Richardson, whose integrity is commemorated in Burns's well-known epigram. As surgeon and naturalist of Sir John Franklin's overland Polar expedition, the young adventurer entered first upon his "field of fame." This enterprise was followed by one of greater range, and still more rife with danger—the survey of a mysterious line of coast that lay between the Coppermine and Mackenzie rivers. His triumphant success was rewarded with a shower of golden honours; but though past the meridian of life, he could not settle down to enjoy them when he learned that Franklin, his fellow voyager, had been lost sight of in the far north-western regions, prisoned in the pitiless ice—it might be dead. Under Government auspices, Sir John proceeded on his chivalrous mission, with the view of saving his friend, or clearing up the mystery in which his fate was shrouded. Unnumbered risks were gallantly encountered; but the search, though protracted over nearly eighteen months, proved of no avail. Sir John retired in 1855 from active service, to devote the leisure he had honourably won to the pursuits of science, and the amenities of social life. From his rural retreat at Lancrigg, the veteran explorer found his familiar way occasionally to Dumfries, to see his sister, Mrs. Wallace, Castledykes, and other relatives. He died on the 5th of June, 1865. Of Sir James Anderson, another distinguished voyager belonging to Dumfries, also knighted for his services, we shall speak in a subsequent chapter.

Though, as has been shown in the course of this work, the Dumfriesians were a bold, soldierly race when war was indigenous to the soil, the town has sent forth few great military captains in these "piping times of peace;" the only modern native who has acquired high renown in the tented field being Colonel William Montague M'Murdo, born in 1819, the favourite officer of his father-in-law, Sir Charles Napier, the hero of Scinde.

Dumfries can boast of some names that are well known in

the world of art; Mr. William Thorburn, the great miniature painter, born in 1818, and Mr. William D. Kennedy, who excelled both in figures and in landscape, being the chief. Thorburn's precocious talent for drawing was noticed and fostered by Mr. John Craik, writing master in the Academy; and at his instance he went to London, where he achieved his present high position. Mr. Kennedy was the son of a worthy man, Mr. Craik's predecessor. After industriously prosecuting his profession as a painter in the British metropolis, he travelled as a student of the Royal Academy in Italy, and there acquired a relish for classical landscape, and deepened his love of brilliant colouring, for which he had always been distinguished. He died in 1865, at the early age of fifty-two. Mr. David Dunbar, who belonged to a respectable Dumfries family, achieved considerable distinction as a sculptor, his chief works being "The Sleeping Child," for which charming production he was made a member of the Royal Academy of Carrara; several busts from the life, and studies from the antique; and a statue of Sir Pulteney Malcolm, erected in the town of Langholm. By instituting a series of fine art exhibitions, two of which were held in his native town, Mr. Dunbar did much to foster the æsthetic faculty amongst his countrymen. He died at Dumfries in 1866. In a walk of his own, illustrative of Scottish rural life, Mr. John Currie, sculptor, has displayed no small amount of genius. Born in the neighbouring parish of Lochrutton, he came to Dumfries, and while employed as a journeyman mason, he at leisure hours indulged his bent for figure-making, which, as manifested in his group of "Dominie Sampson and Meg Merrilees," gained for him great local reputation. He has since produced "Old Mortality and his Pony" (generally deemed Mr. Currie's masterpiece), "The Covenanter," "The Cameronian"—all of the same rustic school, the material used being the red sandstone of the district; also a figure of Dr. Henry Duncan, which ornaments the *façade* of the Dumfries Savings Bank; a marble group representing "Burns Crowned by the Muse;" besides numerous busts and objects of monumental statuary.

CHAPTER LX.

SUMMARY OF PRINCIPAL EVENTS, FROM 1833 TILL 1867—PROGRESS AND PRESENT CONDITION OF THE BURGH.

WE now proceed, in the briefest possible terms, to notice the leading events in the history of the Burgh, from the date of the Reform Act till our own day. It was thought at one time that Toryism would be extinguished by the operation of that measure; but this was far from being the case. The Town Council elected by the ten-pounders contained a fair proportion of Conservatives, who, under the leadership of Mr. John Fraser, grew in strength till they were able for a while to "turn the tables" upon the Liberal party. The last save one of the Dumfries provosts under the old system, he was a member of the first Council under the new; and in 1840 he was once more chosen to fill the civic chair.* Several Conservative provosts have since held rule in the Burgh; but the Liberals more generally possess a majority in the Council than their political opponents.

Mr. Ewart's able and influential agent, Mr. William M'Gowan, writer, was long recognized as the leader of the Liberals. He was elevated to the provostship in 1855, and died in office on the 17th of November, 1856. He was preceded and also succeeded by Mr. Miles Leighton (now the oldest merchant in Dumfries) who was a Reformer when to be so was the reverse of popular. He has been three times chosen as the chief magistrate of the Burgh—a triple distinction conferred on no

* "Mr. Fraser," says the *Dumfries Standard*, in noticing his death, which took place in 1856, "must have possessed no common ability, when, from being a perfect stranger, he could in ten years raise himself to the position of principal magistrate of Dumfries."

other burgess since the abolition of the old close system. The Conservatives of the Council were strong enough in 1860 to carry the election of one of their number, Mr. James Gordon, writer, as provost; and so acceptable did he prove, that he was re-elected in 1863.

After the passing of the Reform Bill, the most exciting occurrence in the town was a contest for the representation of the Five Burghs, at the general election in February, 1835. The same gentlemen who had encountered each other two years before, again entered the arena. General Sharpe was proposed by Mr. Philip Forsyth of Nithside, and seconded by Mr. John M'Diarmid; and Mr. Hannay was nominated by Mr. Robert Scott, manufacturer, and seconded by Mr. Miles Leighton, merchant. The gallant Laird of Hoddam was re-elected; but his majority, which was 112 on the first occasion, was reduced to 52.*

An important case, arising out of a difference of opinion regarding the extent of the Nith, was brought before Lord Moncrieff and a jury, at Dumfries, on the 30th of April, 1836. Mr. R. A. Oswald, and other owners of shore-lands far down the estuary, erected stake nets upon them; which Mr. James M'Whir, owner of the Nith fishings, held to be within the boundary of the river, and therefore illegal. Mr. Maitland, for the defenders, maintained that the nets were in the Solway, and therefore could not be in the Nith; but Dean of Faculty Hope convinced the jury that the charter of 1395, and sundry statistics which he quoted, gave a range to the river beyond the sand banks where the nets were planted. A verdict was therefore returned in favour of Mr. M'Whir, and the engines were removed forthwith. The salmon fishings of the Nith, once very productive, are now of comparatively little value, yielding not more, perhaps, than £400 a year.†

A familiar landmark, that long like a gigantic bird flapped its wings on Corbelly Hill, seemed in 1834 about to drop away,

* The following was the state of the poll:—"Sharpe: Dumfries, 220; Annan, 135; Kirkcudbright, 19; Sanquhar, 26; Lochmaben, 22; total, 422. Hannay: Dumfries, 270; Annan, 9; Kirkcudbright, 72; Sanquhar, 8; Lochmaben, 11; total, 370.

† Lecture on Pisciculture, delivered in Dumfries by Dr. Copland.

fatally disabled by the archer Time, when several gentlemen who took a friendly interest in its fortunes, resolved to rescue it by turning it to a new account. The idea was acted upon, and the crazy, weather-beaten windmill was transformed into an Observatory, which, with its accompanying museum, is now one of the great "lions" of the locality.

On the 10th of January, 1837, some half a dozen gentlemen met at the house of Mr. David Beveridge, and originated the Dumfries and Maxwelltown Total Abstinence Society. Mr. James Broom, its first president,* Mr. Beveridge, Mr. John M'Intosh, Mr. David Halliday, Mr. William Gregan, and Mr. William F. Johnstone, were among its earliest and most active members. There were no fewer than 1,500 names on its roll in January, 1838;† and at one time the number reached to at least 2,000. The membership at present is about 300.

General Sharpe having, on account of declining health, retired from public life in the summer of 1841, Mr. William Ewart,‡

* Mr. Broom died in the meridian of life, on the 18th of January, 1842. From a lengthened tribute paid to his worth in the *Dumfries Times*, we quote the following passage:—"His politics were such as spring from a sensitive mind, which taught him to condemn the encroachments of class privilege on the rights of labour; and he did not scruple to proclaim, in season and out of season, the title of all to participate in the privileges of freemen. The moral courage which in this respect and in similar cases he exhibited, formed a conspicuous feature in his character; and the only enemies, perhaps, which he had are referable to it, and probably because he was one of the pioneers, and long the leading advocate, of the temperance movement in the district. But this quality so displayed, if it reared up a few enemies, brought round him a host of admirers. By the bold stand which he made against the drinking usages of the country, he effected an amount of good which few individuals are privileged to perform; and he was ready to back out the principles which he advocated by the contents of his purse, on all occasions. Whilst assiduous, both by precept and example, to rescue the victims of intemperance, not a few are indebted to him, not only for being drawn from the ensnaring vice, but for assistance and encouragement in beginning life anew. His intellectual powers were of the most versatile description. His reading and literary research took within its range the circle of the belles-lettres, and treatises in all the departments of practical science; the fruits of which, garnered up in his own mind, were given out to others with facile profusion. As a man of business, his shrewdness of penetration and promptitude of decision were unequalled; and as a speaker, his humour, his earnestness and artlessness, won him golden opinions, and aided in swelling the tide of his popularity."

† *Dumfries Courier.*

‡ Mr. Ewart is descended from an old Galloway family, the Ewarts of

who had sat for Bletchingly, Liverpool, and Wigan, agreed, at the request of an influential section of the constituency, to become a candidate for the representation of the Five Burghs. Another candidate appeared in the person of Sir Alexander Johnston of Carnsalloch. Both gentlemen professed to be Liberals; but most of the Dumfries Conservatives supported Sir Alexander, in the belief that he was not so far advanced on the road to Radicalism as his honourable opponent. There was a large body of Chartists in the chief Burgh, who favoured neither of them, and resolved to start a candidate of their own—Mr. Andrew Wardrop, a clever, well-informed operative, who could discourse fluently on any political topic, and had plenty of pluck for the occasion. When the nomination day arrived (June 20th, 1841), each candidate appeared with his friends on the hustings in Queensberry Square, which was occupied by an immense crowd. The knight of Carnsalloch was proposed by Mr. Thomas Harkness, and seconded by Mr. Robert M'Harg; Mr. Ewart's nomination was respectively moved and seconded by Provost Little of Annan and Mr. William Dinwiddie; while a similar service was performed for Mr. Wardrop by two working men. Sir A. Johnston made a good speech, that was but indifferently listened to. He was followed by Mr. Ewart, who, in the course of a telling address, hit his opponent hard by comparing his progress through the Burghs, gathering support from different parties, to that of a political Tam o' Shanter:—

> "Now holding fast his auld Whig bonnet,
> Now crooning owre some Liberal sonnet,
> Now glowering round with prudent cares
> Lest Tories catch him unawares."

Mullock, an estate which John Ewart, merchant, and bailie of Kirkcudbright, acquired by purchase in 1611. The Rev. John Ewart, a descendant of the latter, was minister of Troqueer, and father of William Ewart, a successful Liverpool merchant, who, by his wife, Margaret Jacques, had issue seven children, one of them being the member for the Burghs. From "Dod's Parliamentary Companion" we quote the following notice of Mr. Ewart, M.P.:—"Born at Liverpool, 1798. Married, in 1820, his cousin, Mary Ann, daughter of G. A. Lee, Esq., of Manchester. Educated at Eton, and at Christchurch, Oxford, where he graduated B.A., 1821; gained the university prize for English verse in 1819. Called to the bar at the Middle Temple, January, 1827. Sat for Bletchingly from 1828 till 1830, for Liverpool from 1830 till 1832, for Wigan from 1839 till 1841, when he was returned for Dumfries district."

In the general laughter which followed this sally, the worthy knight joined heartily. The Chartist candidate had the show of hands, but did not go to the poll; though he still at times boasts good-humouredly that for three days he was M.P. for the Five Burghs. After a keen, exciting struggle, Mr. Ewart was returned by a majority of 60 votes;* Annan being mainly instrumental in producing this result—just as General Sharpe twice owed his election chiefly to that burgh.

In the course of this history we have had to put several food-riots on record; and one more—the last—remains to be noticed—a tremendous meal mob, which broke out on the evening of July 2nd, 1842. Five shops in Dumfries, and one in Maxwelltown, belonging to persons accused of making their bread-stuffs artificially dear, were damagingly assailed by an indignant rabble; and both towns were thereby thrown into a state of tumult for hours. Twelve of the ringleaders were captured; seven of whom, on being tried at the assizes, were convicted, and sentenced to three months' imprisonment each.

Towards the close of 1847, a benevolent scheme was mooted, which had for its object the partial maintenance and the culture of such poor children in the Burgh and district as were growing up in heathenism and graduating in crime. Thanks chiefly to the late Mr. David W. Stewart,† the project was realized; and the Dumfries Ragged School is the result. Associated with it, there is an Infant School (originated in 1834) and a Common School, where children of a somewhat higher grade than those cared for at the Ragged School receive education for nothing, or a merely nominal fee. These three affiliated establishments are maintained and regulated by the Dumfries and Maxwelltown Education Society, presided over (till his lamented death, in June, 1867) by Mr. John Pitcairn Trotter, sheriff-substitute of the County. The children at the Ragged School are of two classes: those who are simply destitute, and against whom no

* The poll stood thus:—Ewart: Dumfries, 213; Annan, 126; Kirkcudbright, 22; Sanquhar, 26; Lochmaben, 15; total, 402. Johnston: Dumfries, 239; Annan, 19; Kirkcudbright, 55; Sanquhar, 14; Lochmaben, 15; total, 342.

† Mr. Stewart died on the 21st of May, 1852. In noticing his death, the *Dumfries Standard* said:—"He was in many respects the Howard of the district; devoting time, energies, and wealth to the relief of the destitute, and the reclamation of the depraved."

police charge has been brought; and those who have been sent, for begging in the streets, to the school as a Reformatory. Of the former, there were 54 in 1866: they are fed and educated. Of the latter, there were exactly the same number, and they, in addition, are lodged and clothed; the Government allowing a small capitation grant for each child. At the Common School, the pupils in 1866 numbered 150; those at the Infant School, 74. The operations of the Education Society are conducted at an expense of about £300 a year, for which it is mainly dependent on public subscriptions.*

Cholera once more! The dreadful epidemic which decimated the Burgh in 1832 visited it again in 1848, attacking about 600 of the inhabitants, of whom 317 died. The first case occurred on the 16th of November; the last, during the first week of January, 1849. This visitation did not create so much alarm, nor tell so adversely on the trade of the town, as that of 1832, and it was considerably less fatal. In Maxwelltown there were 214 cholera cases, and 114 deaths: considerably fewer than in 1832, when there were 237 cases, and 127 deaths.

Dumfries thirty years ago seemed almost on the eve of becoming the seat of a university, by the application towards that object of about £100,000, left to be spent for beneficent purposes by Dr. James Crichton of Friars' Carse,† "in any way that his dear wife thought proper," with the approval of other trustees named in his settlement. Mrs. Crichton and the trustees would fain have founded such a place of learning, but their attempts to obtain a charter were encountered by so many difficulties, that they had to give up the idea; and then, at the instance, it is believed, of Sir Andrew Halliday, the money was applied in establishing and partly endowing a model house for the treatment of the insane. About forty acres of ground, forming part of the estate of Mountainhall, were purchased; and there, in the midst of most beautiful upland

* The premises are in Burns's Street, and the teacher of the Ragged School occupies the house in which the poet resided and breathed his last.

† Dr. Crichton was long in the service of the East India Company. He returned to Scotland in 1808, and next year acquired, by purchase, the classical estate of Friars' Carse, on which he resided till his death, fourteen years afterwards.

scenery, was reared a magnificent edifice for the reception of a hundred and twenty patients, which bears the name of the Crichton Royal Institution. The architect of the building was Mr. Burn of Edinburgh, now of London. The first stone was laid in June, 1835, and it was completed about the close of 1838. The plan resembles a Greek cross—a low octagonal tower, shooting up from the centre where the nave joins the transept, being the principal feature, and one which is intended to give unity and superadded grace to the building; but a duplicate half is still required, plans for which are prepared, and will probably be carried out next summer, so as to render the design complete: in this way the unexpended funds of the trust (about £35,000) will be absorbed. In 1849 a supplementary structure was erected for the insane poor, and termed the Southern Counties Asylum. The cost of the old house (as the Crichton is familiarly called) was about £40,000, and of the new, about half that sum; but several thousands of pounds more have been spent on additions and alterations. There is accommodation in both establishments for fully four hundred inmates. During 1866, 124 patients were admitted, which brought the number under treatment up to 508. Of these, 70 were discharged, 27 died; reducing the number of inmates to 143 in the old house, and 278 in the new. No fewer than 59 of those discharged were cured of their mental malady, and 28 were relieved. The percentage of deaths during the year was 5·31, a very low rate, and about the minimum of other asylums, the mortality not unfrequently rising in these to 10 per cent. The Crichton Institution was fortunate in having for its first medical superintendent Dr. W. A. F. Browne, who had devoted much time to the study of mental disease, and was well conversant with all the best modes of treating it; and the arrangements which he inaugurated have been continued and developed, with gratifying success, by the present superintendent, Dr. James Gilchrist.

How best to minister to minds diseased, is the great problem which occupies the attention of Dr. Gilchrist and his colleagues; and it is solved at least as satisfactorily in the Crichton as in any other asylum in Europe. Perhaps the proportion of absolute cures is not greater there than in other well-conducted institutions; but we know of none in which so much is done to soothe

and otherwise alleviate the sufferings of the insane. These results are secured by a multiplicity of means involving great care, ingenuity, and thoughtfulness on the part of the officers. Drives into the country to enjoy interesting sights and scenes; picnic parties; seaside retreats; visits to places of public entertainment during the winter evenings: such are some of the outside modes adopted to interest the patients, and make them forego for a while the heavy burden of their cares. The situation of the place, as already hinted, is in the highest degree suitable for such a house: the ground elevated and undulating, charmingly laid out, and commanding a prospect that has some elements in it of the sublime, and many of the beautiful; whilst the pure atmosphere in which it is swathed, permeated at times by freshening breezes from the sea, must of itself exercise a beneficial influence on the inmates. Light labour in the gardens, for those able and willing to work; recreation at bowls and other games, for all who wish to take part in them; merry dances at the May-pole; promenades; festive entertainments on the green grass, when all around is glorious in its summer garniture: these form part of the medicating influences which the establishment itself supplies. Then, when in winter the out-of-door resources are abridged, those inside are multiplied to make up the loss; and lectures, concerts, balls, and theatricals, do much to make the long nights less dreary, and but for which many of the unfortunate patients would feel with Mariana of the Moated Grange, "I am aweary, aweary—I wish that I were dead!"

"Waater! waater!" the ancient "burndrawers" still continued to bawl in 1850, as they perambulated the town, dispensing from their carted barrels a doubtful commodity, which was too often water and something more, and worse. But the summer of that year saw a legislative measure which silenced the lugubrious cry, and sent the barbarous water-barrel system "to the tomb of all the Capulets." The preamble of a bill to authorize the introduction of water by pipes into Dumfries and Maxwelltown, from Lochrutton Loch, was found proven by a Parliamentary committee on the 10th of May; and when the news of its success arrived, the bells were rung and bonfires were kindled in the Burgh, to manifest the general joy of the inhabi-

tants. Much opposition was given to the measure by interested parties, at every stage of its progress; but, zealously promoted by the Town Councils of both burghs (presided over respectively by Provost Nicholson and Provost Maxwell), and by the indefatigable local secretary, Mr. Thomas Harkness, it was triumphant in the end; and when carried into effect, proved to be the most valuable material boon acquired by Dumfries in modern times. The first pipe of the water-works was laid on the 16th of January, 1851, by Provost Nicholson, a devoted advocate of the scheme; and on the 21st of October that year, the first instalment of the pure Lochrutton fluid emerged sparkling from the pipes, in presence of a delighted throng. For preliminary work, an expense of £986 7s. 4d. was incurred; the Act itself cost £1,634 8s. 10d.; an amendment Act, that was felt to be requisite, cost £267 6s. 7d.; and for constructing the works there was an outlay of £10,020 15s. 9½d.: the whole amounting to £12,908 18s. 6½d. Towards liquidating this sum, the Act authorized the borrowing of £10,000 on the rates; and £1,500 additional was borrowed on bonds for which the Town Council became collateral security. Originally the pipe for the first mile from the Loch was nine inches in diameter, and for the rest of the distance (nearly four miles) was eight inches; but owing to the growth of the town, a larger main was laid alongside the existing one in 1861. A body of commissioners, partly chosen by the Councils of the two towns, and partly by the ratepayers, manage the scheme. Though the ordinary working expenses are small, a large outlay was incurred by the construction of new filters, as well as pipes, so that the debt is still heavy—£14,000. The revenue is drawn from a public water-rate of six pence per pound on property, and a similar rate on consumption. It is steadily increasing: for the first year it was £696; ten years ago it was nearly double that amount; and for the year ending the 15th of September, 1867, it was nearly £1,800.

The good sanitary results of the scheme are incalculable: its effect in reducing the ravages of fever are especially worthy of remark. For many years prior to 1851, the population of the town and district suffered fearfully from the varied forms of that disease. From 1823 till 1858, no fewer than 2,481 fever

cases were treated in the Infirmary, and 613 other cases were attended by its officers according to the home-patient system, abolished in 1833. During the fifteen years immediately preceding 1851, this fell enemy of human life appears to have been particularly virulent: the fever cases, 1,779 in number, formed one fourth of the entire admissions into the house; and of these 162 died—a percentage of 31 on the total mortality of the period. In five of the years referred to, ending 1851, there were 861 fever cases, 76 of which proved fatal—an annual average of 172 cases and 15 deaths. Never did the talisman of an Oriental tale exercise a more wonderful influence, than the flow of wholesome water into the Burgh from its source in Lochrutton: fever, as if awed by an overmastering spell, lost hold of the town when the pure health-giving element became a common beverage in its poorest domiciles. In the very year when the water-works were being constructed, the fever cases in the Infirmary numbered 125; next year, when the spell began to take effect, they were reduced to 65; in succeeding years, till 1856, the average of attacks annually was only 36, and the deaths 4; in two of these years, 1853 and 1855, no fever-stricken patient died in the Infirmary; in 1858 there were but two fever cases treated in it, and since that period the house and the town have been correspondingly exempt from its deadly ravages.

At least eight centuries have rolled away since the oldest dust that lies within St. Michael's cemetery was organized and alive. We have already related how, about 1160, the churchyard was the scene of a quarrel between two burgesses, that had a fatal issue; and it may be safely assumed that it existed as a burial-place long before that period. This ancient region of the dead, about two acres in extent, had become so overpeopled by giving sleeping-room to thirty generations of Dumfriesians, that another acre of adjoining ground was added to it in 1850. No provincial town in the United Kingdom possesses a place of sepulture so rich in monumental erections;* and Burns's mausoleum,

* By the kind assistance of Mr. Thomas Watson, monumental mason, we (partly by actual enumeration, and to some extent by estimate) have made an enumeration of the stones erected in the old and new grounds of St. Michael's, as follows:—First-class monuments, 250; table tombstones, 900; headstones

its chief attraction, reigns over all, even as he was himself a prince among men, and is of lyrical poets the undying leader and king.

With the view of providing a comfortable retreat for the necessitous poor, and at the same time a check for undeserving applicants, a Workhouse was commenced in the summer of 1853, and completed before the close of the following year, at a cost of fully £5,500. In both of these respects it has operated successfully. The house sits on an airy, healthy site southward of the Burgh; and while its management appears to strike the golden mean between narrowness and prodigality, the rates since its opening have been considerably reduced. Before that time they were sometimes as high as 2s. 6d. in the pound; of late years they have never been more than 1s. 6d.; and now that a heavy debt incurred for the erection of the Workhouse has been cleared away, the rates are down to the low amount of 1s. 2d.—one half payable by proprietors, the other by tenants. The inmates of the Workhouse vary in number from sixty to seventy, and the annual outlay for it is about £600. For the year ended 14th of May, 1867, 311 registered poor, with 178 dependants, were relieved; and 288 casual poor, with 366 dependants. Altogether, for that year the expenditure of the Parochial Board amounted to £3,491 8s. 9½d.

The spring of 1857 was signalized by another contest for the membership of the Burghs. Uninvited by, yet by no means unacceptable to, the Tories of the constituency, Mr. James Hannay, son of General Sharpe's opponent, appeared in his native town as a rival candidate to the sitting member, on moderately Conservative principles. So adventurous did Mr. Hannay's candidature seem even to his friends, that not one of them had the courage to preside at his first meeting, held in the Theatre; but he made such a clever, taking speech as secured for him many avowed supporters. At the hustings, on the 28th of March, his nomination was moved by Mr. Peter

and erect slabs, 400; and other structures, more or less dilapidated, which make up the aggregate number in the cemetery to fully 2,700. The cost, exclusive of Burns's mausoleum, we roughly estimate at £17,000. The oldest stone having any engraving upon it that we have seen, is in the ground belonging to the Couplands of Colliston; it bears date 1620.

Mundell of Bogrie, and seconded by Mr. John Stott of Netherwood; while the re-election of Mr. Ewart was proposed by Provost Palmer of Annan, and seconded by Mr. Samuel Cavan, the present provost of Kirkcudbright. Though Mr. Hannay had the show of hands, he was poorly supported at the poll, Mr. Ewart having been returned by the overwhelming majority of 321.* In this somewhat romantic episode of his life, Mr. Hannay elicited no small praise from his political opponents, on account of his marvellous off-hand eloquence and opulent intellectual resources of every kind; and though thoroughly beaten in the contest, he bore the brunt of it creditably, and retired from the field without dishonour.†

Merry banqueters in the ruined courts of old Carlaverock! There seems a discrepancy between their dining and cheering, and the desolation to which the castle of the Maxwells is a prey. Yet, when the circumstances of the case are taken into account, there will appear great propriety in the feuars of Carlaverock estate and the tenants of Terregles holding joyous revel in the ancient fortress, and making its walls ring as they drink to the health of the Nithsdale chief, whom the House of Lords had recently recognized as Lord Herries. That was the great object of this festive gathering, which took place on the 6th of July, 1858, and was fittingly presided over by the late Mr. Francis Maxwell of Breoch. The title, which its wearer forfeited in the '45, was given to his descendant, William Constable Maxwell of Nithsdale and Everingham, who now takes rank as the tenth Lord Herries.‡

* The numbers were:—Ewart: Dumfries, 279; Annan, 103; Kirkcudbright, 69; Sanquhar, 33; Lochmaben, 22; total, 506. Hannay: Dumfries, 136; Annan, 23; Kirkcudbright, 18; Sanquhar, 0; Lochmaben, 8; total, 185.

† Mr. Mark Napier, as Sheriff of Dumfriesshire, was the returning officer. The learned sheriff, high Tory though he is, seems never more in his element than when presiding over a popular assemblage—a duty that he invariably performs with good humour and grace. On the above occasion, Sheriff Napier first made his memorable and often-quoted statement descriptive of a Dumfries outdoor meeting, which, he said, he could not call a mob, as his experience taught him to believe that a Dumfries crowd was the best behaved of any in Scotland.

‡ On the 26th of July, 1859, Lord Herries manifested his appreciation of the honour conferred upon him, by treating his tenants to a grand ball in the Castle (ornamented for the occasion in a highly imposing style), which passed

A few more months roll round, bringing in the 25th of January, 1859, with a series of *fêtes* and banquets such as was never seen before in the Burgh or the Border-land—or, rather we should say, in North Britain—and wherever the sons of Scotia congregate, throughout the world. That day was the centenary of Burns's birth. Little did those Dumfries gentry who deliberately gave Burns the cold shoulder, on a memorable autumnal evening in 1794, suppose that, sixty-five years afterwards, or at any time, the streets down which they proudly passed would be trophied with garlands, and eloquent with sweet sounds, in honour of the man whom they affected to despise. The old Burgh florid with decorations natural and artistic; a great outdoor demonstration, addressed by Mr. Washington Wilks; a magnificent procession; two dinners—one in the Assembly Rooms, presided over by Dr. W. A. F. Browne, the other in the Nithsdale Mills, where about a thousand persons assembled—Mr. Mundell of Bogrie in the chair—Mr. John Hamilton,* of the *Morning Star*, giving, in eloquent terms, the "immortal memory:" these were the chief, but not by any means the sole features of the centenary celebration in Dumfries. It was in every respect worthy of the town where Burns lived and breathed his last, and where his ashes lie.

Men of all ranks and parties in the Burgh cordially wrought together on Burns's day: but the spring of the same year found them broken up into two hostile political camps, over one of which was displayed the unmistakable Reform flag; from the other flaunted a pennon of doubtful hue, with a somewhat mysterious motto, regarding the meaning of which many of the electors differed—Captain (now Major) Walker of Crawfordton, its owner, affirming that it expressed "strictly independent principles," while his opponents held that if it meant any thing at all, it was, "Up with Earl Derby, and down with Lord Palmerston and the Reformers!" Captain Walker proved to be

off with entire success. His lordship married Marcia, daughter of the Hon. Sir Edward M. Vavasour, Bart., of Hazlewood, Yorkshire; and has issue, the Hon. Marmaduke, Master of Herries, six other sons, and eight daughters.

* Mr. Hamilton, from being an apprentice in the *Herald* office, Dumfries, fought his way up to a metropolitan editorship. He was cut off before his prime, in 1860.

a very formidable antagonist to the Liberal sitting member, Mr. Ewart. The fight that ensued was consequently much keener and closer than the contest in 1857. The nomination occurred on the 2nd of May, 1859; Mr. Ewart being proposed by Provost Leighton, and seconded in an exceedingly trenchant and humorous speech by Dr. M'Culloch, while Mr. W. R. M'Diarmid, editor of the *Courier*, proposed, and Mr. James Saunders of Solway Place, Annan, seconded, Captain Walker. Mr. Ewart had the show of hands; and a poll was demanded on behalf of his opponent. It took place on the 4th of May, and resulted in the re-election of Mr. Ewart by the narrow majority of 29.*

Incidental notice has already been taken of the religious revival experienced in many parts of Dumfriesshire and Galloway in 1861. It was chiefly brought about by the instrumentality of Mr. (now Rev.) Edward Payson Hammond, graduate of Williams College, Massachusetts, America. After holding a series of remarkable meetings at Annan, he visited Dumfries; and there, day and night, laboured as an evangelist from the 27th of January till the 15th of the following month, drawing such continuous crowds to hear him, and making such an impression upon them, as were truly marvellous. Though much of the effect produced seems to have been transient as "the morning cloud and the early dew," the religious public of the Burgh and vicinity cherish a grateful recollection of Mr. Hammond's devoted services, and there is reason to believe that they have been of lasting benefit to many.

Never before or since, we believe, have the lovely grounds of the Crichton Institution been so crowded with ladies and gentlemen, as they were on the 5th of September, 1862. That was the day on which the Dumfries and Galloway Horticultural Society reached the fiftieth year of its existence, and the anniversary was celebrated with a floral jubilee, in the shape of a superb exhibition within the walls of the institution; a grand procession in which the gardeners, freemasons, and odd-fellows took a leading part; a dinner in the Mechanics' Hall, gracefully

* The returns were as follows:—Ewart: Dumfries, 237; Annan, 85; Kirkcudbright, 60; Sanquhar, 29; Lochmaben, 21; total, 432. Walker: Dumfries, 287; Annan, 63; Kirkcudbright, 32; Sanquhar, 11; Lochmaben, 10; total, 403.

presided over by Mr. Maxwell of Munches; a fashionable ball in the Assembly Rooms; and sundry other festive meetings or displays, including the decoration of the chief streets in the Burgh with Nature's own drapery—evergreens and flowers. The show was in itself an excellent one; but the local journals say it paled in brilliancy before the galaxy of lady visitors, "whose bright eyes rained influence" over the scene, and rendered it trebly attractive. For this unique entertainment and its manifold accompaniments, the people of the Burgh and district were mainly indebted to Mr. Miles Leighton, junior. In acknowledgment of his services, he was a short time afterwards entertained at supper in the White Hart Hotel (Mr. Kirk's)—Bailie Carruthers in the chair—and presented with a handsome silver *epergne* suitably inscribed.*

On the 16th of February, 1862, Major Walker took formal leave of his supporters in Dumfries.† Mr. Ewart was not on that account left without a rival suitor for the favour of the Five Burghs. He had been leal and true to them since he first became the object of their choice, in 1841; but another "soldier lad" fell desperately in love with the Five Carlines when the worthy Laird of Crawfordton declined to woo them any longer, since their affections he could not win. Colonel Clark Kennedy of Knockgray, a native of the Burgh, and of a good old family, was the new candidate. In an address to the constituency, he expressed his belief that his political views were more in accordance with the majority of them than were those of their present representative: he desired to see an extension of the franchise; was "decidedly opposed to the ballot and other extreme measures," was ready "to give a hearty general support to Lord Palmerston [at that time Premier] but still as an independent member, following no man blindly." It was not

* In connection with the floral jubilee, there were literary competitions, prizes having been offered for essays on horticulture and poems on flowers. Mr. Paterson, gardener, Chester (formerly residing near Dumfries), and another competitor who gave only his initials, were first and second in the prose competitions; while the prizes for the poetry were awarded to Mr. Scott, Minnigaff, teacher, and to Mrs. Cuthbertson, Annan.

† On the retirement of the highly-respected representative of Dumfriesshire, Mr. Hope Johnstone, in 1865, Major Walker was elected in his stead, and is now M.P. for the County.

till more than three years afterwards that the gallant officer had a complete opportunity of learning to what extent the Burghs reciprocated his affection; and meanwhile the Liberals of Dumfries, by way of encouraging their faithful representative, entertained him at a great banquet in the Assembly Rooms, which, under the congenial presidency of Bailie William Bell, came off with immense *éclat* on the 30th of March, 1862. A few weeks before the general election, in 1865, a keen canvass was commenced by both candidates; and up till the nomination day (July 13th), and even afterwards, the friends of Colonel Kennedy professed to be confident of victory. Mr. Ewart was proposed by Provost Turner of Dumfries, and seconded by Provost Cavan of Kirkcudbright; and Mr. James Gordon, ex-Provost of Dumfries, seconded by Provost Graham of Lochmaben, nominated Colonel Kennedy. The show of hands was in favour of Mr. Ewart; and his early success at the poll, which took place on the 15th, was so decided, that, long ere mid-day, the Kennedy men learned with consternation that their cause was hopeless. Mr. Ewart was returned by the large majority of 156 votes, made up of a majority in all the Burghs.* Far more votes were recorded than on any former similar occasion, the number having been 924; the next highest was 858, in 1832; and the next, 835, in 1859.† Colonel Kennedy conducted his

* The poll stood as follows:—Ewart: Dumfries, 328; Annan, 101; Kirkcudbright, 54; Sanquhar, 32; Lochmaben, 25; total, 540. Kennedy: Dumfries, 260; Annan, 47; Kirkcudbright, 42; Sanquhar, 17; Lochmaben, 18; total, 384.

† We subjoin a brief enumeration of the principal services rendered by Mr. Ewart as a senator:—Mr. Ewart entered the House of Commons in 1828. In 1829, March 27th, he spoke and voted in favour of Catholic emancipation; supported free trade under Mr. Huskisson, of whom he was the pupil and friend. 1831, June 28th, advocated the opening of the China trade. 1831–2, voted and spoke in favour of the Reform Bill. 1832, March 27th, brought in and passed an Act to abolish capital punishment for horse-stealing, cattle stealing, and stealing in a dwelling-house, though opposed by the late Sir Robert Peel. 1833, August 1st, moved the equalization of duties on East and West Indian sugar; in other words, to establish free trade in sugar. 1834, March 7th, supported and spoke for the repeal of the corn laws. 1834, March 13th, passed a bill to abolish the practice of exposing the dead bodies of criminals by hanging them in chains. March 26th, 1834, passed an Act to abolish capital punishment for letter stealing, sacrilege, and returning from transportation. 1835, passed a bill enabling prisoners to be defended by counsel, commonly called "The Prisoners' Counsel Bill." 1835–6, moved for, carried, and drew

candidature with courage, ability, and good temper; and when acknowledging his decided defeat, he avowed his resolution to resume his courtship of the Burghs as soon as a favourable opportunity should arise.

In few places is the connection between good sanitary arrangements and a high state of health better understood than in Dumfries. The water scheme was carried by the irresistible

the report of a committee "On the Connection between Arts and Manufactures;" the result being the establishment of schools of design, which have so much extended and improved the art manufactures of this country. 1840, March 5th, moved for the entire abolition of the punishment of death (a motion repeated by him in several subsequent years). 1841, April 20th, made (and repeated for several years) a motion for the appointment of a minister of the Crown who should make an annual statement on national education (afterwards adopted and carried into effect by Government). 1841, April 20th, moved for and carried the opening of the Regent's Park to the public. Also proposed and carried the opening of an important part of Hampton Court Palace to the public. 1841, September 21st, moved for the reform of committees on private bills (afterwards carried). 1843, June 22nd, moved for the admission of foreign sugar on equal rates of duty with colonial sugar (opposed, but afterwards adopted, by the Government). 1845, July 28th, moved again for a statement, annually, by Government on education, and for the examination of candidates for appointments under Government (now adopted). 1847, moved that members should not divide on private bills who were directly or indirectly interested in such bills (finally adopted). 1849, March 19th, proposed examination of officers on entering the army. March 15th, moved for, carried, and drew the report of a select committee for the establishment of public libraries, freely open to the public. 1850, February 14th, brought in and finally carried the Free Libraries and Museums Act (on the model of this Act have been formed the famous libraries at Liverpool and Manchester, besides about thirty other libraries in different towns in the kingdom). May 7th, moved for repeal of the advertisement duty. 1852, May 28th, moved for the examination of candidates for the diplomatic service. 1853, April 8th, repeated the motion (since adopted). 1858, May 7th, moved for, carried, and drew report of select committee on European colonization in India. 1860, passed a bill for facilitating the building of labourers' cottages in Scotland. 1862, moved for, carried, and drew report of a select committee for promoting an international system of weights and measures. In 1864 he introduced and passed a bill, supported by members on both sides of the House, legalizing in this country the use of the "metric system," being the first step towards a general international system of weights and measures. In 1864 he moved for a select committee on the effects of capital punishment, which the Government so far accepted as to grant a commission on the subject. Mr. Ewart was a member of the celebrated Import Duties Committee of Mr. Hume, from which may be said to have originated the reform of our tariff. He has also been a steady and strenuous supporter of the repeal of taxes on knowledge; namely, on books, almanacs, advertisements, newspapers, and paper.

force of public opinion; and the same influence facilitated the adoption of the General Police Act (25 and 26 Victoria, chapter 101). Stoutly opposed for a time, a sweeping majority of seventeen votes to five rendered it triumphant in the Council, when its adoption was moved by Mr. James Clarke, and seconded by Mr. Richard B. Carruthers, on the 6th of May, 1864. Under its comprehensive provisions, the main drainage has been completed; the closes have been thoroughly sewered; and by these and other means the Burgh has been made as clean and salubrious as any town of its size in the United Kingdom.

A successful exhibition was held in the Old Assembly Rooms, under the auspices of the Dumfries and Maxwelltown Mechanics' Institute, in 1841;* and for the purpose of reducing a heavy load of debt, contracted by the erection of the Hall, the committee of the Institute projected a second exhibition, which was opened in that commodious building on the 26th of June, 1865. A number of other gentlemen co-operated with the committee, under the chairmanship of ex-Provost James Gordon, one of the vice-presidents of the Institute, and to whom the credit is due of having originated the exhibition. It proved abundantly successful in every sense; and to secure this result, no one laboured more devotedly than Mr. William G. Gibson, who, in conjunction with Mr. Harkness, acted as secretary to the committee of management. Rich paintings and rare antiquities, ingenious mechanical inventions and curious natural productions, articles of *vertu*, holographs of great men, and relics of Burns about a hundred in number, made up a splendid collection, which afforded crowds of visitors instruction and delight, and (we hope this is no anti-climax) yielded a net profit of nearly £300.

On the evening of the 2nd of October, 1866, the same Hall was occupied by nearly two hundred ladies and gentlemen, the *élite* of the Burgh, met to partake of cake, fruits, and wine, and to witness a unique presentation to Provost Turner. He had, a few months before, acquired an addition to his family; and, following a precedent set by other towns, the burgesses

* The joint-secretaries for the exhibition in 1841 were Mr. William C. Aitken, now of Birmingham, and Mr. William Smith, who has for many years been the editor of a newspaper of high repute, the *Whitehaven Herald.*

resolved to provide a silver cradle for the little stranger; and thereby, says the *Standard,* to manifest "the high esteem in which both Provost and Mrs. Turner are held" by the inhabitants. Bailie Newbigging, who liberally provided the entertainment, presided, and Mr. Martin, the town clerk, officiated as croupier. The chairman, in his presentation speech, pointed out that the event they had met to commemorate was not only interesting in itself, but unparalleled in the annals of the town. "Let them," he said, "turn over the leaves of the history of Dumfries backwards to the time when a M'Brair wielded power from the civic chair, in 1550, downwards to the comparatively modern time when the word of a Staig was law, and so on till our own day, and they would find no such incident as this recorded in the chronicles of the Burgh." Provost Turner acknowledged the gift in suitable terms.

Before the same year (1866) had terminated, the people of Dumfries gave fitting welcome to a distinguished townsman—Captain Anderson of the "Great Eastern," knighted for the share taken by him in laying the electric cable that unites the Old World with the New. Sir James Anderson is the fifth son of the late Mr. John Anderson, bookseller, and is a fine specimen of the British seaman, well worthy of the honours showered upon him—all which he carries with becoming modesty and grace. The reception given to him by the Dumfriesians was of a three-fold kind. On the evening of the 13th of December, he met with the members of the Nithsdale Regatta Club, in order to receive from them an address. The meeting—a most agreeable one—took place in "Prince Charlie's Room," Commercial Hotel, and was presided over by Mr. Miles Leighton, junior, commodore of the club, who presented the address, which was enclosed in a silver case—the first piece of plate, Sir James said, he had ever received.* Next day he was made a freeman

* Sir James Anderson, in acknowledging the gift, indulged in some pertinent reminiscences of his early life, in connection with a previous regatta club that flourished about thirty years ago in Dumfries. By dint of working overtime when he was serving his apprenticeship as a printer, he was enabled with others to purchase the first boat of the future Regatta Club. It was of iron, and one pound was paid for the boat—all in coppers! (Laughter.) He called it after Midshipman Easy's boat, the "Harpy;" but his friends christened it "Anderson's canister." (Great laughter.) With that boat he succeeded in

and burgess, in presence of a brilliant company assembled in the Town Hall. From 1644 till 1795, inclusive, the same privilege was conferred on 2,945 individuals, and how many before and since we cannot tell; but we may venture to say that not one of the long list was more worthy of receiving it than the captain of the "Great Eastern." Provost Turner, in presenting the burgess ticket (enclosed in a massive silver box) to Sir James, delivered an effective address, full of historical reminiscences, as became the occasion; and the young burgess acknowledged the honour conferred upon him in a few tasteful and feeling remarks. The proceedings were crowned with a great banquet in the evening—the Provost in the chair, and Mr. W. R. M'Diarmid croupier. It was held in the large hall of the Assembly Rooms, and attended by about two hundred gentlemen from the Burgh and neighbourhood.

Though a hall was provided for the Town Council in the Mid-Steeple buildings, they did not occupy it till 1830, it being let by them for other purposes. During the next thirty-six years it was used as the Council Chamber; and since the 9th of November, 1866, the burghal authorities have met in what was once the Court-house, but which they purchased for a town hall—a fine, commodious building, situated in Buccleuch Street —with offices for the town clerk, the registrar, and the police establishment of the Burgh.

The year on which we have entered (1867) was opened in Dumfries with a political demonstration by the working classes on a great scale, consisting of a grand procession, in which 1,200 persons took part; a day meeting on the Dock; and an evening meeting in Mr. Teenan's bazaar: all taking place under the auspices of the local branch of the Scottish Reform League, which numbers about a hundred and twenty members. So successful were the whole proceedings, that one of the speakers from London, after complimenting the Dumfriesians on being the

winning an important race: seeing that he was in the fair way of losing it, he turned the boat right about, and ran in stern foremost, carrying off the trophy. He could assure the company that he went down High Street with the sovereign he had won, and with the honours he had earned in that contest, prouder and happier than he could now feel; because he had then less care, less responsibility upon his shoulders. (Great cheering.)—*Report in the Dumfries Standard.*

first community to take the field this year in favour of Reform, drew an augury of coming triumph from the manner in which the campaign had been initiated. His anticipations have proved correct: the enfranchisement of all English householders is the acquired product of a persistent agitation for Parliamentary Reform, and Scotland is on the eve of obtaining a similar boon; we may, therefore, at this auspicious stage, let the curtain drop finally on Dumfries politics and events in general, that we may see briefly, before closing, what aspect the Burgh now wears.

It is now, as we saw when commencing our task, a large as well as beautiful town, growing rapidly in size, population, and wealth. How, from a rude, insignificant, timber-built village, it has gradually, during the passage of nine centuries, reached its existing state; and how its civilization and material improvement have advanced hand-in-hand, we have endeavoured to show. Its earlier streets retain the hoar of antiquity, intermingled with many fresh modern features which wear the dew of youth; and round about the original Burgh there have risen up house-rows and villas sufficient in themselves to constitute no inconsiderable town. In the aspect of Dumfries, as we now find it, there is much to gratify the eye of the antiquarian, and much also to satisfy the advocate of progress. With the old architectural features the new gracefully interblend, just as the charming natural scenery in which they are set contrasts with both, yet makes up with them a harmonious and attractive whole. But the modern portion of Dumfries is increasing at a rapid pace; and should it go on in the same proportion for the next twenty years, it will occupy more ground than was embraced by the entire site of the Burgh at the date of the Union. The abolition of the close burgh system, the repeal of the corn laws, the construction of railways, and the establishment of the tweed trade, have each given a stimulus to the growth of Dumfries. Few provincial towns in Scotland have gone forward during the last thirty years with such a gigantic stride; and its steps in advance have been especially remarkable in the latter half of that period. At the date of the Reform Bill, Albany Place, a row of seven two-story houses, was the only genteel suburb of which the town could boast; now it has several which are much more patrician in size

and aspect. At the same period, the separate country mansions within the royalty numbered about half a dozen; at present—enriching the view in all directions, on the Moffat road, by Lovers' Walk, on the Lochmaben road, at Noblehill, on the Craigs road, and on the Upper Dock nursery—they number nearly fourscore, ranging in value from £500 to £1,500 each. Many of these villas have sprung up within the last six years; many more are being built, or have been projected.

In the autumn of the present year, no fewer than one hundred and twenty masons were employed in the Burgh and neighbourhood, with a corresponding array of joiners, plasterers, and slaters, completing private contracts or public works; the chief of the latter being Greyfriars' Church, the foundation stone of which was laid in masonic style on the 11th of May, 1866, and which will be nearly finished before the close of the current year. Curiously enough, this, the latest public erection in the Burgh, occupies the same site as the first one that came under our notice—the Castle; and which, if Chalmers is to be relied upon, gave to Dumfries both its origin and its name. Greyfriars' Church, which supersedes the New Church, was built by Mr. James Halliday, mason, according to a Gothic design furnished by Mr. Starforth, architect, of Edinburgh; and will cost from £5,000 to £6,000, of which sum the Town Council gave £1,500. The body of the building, when viewed from the front, is rather dwarfed by its colossal accompaniments of tower and spire; but seen in perspective, it looks graceful and imposing. The steeple is unquestionably the great leading feature of the design. Symmetrical in form, and replete with rich carvings, it rises to the extent of a hundred and sixty-four feet; challenging notice by its size, and commanding admiration by its fine proportions. The church is certainly an architectural acquisition to its vicinity, and to the main thoroughfare, down which it looks. High Street is still, as in days of yore, the chief artery of the town; and though many of its buildings are comparatively new, and most of its shop fronts have been modernized, and though it manifests a bustling animation unknown to our forefathers, it is still quaintly picturesque, differing little in its outline from the time when "Bonnie Prince Charlie" rode through it at the head of his kilted Highlanders. Since that period,

however, the Mid-Steeple, which juts into the street, has experienced a sorrowful change. Seamed and scarred by the weather, it remains neglected by the authorities; and though still a fine object, its condition of decay contrasts badly with the tokens of prosperity which surround it on every side—especially since the stylish rival steeple further north has risen up, to look down upon it in a double sense.

Buccleuch Street has undergone a wonderful mutation of late; the United Presbyterian Church, and more recently the new County Buildings, or Court-house, having done much to alter and improve its appearance. The Court-house was founded in the autumn of 1863, and opened at the spring assizes on the 17th of April, 1866. It is, we think, the noblest architectural achievement in the whole town; but its effect would have been much enhanced if, instead of occupying its present low site, it had stood on a piece of rising ground. Constructed in the beautiful Scottish Baronial style, from a design by Mr. David Rhind of Edinburgh, it has at once, with its tall, peaked towers and open Italianized parapets, the bold characteristics of a castle and the graceful features of a palace. Wherever these turrets of the structure are seen mingling in the sky-outline of this part of the Burgh, they look exceedingly striking and picturesque; and the entire building has really a superb appearance, whether looked up to from the street or surveyed from a distant height. The line of thoroughfare—which begins at the head of Buccleuch Street, crosses along the new bridge into Maxwelltown, and thence along the Galloway road past the new Free Church, and numerous villas on the same side—is now one of the finest that is to be seen in the town or its environs.

In another direction (the north), Dunbar Terrace and Langlands Place, both of which are due to the enterprise of Mr. George Dunbar, and in another (the south-east), York Place, Victoria Terrace, and numerous individual mansions, rise up among rural scenes, where recently no houses were visible, or only those of a humble grade; and the magnificent railway station, erected in 1859, supplied a crowning ornament to the south-eastern suburb of the town. The station is exceedingly handsome of itself, and is so set off by a foreground of rare

shrubs and flowers as to attract the admiration of all visitors, many of whom we have heard declaring that no such beautiful railway station is to be seen in the United Kingdom. Quite a new range of neat two-story houses, about forty in number, has been lately formed in the nursery ground, south of Queen Street, supplying accommodation to middle-class families; but we look in vain for extensive cottage-rows suited for the operative classes, not a few of whom, in the absence of such, are forced to reside in mere hovels, of which there are still too many within the Burgh. The hand of improvement is, however, most noticeable in the lower part of the town, near the river. How the Dock Meadow looked ninety years ago, may be known from our pictorial sketch (page 689). It was little changed when, after the lapse of sixteen years, Burns, in walking over it, wrote:—

> "Adown winding Nith I did wander,
> Of Phyllis to muse and to sing."

But, since 1857, the "banks and braes" of the river have acquired new accompaniments; and the Dock, without losing its natural loveliness, has got, so to speak, fragments of a masonic frame-work which would seem singularly new and strange to all natives of the town returning to it after an absence of ten years or more. The acquisition, though artificial, so far from impairing, enhances the attractions of this favourite resort. Indeed, if we desired to give a stranger a good first impression of the Burgh, we would conduct him from the vicinity of Castledykes, northward along the river's brim, to catch the varying panorama thus made visible—the stately villas rising in what used to be the Dock nursery on the right, their bright hue (red sandstone) contrasting beautifully with the green garniture by which they are environed; further on, the magnificent Nithsdale Mills, opposite the sister yet rival structure of Troqueer—their tall chimney stalks looking like parts of a huge pillared gateway at the southern entrance of the town; old St. Michael's stately steeple; and the bulk and body of the town itself, looming finely above and beyond the glorious Dock limes; with the changeless river flowing past, giving freshness and superadded sweetness to the scene.

The sources from which the Burgh derives its revenue, are

pointed out in Chapter LII.* In the year ending September, 1867, the income was £1,598 18s. 5d.; and the expenditure, £2,779 2s. 2d.; and there is a sum owing of £11,440 8s. 6d.,† which, warned by the example of 1817, the Council ought to reduce with all convenient speed. As Police Commissioners, they had an income for last year, chiefly arising from rates, of £3,955 13s.; the expenditure, including a loan from the bank, necessitated by extensive drainage and other sanitary improvements, was £5,679 2s. 3d., leaving the amount borrowed, £1,723 9s. 3d., as a balance against the Commission. In 1746, when Dumfries was appraised, for the purpose of raising an assessment in connection with the Jacobite tribute money, the value of the houses and public buildings was ascertained to be £34,843 4s.; and if we make adequate allowance for the land that was not valued, we shall arrive at a sum that will not greatly exceed the rental of the Burgh at the present day. In other words, the valuation of Dumfries, for 1867–8, is £36,893 12s. 8d.,‡ a sum that, a hundred and twenty years

* A considerable proportion of the revenue is drawn from dues, customs, and rents of property let annually by public auction. The various subjects were let as follows, on the 19th and 26th of October, 1867:—Dues and customs payable at the bridge, £480; flesh market dues, £60; potato market dues, £14; butter, egg, and poultry market dues, £41 10s.; grazing of Dock park, £35; old Council Chamber and dwelling-house, £20; shop under Council Chamber, £10; new fish market and dues, £27; cellar under fish market, £2; granaries, £14; gardens at the mills, £4; shop and cellar at the mills, £3. To these falls to be added £30 for the Council Chamber, which is let on lease: the whole making a rental of £740 10s., which is an increase of £13 10s. on the rental derived from the same sources in the preceding year.

† The expenditure was unusually great for 1866–7, as it included special charges of £272 14s. 3d. for fitting up the new Town Hall, £468 19s. for repair of the Caul, and £811 10s. 9d. as part of the grant given by the Council towards the erection of Greyfriars' Church. Except for these extraordinary charges, the income would have shown a balance of about £350, instead of a serious deficit; and the surplus would have been, under ordinary circumstances, increased by the rent for the mills, which, owing to their being stopped by the rupture of the Caul, was reduced by £250. The £11,440 8s. 6d. of debt includes all the mortified money, which, as already explained by us, is designed to be irredeemable.

‡ This sum is exclusive of railways, and shows an increase of £678 0s. 8d. on the preceding year. The railways within the boundary are rated on an annual valuation of £2,580.—*Report of* Mr. James B. Gemmill, *Assessor for the Burgh.*

ago, would have almost purchased right out the whole town and the ground on which it stood. The valuation has increased fully £7,000 within the last ten years.

As in "Burns's time," Dumfries has a goodly number of volunteers to bid the Gauls and all other foreign "loons beware" of venturing to set hostile foot on the Nithsdale portion of "our inviolate island of the brave and free;" and Maxwelltown has also a band of riflemen ready, if need be, to render similar service—"For defence, not defiance." The Burgh has two verdant arenas, Milldamhead and St. Mary's, on which many a peaceful bowling contest is waged. On the Dock and Green-sands the classical *discus*, or quoit, has in season due its modicum of disciples. When the Nith is frozen over, its surface becomes the scene of many a curling spiel keener than the material on which the competing stones career; and when summer days are prime, and the icy winter is still far off, the open river is ploughed and splashed by a great array of boaters on recreation bent, or in excited earnestness pulling away bravely at the regatta of the Nithsdale Club.

For indoor recreations there is plentiful provision. The Theatre, built in 1790, and on whose boards strutted Edmund Kean and Macready when starting on the race for fame, still furnishes an occasional season for the lovers of the drama; the Mechanics' Institute supplies cheap lectures every winter; and Dumfries, owing to its Border position, is more frequently visited by professional lecturers, musicians, and other "artistes," than many towns in the kingdom twice its size. Annual concerts, on a great scale, are given by the Choral Society, with its sixty vocalists and nine instrumentalists; and the published "Transactions" of the Natural History and Antiquarian Society show that its members, 130 in number, know well how to make their learned and useful pursuits attractive and entertaining.

Of institutions to facilitate the operations of trade and encourage thrift, Dumfries has a creditable proportion. At the date of the Reform Act it had only three or four banking offices; now it has seven—those of the Bank of Scotland, the Commercial, the British Linen Company, the National, the Clydesdale, the Union, and the Royal; besides a Savings Bank, with deposits to the amount of £59,920: a Benefit and Building Society, com-

menced in 1857; present number of members fully 900; capital, £19,389: a Co-operative Society (the Dumfries and Maxwelltown), originated in 1847; shareholders, 367; subscribed capital, £442 15s.; average weekly drawings, £140: an Equitable Co-operative Society (Limited), commenced in 1860; shareholders, 200; average weekly drawings, £60: and a branch of Odd-fellows (Robert Burns's lodge), opened in March, 1859, and having 163 members, and funds to the extent of £560.

Some of the Burgh's associations for charitable, intellectual, moral, and religious purposes have already been noticed. Many additions to these have been made during the last fifteen years, most of which will be found in the following list (those that are exclusively congregational not being included):—A branch of the British and Foreign Bible Society—annual revenue, about £70; a Home Mission for Dumfries and Maxwelltown, with Ladies' Auxiliary and Agency for Bible Distribution—annual income about £80; a Dorcas Society, which provides ready-made clothing at a cheap rate for the deserving poor of both Burghs —income in 1866, fully £72; a Female Industrial Home for unfortunate Magdalenes, containing eleven inmates—revenue in 1866, £253; a Mission to the Blind, taking cognizance of all sightless persons of the poorer sort in Dumfriesshire and Galloway, the number of whom was found to be 107 in 1866, of whom 36 resided in Dumfries, Maxwelltown, and their immediate neighbourhood—income that year, £126 2s. 6d.; a Sabbath School Teachers' Union, numbering 216 members; a Boys' Home (instituted by Mr. William Gregan), with the adjuncts of an orphanage, a reading-room, and a temperance society, having 223 adult members, and 103 juveniles who constitute a Band of Hope—income for 1866, nearly £40. To these remains still to be added the "Alms-houses" charity, a cluster of handsome cottages, built at the expense of Mrs. Carruthers of Warmanbie, for the reception of "ten or fewer" lame or blind women, natives of Dumfries; and failing a sufficient number of such, any other needful females whom the trustees may appoint. These institutions, great and small, combined with the Benevolent Society's cheap schools, instituted in 1812, with the Hospital, the Infirmary, and the Education Society, whose enlightened operations have been previously spoken of, show that the Burgh

recognizes in no stinted way the claims of the poor and the destitute, the ignorant and the depraved. Dumfries is in these respects, however deficient in others, progressing as much as in material wealth; and the knowledge of this circumstance makes us pray all the more heartily, with John Home—

> "Flourish, Dumfries! may Heaven increase thy store,
> Till Criffel sink, and Nith shall glide no more:"

a prayer which will be echoed by all our indulgent readers, "hereabouts or far away:" and with this benison upon the good old Burgh, we close our labour of love, and bid them respectfully farewell!

APPENDIX.

A, p. 56.—Ancient Building Associations.

Tytler, in his "History of Scotland," expresses his decided opinion that the magnificent ecclesiastical structures that rose up in the kingdom during the thirteenth century, were built by associations of French and Italian workmen acting under the auspices of the Papal Church. As connected with this subject, we may quote the following curious inscription cut on a tablet in Melrose Abbey:—

"John Murdo some time callit was I,
And born in Parysse certainly;
And had in keeping all mason werk
Of Saint Androy's, the hye kirk
Of Glasgow, Melros, and Paslay,
Of Nyddysdayll, and of Galway:
Pray to God and Mary baith,
And sweet Sanct John, to keep this haly kirk fra scaith."

It has been thought by some antiquarians that Murdo was the agent of one of the French or Italian building associations noticed in the text; but Mr. Billings is of opinion that the Melrose inscription cannot well be older than the sixteenth century, and that Murdo, whose name indicates a Scottish origin, performed no work beyond repairs and restorations.

B, p. 58.—Devorgilla's Bridge.

There is a prevalent belief that this bridge consisted at one time of thirteen arches; and guide books and gazetteers combine in saying that such was the case. The only authority that we have seen in support of this idea, is a statement quoted into the "Picture of Dumfries" from Pemberton's "Journey through Scotland," published in 1723, in which the author says: "I passed the river Nith from Galloway to Dumfries over a fair stone bridge of thirteen large arches, the finest I saw in Britain, next to London and Rochester." Nothing can be more explicit than this declaration; but we know from documents that are undoubtedly genuine, that the bridge in 1681 (that is, forty-two years or thereby before Pemberton saw it) had only nine arches; and that in 1747, twenty-four years after 1723, it had still only nine—a picture and description of the bridge given by Grose, leaving this point beyond the reach of cavil. The author of "A Tour thro' the whole Island of Great Britain," the sixth edition of which was published in 1761—the tour to which it relates having been made several years sooner—says (vol. iv., p. 115):—"Dumfries was always a good town, with large streets. . . . Over the river Nith is a very fine stone bridge at this place, with nine arches, and so broad that two coaches may go abreast on it." If these varying statements be all correct, then we must come to the strange conclusion that, some time after 1681, four new arches were added to the bridge in order to answer Mr. Pemberton's description; and that some time after 1723, and prior to 1747, these four arches were removed, and the bridge reduced till it had only nine arches, as in 1681. The supposition is so incredible that it need not be argued against; and the only right solution of the difficulty that we can see is, to look upon Pemberton's statement about the

thirteen arches as one of those mistakes which some travellers—trusting, it may be, to treacherous memories, instead of written notes—are liable. With the view of setting the matter at rest, the street, at the gable of Mr. Adam Lindsay's wine and spirit establishment, was opened at our instance in April, 1866, where the pier of the tenth arch must have been put down, if any tenth arch had ever been in existence. The operation was carefully performed under the direction of an experienced local engineer, who, taking Grose's dimensions of the nine-arch bridge—four hundred feet—added the length of an additional arch, and caused the spot and all around it for a long way to be excavated six feet deep, and probed to a further depth, without finding a trace of any thing resembling the heavy masonic pile of which the other piers consist. The conclusion come to was, that there never had been a tenth pier; and the inference seems to follow, that the bridge never numbered more than nine arches. This experiment, coupled with the other testimony already adduced, has convinced us that the foundation of the other four arches has been laid in the realms of fancy, and not in the solid earth, or shifting sands of the Vennel.

C, p. 59.—Statutes of Devorgulla relating to the Endowment of Balliol College, Oxford.

"Devorgulla de Galweda domina de Balliolo, dilectis in Christo, fratri Hugoni de Hertilpoll et Magistro Wilhelmo de Menyl, salutem in Domino sempiternam. Utilitati filiorum et scholarium nostrorum Oxoniæ commorantium, affectu materno providere cupientes, omnia inferius annotata volumus, mandamus et præcipimus, ab eis inviolabiliter observari; ad honorem scilicet Domini nostri Jesu Christi et Gloriosæ matris suæ Mariæ, necnon et sanctorum omnium. Imprimis, volumus et ordinamus quod scholares nostri omnes et singuli teneantur diebus Dominicis et festis principalioribus, divino interesse officio necnon sermonibus seu prædicationibus in eisdem fastis et diebus; nisi contigerit aliquem ex iis impediri propter urgentem necessitatem vel evidentem utilitatem: cæteris vero diebus diligenter scholas exerceant et studio intendant, secundum statuta Universitatis Oxoniæ, et secundum formam inferius annotatam. Ordinamus etiam quod Scholares nostri teneantur nostris Procuratoribus obedire in omnibus quae ex nostra ordinatione, concessione, commissione ad eorum Regimen et Utilitatem pertinere noscuntur. Item, volumus quod scholares nostri ex semetipsis eligant unum Principalem, cui cæteri omnes humiliter obediant in his quæ officium Principalis contingunt, secundum statuta et consuetudines inter ipsos usitata et approbata; Praedictus autem Principalis, postquam legitime fuerit electus, nostris Procuratoribus præsentetur nec aliquid de suo officio exerceat, antequam ab eis auctoritate nostra in præfato officio fuerit institutus. Cæterum statuimus quod scholares nostri procurent tres missas celebrari singulis annis solenniter pro anima dilecti mariti nostri domini Johannis de Balliol et pro animabus prædecessorum nostrorum omniumque fidelium defunctorum, necnon et pro nostra salute et incolumitate; ita quod prima missa celebratur in prima hebdomada Adventus Domini, et secunda in Hebdomada Septuagesimæ, et tertia in prima hebdomada post octavas Paschæ: et fiant prædictæ missæ de Sancto Spiritu, vel de Beata Virgine, vel pro defunctis, secundum dispositionem Procuratorum. Singulis etiam diebus, tam in prandio quam in cœna dicant benedictionem antequam comedant et post refectionem gratias agant; et orent specialiter pro anima dilecti mariti nostri superius nominati, et pro animabus omnium prædecessorum nostrorum necnon et liberorum defunctorum, pro incolumitate etiam nostra et liberorum, cæterorumque amicorum nostrorum vivorum; item et pro nostris Procuratoribus secundam formam antiquitus usitatam. Et ut melius provideatur sustentationi pauperum, ad quorum utilitatem intendimus laborare, volumus quod ditiores in societate scholarium nostrorum ita temperate studeant vivere, ut pauperes nullo modo graventur propter expensas onerosas; et si contigerit totam communitatem scholarium nostrorum in expensis communibus aliqua septimana excedere portionem a nobis eis impensam, volumus et præcipimus districte quod, ad solutionem illarum expensarum excedentium, nihil omnino recipiatur ultra unum denarium in una septimana ab eis qui, secundum dis-

erctionem et arbitrium Procuratorum nostrorum, judicantur impotentes et insufficienties ad totalem illarum expensarum solutionem faciendam. Si æqualis portio deberet ab omnibus sociis exhiberi, prædicta tamen nolumus extendi ad magnam vacationem quæ durat a Translatione Beati Thomæ Martyris, usque ad festum Beati Lucæ, nec etiam ad septimanas in quibus occurrunt festi Nativitatis Dominicæ, Circumcisionis, Epiphaniæ, Paschæ, et Pentecostes nec in aliis casibus in quibus Procuratores nostri judicaverint illud omittendum: Volumus etiam Procuratores nostros diligentem habere examinationem super præfata Scholarium nostrorum impotentia, et quod scholares ipsi ad Procuratores accedant cum omni confidentia, pro eorum necessitate intimanda. Et si contigerit aliquem vel aliquos de Scholaribus nostris contra ordinationem illam murmurare, aut occasione istius ordinationis pauperiores verbo vel signo aliquo provocare, volumus quod scholares nostri teneantur sub juramento nobis præstito nomina taliter murmurantium aut provocantium nostris Procuratoribus revelare: qui quidem Procuratores, habita super hoc sufficienti probatione, auctoritate præsentium, sine spe redeundi, ipsum vel ipsos ejiciant indilate. Statuimus etiam quod Scholares nostri communiter loquantur Latinum, et qui passim contra fecerit, a Principali corripiatur; et si, bis aut ter correptus, se non emendaverit, a communione mensæ separetur, per se comedens, et ultimus omnium serviatur: et, si incorrigibilis manserit per hebdomadam, a Procuratoribus nostris ejiciatur. Volumus etiam quod qualibet altera hebdomada inter Scholares nostros in eorum domo disputetur unum sophisma et determinetur; et hoc fiat circulariter, ita ut sophistæ opponant et respondeant, et qui in Scholis determinaverint determinent. Si vero aliquis sophista ita provectus fuerit quod merito possit in brevi in Scholis determinare, tunc ei dictatur a Principali quod prius determinet domi inter socios suos. In fine autem cujuslibet disputationis præfigat Principalis diem disputationis sequentis, et disputationem regat et garrulos cohibeat, et assignet sophisma proxime disputandum, opponentem, respondentem et determinatorem, ut sic melius valeant providere. Consimili modo fiat qualibet altera hebdomada de quæstione. Præcipimus etiam Scholaribus nostris, firmiter injungentes, ut portatorium, quod eis pro anima dilecti mariti nostri concessimus, diligenter custodiant, nec aliquo modo permittant illud impignorari, vel quocunque titulo alienari. Habeant etiam Scholares nostri unum pauperem Scholarem per Procuratores nostros assignatum, cui singulis diebus reliquias mensæ suæ teneantur erogare, nisi Procuratores nostri illud decreverint omittendum. Ut autem omnia et singula prædicta a nostris Scholaribus in tempore Procuratorum quorumcumque inviolabiliter observentur, præsens scriptum sigilli nostri munimine roboravimus. Datum apud Botel, in Octavis Assumptionis gloriosæ Virginis Mariæ, anno Gratiæ MCC. octogesimo secundo."

We are indebted for the following translation of the statutes to a young Oxonian, Mr. Robert James Muir, Dumfries:—

"Devorgulla of Galloway, Lady of Balliol, to our brother Hugh of Hertilpool, and Master Wilhelm of Menyl, beloved in Christ, eternal salvation in the Lord. Desiring with maternal affection to provide for the advantage of our sons and scholars resident at Oxford, we will, command, and enjoin all things to be mentioned hereafter, to be by them inviolably observed, to the honour, to wit, of Our Lord Jesus Christ, and His glorious Mother Mary, and eke of all Saints.

"Firstly, we will and ordain that our scholars, all and singly, be bound on Lord's days and on the greater Feasts to be present at the Divine Office, as well as the sermons or preachings on the same feasts and days, unless any of them shall happen to be let by urgent necessity or evident utility; but on other days they shall diligently perform their tasks, and apply themselves to study, according to the Statutes of the University of Oxford, and according to the scheme hereafter mentioned. We also ordain that our scholars be bound to obey our procurators in all things which, according to our ordinances, grant, and commission, are known to belong to their rule and advantage. We also will that our scholars from among themselves elect a principal, whom all the rest shall humbly obey in those matters which belong to the office of principal, according to the ordinary and approved statutes and customs observed among

them. But let the aforesaid principal, after he has been lawfully elected, be presented to our procurators, nor exercise aught of his office before he has been by them instituted, by our authority, in the office aforesaid. Furthermore, we decree that our scholars cause three Masses to be duly celebrated every year for the soul of our beloved husband, John, Lord of Balliol, and for the souls of our predecessors, and all the faithful departed, as also for our own weal and salvation, so that the first Mass be celebrated in the first week of the Advent of our Lord, the second in the week of Septuagesima, and the third in the first week after the octave of Easter; and let these aforesaid be Masses of the Holy Ghost, Masses of the Blessed Virgin, or Masses for the departed, according to the arrangement of our procurators. Also, on every day, both at dinner and supper, let them say a blessing before eating, and after meat let them return thanks, and pray specially for the soul of our beloved husband above mentioned, and for the souls of all our predecessors, as also for those of our departed children, for our own salvation and that of our children, and for that of our other living friends, also for our procurators, according to the form of ancient use. And the better to provide for the maintenance of the poor scholars, whose advantage we intend to study, it is our will, that the richer ones in the society of our scholars study to live in such moderation that the poorer ones be not burdened in any way by heavy expenses; and if it shall happen that the common expenses of the whole community, in any one week, exceed the portion by us allowed to them, we will and strictly ordain that for the settling of those extra expenses nothing be received beyond the sum of one penny per week from those who, according to the discretionary choice of our procurators, are deemed straitened and unable to bear total payment of those expenses. If an equal portion should be furnished by all the fellows, nevertheless we are unwilling that the above be extended to the long vacation, lasting from the Translation of Saint Thomas the Martyr to the Feast of Saint Luke, nor again to the weeks in which occur the Feasts of the Nativity of our Lord, Circumcision, Epiphany, Easter, and Pentecost, nor other cases where our procurators think it should be omitted. We will also that our procurators carefully enquire into the above-mentioned poverty of our scholars, and that the scholars themselves come to our procurators in all confidence to intimate their necessities. And if it shall happen that any one or more of our scholars murmur against the above ordinance, or on account of that ordinance mock the poor scholars by word or sign of any kind, we will that our scholars be held bound under oath fixed by us to reveal the names of those so murmuring and mocking to our procurators; and the latter shall, on sufficient proof of this being given, without delay expel him or them without hope of return, and this by authority of these presents.

"We also ordain that our scholars generally talk Latin, and let him who once and again does otherwise be corrected by the principal; if, after being twice or thrice corrected, he does not amend, let him be separated from the common table, to eat by himself and be served last of all, and if he remain incorrigible for a week, let him be expelled by our procurators. We will also that on every alternate week one sophism be disputed and determined by our scholars in their own hall; and let this be done in course, so that the disputants may alternately oppose and reply; and let those who shall determine in the Schools determine the argument. But if any disputant be so advanced in merit that he will shortly be able to determine in the Schools, then let the principal make him first determine in the hall among his fellows. At the end of each debate let the principal fix the day for the next debate, let him regulate the debate and restrain the talkative, and let him appoint the question to be next disputed, the proposer, the answerer, and the judge, so that they may the better be able to provide for it. In such manner let the dispute every alternate week be managed. We also command our scholars, with firm injunctions, diligently to preserve the Portatory which we have granted them for the soul of our beloved husband, and neither to suffer it to be impledged nor alienated in any manner. Let our scholars also have one poor scholar appointed by our procurators, for whom on every day they shall be bound to set aside the remains of their table, unless our procurators judge that this may be omitted. And that all and every thing aforesaid may be by our scholars inviolably observed in

the time of all procurators whatsoever, these presents we have confirmed by the sanction of our seal.

"Given at Botel, in the Octave of the Assumption of the glorious Virgin Mary, in the year of grace 1282."

D, p. 99.—The Slaughter of Comyn.

In memory of this deed, the Kirkpatricks of Closeburn assumed as their crest a hand holding a dagger, with the memorable words for motto, "I mak siccar." Lord Hailes, in his "Annals" (vol. ii., p. 242), attempted to show that Sir Roger who slew Comyn was not the representative of the family of Kirkpatrick in Nithsdale: but universal tradition combines with other historians in attributing the ex-Regent's death-blow to the chief of the Closeburn Kirkpatricks, as narrated in the text. The Rev. Mr. Black of Closeburn, in his account of the Presbytery of Penpont, gives the following account of the incident:—"In that part of Closburn towards the water of Ayr, by which it is incompassed, is a fourty-pound land pertaining to Thomas Kirkpatrick of Closburn, an ancient family, and chief of that name, having a charter from Alexander K. of Scots, granted to Ivon Kirkpatrick, of the lands and barony of Closburn, before witnesses: Bondington, Cancellario, Rogero de Quency, Waltero filio Alani Senescallo Justiciario Scotiæ, Joanne de Maccuswell Camerario, Rogero Avonell, David Marescallo, Thoma filio Hamil, David de Lindsay, Rogero filio Glay, Roberto de Menyers, dated at Edinburgh the 15th day of August, and of the said King's reign the eighteenth year. Moreover, the said Laird for his arms and ensign-armorial bears *argent* a St. Andrew's cross *azure*, on a sheaf of the second three cushions *or;* above the shield, an helmet befitting his degree, mantled *gules*, doubled *argent*. Next is placed on a torse for his crest, a hand holding a dagger distilling drops of blood *proper;* the motto in an escrole, 'I make sure:' which cast and motto was given by Robert the Bruce, K. of Scots, to Roger Kirkpatrick, upon his killing of the Cumin at the Chappel of Drumfreis."—Sibbald MSS., *in Advocates' Library.*

E, p. 103.—Bruce after the Slaughter of Comyn.

In the same manuscript it is stated as a tradition that Bruce, immediately after the slaughter of Comyn, was conducted by Kirkpatrick to a place of refuge among the thick woods of Tynron, where he remained for some time safely hidden; but this vague report is at variance with the statement of Hemingford and other trustworthy historians, that Bruce and his followers gained for themselves an asylum in the Castle of Dumfries. If there be any truth in the tradition that the bowers of Tynron afforded shelter to the patriot hero, it must have been at a later period, when he was a hunted wanderer in the wilds of Carrick, Galloway, and Dumfriesshire. The Penpont manuscript, after furnishing the above statement, says that during Bruce's abode in Tynron parish "he did often divert to a poor man's cottage named Brownrig, situate in a small parcel of stoney ground, incompassed with thick woods, where he was content sometimes with such mean accommodation as the place could afford. The poor man's wife being advised to petition the King for somewhat, was so modest in her desires that she sought no more but security for the croft in her husband's possession, and a liberty of pasturage for a very few cattle of different kinds on the hill and the rest of the bounds. Of which priviledge that ancient family, by the injury of time, hath a long time been, and is now, deprived; but the croft continues in the possession of the heirs and successours lineally descended of this Brownrig and his wife: so that this family, being more ancient than rich, doth yet continue in that name, and, as they say, retains the old charter."—Sibbald MSS., *in Advocates' Library.*

F, p. 108.—Sir Christopher's Chapel.

Charta Capellani celebrantis pro anima Christopheris de Seton. Robertus, Dei gratia Rex Scotorum, &c., Christopherus de Seton, miles dilectus noster mortuus est in servitio nostro, ac Christiana de Brois, sponsa sua sororque nostra dilecta

in loco quo mortem subiit prope Drumfreis, in honorem crucis Dominicæ quandam Capellam fundavit et extruxit: sciat; propter benevolentiam et affectionem quam non immerito erga dictum quendam Christophorum habuimus Donavisse Dedisse et Confirmasse uni Capellano in eadem Capella pro anima dicti Christophorus animabus omnium Fidelium Divina in perpetua celebrare; ac pro nobis et heredibus nostris Regibus Scotiæ presentando centum solidos Strivilingorum annui reditus per manus Vicecomitis nostri de Drumfreis, et Balivorum suorum qui pro tempore fuerint de anno reditu nobis de dicta Baronia de Carlaverock ad criminos Pentecostes et Sancti Martin, proportionaliter, singulis annis in libereri punam et perpetuam, eleemosynam recipiendos. Quare Vicecomiti nostro de Drumfreis et Balivis suis qui pro tempore fuerint precipimus et mandamus quaternos dictos centum solidos annui reditus dicto Capellano, ad criminos preditos plenarie persolvant in perpetuam. Quos quidam centum solidos predicto Vicecomiti et Balivis suis qui pro tempore fuerint in computis sui annuis volumus pro nobis et heredibus nostris plenius collocares. In cujus rei fidem, &c., apud Berwica supra Tuedam ultimo die Novembris anni regni nostri nonoduomo, Robertus Brussius, Scon coronatus erat 1306, mense Aprilis.—General Hutton's MSS., *in Advocates' Library.*

G, p. 212.—Robert, Lord Maxwell's Bill for Translating the Scriptures into the Vulgar Tongue.

"The new doctrines concerning religion," says Keith (pp. 36, 37), "had so far prevailed in Scotland, notwithstanding the severities used against the professors thereof, in the late King's reign, by the influence of the settled clergy, that, in the very first Parliament holden after his death, there was a proposal offered by the Lord Maxwell, on the 15th day of March, 1542–3, for a liberty of reading the Bible in the vulgar tongue: which proposal was received and approved by the Governor [Arran], and the Lords of the Articles. And because this was the first public step towards a Reformation of Religion, perhaps the reader will not be displeased to see the Act inserted in this history, which is as followeth:—

"'Anent the Writting gevin in be Robert, Lord Maxwell, in presens of my Lord Governour and Lordis of Articklis, to be avisit by theim, gif the samin be reasonable or not, of the quhilk the tenor followis:—It is statute and ordaint, that it sal be leful to all our Soverane Ladyis Leiges to haif the Holy Writ, to wit the New Testament and Auld, in the vulgar tongue, in Inglis or Scottis, of ane gude and true Translatioun; and that thai sal incur na Crimes for the hefing and reading of the samin, provyding alwayis that nae Man dispute or hold oppinyeonis, under the paines contenit in the Acts of Parliament. The Lordis of Articklis beand avisit with the said Writting, finds the samin reasonable; and therefore thinkis that the samin may be usit amongis all the Lieges of this Realm, in our vulgar toung, of ane gude, true, and just Translatioun, because there was na Law shewin nor producit in the contrair; and that nane of our Soverane Ladyis Lieges incur any Crimes for haifing or reding of the samin in Form as said is, nor sall be accusit therefore in time coming; and that na Personis dispute, argou, or hold oppunionis of the samin, under the saidis Painis contenit in the foresaides Acts of Parliament.'

"This draft of the Act having been read, 'ane Maist Reverend Fader in God, Gawine, Archbishop of Glasgow, Chancelor, for himself, and in name and behalfe of all the Prelatis of this Realm beand present in Parliament, schew, that ther was ane Act instantly red in face of Parliament, that the Holy Writ may be usit in our Vulgar Toung, and that na Crime suld follow therupon throu the using therof; and alegit in the said Act that the three Estates concludit the samen: Whilk he, for himselfe and the Remanent of the Prelates being present, as ane of the three Estates of the said Parliament, dissassentit thereto simpliciter; but apponit thaime therto unto the Tyme, that ane provincial Counsel might be had of all the clergy of this Realm, to avis and conclud therupon, gif the samen be necessar to be had in vulgar toung, to be usit amang the Quein's Lieges or not; and therafter to shaw the utter [final] Determination that sal be done in that Behalfe: and therupon askit Instrumentis.'

"But," continues Keith, "notwithstanding this Protestation, the Lord

Maxwell's Bill was certainly enacted; seeing that within two days after the Parliament had risen, the Governor, who found himself supported by the adversaries of the established religion, thought fit to cause issue out a Proclamation for notification to all the Lieges of the Act concerning Holy Scriptures. Here follows the orders for the proclamation.

"'GUBERNATORY, Clerk of Register, it is our Will, and we charge you, that ye goe proclaim this Day at the Marcat Crois of Edinburgh the actis made in oure Soverane Ladyis Parliament, that suld be proclainit and gevin furth to her Lieges; and in speciale the Act made for having the New Testament in Vulgar Toung, with certain additionis; and therefter gif furth the copyis therof aitentick as efferis, to all them that will desyre the samyn; and insert this our Command and charge in the Bukis of Parliament, for youre Warrant. Subscrivit with our Hand, at Edinburgh, the xix. day of Marche, the year of God Jajve, and xlii. yeris.'"

H, p. 262.—ARTHUR JOHNSTONE'S ODE ON DUMFRIES.

"Pastor ab Amphryso Drumfrisî pascua cernens
Eminus, Admeti prætulit illa jugis.
Florida tot pingues hic tondent prata juvenci,
Gramina quot verno tempore fundit humus.
Illius externas saturant pecuaria gentes,
Et mensas onerant Anglia sœpe tuas.
Ditior armento seges est, et velifer amnis:
Et mare, quod Zephyri temperat aura levis.
Surgit in hac ædes, cui cedunt templa Dianæ,
Vel venerabilius Græcia si quid habet.
Proditor hic patriæ Brusci virtute Cuminus
Concidit, et sacram sanguine tinxit humum.
Scotia, Drumfrisî reliquis altaria præfer;
Hic tibi libertas aurea parta fuit."

The Rev. W. Bennet, Moffat, has favoured us with the following felicitous translation of this spirited address:—

"A shepherd, who beheld afar the pastures of Dumfries,
Preferred them to Thessalian hills, the fairest lawns of Greece.
Full many a sleek and seemly steer enjoys the flowery fields;
Full many an herb, in genial spring, the soil ungrudging yields.
To distant lands her fruitful farms their produce oft convey,
And load the board in England's halls on many a festal day.
Still nobler wealth her valleys give, that wave with golden grain,
Her river bears the gliding sail, mild breezes haunt her main.
Within there stands an ancient pile, which more renown may claim
Than Dian's fanes, or aught that Greece exalts to sacred fame.
Here Comyn false, who sold the realm, and came to share the spoil,
Fell by the sword of valiant Bruce, to stain the hallowed soil.
Scotland! of all thy famous shrines, let one be dear to thee—
Dumfries, which bore that priceless fruit, the deed that made thee free."

H*, p. 349.—KING JAMES VI. IN DUMFRIES.

Since our account of James's visit was put in type, we discovered in an old newspaper the copy of an address made by Commissary Halliday to the King, which professed to have been taken from a work giving a history of his Majesty's progress through Scotland, which we have not seen. The speech we subjoin, as it seems to be quite genuine.

"On Monday," it is said by way of prelude, "the ferd of August, 1617, his Majestie, returning to England, past be Dumfries, where, at the entrie of the Towne, this speach was delivered by Mr. James Halyday (of Pitlochie, advocate, son of John Halliday of Tullyboill, advocate), Commissar there.

"'Your Royall Majestie, in whose sacred person the King of Kings hath

miraculouslie united so many glorious kingdoms, under whose scepter the whyte and reid crocies are so proportionablie interlaced, the lion and leopard draw up one equall yok, and the most honorable ordors of the thistle and garter march togidder, is most heartelie welcome to this your Majestie's ever loyall Towne, whose magistrats and people, now beholding your long-desired face, doe imitat the lizard. For no diamonts nor carbuncles by lustre can so allure the eyes, as doeth the brightness of your countenance our eyes and hearts. Hence it is that the mynds of your good subjects are filled with such incomprehensible joy. And considering the innumerable comforts which this your Majestie's ancient and unconquered Scotland *(unica vicinis toties pulsata procellis, Externi immunis)* hath received under your happie government, both in Kirk and Politie, what merveile is it to see the flamme of their love kyth in their faces and tongues, two infallible witnesses of their hearts? To recken all it wer impossible, to speake of none it wer ungratful; if I speake out of one, which is Peace, they who, with bleeding hearts and weeping eyes, did daylie taist of the bitter fruictes of discord, inward and outward broyles, shall acknowledge even that onlie Peace to bee all they could have wished, and more than ever they could have hoped for. For what is to be wished that wee doe not enjoy with it? *Omnia pace vigent.* Now Justice hath unsheathed her sword; now basse assentation hath no place, and sycophants ar put to silence; now is not sucked out the marrow of the people by odious and unjust monopolies; now is not the husbandman his face worne with the grindstone of extortion, but sitting under his owne aple-trie, he in Peace eateth the fruictes of his labours; Relligion hath her place; Law is in vigour; Naboth bruketh his owne vin-yard, Achitopell his just reward; simonie preferreth not Balaam; nor doeth corrupting gold set up a judge in Israel; but everie place is provided with some one fitting and suttable for the same.

"'If silent in these things, should wee not be convinced of ingratitude to Almightie God, by whose grace wee have this oure Solomon, by whose providence, under God, these good things are procured unto us, and at the fountaine of whose wisdome so many Kingdoms and States get daylie refreshment? Who wold essey to speake worthelie of your worthie, rare, Royall, and heroicall vertues, should have eloquence for his tongue; and let any speake what hee can, what can he speake but that which everie man doeth know? For there is no corner of the earth which hath not heard of your Majestie, that yee are not onlie a mirour but a master of Kings; not only a patterne to their lyfe, but also a patrone of their cause. Doeth not your Royall practise and penning prove all these? and knoweth hee any thing to whom your *Basilikon Doron*, and your learned writings against the supporters of the Antichristian Hierarchie, is not knowne? O, Sir, your Majestie oweth much unto your King, that King of Kings by whome so much unto you is bestowed. That wee see the face of him whome God hath anoynted so above his fellowes, is the ground of all these joyes which we enjoy this day. In the fulnesse of which joyes this one thing breeds us anguish, that this your Majestie's ever loyall Towne (whose people ever were, are, and shall be, resolved to sacrifice their lyves in their Prince's service, and of which God made choice that it shud be the place where your Majestie's most Royal Ancester, the waliant Bruce, killed the Comyn, extirped the Baliol blood, and re-established the Royall race of our native Princes), now should bee the last period of your Majestie's progresse within this your most ancient Kingdome. Wold God it could bee circular, as that of our other sunne, that all your Majestie's subjects might enjoy the comfort of your presence be vicissitude! But let God's will and your Majestie's weel be the measure of our desires.

"'And since we perceive the force of our load-stone failing, so that it hath no more power of retention; seeing your Majestie will southward, wee would wish your course more meridionall, even trans-alpine, that the Romish idol, the whore of Babel, might repent of her too presumptuous sitting in the Kirk of God, in God's owne chaire, above the crownes of Kings. Let her feel the furie of your sword, let her knowe the sharpnes of your pike, as weel as of your pen; in that expedition shall not be last *mavoritia pectora Scoti.* For, may wee not now, by God's assistance, in like courage and magnanimitie, levell with the ground their walls there, as wee did heere of these monstrous

heapes of stones and rampires reared be their Emperour Severus and Hadrian? Especiallie now, having the concurrence of that bellicose and resolute natione which God hath made to come under your standard with us, how can wee but have hope to cause all them who will fight against God for Babylon, like as many heards of animals scattered on Mount Aventine and Appennine, will make jacks of old dyks? But, remitting this and all other your Majestie's deseignes to God's gratious dispensation and your worthie disposition, we close up our speach, praying Almightie God that you and your Highnesse's Royol progenie may sit upon the thrones of your dominions with incresse of all heavenlie and earthlie blessings, so long as the sunne and moone shall have place in the firmament of Heaven.—Amen.' "

I, p. 443.—The Bridge Dues.

In the charter of Robert III. a reference is made to the fishings in the Nith, granted to the Grey Friars of the Vennel by his royal predecessors. The Friars had perhaps found it proper to have this right confirmed by Lady Devorgilla's descendants, or her descendants may, from the religious considerations of the time, have been desirous to renew it; for they apparently granted two successive charters conveying and confirming the dues to the Friars. The first of these is dated 16th January, 1425, and bears to have been executed at Thrieve. It appears to have been granted by Margaret, Duchess of Touraine, Countess of Douglas, Lady of Galloway, &c. It bears that the object in granting it was the peace of the souls of King James, and of her deceased husband, Archibald, Duke of Touraine, &c., of her own soul, and those of her son, Sir James Douglas, and their ancestors and descendants, and of all who had died in the faith. And it conveys the dues to the Almighty, the blessed Virgin Mary, St. Francis, and to the Warden and Friars Minor of Dumfries, "who," it continues, "are to serve the Almighty there for ever." The return to be made by the Friars for the charter is the suffrages of their holy prayers, yearly. The next charter, which is extant, is by James, Earl of Douglas, &c., and is dated at Dumfries, 4th January, 1452. It bears to be granted for the peace of the souls of the then deceased James and William, Earls of Douglas, the predecessor and brother of the granter, and for the peace of his own soul, and of those of his ancestors, and of all who had died in the faith. In other respects it seems to be a repetition of the previous charter.

The Reformation, which begun in 1558, led, as we have shown, to the abolition of the monastic orders throughout the country. But it had been long foreseen; and with the view of providing against its consequences, many of the ecclesiastical bodies had previously feued out or made over their possessions to their friends. It is not improbable the Grey Friars of Dumfries followed this course with the bridge dues, because they feued them out by a charter dated 10th July, 1557, which is still extant. It is granted by Friar Charles Home, the Superior or Warden of the body, and by the whole convent assembled in their chapter-house, with consent of the reverend father John Ferguson, the Provincial Master of the whole Order of the Minor or Grey Friars within Scotland. By this deed the bridge dues are feued out to John Johnston in Nunholm, son of Edward Johnstôn, burgess of Dumfries, for a feu duty or perpetual annual payment to the Friars or their successors of 10 merks and 40 pence Scots, being 11s. 4⅔d. sterling. The deed narrates, as the motive for its being executed, that John Johnston had been of service to the convent in several ways, and that the feu duty was 40 pence more than the dues had ever yielded to it. As appears from the charter, the dues had at the time been held by John Johnston as tacksman, under a tack from the convent to his father which had some years to run, and the rent on which was 10 merks Scots, or 11s. 1⅓d. sterling. The charter is signed by Charles Home, Herbert Stewart, Christopher Walker, and Richard Harlaw, who, it may be inferred from its terms, were all the Friars. Under this deed, John Johnston became proprietor of the dues as vassal of the Friars, whose right became a right of superiority, with the above-mentioned feu duty attached to it.

At the Reformation, this superiority and feu duty, with the whole other

possessions of the Friars, fell to the Crown, as being subjects that had no owner, the purpose for which they had been originally given to the Friars having been declared to be illegal. By a charter dated 23rd April, 1569, King James VI. gave all these possessions to the Burgh of Dumfries, in order that the Burgh might support a hospital and maintain the bridge. This charter narrates that his Majesty considered it his duty to provide that a hospital should be kept up within the Burgh for poor people who were maimed or sick, and for orphans; and also to provide for the safety of his subjects whose business, it bears, made it necessary for them to cross the river, and whose lives would be endangered if the bridge were not kept in repair. It accordingly conveys to the Provost, Bailies, Council, and community of the Burgh, and their successors for ever, all the property and rights whatever which had belonged to the Grey Friars; but, in order that the Friars and other religious persons who were supported therefrom before the Reformation might not be impoverished, the charter reserves to them during their lives the full enjoyment of their income from the subjects conveyed. It erects and incorporates these subjects into one fund or estate, which was to be called "The Royal Foundation of the Hospital of Dumfries," and provides that, so far as the revenues therefrom went, the Burgh should be bound to keep up the bridge and to support the orphans and poor people in the hospital. Owing to some cause or other, however, no charitable institution under this charter has been founded in the Burgh.

Amongst the rights conveyed by that charter, there is specially mentioned the half of the bridge customs falling to the Friars. This would seem to have been merely the 11s. 4¾d. of feu duty which had remained with the Friars after they had feued out the customs to John Johnston. The right of superiority itself, to which the feu duty was annexed, appears to have remained with or to have been resumed by the Crown; and in 1591 King James renewed the rights to the bridge dues in favour of John Johnston—a descendant, probably, of the original feuar.

Though the right of the Burgh to levy the bridge dues is recognized in several of its charters, and by the Act of 1681, the amount of the dues is not fixed by any of these deeds, and is regulated only by usage. The Burgh has also a right to certain customs on all goods brought within its liberties for sale, consumption, or otherwise, which customs, in so far as goods and bestial coming across the Nith are concerned, were levied along with the dues, till, in course of time, the two kinds of imposts became intermixed. Tables of both were prepared at various periods—the earliest on record being of date 23rd October, 1732. On the 5th of November, 1772, the Town Council passed an Act designed to regulate the bridge and market dues, and directing that some of the latter that used to be uplifted in the market should be uplifted at the ports or entrances of the town instead. A table of bridge dues, based upon this Act, and professing to be framed according to the use and practice then existing, was at the same time published and exhibited at the Old Bridge as the rule of payment; and when the dues were levied at the New Bridge on its erection, the table of 1772 continued to be the guide to the tacksman or lessee in making his charges. The table included also such market dues as were leviable at the bridge. Both kinds of dues were expressed in Scots money, freemen in many cases paying a smaller amount than others. We subjoin a summary of the charges:—

Each horse, cow, or other cattle passing the bridge or the river within the town's privileges, though not presented to market, 2s.; when so presented, 8d. Each of these animals brought to market by any of the other ports, 8d.; and if not sold, the cattle to have the benefit of other two market days free of duty. Each animal as aforesaid sold in market, 2s., to be paid by the exporter in addition to the 8d. levied on the importer. Each animal presented to market, but driven away unsold to England or elsewhere, 2s. Each sheep passing the bridge or river, 4d.; each lamb, 2d. Each sheep, hogg, or lamb brought to market by any of the other ports, 4d. on entering the market. Each sheep, young or old, sold in market, 4d., paid by the exporter. Each horse, cow, or other cattle passing from the Dumfriesshire to the Galloway side, or for Ireland, or other

parts to graze, or cattle flitting from a pasture on the Dumfriesshire to the Galloway side, 1s. 4d.; each hogg, sheep, or lamb so passing, 2d.

It is then explained that all persons, freemen or unfreemen, who do not reside in the Burgh, but who pay watching, warding, and other portable charges therein, shall pay the same dues as unfreemen; and that all inhabitants, though burgesses, who traffic in cattle, shall pay the same dues as unfreemen, except for single beasts for their own use, which are to pass free.

All corded packs of merchandise that pass or repass; also all packs of wool, skins, lint, oil, wine, tar, and other merchandise, 2s. 8d.; freemen residenters, 1s. 4d. If less than a load, these goods to pay proportionally, except for sheep skins, thirty of which to be charged 8d.; freemen, 4d. Each load of meal, bere, barley, wheat, rye, pease, beans, potatoes, and other grain, roots, or fruits, 12d.; freemen residenters, 6d. Note.—A load of seed or horse corn, or oats, is ten pecks; a load of bere, barley, meal, pease, beans, wheat, and rye, is eight pecks; and a load of potatoes, roots, and fruits, is four pecks. Each load of butter and cheese, 2s.; freemen, 1s.; halves or quarters in proportion, except for pieces of butter under four lbs., and single cheeses under half a stone. But no bridge custom is due by freemen residenters for grain, roots, fruit, butter, or cheese, from their own farms, for the use of their families, they paying only custom for what they sell; nor is custom to be levied on grain ground at the town mills, nor on merchant goods bought from freemen in the Burgh, belonging to and exported by the same person, in one day, under four stones weight at a time; such exemptions only to continue, however, during the Council's pleasure.

Each load of fish passing the bridge or river, 1s.; each pock or creel of fish, 2d. Each load or creel of shoes or clogs imported, 4d. Each load of coverings, or waulked cloth, 1s.; halves and quarters in proportion. Each load of bark above ten pecks, imported, 8d.; freemen, 4d. Each corded pack brought in by any of the ports on the town side, if it has not paid duty there, and has not been opened in town, shall, in passing the bridge or river, pay 1s. 4d.; freemen, 8d.: but if opened in town, it shall, on being exported, pay of bridge dues, 2s. 8d.; freemen, 1s. 4d. The table specifies that no custom is payable by the Nithsdale family, and closes with this *nota bene:*—"The double of all the said customs is payable at the public fairs of this Burgh, conform to use and wont."

Such, in brief, is the bridge dues system, as it continued up till a very recent period. Its operation was often complained of by the people of the Stewartry; and more especially when carts or waggons superseded pack-horses, and the charges had to be converted from Scots into sterling money, did it become a source of wrangling and dispute between the tacksman and importers. With the view of facilitating the collection of the dues, the Town Council, on the 16th of October, 1854, issued, for the guidance of their tacksman, a table defining and explaining the table of 1772; the latter still remaining the authoritative rule of payment for the public. The charges were expressed in sterling money; and, among other changes, the indefinite or uncertain quantities of the old table were transformed into specific measures. Thus, "merchandise," wool, and lint, instead of being charged by the pack, were charged 4d. on every 10 cwt.; tar, instead of paying so much per pack, was made liable to 1d. per barrel; herrings, though not previously included in merchandise, were subjected to 1d. per barrel—quantities of half a cwt. and under to pass free. This comprehensive explanatory sentence was also introduced: "Merchandise includes every thing that is the subject of commerce or mercantile dealing." A peck was represented to contain 7 imperial gallons, weighing 70 lbs. of water; a peck of seed or horse corn, 35 lbs.; a peck of bere, barley, meal, pease, &c., 46 lbs.; and a peck of potatoes, roots, or fruits, 84 lbs.—the charges in each case being adjusted to these measures instead of loads. A load of fish was defined to weigh 2½ cwt.; a load of coverings or waulked cloth was reckoned of the same weight. All the money conversions seem to have been fairly made on the principle that 12d. Scots is represented by 1d. English; and the Council, in specifying quantities, were, we believe, guided by the best authorities, oral and written, they could obtain. Lime was exempted from bridge dues by the old table; and by that of 1854, coals, and dung purchased by the farmer who was to use it from the person in whose premises it was produced, were also permitted to go free.

Before this new table was drawn up, however, the indiscretion or cupidity of the tacksmen in 1854 rendered the impost increasingly obnoxious to the gentlemen of the Stewarty, till, as a result, a number of them united in raising an action for the purpose of having the articles charged upon defined, and the scale of dues determined, or, if possible, getting the dues abolished altogether. It is not necessary that we should give a detailed account of the proximate causes of the litigation, and trace its varied and protracted course through the Court of Session. A brief statement must suffice. On the 5th of February, 1862, an action was brought before the Lord Ordinary (Kinloch) at the instance of Wellwood Herries of Munches, Mark Sprot Stewart of Southwick, Robert Maxwell Witham of Kirkconnell, Robert Kirkpatrick Howat of Mabie, Wellwood Maxwell of The Grove, Francis Maxwell of Breoch, William Stewart of Shambelly, Patrick Dudgeon of Cargen, Walter M'Culloch of Ardwall, James Biggar of Maryholm, and Alexander Oswald of Auchencruive, against the Provost, Magistrates, and Town Council of Dumfries, in which the pursuers claimed decree of reduction of the tables of 1772 and 1854, and relative Acts of Council, and declarator of the bridge dues, and to have a table of dues prepared; their pleas of law being in effect as follows:—1. The dues enumerated in the tables of 1772 and 1854, and the Acts of the Dumfries Town Council relating to them, not being authorized by statute, charter, or usage, and being altogether without lawful authority, ought to be reduced and set aside. 2. The tables being inconsistent with one another, and unsupported by immemorial usage, ought to be reduced and set aside. 3. The table of 1772 being expressed in Scots money, and in obsolete weights and measures, and having, moreover, fallen into desuetude, and been superseded by usage inconsistent therewith; and the table of 1854 having been merely an unauthorized attempt to revive and explain and extend the application of that obsolete table, no effect can now be given to either of them. 4. In no respect are the defenders entitled to levy higher dues, or from or in respect of persons, bestial, and articles, other than according to the usage which shall be proved to have been immemorial. 5. The defenders are not entitled, under the head merchandise, to levy duty upon articles which have not been subject to it by immemorial usage.

The defenders, under eight different clauses, pleaded their right to levy the duties in question in virtue of their charters, the Act of 1681, immemorial usage, and a prescription extending over more than forty years. They held that the table of 1772, as explained by that of 1854, had been immemorially sanctioned; that there were no sufficient grounds on which the conclusions of reduction could be supported; that the whole material statements of the pursuers, being incorrect in point of fact, the action was unfounded; and that the defenders were therefore entitled to absolvitor, with expenses. Lord Kinloch allowed parties a proof of their respective averments, and to each a conjoint probation; and the same was taken by William Ellis Gloag, Esq., advocate, in the King's Arms Hotel, Dumfries, on the 5th, 6th, 7th, and 8th of April, 1864; and also by adjournment in Edinburgh in the following summer and autumn. With the evidence thus obtained before him, his Lordship pronounced an interlocutor, dated the 30th of June, 1865, to this effect:—He held that the term merchandise, as employed in the table of dues, comprehends all articles which are the subject of mercantile dealing, and which were in use to be loaded either on a horse or cart; but that it does not comprehend live animals or dead carcasses. Also that the said term does not comprehend lime, coal, manure, either natural or artificial, trees or wood, drain-tiles, stones, slates, hay, straw, agricultural implements, furniture, or machinery. He found also that foals, calves, and lambs following their mothers are not chargeable, nor swine dead or alive; that no charge could be exacted from carriers other than on such articles as the table specifies; that herrings are chargeable as fish, and clogs as shoes; that horses are not chargeable when saddled or in harness; and that the defenders are not entitled to levy double dues at any period. His Lordship further appointed the cause to be enrolled, in order that steps might be taken for having a table of bridge dues framed according to the foregoing finding. In pronouncing the interlocutor, he professed to proceed upon the principle that no dues ought to be levied by the defenders except such as have been sanctioned by immemorial usage.

This decision seriously reduced the revenue of the bridge by its restricted reading of the term "merchandise," and by cutting off several articles which the defenders thought were legally chargeable. The defenders therefore reclaimed, and the case came, by appeal, before the First Division of the Court of Session, on the 1st of June, 1866. All the judges present, the Lord President, the Lords Curriehill, Deas, and Ardmillan, agreed with the Lord Ordinary, whose interlocutor they accordingly adhered to unanimously, with expenses. A new table is now being adjusted, in terms of the judgment of the Court.

Sundry dues, trifling in amount, were also levied at the trone or weigh-house, at the three ports, at the meal market, at the salt market, and at the mills; but all that remained of these were abolished shortly after the adoption of the Burgh Reform Act, 1833.

K, p. 520.—Sufferings and Losses, 1650–51.

"Ane compt of pairt of the sufferings and losses sustained be the towne of Drumfreis since Septer. 1650.

"Imprimis, Upon the 10th of Decemr. 1650, four trowps of horse under the comand of Major Bethel, surpryzed Drumfries, whair they remained four days upon frie quarters, doing great abuses, the town being no way provyded for them, which losse they estimat to the soume of two hundred pounds sterling (£200).

"It., Upon the 17th of Decr. 1650, thair came to Drumfries Leivetenant Collonell Ditton, with a regiment of foot from Cairliell with seven or aught trowps under the comand of Captain Dawson, Major Bethell, Captain Craikenthrop, Captain French, &c., whair the foot remayned for the space of twenty days or thairby upon frie quarters, and the most pairt of the horses; which losse they estimat to the soume of fyve hundred pounds sterling and above (£500).

"It., Shortly thairafter, about February 1651, Collownell Harker came to Drumfries with his regiment, whare he with some of his trowps remained upon frie quarters for the most part of the time, till May, which loss, &c., two hundred (£200).

"It., That same yeir, in March and Apryll, came Colounll Allane, whair he remained upon frie quarters till May, at which tyme Collounell Harker and Collounell Allane marched with thair regments towards the army, and ordered the town of Drumfries to buy for thair use a considerable quantity of oats which were come be water fra Ingland, for provisioun for thair horses on thair travill, which losse, &c., ane hundred (£100).

"It., Thairafter, in May, 1651, Collonell Allane returned to Drumfries with his regment, and abode in the cuntrie a short space, at which tyme he caused his trowpes drive away all the beists within and about Drumfries, till the toune sent to him to Hawick ane hundred and fifty punds sterling to releive thair beists (£150).

"It., In July, 1651, Generall Major Harrison come throw Drumfries with about thrie thousand horse and foot, to whom the towne gave in provisions, and they suffered in their corns and other extraordinary losses fourscore punds st. (£80).

"It., In September, 1657, Major Thomas Scot came from Leith with thrie or four trowpes of horses, who constrayned the towne to pay in money ane hundred and fiftie pounds sterling, besyd frie quarters, and greit abundance of corns, which they destroyed for provision for thair horses, which loss and money they estimat at thrie hundred pounds (£300).

"It., Losses sustained by Captain Grimsditch, quarterings by fyve gairds abune his locality, which charges and losses they estimat at one hundred and fifty punds (£150).

"It., The losses they have sustained in August and September, 1656, by the souldiers, who payd almost nothing for thair quarters, and committit many abuses and wrongs, &c., ane hundred punds (£100).

"It., Thair was spent in quarterings since Dec. 1650 till Dec. 1656, Drumfries

lying in the roadway betwixt Glasgow, Ayr, Irvine, Galloway, and Ingland, so that all the forces which either went to England, or came from England, to any of these pairts, came throw Drumfries and quartered thair, which loss and damage they estimat five hundred punds (£500).

"Summa of all is £2,280 sterling."

L, p. 523.—The White Steeds of the Solway.

Thousands who never saw the Solway have heard of its rapid northward flight, when filled by "a flowing sea, and a wind that follows fast," rendered familiar by the line,

"Love swells like the Solway, but ebbs like its tide."

Many fatal accidents have occurred to travellers overtaken by the Solway tides, when endeavouring to cross its sands; and when a "spate" in the Nith conjoins with an unusual flux from the sea, serious inundations ensue, destructive of property, and sometimes also of human life. The oldest recorded flood of this kind took place towards the close of 1627, and is thus described:—"At Blackshaw and portions of the parish of Ruthwell, a deluge was experienced such as 'none then living had seen the like.' It went at least half a mile beyond the ordinary course, and threw down a number of houses and bulwarks in its way, and many cattle and other bestial were swept away with its rapidity; and what was still more melancholy, of the poor people who lived by making salt on Ruthwell sands seventeen perished; thirteen of them were found next day, and were all buried together in the churchyard of Ruthwell, which, no doubt, was an affecting sight to their relations, widows, and children, &c., and even to all that beheld it. One circumstance more ought not to be omitted. The house of old Cockpool being environed on all hands, the people fled to the top of it for safety; and so sudden was the inundation upon them, that in their confusion, they left a young child in a cradle exposed to the flood, which very speedily carried away the cradle, nor could the tender-hearted beholders save the child's life without the manifest danger of their own. But, by the good providence of God, as the cradle, now afloat, was going forth of the outer door, a corner of it struck against the door-post, by which the other end was turned about, and, going across the door, it stuck there till the waters were assuaged. Upon the whole, that inundation made a most surprising devastation in those parts; and the ruin occasioned by it had an agreeable influence on the surviving inhabitants, convincing them more than ever of what they owed to Divine Providence; and, for ten years thereafter, they had the holy communion about that time, and thereby called to mind even that bodily deliverance."* The following is an extract from Mr. M'Lellan's manuscript account of Annan:—"The dealers, in former times, passing into England with their horse and cattle for Broughhill and other Cumberland fairs, crossed the Solway Firth from Annan shores, at Booness-Wath ford, during the recess of the tide, with which ford old Joe Brough and other guides were familiar. At this passage many lives have been lost, and dangers incurred, from the rapid 'three-feet-abreast' tidal influx and ebb; and some yet living will remember the unhorsing and drowning of Mr. Graham, Cross Keys Inn, Dumfries, about 1818, and how the horse, turning its head to the English side, swam back with the drowned man's son William, who hung on by the hair of its mane."

M, p. 646.—Prince Charles's Tribute Money.

We give verbatim the list of the parties who contributed, with the amount of their contributions, as it appears in the Town Council Minutes.

"From Archd. Maxwell, mert. in Drumfries, thirteen pounds sterline; from Doctor James Hay, physician there, five pounds sterling; and from Joseph Corrie, town-clerk of the sd. Burgh, two hundred and eighteen pounds ster-

* Quoted from a contemporary record, by Stevenson, in his History of the Church of Scotland.

ling, for which Wm. Carruthers, Baily, had accepted bills to them; from Winifred Maxwell, relict of Adam Craik, of Duchrae, thirty pounds sterling, ffor wh. the sd. Wm. Carruthers, and John Dalzell of Fairgirth, had accepted bill to her; from Mr. James Hoggan in Comlongon, one hundred pounds twelve shillings sterline; from Wm. Gordon of Campbelltoun, two hundred and fifty-six pounds seven shills. and ninepence ster.; and from Wm. Craik of Arbigland, twenty pounds ster.; from the sd. William Gordon of Campbellton, one hundred pounds sted.; from Wm. M'William, in Greenhead of Carlaverock, eightie pounds sted.; from John Milligen, mercht. in Kirkcudbright, eighty pounds sterld.; from Sir Robert Lawrie of Maxwelltown, fourty pounds sted.; from Bryce Blair, late Provost of Annan, one hundred pounds sterline; and from John Goldie of Craigmuie, Commissarie of Drumfries, therty-two pounds sterld.; and for which sums borrowed from the sd. Mr. James Hoggan, the first sum borrowed from Campbellton, and the sum borrowed from Arbigland, the Provost and John Graham, baily, had accepted bills to them—for the sum borrowed from Wm. McWilliam, the Provost, John Ewart, late provost; and Wm. Carruthers, bailey, had accepted bill to him—for the one hundred pounds borrowed from Campbellton, the Provost, Bailys Thos. Gilchrist, Graham, and Carruthers, had accepted bill to him—for the sums borrowed from the sd. Thos. Kirkpatrick, John Milligan, and Sir Robert Lawrie, the Provost, Baily Graham, and James Ewart, of Mullock, had accepted bills to them—for the sum borrowed from Mr. Blair, the Provost, Baily Graham, and Thomas Kirkpatrick, mert. in this burgh, had accepted bill to him—and for the sum borrowed from the sd. John Goldie, the Provost, and Bailys Graham and Carruthers, had accepted bill to him: And from John Johnston, present provost of Annan, one hundred pounds stg., for wh. the Provost, Baily Graham, and the sd. Thomas Kirkpatrick, mercht. in this Burgh, had accepted bill to him; as also, that they had borrowed the rest of the sd. two thousand pounds from the persons afternamed, and for which there is yet no security given—viz.: From Wm. Burnet, mercht., sixty-three pounds nine shills.; from James Bell, late baily, five pounds five shills.; from John Graham, present bailie, ninety-four pounds thirteen shills. and threepence; from John Ewart, late provost, eight pounds two shills.; from David Edgar, mertt., ten shills. and sixpence; from Adam Marchbanks, deacon of the weavers, one pound; from James Turnbull, schoolmaster, one pound; from Alexr. Wylie, watchmaker, five shillings; from John Murdoch, shoemaker, ten shillings; from Margaret McNish, ——, five shillings; from James McNish, taylor, one pound one shill.; from Wm. Kellock, inndweller, eighteen shillings; from Robert Baily, officer of Excise, one pound fyve shills.; from James Aiken, convener of the trades, two pounds two shills.; from Mrs. Jannet Murray, sister to Dougall Maxwell (alias Murray), of Cowhill, one pound one shill.; from Wm. Reid, deacon of the smiths, ten shills. and sixpence; from Agnes Lewars, weadow, five shillings; from James Neilson, mdssr, ten shills. and sixpence; from Wm. Welsh, mert., five shills.; from Mary Reid, widow, five shills.; from John Johnston, mert., two shills.; from James Kennedie, ——, two pounds two shills.; from Wm. Ferguson, mercht., one pound; from Wm. Hawthorn, weaver, one pound; from Margaret Corrie, relict of Robert Gordon, seven shills.; from Francis Mitchell, shoemaker, one pound four shills. and sixpence; from Elizabeth Cunningham, widow of Edward Welsh, mertt., two pound two shills.; from David Kelly, inndweller, five shills.; from Charles Kirkpatrick, mercht., & Sons, seventeen pounds ten shills.; from Wm. Howell Baxter, seventeen shills.; from Wm. Laurie, mert., one pound ten shills.; from Wm. Johnston, mertt., three pounds seventeen shills.; from Charles Mercer, mathematician, one pound; from Robert Cutlar, late bailie, eighteen pounds five shills.; from Robert Smith, mertt., two pounds two shills.; from Mr. George Clerk, of Drumcrief, three pounds; from Ann Johnston, widow of Joseph Johnston, surgeon, two pounds two shills.; from James Kirkpatrick, workman, ten shills. and sixpence; from Jannet Reid, widow of Thomas Edgar, late provost, two pounds two shills.; from James Morison, mertt., sixteen shills.; from David Bean, mercht., six pounds six shills.; from Baily Thos. Gilchrist, one pound one shill.; from Marion Gillison, widow of James Dalgleish, mert., three pounds three shills.; from John Bryon, taylor, five shills.; from John

Irving, late provost, two pounds two shills.; from Thos. Wilkie, couper, four shills.; from Wm. Gunzon, mert., five pounds five shills.; from Wm. Hodgeson, tanner, ten shills.; from James Copland, writer, one pound; from Thos. Adamson, weaver, ten shills.; from George Gordon, mert., fourteen pounds; from James Brand, mert., fifty-two pounds ten shills.; from James Clerk, mert., ten pounds; from Robert Edgar, writer, five pounds five shills.; from Elizabeth Dalrymple, Ladie Moriwhat, five pounds; from Thomas Carlyle writer, four pounds; from Margaret Edgar, widow of John Dobie, ten shills.; from Wm. Clerk, writer, eight pounds; from Miss Peggie Maxwell, sister of James Maxwell of Carnsalloch, two pounds two shills.; from Thos. Morison, surgeon, five pounds fourteen shills.; from John Beck, innkeeper, ten shills.; from James Douglas, copper-smith, three pounds three shills.; from Matthew Palmer, brewer, one pound one shill.; from Wm. Stothart, mert., six pounds; from James Harley, deacon of the wrights, ten pounds; from James Reid, landwaiter, twenty-five pounds; from Daniel Mason, mert., ten pounds; from Archibald Malcolm, writer, three pounds; from James Corrie, mert., one pound; from John Dalzell of Fairgirth, thirty-two pounds; from Gilbert Paterson, mert., five pounds; from Hugh Lawson, mert., eight pounds; from Alex. Spalding, mert., one pound eleven shills. and sixpence; from Andrew Caird, mert., two pounds; from John Clerk, writer, one pound one shill.; from John Riddick, taylor, five shills.; from Samuel Cummine, taylor, one pound one shill.; from Wm. Jardine, vintner, three pounds three shills.; ffrom Alexr. M'Gowan, late Baily, one pound; from Barbara Fingas, widow of Mr. Robert Patoun, minister, one pound eleven shillings and sixpence; ffrom Wm. Ker, shoemaker, one pound one shill.; from Robert Joat, shoemaker, ten shills. and sixpence; from James Cuthbert, stabler, three pounds; from James Swan, innkeeper, four pounds fifteen shills.; from Thos. Davidson, innkeeper, one pound; from Wm. Dod, mert., three pounds; from Elizabeth Maxwell, relict of John Neilson of Chappell, two pounds; from Herbert Kennedy, mert., two pounds two shills.; from Andrew Robison, barber, eight shills.; from George Bell, provost, twenty-five pounds; from James Smith, writer, one pound one shill.; from Jean Braithwait, relict of Wm. Scot, vintner, eleven pounds; from Wm. Carruthers, baily, nine pounds; from Thos. Hidleston, cook, one pound; from James Fairies, merch^t., one pound five shills.; from James Maxwell, yr. of Barncleugh, twenty-three pounds; from Robert Grierson, mert., one pound one shill.; from James Dickson, writer, two pounds two shills.; from John Maxwell, wright, one pound; from Richard Dickson Baxter, ten shills.; from Janet Wilson, widow of John Edgar Baxter, three pounds three shills.; from John Grierson, bookseller, ten shills.; from Mr. Richard Louthian of Staffold, thirty pounds; from John Wallace, mert., four pounds; from Thos. Kirkpatrick, mertt., forty-six pounds; from Dr. Ebenezer Gilchrist, ten pounds ten shills.; from John Maxwell, mertt., twenty-one pounds four shills. and sixpence; from John McKie, late conveener of the trades, two pounds; from Andrew Crosbie, late provost, seven pounds; from John Ewart, vintner, five pounds; from the before-named John Goldy of Craigmuie, one pound; from John Grierson, dyer, one pound one shill.; from Wm. Gardener, gardiner, five pounds; from Charles Edgar, late deacon of the weavers, ten shill. and sixpence; from Wm. Weems, wright, ten shills.; from James Newall, weaver, fyve shills; and from John Hynd, commissarie clerk, fyve pounds—all the aforesaid sums being sterline money."

N, p. 866.—Provosts of Dumfries.

A complete list of the Provosts, from 1651 till our own day, is furnished by the Books of Council; and from other sources, such as the minutes of the Convention of Royal Burghs, the Acts of the Scottish Parliaments, and unassorted papers in the Record-room, Dumfries, we have been able to carry the list much farther back, though in a very incomplete form, and in a few instances names have been introduced with some hesitation, as the proof on which we relied was inferential rather than direct. These doubtful cases are indicated by an asterisk. The magisterial elections occurred at Michaelmas (29th September) each year, till the date of the Burgh

Reform Bill, in 1833, when they were fixed to take place on the first Friday of November—the provost being chosen for three years, instead of, as before, for one year.

Robert Makbrar or M'Brair, . 1469
*T. Welsh, ... 1471
Robert Makbrar, . . . 1472
Robert M'Brair, . . . 1549
John M'Brair, ... 1552
Archibald M'Brair, . . 1570
*Herbert Rayning, . . . 1572
Robert Rayning, . . . 1578
Robert M'Brair, . . . 1579
Archibald M'Brair, . . 1581
Matthew Dickson, . . . 1582
John Mareshal, . . . 1583
Simon Johnstoun, . . . 1584
Alex. Maxwell of Newton, . 1585
Herbert Rayning, . . . 1586
John Bryce, ... 1587
Roger Gordon, . . 1588–9
Herbert Rayning, . . 1591–2
Homer Maxwell of Speddo, 1593–4
*Herbert Cunninghame, . . 1612

The names of Weir, Halliday, and Irving, have been assigned to the Provost who, in 1617, entertained King James VI. when that monarch presented the Silver Gun to the Seven Trades.

John Corsane, ... 1622
Roger Kirkpatrick, . . . 1623
John Corrie, ... 1639
John Corsane, . . . 1642
John Corsane, . . . 1644
John Maxwell, . . . 1645
Thomas M'Burnie, . . . 1649
Thomas M'Burnie, . 1651–2–3–4
Robert Graham, 1655–6–7–8–9–60
John Irving, . . 1660–1–2–3–4–5
Thomas Irving, . . 1665–6–7–8
John Irving, . 1668–9–70–1–2–3–4
Wm. Craik of Duchrae, 1674–5–6–7–8
David Bishop, ... 1678–9
William Craik, . . 1679–80
John Coupland, . . 1680–1
James Kennan, . . 1681–2
John Coupland, . . 1682–3
Lord Drumlanrig, . . 1683–4–5–6
John Maxwell of Barncleugh, 1687–8
William Craik, chosen 28th Dec., 1688, and continued in office, 1689–90
Thomas Rome, ... 1691

This gentleman is spoken of in the text as being the first Provost after the Revolution, instead of the second.

Robert Johnstone, . . 1692–3–4
John Irving, . . . 1694–5–6
Robert Johnstone, . . . 1696
John Irving, ... 1697
Robert Johnstone, . . . 1698
John Irving of Logan, 1698–9–1700
Robert Johnstone, . . 1700–1–2
Wm. Coupland of Colliston, 1702–3–4
Thomas Rome of Cloudan, 1704–5–6
William Coupland, . . 1706–7–8
John Crosbie, . . . 1708–9–10
Robert Corbet, . . 1710–1–2
John Crosbie of Holm, . 1712–3–4
Robert Corbet, . . 1714–5–6
John Crosbie, . . . 1716–7–8
James Corrie, . . . 1718–9–20
William Craik, . . 1720–1–2
James Corrie, . . . 1722–3–4
Thomas Edgar, . . 1724–5–6
John Irving, . . . 1726–7–8
James Corrie, . . . 1728–9–30
Thomas Edgar of Reidbank, 1730–1–2
Andrew Crosbie of Holm, 1732–3–4
James Corrie, . . . 1734–5–6
John Ewart, . . . 1736–7–8
Andrew Crosbie, . . 1738–9–40
George Bell, afterwards of Conheath, . . . 1740–1–2–3
John Ewart, . . . 1743–4
George Bell, . . . 1744–5–6
John Ewart, . . . 1746–7–8
George Bell, . . . 1748–9–50
John Graham, . . . 1750–1–2
Robert Ferguson, . . 1752–3–4
George Bell, . . . 1754–5–6
Robert Maxwell of Cargen, 1756–7–8
James Corbet, . . . 1758–9–60
Robert Maxwell, . . 1760–1–2
Ebenezer Hepburn, . . 1762–3–4
John Dickson of Conheath, 1764–5–6
Robert Maxwell, . . 1766–7–8
Ebenezer Hepburn, . . 1768–9–70
John Dickson, . . 1770–1–2
Robert Maxwell, . . 1772–3–4
Edward Maxwell, . . 1774–5
Robert Maxwell, . . 1775–6–7
John Clark, . . . 1777–8–9
Robert Maxwell, . . 1779–80–1
Wellwood Maxwell of Barncleuch, . . . 1781–2
David Blair, . . . 1782–3
David Staig, . . . 1783–4–5–6
William Clark, . . 1786–7–8
David Staig, . . . 1788–9–90
David Blair, . . . 1790–1–2
David Staig, . . 1792–3–4–5–6–7
Robert Jackson, . . 1797–8–9
David Staig, . . . 1789–1800
Robert Jackson, . . 1800–1–2
Gabriel Richardson, . 1802–3–4
David Staig, . . . 1804–5–6
Robert Jackson, . . 1806–7–8
David Staig, . . . 1808–9
Robert Jackson, . . 1809–10–1

David Staig, . . . 1811–2–3
Joseph Gass, . . . 1813–4–5
David Staig, . . . 1815–6–7
John Barker, . . . 1817–8–9
William Thomson, . . 1819–20–1
John Kerr, . . . 1821–2–3
William Thomson, . . 1823–4–5
John Kerr (died in office), 1825–6
William Thomson, . . 1826–7
William M'Kie, . . 1827–8–9
John Fraser, . . . 1829–30–1
James Corson, . . . 1831–2–3
Robert Murray (died in office), 1833–4
Robert Kemp, . . 1834–5–6–7
David Armstrong, . 1837–8–9–40
John Fraser, . . . 1840–1–2–3
Thomas Crichton, . . 1843–4–5–6
Thomas Kennedy, . . 1846–7–8–9
William Nicholson, . 1849–50–1–2
Miles Leighton, . . 1852–3–4–5
Wm. M'Gowan (died in office), 1855–6
Miles Leighton, . . . 1856–7
(Re-elected, 1857–8–9–60.)
James Gordon, . . 1860–1–2–3
(Re-elected, 1863; resigned, 16th January, 1864.)
William Bell, February 18, . 1864
William Turner, . . 1864–5–6–7
(Whose tenure of office expires in November, 1867.)

P. 677.—The Pyets and the Crows.

Whilst our last sheet was being sent to press, we learned from a relative of Deacon Smith, sentenced to transportation for the part taken by him in the municipal riot of 1759, that it is believed by the family that his sentence was remitted, and that all the other convicts were dealt with by the Crown in the same merciful manner. We have been unable to find any positive evidence in proof of this tradition.

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R. ANDERSON, PRINTER, 85 QUEEN STREET, GLASGOW.