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EST QUODAM PRODIRE TENUS, SI NON DATUR ULTRA.

*Hor.*



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1817.

## ANTIQUARIAN REPERTORY.

## GRANT OF THE LANDS OF KYRKENES

*To the Culdees of Lochleven, by Macbeth son of Finlach, and Gruoch daughter of Bodhe, King and Queen of Scotland.*

[This ancient document, which we have extracted from the chartulary of St Andrews, may be regarded as a curiosity not only as relating to the history of the Culdees and the far-famed Macbeth, but also on account of the savage story of the "Saxum Hibernensium."]

*Qualiter Macbeth filius Finlach et Gruoch dederunt Sancto Servano Kyrkenes.*

MACHBET filius Finlach contulit pro suffragiis orationum, et Gruoch filia Bodhe, Rex et Regina Scottorum, Kyrkenes, Deo Omnipotenti et Keledets pœnæ insule Lochleuine, cum suis finibus et terminis. Hii enim sunt fines et termini de Kyrkenes, et uillule que dicitur Parthmokane: de loco Monacoodhan neque ad assiam qui dicitur Lenine; et hoc in latitudine: Item, a publica strata que dicitur apud Hinderbathy, usque ad Saxum Hibernensium; et hoc in longitudine.

Et dicitur Saxum Hibernensium, quia Malcolmus Rex, filius Duncani, occidit eis, salinagium quod scotice dicitur Ghonnac. Et venerunt Hibernenses ad Kyrkenes, ad domum cæjardæ viri nomine Mechan, qui tunc fuit abens; et abutimodo mulieres erant in domo, quas oppresserunt violentè Hibernenses; non tamen sine rubore et verecundia: rei etiam eventu ad aures prefati Mochan peruento, iter quæse citius domi festinavit, et invenit ibi Hibernenses in eadem domo cum matre sua. Exhortatione etiam matris sue sepius facta ut extra domum veniret, (quæ nullatenus usavit, sed Hibernenses voluit protegere, et eis pacem dare); quos omnes prefatus vir, in ultione tanti facinoris, ut oppressores mulierum et barbaros et sacrilegos, in medio flame ignis, vna cum matre sua, viriliter combussit; et ex hac causa dicitur locus ille Saxum Hibernensium.

*(Ex Registro Prioratus Sancti Andree, fol. 51, a.)*

## WRIT OF PRIVY SEAL

*In favour of 'Johne Faw, Lord and Erle of Litill Egypt,' granted by King James the Fifth, Feb. 15th 1540. (Referred to at page 46.)*

JAMES be the grace of God, King of Scottis: To oure Shereffis of Edinburgh principall and within the constabularie of Hadingtoun, Berwick, Roxburgh, &c. &c. provestis, aldermen, and baillies of our burrowis and cisteis of Edinburgh, &c. &c. greting:—Forsamekill as it is humillienit and schewin to ws, be oure louit Johne Faw, Lord and Erle of Litill Egypt, That quhair he obtenit oure lettres vnder our grete seile, direct to yow all and sindry oure saidis shereffis, stewardis, baillies, prouestis, aldermen, and baillies of burrois; and to all and sindry vthairis havand autorite within oure realme, to assist to him in execution of justice vpon his company and folkis conforme to the lawis of Egypt, and in punisshing of all thaim that rebellis aganis him: Neuirtheles, as we ar informyt, Sebastiane Lalow, Egipthian, one of the said Johnis company, with his complices and part takeris vndir writtin, that is to say, Antean Domea, Satona Fingo, Nona Finco, Phillip Hataeyggaw, Towla Bailow, Grata Neyn, Geleyr Bailow, Bernard Beige, Demeo Matakalla (or Macakalla), Notfaw Lawlowr, Martyn Famine,\* rebellis and conspiris aganis the said Johne Faw, and hes removit thame alluterly out of his company, and takin fra him diuerse soumes of money, jowellis, claithis, and vtheris gudis, to the quantite of ane grete soume of money; and on na wyæ will pass hame with him, howbeit he hes biddin and remanit of lang tyme vpon

\* The names of the thirteen Egyptians referred to at page 46, who obtained a remission for the slaughter of Ninian Smellie, in 1553-4, are as follows:—"Andro Faw, capitane of the Egipthians, George Faw, Robert Faw, and Anthony Faw, his sonis"—"Johne Faw, Andro George Nichoah, George Sebastiane Colyne, George Colyne, Julie Colyne, Johne Colyne, James Haw, Johne Browne, and George Browne, egipthians."

thame, and is bundin and oblist to bring hame with him all thame of his cumpany that ar on live, and ane testimoniale of thame that ar deid ; And als the said Johnne hes the said Sebastianis obligatioun, maid in Dunfermling befor oure Maister Houssald, that he and his cumpany suld remane with him, and on na wyse depart fra him, as the samyn beris ; In contrar the tenour of the quhilk, the said Sebastiane, be sinister and wrang informatioun, fals relatioun, and circumvention of ws, hes purchest our writings, dischargeing him, and the remanent of the personis abone written, his complices and part takeris of the said Johnis cumpany, and with his gudis takin be thame fra him, causis certane our liegis assist to thame and thair opinionis, and to fortify and tak thair part aganis the said Johnne, thair lord and maister ; Sua that he on na wyse can apprehend nor get thame, to haue thame hame agane within thair awin cuntre, eftir the tenour of his said band, to his hevvy dampnage and skaith, and in grete perrell of tynsell of his heretage, and expres aganis justice : OURE will is heirfor, and we charge yow straitlie, and commandis, that incontynent, thir our lettres sene, ye, and ilkane of yow, within the boundis of your offices, command and charge all our liegis, that nane of thame tak upon hand to resset, assist, fortify, supplie, mainteine, defend, or tak part with the said Sebastiane and his complices abone written, for na buddis, nor uthir way, aganis the said Johnne Faw, thair lord and maister ; Bot that thai, and ye, in likwyse, tak and lay handis upoun thame quhairuir thay may be apprehendit, and bring thaim to him, to be punist for thair demeritis, conforme to his lawis ; and help and fortify him to puniss and do justice upoun thame for thair trespasses ; and to that effect, len to him youre presonis, stokis, fetteris, and all uthir thingis necessar thereto, as ye and ilk ane of yow, and all uthiris owre liegis, will ansuer to ws thairupoun, and under all hieast pane and charge that efter may follow ; Sua that the said Johnne haue na caus of complaynt herupoun in tyme cuming, nor to resort agane to us to that effect, notwithstanding ony our writings, sinisterly purchest, or to be purchest, be the said Sebastiane in the contrar ; And als charge all oure liegis, that nane of thaim molest, vex, in-

quiet, or trouble the said Johnne Faw and his cumpany, in doing of thair leffull besynes, or utherwayes, within oure realme, and in thair passing, remanyng, or away-ganging furth of the samyn, under the pane abone written ; And siclike, that ye command and charge all skipperis, maisteris, and marinaris, of all schippis within our realme, at all portis and havynnis quhair the said Johnne and his cumpany sall happen to resort and cum, to ressave him and thame thairin, upoun thair expensis, for furing of thame furth of oure realme to the partis beyon sey ; as yow, and ilk ane of thame siclike, will ansuer to ws thairupoun, and under the pane forsaide. Subscriuit with oure hand, and under oure privie seile, at Falkland, the fivetene day of Februar, and of oure regne the xxviii yeir. Subscript. per Regem. (*Ex Registro Secreti Sigilli*, vol. xiv. fol. 59.)

## ACT OF PRIVY COUNCIL

'Anent some Egyptianis.'  
(*Referred to at page 48.*)

Apud Ed. 10 Novembris 1636.

FORSAMEIKLE as Sir Arthure Douglas of Quhittinghame haveing late tane and apprehendit some of the vagabound and counterfut thieves and limmars, callit the Egyptians, he presentit and delyverit thame to the Shireff principall of the shirefdome of Edinburgh, within the constabularie of Hadinton, quhair they have remaind this month or thereby ; And quhairas the keeping of thame longer, within the said tolbuth, is troublesome, and burdenable to the toune of Hadinton, and fosters the saids thieves in ane opinion of impunitie, to the discouraging of the rest of that infamous byke of lawles limmars to continow in thair theivish trade ; Thairfore the Lords of Secret Counsell ordans the Shireff of Hadinton or his deputs—to pronounce doome and sentence of death aganis so manie of thir counterfoot thieves as are men, and aganis so manie of the weomen as wants children ; Ordanzing the men to be hangit, and the weomen to be drowned ; and that suche of the weomen as hes children to be scourgit throw the burgh of Hadinton, and brunt in the cheeke ; and ordans and commandis the provest and baillies of Hadinton to caus this doome be execute upoun the saids persons accordinglie.

(*Ex Registro Secreti Concilii.*)

## THE WYFE OF AUCHTERMUCHTIE.

[This poem (as Lord Hailes remarks) is "a favourite among the Scots." It affords a very good specimen of the naive and rustic humour, with which our grave forefathers loved to relax the usual austerity of their deportment. It has been well preserved both by writing and tradition. In Fife and some other parts of the country it is still current as a popular ballad; and it has been twice edited from the Bannatyne MS., first by Allan Ramsay in his Evergreen, and afterwards by Lord Hailes. The former published it, according to his usual practice, with additions and alterations of his own; the latter adhered correctly to his original. The present edition is taken from the same MS. but collated with another, and, apparently, an older copy, in the Advocates' Library, from which several alterations, and the whole of the 11th stanza, have been supplied.]

1

Is Auchtermuchtie thair wond ane man,  
A rach husband, as I hard tauld,  
Quha weill could tippill on a cann,  
And naithir havit hungir nor could:  
Quhill ance it fell upon a day,  
He yokkit his pleuch vpon the plaine;  
Gif it be trew, as I heard say,  
The day was foul for wind and raine.

2

He leusit the pleuch at the landis end,  
And draife his oxin hame at evin;  
Quhen he came in he lukit ben,  
And saw the wif baith dry and clene  
Sitand at ane fyre belk and bould,  
With ane fat sopp, as I hard say:  
The man being verry weit and cauld,  
Between thay twa it was na play.

3

Quoth he, Quhair is my horis corne?  
My ox hes naithir hay nor stray;  
Dame, ye maun to the pleuch the morn,  
I sall be hussy, gif I may.  
Gudeman, quoth scho, content am I  
To take the pleuch my day about,  
Sa ye will rewill baith calvis and ky,  
And all the house baith in and out.

4

Bot sen that ye will hussyakep ken,  
First ye maun sift and syne maun kned;  
And ay as ye gang but and ben,  
Luk that the bairnis fyle not the bed;  
And ay as ye gang furth and in,  
Keip weill the gaislines fra the gled;  
And lay ane saft wyesp to the kill;  
We haif ane deir ferme on our heid.

5

The wyfe scho sat vp late at evin,  
(I pray God gif hir evill to fare),  
Scho kirnd the kirne, and skumd it clene,  
And left the gudeman but the bledoch baire:  
Than in the morning vp scho gat,  
And on hir hairt laid hir disjunc,

And preind als meikle in hir lap  
Micht serve thrie honest men at nune.

6

Says—Jok, will thou be maister of wark,  
And thou sall haud, and I sall call;  
I' se promise the ane gude new sark,  
Outhir of round claith or of small.  
Scho lowsit the oxin aucht or nine,  
And hynt ane gad-staff in hir hand:  
Vp the gudeman raise aftr syne,  
And saw the wyf had done command.

7

He cawd the gaislines furth to feid,  
Thair wes bot sevensum of them aw;  
And by thair cumis the greedie gled,  
And cleikit vp fyve, left him bot twa:  
Than out he ran in all his mane,  
Sune as he hard the gaisles cry;  
Bot than, or he came in againe,  
The calves brak louse and soukit the ky.

8

The calves and ky met in the lone,  
The man ran with ane rung to red;  
Than thair comes ane ill-willie kow  
And brodit his buttock quhill that it bled.  
Than up he tuik ane rok of tow,  
And he satt down to sey the spinning;  
I trow he loutit owre neir the lowe;  
Quo he, this wark hes an ill beginning.

9

Than to the kirn he nixt did stoure,  
And jumlit at it quhill he swat:  
Quhen he had rumblit a full lang hour,  
The sorrow scrap of butter he gatt.  
Albeit na butter he could gett,  
Yit he wes cummerit with the kirne;  
And syne he het the milk owre het,  
And sorrow a drap of it wald yirne.

10

Then ben thair cam ane greddie sow,  
I trow he kumt hir littill thank,  
For in scho schot hir ill-fard mow,  
And ay scho winkit and ay scho drank.  
He cleikit vp ane crukit club,  
And thoct to hitt hir on the snout;  
The twa gaislines the glaidis had left,  
That straik dang baith thair harmis out.

11

He set his foot vpon the spyre,  
To have gotten the fleashe down to the pat;  
Bot he fell backward into the fyre,  
And cloud his croun on the kening stock.  
He hang the meikle pat on the cruk,  
And with twa canns ran to the spout,  
Or he wan back againe (alaik)  
The fyre brunt all the boddom out.

12

Than he laid kindling to the kill,  
Bot scho start all vp in ane low;  
Quhat evir he heesd, quhat evir he saw,  
That day he had na will to wov.  
Than he gaid to take vp the bairnis,  
Thocht to haif fund thame fair and clene;  
The first that he gat in his armis  
Was all bedirtin to the eyne.

13

The first that he gat in his armis,  
It was all dirt up to the eyne;

I 3

The de'il cut aff their hats, quo he,  
That fillit yow all an fow yestrein.  
He traillit the foul sheets down the gait,  
Thocht to haif wascht thame on side stane;  
The burne was rain grit of spait,  
Away fra him the sheets his tane.

14

Than up he gat on aie know head,  
On the godewyfe to cry and schout;  
Scho hard him as scho hard him nocht,  
Bot stoutlie steird the stotts about.  
Scho draif the day into the nicht,  
Scho lowsit the pleuch and syne cam hame;  
Scho fand all wrang that sould bene richt,  
I trow the man thocht richt grit schame.

15

Quoth he, My office I forsairk,  
For all the days of my lyfe;  
For I wald put aie house to wrack  
Gin I war twentie days godewyfe.  
Quoth scho, Weill mot ye bruke your place,  
For trowle I sall neir accept it;  
Quoth he, Feind fall the lyaris face,  
Bot yit ye may be blyth to gett it.

16

Than up scho gat aie meikle rung,  
And the gudeman mald to the doir;  
Quoth he, Dene, I sall hald my tung,  
For an we fecht I'll gett the war.  
Quoth he, quhan I forsauk my pleuch,  
I taw I bot forruik my seill,  
So I will to my pleuch agane,  
For this house and I will nevir do weill.

#### ACCOUNT OF THE HIGHLAND HOST.

[In the beginning of the year 1678, (about eighteen months before the breaking out of the memorable insurrection which led to the battles of Drumclog and Bothwell-Briggs,) ten thousand Highlanders were brought down from their mountains and quartered upon the *Western Counties*, for the purpose of suppressing the field meetings and conventicles of the presbyterians. This Highland Host, as it was called, after committing many disorders, and 'cutting up' the dissipated, was ordered home again by the government,—the undisciplined Gael being found too ignorant and rapacious to observe on all occasions the proper distinction between the loyal and 'lovable' supporters of prelacy, and the contumacious and uncourty covenanters. The following account is extracted from the Woodrow MSS. in the Advocate's library: It appears to have been written by an eye-witness, but has no signature.]

#### "A Copie of a Letter from the Host about Glasgow."

WE arrived here about 8 or 9 dayes agoe: At our first coming we observed that the country had been much terrified with the report of it, and therefore had carried and conveyed away much of their goods; nor were

we less surprized to finde them so peaceable and submissive. At Stirling and about it, our Highlanders were somewhat disorderly in their quarters, particularly by raising fire in two or three places. Upon our way hither such of them as went with us took their free quarters liberally; and the rest who took another way to Kilpatrick, have been yet ruder in killing sheep and other cattel, and also in robbing any loose thing they found in their way. We are now all quartered in and about this town, the Highlanders only in free quarters. It would be truly a pleasant sight, were it at an ordinary weaponshaw, to see this Highland crew. You know the fashion of their wild apparel, most one of ten of them hath breeches, yet hose and shoes are their greatest need and most clever prey, and they spare not to take them every where: In so much that the committee here, and the council with you (as it is said) have ordered some thousands of pairs of shoes to be made to stanch this great spoil. As for their armes and other militarie aboutments, it is not possible for me, to describe them in writing; here you may see head-pieces and steel-bannets raised like pyramids, and such as a man would admire, they had only found in chamber boxes; targets and shields of the most odd and antique forme, and powder hornes hung in strings, garnished with beatch nails and plates of burnished brass. And truly I doubt not but a man, curious in our antiquities, might in this host finde explanations of the strange pieces of armour mentioned in our old laws, such as bosnet, iron-hat, gorget, piasse, waist-brassers and reerbrassers, panns, leg-splents, and the like, above what any occasion in the lowlands would have afforded for several hundredes of years. Among their ensignes also, beside other singularities, the Glensow men were very remarkable, who had for their ensigne a faire bush of heath, well spread and displayed on the head of a staff, such as might have affrighted a Roman eagle. But, sir, the pleasantness of this shew is indeed sadly mixed and marred; for this unhallowed, and many of them unchristened, rabble, beside their free quarters, wherein they kill and destroy bestial at their pleasure, without regard to the commands of some of their discreeter officers, rob all that comes to hand, whi-

ther in houses or in the highwayes; so that no man may pass saifly from house to house; and their insolencie in the houses where they are quartered fills poor women and children with terror, and both men and women with great vexation. They make also excursions in tens and twelves upon other places, and especially under cloud of night, and break into houses with banded pistols and naked swords, cursing and swearing that they shall burne and kill if all be not readily given that they demand. I hear not yet of any killed by them, but severals are grievously wounded and beaten; and in effect, the poor peoples lives, goods, and chastities, are exposed to the cruelty of these strange locusts. Many of the country people have left and abandoned their houses and all to their meny. The other day I heard, that, at the burying of a child, the burial company was assaulted by some of these ruffians; and, after a great scuffle, the mortcloth was robbed off the cofine, and that notwithstanding all that their officers could do to hinder or recover it. They tell me also, that some of these savages not knowing what the coffine meant, as being a thing with them not usual, would have broken it open and searched it, if not restrained by their neighbours. In some places they beginne to exact money over and above their victuals, and also to make the people pay for dry quarters (that is, for men that they have not), and for assistant quarters (that is, where they contract and make the places they leave free pay in money, and yet the places that they lye upon do really maintain all). I am further told, that evil company is like to corrupt good manners: and that even many of the militia forces and Perthshire gentlemen beginne to take free quarters. But it is like that a little more time with our march westward will furnish much more matter of this kind; for the marches are indeed the sorest and most afflicting to the poor people, seeing that partly for the service, partly under pretences thereof, horses are forced, and many of them not restored; as likewise there is little order kept in the march, but they run out and spread themselves over the country and catch all that they can lay hold upon; for in these occasions, whatever thing they can get is clear prey, without any fear of recovery. And yet all these are

said to be but whips, wherewith this country is scourged, in respect of the scorpions intended for Ayrshire; and some of the committee being spoke to about the abuse of free quarters, said, that the quarters now taken were but transient quarters, but after the returns made about the Band, there would be destructive quarters ordered against its refusers. Yet I would not have you think that all those Highlanders behave after the same manner. No, there is a difference both among the men and leaders. And the M. of Athol's men are generally commended both as the best appointed and best behaved. Neither do I hear of any great hurt as yet done by the E. of Murray's men in Cathcart parish: but all of them take free quarters, and that at their own discretion. The standing forces have hitherto carried pretty regularly, and appear very ready on all occasions to restrain and correct the Highlanders' insolencies; of which I could give you several instances, but when these men who were lately this peoples only persecutors are now commended by them for sobriety, and in effect are looked on by many of them as their guardians and protectors, you may easily judge what is the others' department. Feb. 1, 1678.

(Woodrow MSS. 4to. vol. xcix, 29.)

EXTRACT

From "A Mock Poem upon the Expedition of the Highland Host;" by COL. CLELAND. Edit. 1697.

When this was done their ranks were broken;  
Some ran for dring their drought to slocken:  
Some were chasing hens and cocks,  
Some were loosing horse from yocks;  
Some with snapwarks, some with hoves,  
Were charging rears of toops and ewes;  
Their stomachs so on edge were set  
That all was fish came in the nett;  
Trumpets sounded, skeens were glancing,  
Some were *Tonald Coooper* dancing:  
Some cryed, here to her Laird and Lady,  
Some to her mother and her daddie,  
And Sir King too—if the Laird please—  
Then up with plaids  
Some were stealing, some were riveing,  
Some were wives and lasses grieving:  
Some for cold did chack and chatter;  
Some from plaids were wringing water;  
Yes to be short, moe different postures,  
Than's sewed on hangings, beds and bol-  
stures;  
Moe various actings modes and stances  
Than's read in Poems or Romances.

ANTIQUARIAN REPERTORY.

LETTER FROM JAMES IV. TO THE KING OF DENMARK,

In favour of Anthony Gawino, Earl of Little Egypt, &c. 1506.

(Referred to at page 161.)

ILLUSTRISSIME, &c. Anthonius Gawino, ex Parva Egypto comes, et cætera ejus comitatus, gens afflicta et miseranda, dum Christianam orbem peregrinationes studio, Apostolicæ Sedis (ut refert) jussu, suorum more peregrinans, fines nostri regni dudum advenerat, atque in sortis sue, et miseriarum hujus populi, refugium, nos pro humanitate imploraverat ut nostros limites sibi impune adire, res cunctas, et quam habet societatem habere circumagere liceret. Impetrat facile quæ postulat miserorum hominum dura fortuna. Ita aliquot menses bene et catholice, (sic accepimus,) hic versatus, ad te, Rex et Avuncule, in Daciam transitum parat. Sed oceanum transmissurus nostras literas exoravit, quibus celsitudinem tuam horum certiorum redderemus, simul et calamitatem ejus gentis Regiæ tuæ munificentia commendarem. Ceterum errandæ Egypti fata, moresque, et genus, eo tibi quam nobis credimus notiora, quo Egyptus tuo regno vicinior, et major hujusmodi hominum frequentia tuo diversatur imperio. Illustrissime, &c.

(MS. Reg. 13. B. II.)

ACT OF THE LORDS OF COUNCIL, Respecting John Faw, &c. Jun. 6. 1541.

(Referred to at page 161.)

THE quhilk day anentis the complaints gevin in be Jhone Faw and his brether, and Sebastian Lowlaw, Egyptianis, to the Kingis Grace, ilkane pleinzand vpon vther of diverse faltis and Injuriis; And that It is aggreit among thame to passe hame, and to have the samyn decydit before the Duke of Egypt. The Lordis of Counsaile being avist with the pointis of the saidis complaints, and vnderstanding perfitlie the greit thurtis and anentis done be the saidis Egyptianis vpon our avcrane Lordis liegis, quhairer thai cum or resortis; Ordanis lettres to be direct

to the provostis and ballies of Edinburgh, Sanct Jhonstoun, Dundee, Mousross, Aberdene, Sanctandrois, Elgin, Forress, and Inuerness; And to the Schireffis of Edinburgh, Fif, Perth, Forfair, Kincardin, Aberdene, Elgyn and Forres, Banf, Crummarty, Inuerness, And all vtheris schireffis, stewertis, provostis, and ballies, quhair it happinnis the saidis Egyptianis to resort; To command and charge thame; be oppin proclamation at the mereit croces of the heid burgh of the schireffdomes, to depart furth of this realme, with their wifis, barnis, and companeis, within xxx dayis efter thai be chargit therto, vnder the pane of deid; Notwithstanding ony vtheris lettres, or privelegis, grantit to thame be the Kingis Grace; Becaus his Grace, with avise of the lordis, hes discharged the samyn for the causis forsaidis; with certificatioun and thai be fundin in this realme, the saidis xxx dayis being past, thai salbe tane and put to deid.

(MS. Act. Dom. Con. vol. 15. fol. 155.)

CONFESSIONS OF WITCHCRAFT.

[The following extracts form part of a series of depositions made before the Kirk Session of Perth, 1623, and are copied from the original MS. signed, as below, by the clerks of Session and Presbytery. They are chiefly interesting on account of the allusions they contain to several curious popular charms and superstitions. We have now before us a number of other original papers relating to the history of witchcraft, from which, perhaps, we may hereafter give some extracts of a more strange and striking description, if we find that these can be separated from the profane and revolting details — of which they contain more than enough to shock even such readers as have the most voracious appetite for the horrible.]

Depositionnes of Isso! Haldane suspect of Wychcraft, confessit he her the 10 of Majj 1623, as follows—

Item—Being askit if scho hed ony conversation with the Farye Folk— Answerit, that ten yeiris sene, lying in her bed, scho wes talkin furth, quhiddir: be God, or the Deuil, scho knowis no; wes caryit to sne hill side; the hill oppynit, and scho ca-

terit in; thair scho stayit thrie dayis, viz. fra thursday till sonday at xij houris. Scho mett a man with ane grey beird, quha brocht her furth agane.

*Item*—That same day Johne Roch deponit that about that same tyme he heard in James Chrystie the wrichtis buith, causing the wricht mak ane cradill to him, becaus his wyff was near the down lying, the said Issobell Haldane com by, desyreit him no<sup>t</sup> to be sa haistie, for he neidit no<sup>t</sup>; his wyff sould nocht be lichter till that tyme fyve-oullis, and then the bairne suld neuer ly in the cradill, bot be borne, baptesit, and neuer souk, bot die and be tayne away: And as the said Issobell spak as it cam to pass in euerie poynt.—The said Issobell being demandit how scho knew that, answerit that the man with the grey beird tauld her.

*Item*—The said Johne Roch deponit that Mar<sup>t</sup> Buchannane, spous to David Reid, being in helth at her ordinare wark, the said Issobell Haldane come to hir and desyreit hir mak hir fer deith, for befor Fastings evin, q<sup>u</sup>ik was within few dayis, scho said be talkin away: And as scho said, so it was befor that terme the woman died.—Being askit how scho knew the terme of hir lyfe, the said Issobell answerit scho hed speirit it at y<sup>e</sup> same man with the grey beird, and he hed tauld hir.

(May 16.)—Patrick Ruthuen, skynner in Perth, compeirit and declairit, that he being wychit be Margaret Hornacleuch, Issobell Haldane com to see him: scho com in to the bed and streichit hir self abone him, hir heid to his heid, hir handis ower him, and so furth, mumbling sum wordis, he knew nocht quhat they war.—The said Issobell confessit the said cure, and deponit, that before the said Patrick was wychit scho met him, and foirbed him to go till scho had gone with him.

(May 19.)—Compeirit Stephen Ray in Muretown, and deponit that thrie yeiris syne that Issobell Haldane having stollin sum bere furth of the Hall of Balhouffye he followit hir and brocht hir bak agane: Scho chaispit him on the schoulder, saying—Go thy way, thou sall no<sup>t</sup> win thy self ane barnack of breid

for yeir and day: And as scho thretnit sa it cam to pas; he dwynit haulie diseisit.—The said Issobell confessit the away taking of the bere, the diseise of the man; and affirmis that onlye scho said—He that delyuerit me from the farye folk sall tak a mendis on thé.

*Item*—The same day scho confessit scho maid thrie seuerall kaikis, euerie ane of them of ix cumeis of meill gotten fra ix women that wer marvyt madynis; maid ane hoill in the crown of euerie ane of theme, and pat ane bairne throw it thrie tymes in the name of \* \* \* \* \* to women that pat the saidis bairneis thrye throw backward wacing the saidis wordis.

*Item*—The said Issobell confessit that scho went silent to the well of Ruthuen and returneit silent, bringing water frome thence to wasch Johne Gowis bairne: quhen scho tuik the watter frome the well scho left ane pairt of the bairneis sark at it, q<sup>u</sup>ik scho tuik with hir for that effect, and quhen scho cam hame scho wasch the bairne thairwith. Inlyk maner scho confessit scho hed done the elyk to Johne Powryis bairne.

(May 27.)—The said Issobell confessit that scho hed gewin driakis to cure bairneis; amangis the rest that David Moreis' wyff com to hir, and thryse for Goddis saik askit help to hir bairne that was ane scherge; and scho send furth hir some to gather sochaterre leavis, quhair of scho directit the bairneis mother to mak ane drink: Bot the bairneis mother deponit that the said Issobell Haldane, on being requirit cam to hir house and saw the bairne, said it was ane scherge talkin away, Tuik on hand to cure it, and to that effect gaiff the bairne a drink, efter the ressait q<sup>u</sup> of the bairne shortlie died.

WILLIAME YOUNG, *Write to the Presbytrie of Perth, at command of the sanyne, w<sup>th</sup> my hand.*

JAMES DAVIDSONE, *Notarie public, and Clerke to the Sessione of Perth, at their command and directioun, with my hand.*

† Sell. \* in nomine Dei Patris et Filii et Spiritus Sancti.



disease when so universally prevalent during last autumn and winter. Instances of scarlet fever also present themselves from time to time; but this disease, from what cause it is not easy to say, has not shewn any disposition to spread itself,—though, as it has not prevailed generally since 1811, a great number of children must be liable to receive its infection.

Whooping cough, which prevailed very generally during the last summer and winter, has now almost entirely disappeared; and there can be little doubt, that the dry and steady weather of the spring has contributed to its removal.

Cases of small-pox occasionally present themselves in Edinburgh, in children in whom vaccination has been neglected, but during the last year these have been extremely rare. Complete confidence in the efficacy of the cow-pox exists among the medical profession, and among the inhabitants in

general of Edinburgh, and the practice of vaccination is very generally adopted by all classes of the community; in consequence of which, the town enjoys an exemption from small-pox to an extent, I believe, not less than any town of equal magnitude in Britain. After very considerable opportunities of observation with regard to this subject, I can myself affirm, that I have seen hitherto nothing to shew, and much to confirm, my belief in the preservative powers of the cow-pox against the small-pox.

The variable climate, and exposed situation of Edinburgh, render the inhabitants, perhaps in a peculiar degree, liable to catarrhs and pulmonary complaints; but the dry and steady weather of last spring has occasioned a remarkable diminution in the usual number of these diseases during that season of the year. The wet weather, however, at the end of May, had an immediate effect in increasing the prevalence of colds, and in aggravating the complaints of those who laboured under diseases of the chest, and gave rise to several cases of well-marked croup.

Edin. June 1st. 1817.

\* For an account of this epidemic, see "Reports of the Edinburgh New Town Dispensary," in the Edinburgh Medical and Surgical Journal for January and April, 1817.

ANTIQUARIAN REPERTORY

MEMORIAL, ADDRESSED TO HIS MAJESTY GEORGE I. CONCERNING THE STATE OF THE HIGHLANDS;

By SIMON, LORD LOVAT, 1724.

MR EDITOR,

BELIEVING that the following Memorial of Lord Lovat to George I. has never been published, and that it may interest the readers of your Magazine, I submit it to your consideration. It is dated twenty-one years before the rebellion, for his activity in which Lord Lovat was brought to the scaffold. Whether, at the period when the memorial was written, he was loyal at bottom, I have no means of determining, nor do I know whether the memorial was actually presented to the king. It shows clearly, however, that Lovat was at that period dissatisfied. The account given of the state of the Highlands is truly correct. What a wonderful change seventy years have effected! Indeed, the things which barbarous to civilization was brought about in a much

shorter time. Of the former, the Ross-shire in 1792, were the last struggle—I am, Sir, your obedient humble servant,

June 21, 1817.

THE Highlands of Scotland being a country very mountainous; and almost inaccessible to any but the inhabitants thereof, whose language and dress are entirely different from those of the low country, do remain to this day much less civilized than the other parts of Scotland, from whence many inconveniences arise to his Majesty's subjects, and even to the government itself.

That part of Scotland is very backward and unimproved; has little commerce; and not much intercourse with the low country; the roads are almost confined to the valleys which lead in the mountains. The people were

their ancient habit, convenient for their wandering up and down, and peculiar way of living, which inures them to all sorts of fatigue. Their language being a dialect of the Irish, is understood by none but themselves; they are very ignorant, illiterate, and in constant use of wearing arms, which are well suited to their method of using them, and very expeditious in marching from place to place.

These circumstances have, in all times, produced many evils, which have been frequently considered, and many remedies attempted, as it appears from the Scots acts of parliament. Their living among themselves, amidst with the other part of the country, has been one of the causes that many of their families have continued in the same possessions during many ages, and very little alterations happen in the property of land; there are few purchases, and securities for debts are very uncertain; where power happens to be wanting to support the legal right.

The names of the inhabitants are confined to a small number, partly from the little intercourse they have had with other people; and partly from the affection that reigns among them, to annex themselves to some tribe or family, and thereby to put themselves under the protection of the head or chief thereof.

These several names of families are respectively associated together in friendship and interest, each name under such person as is, or is reputed to be, the head of the family, who has very great authority over them, quite independent of any legal power, and has, in several instances, continued great numbers of years after that the lands where they live has been alienated from the chiefs whom they serve. There happened two surprising instances of this at the late rebellion; the one was concerning the Frasers, who, upon the Lord Lovat's arrival in Scotland, though he had been an exile for many years, another family, viz. Alexander Mackenzie of Fraserdale, in possession of the estate, who had marched a number of them, furnished into a regiment, to Perth, where the rebel army then lay. Yet notwithstanding all this, the moment they heard that their chief was assembling the rest of his friends and natives in the Highlands, they got together,

and made their retreat good, till they joined Lord Lovat, and others, who were in arms for his Majesty.

The other example was that of the Macleans, whose lands had been vested for debt in the family of Argyle, above forty years before; their chief had not one inch of ground, but after living and serving in France most part of his lifetime, had come over to London, where he had been maintained by the charity of Queen Anne. Yet, under all these circumstances, Sir John Maclean got together 400 of these men, out of a remote island in the west sea of Scotland, who fought under him at Dumblain, against his Majesty's troops, though commanded by their own landlord.

This extraordinary state of the country has, in all times, produced many mutual quarrels and jealousies among the chiefs, which formerly amounted to a continual scene of civil war; and to this day there remains both personal and hereditary feuds and animosities among them, which have a great influence over all their actions. The law has never had its due course and authority in many parts of the Highlands, neither in criminal nor civil matters; no remedy having proved entirely effectual, and one of the most useful having been disproved. Schemes of this nature have been often framed, but with too little knowledge of the country, or the true rise of the abuses to be reformed, and very often with too much partiality, and views of resentment or private interest; all which tend only to create disorders and dissensions, to exasperate some, and too much encourage others, and to make all more proper and reasonable expedients the more difficult to execute.

The families in the Highlands are divided (besides the disputes arising among themselves) in principles between the Whigs and the Jacobites; and that so near an equality, that the authority of the government, by giving countenance or discouraging; and by rewards and punishments properly applied, and well centering in the advancement of the Whig interest, united together, might easily produce a vast superiority on the side of those who are well affected, there being in the country a great party who, under the names of Whigs and Tories have been known, have been always ready to venture their lives in the protestant cause.

Both such has been the violently circumstances of affairs in Scotland for some years past, that almost all the considerable gentlemen who took up arms for his Majesty in the time of the late unnatural rebellion, have felt the displeasure of those in power in Scotland. But as this memorialist is humbly of opinion, that it is the duty of all good subjects to heal rather than widen breaches among the well affected, to contend only in zeal for his Majesty's service; and in consequence thereof, to look forward only in observations of this nature, he will open this scene no farther, than with all humble gratitude to acknowledge the great goodness of his Majesty towards him, in so often protecting and preserving him from impending ruin, which the resentment of his enemies had threatened.

It would, without doubt, be very happy for the government, for the inhabitants of the low country, and, above all, for the Highlanders themselves, that all Scotland was equally civilized, and that the Highlanders could be governed with the same ease and quiet as the rest of Scotland. But as that must be the work of great time, every remedy that can be suggested, though but particular and incomplet, yet may be worthy of the consideration of those in the administration; for whatever tends in any degree to the civilizing those people, and enforcing the authority of the law in those parts, does in so far really strengthen the present government. The use of arms in the Highlands will hardly ever be laid aside, till, by degrees, they begin to find they have nothing to do with them. And it is no wonder, that the laws establishing the succession of the crown, should be too little regarded by those who have not hitherto been used to a due compliance with any law whatsoever.

One of the evils which furnishes the most matter of complaint at present, is the continual sabbories and depredations in the Highlands, and the country adjacent. The great difficulty in this matter arises from the mountainous situation of those parts, the remoteness from towns, and part thereof consisting of islands, dispersed up and down in the western seas, the criminals cannot, by any method, now practised, be pursued, much less seized and brought to justice, being able

to obtain those whom they cannot resist.

The bad consequences of those sabbories are not the only oppression which the people suffer in the loss of their estate and other goods, but by the habitual practices of violence and illegal exactions. The Highlanders divide all their country business, they grow averse to all notions of peace and tranquillity,—they constantly prepare their use of arms,—they increase their numbers, by drawing many into their gang who would otherwise be good subjects,—and they remain ready and proper materials for disturbing the government upon the first occasion.

These interruptions of the public peace in the Highlands were frequently under the consideration of the Parliament of Scotland, who, out of just resentment of such intolerable abuses, did, during the course of several reigns, pass many laws, but without success. They were very severe, drawn with most real tenderness, and almost impracticable in the execution. In many few examples these extraordinary severities took place; but that tended more to prevent than to establish the quiet of the country, being sufficient to provoke and excite, and too little to subdue the disturbers of the public peace.

These evils thus remaining without a remedy, and the punishment of the law being too weak to defend the people against such powerful criminals, those who saw they must inevitably suffer by such sabbories, found it necessary to purchase their security by paying an annual tribute to the chiefs of those who plundered. This illegal exaction was called Black Mail, and was levied upon the several parishes much in the same manner as the land-tax now is.

The inscience of those lawless people became more intolerable than ever, about the time of the late happy revolution, when many of the chiefs of the same families were taken in arms against our deliverer, King William, who were lately in rebellion against his Majesty. An army of regular troops marched into the Highlands, but with little success, even meeting with a defeat by one Lord Dundee, who commanded the rebels. Other methods were taken, which put an end to the civil war. The well affected Highlanders were made use of to

entire the regular troops. Some of the rebell chiefs were privately gained over to the Government, so that partly by force, and partly by several other artful managements, the quiet of the country was restored, excepting that many of the rebels, who had ceased to oppose the government, began to plunder their neighbours, and sometimes one another.

The constant feuds and animosities that has always reigned among the chiefs of many Highland families, are skillfully and wisely made use of, both to prevent their uniting in the disturbance of the public peace, or their taking any joint measures against the government. There is almost always good service to be done this way; and in time of the last rebellion, it retarded very much the proceeding of the rebels, and made their army much less than otherways it would have been.

The parliament of Scotland empowered King William to establish particular commissions to proceed against criminals in those parts, which were infested with very extraordinary powers, and were executed in an unlimited arbitrary manner, without any effect for the purposes they were established, so as to create in all people an aversion against such courts and judicatures; which, even in matters of life and death, were confined by no rules of law whatsoever—they made malcontents against the government, and at last were prudently laid aside.

After many fruitless experiments for bringing the Highlands to a state of more quiet, it was at last accomplished by the establishing independent companies, composed of Highlanders, and commanded by gentlemen of good affection and of credit in that country. This took its rise from an address of the Parliament to the King.

The advantages that arose from this measure were many. These companies having officers at their head, who were gentlemen of interest in the Highlands, and well affected, were a great convenience and support, on all occasions, to the friends, and a terror to the enemies, of the government.

The men being Highlanders, and well chosen for the purpose intended, the whole difficulties which arose in all former projects for preserving the peace of the Highlands, became even so many advantages and convenien-

ces attending this measure. These men were clothed in the best manner, after the fashion of the Highlanders, both for the unreasonable manliness these people possess; and for their covering at night in the open air. They speak the same language, and get intelligence of every thing that was doing in the country. They carried the same sort of arms, convenient for the Highlanders in their ways of acting. Being picked out for this service, they were the most known, and capable of following criminals over the wild mountains—a thing impracticable but for natives to perform.

The captains procured their men, in all their proceedings, the assistance of the inhabitants they had under their influence, and of all their friends in the country; and the inferior officers, and even the private men, wherever they came, found always some of their tribe or family who were ready to assist them in doing their duty, when any part of these companies were upon command, either upon pursuit of criminals, the getting intelligence, or otherways acting in the service. It gave no alarm, nor discovered what they were doing; for when it was necessary that they should not be known, it was impossible to distinguish them from other natives.

So that, by this scheme, the very barbarity, the uncivilized customs of the Highlanders, and all the several causes of the want of peace, came in aid to preserve it till time and more expedients should further civilize the country.

As the private men of the companies were chosen from among such of the Highlanders who were best acquainted with all parts of that country,—who knew those clans who were most guilty of plunder, with their manner of thieving, and with their haunts,—it was almost impossible for the robbers to drive away the cattle, or hide them any where, without being discovered; nor could they conceal themselves so, but that they were sooner or later found out and seized; and in a short time there was such an end put to these illegal violences, that all the gangs were taken—the most notorious offenders were convicted and executed—and great numbers of others, whose guilt was less, were sent beyond sea into the service, as recruits during the war.

It is true that this remedy was unsuccessful; but so much that about sixteen years ago those disorders, even before and at this time as frequent and grievous to the people, did entirely cease.

After the late unnatural rebellion, the Highlanders, who had been in arms against the government, fell into their most unsettled way of living, laying aside any little industry they had formerly followed, and returned to their usual violence and robberies.

About this time it was thought expedient to pass an act of parliament for disarming the Highlanders, which was, without doubt, in theory, a measure very useful and desirable; but experience has showed that it has produced this bad consequence, that those who had appeared in arms, and fought for the government, finding it their duty to obey the law, did accordingly deliver up their arms,—but those lawless Highlanders who had been well provided with arms for the service of the Pretender, knowing but too well the insuperable difficulty for the government to put that act into execution, instead of really complying with the law, they retained all their arms that were useful, and delivered up only such as were spoiled and unfit for service; so that, while his Majesty's majesty remained as well provided and prepared for all sorts of mischief, as they were before the rebellion, his faithful subjects, who were well assisted and rewarded: their lives in his service, by doing their duty and submitting to the law, rendered themselves naked and defenceless, and at the mercy of their own and the government's avowed enemies.

Upon this the plunders and robberies increased; but, upon the breaking of the independent companies in the year 1718, these robberies went on without any manner of fear or restraint, and have ever since continued to infest the country in a publick and open manner: The regular troops not being able to discover or follow them, and all the innocent people are without arms to defend themselves. Thus, then, violence is now more notorious and universal than ever, in so much, that a great part of the country has, by necessity, been brought under the scandalous contributions before mentioned; and the rogues have very near undone many people, out of mere

resentment, for their being obliged themselves in his majesty's service; and others are ruined who dare refuse to comply with such illegal and oppressive demands.

The method by which the country is brought under this tax is this: That when the people are almost ruined by continual robberies and plunders, the leader of the band of thieves, or some friend of his, proposes that for a sum of money to be annually paid, he will keep a number of men in arms to protect such a tract of ground, or as many parishes as submit to pay the contribution: When the terms are agreed upon, he ceases to steal, and thereby the contributors are safe. If any refuse to pay he is immediately plundered. To colour all this villainy, those concerned in the robbery pay the tax with the rest, and all the neighbourhood must comply, or be undone. This is the case (among others) of the whole low country of the shyre of Ross.

After the disarming act was passed, and those companies were broken, there were some other measures laid down for preserving the peace of the Highlands. Barracks were built at a very great expence; and detachments were made from the regiments in the neighbourhood to garrison them, and to take post in those places which were thought most proper for the suppressing these disorders; but all this had no effect. The regular troops were never used to such marches, with their usual arms and accoutrements; were not able to pursue the Highlanders; their very march was a signal to the robbers to hunt them; and the troops, who were strangers to the language and often relieved by others, could never get any useful intelligence, nor even be sufficiently acquainted with the situation of the several parts of the country, so as to take the necessary measures for pursuing the robbers when any violence was committed.

The effect of all which has been, that the government has been put to great expences, and the troops have been fatigued to no purpose.

The officers of the law, for the peace, are the Sheriffs and Justices of the Peace; and, in time of any commotions, the Lieutenants and their deputies; which office, long disused, was revived and re-established at the time of the late rebellion.

It would seem to be highly necessary to the government, that the Sheriffs and Lord Lieutenants should be persons having credit and interest in the shires they are to govern,—they cannot otherwise have the knowledge necessary, of the gentlemen and inhabitants, for performing the duty of their office, and making it useful for the advancing of his Majesty's interest. On the contrary, such ignorance creates many mistakes in the execution of their charge, tending to the interruption of justice, and rendering the people under them discontented and unwilling to act in the service of the government. In these cases, it has happened that, through misrepresentations of the characters of the persons employed under them, deputy-sheriffs have been made every way unfit for their office,—ignorant, of bad reputation, and notoriously ill-affected to his Majesty.

There are two deputies of the shire of Inverness, both of which were actually in the late rebellion, Robert Gordon of Hanga, and John Bailie, a late servant to the Duke of Gordon during the rebellion; and both these deputies were prisoners in the hands of Lord Lovat upon that account, who has now the mortification to see and feel them triumphant over him, loading him with marks of their displeasure.

In the shire of Ross, the deputy-sheriff is Colin Mackenzie of Kincraig, who was likewise in arms with the late Earl of Seaforth against the government. The memorialist would not mention the encouragement the gentlemen of the name of M'Kenzie met with in prosecuting his Majesty's faithful subjects, least it should have the appearance of any personal resentment, were it not the publick debate and judgement of the House of Lords this last session, have published to the world, by relieving Mr George Munro from the oppression he lay under.

It cannot but be a very melancholy scene for all the well affected gentlemen and inhabitants in those parts, to find the very criminals whom, a few years ago, they saw in arms and open rebellion in the Pretender's cause, vest-

ed with authority over them; and now acting in his Majesty's name, whom they endeavoured to destroy, and to whom alone they owe their lives.

The constituting one person Sheriff or Lord Lieutenant over many shires, has several bad consequences to his Majesty's service. There are in this instance where eight lieutenancies are all joined in one person. The memorialist mentions this only as an observation in general, without in the least detracting from the merit of any person whatsoever.

From some of these causes it likewise happens, that when several persons are recommended by the Sheriffs or Lieutenants, to be made Justices of the Peace, not all qualified for that office, without knowledge, mean, and of no estate nor character in the country, or ill-affected to government, and when most or all the well-affected gentlemen are left out of the commission, it naturally produces such confusion and discontents as to frustrate the institution and design of the office, to the disturbance of the peace of the country—to the lessening his Majesty's authority,—and particularly, in all matters of excise, and a surcease of justice, and a vast detriment to the revenue.

The revival of the Justices of the Peace of Scotland, immediately after the union, was then esteemed a matter of the greatest importance to the government, and interest of the protestant succession. It is therefore the more to be lamented, that throughout the whole north of Scotland, there is hardly any regular acting Commission of the Justices of the Peace; whereas, if the considerable gentlemen were appointed who have estates in their own county, and were all affected to his Majesty, there is no doubt but that office would be executed so as to be very useful to the government, and possibly pave the way for great improvements in the political state of the country. The memorialist, with all humility, submits these observations to his Majesty's consideration.

(Signed) Lovat