

TRANSACTIONS

OF THE

EAST LOTHIAN ANTIQUARIAN AND FIELD
NATURALISTS' SOCIETY.

VOLUME I.

PART III.—1926-27.

Printed for the Society, 1928.

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PLATE

THE MONASTERY OF NORTH BERWICK, 1789 (From Grose's *Antiquities of Scotland*).

NOTES ON THE EAST LoTHIAN FAUNA.

Though perhaps not unduly rich in its variety of wild-bird life, East Lothian can at least be said to gain in its abundance of commoner species what it lacks in variety. In few parts of Scotland are the commoner birds of field and hedgerow more numerous, this no doubt being due to the more concentrated condition of agriculture. The numerous root fields, with their open soil and rich crops, afford abundant food and shelter for small bird-life, while there is sufficient woodland interspersing the fields to render the conditions truly ideal for them.

Perhaps the most interesting phase of our wild-bird life, however, is afforded by the coast-line. Here we have several first-rate sea-bird strongholds, notably the Bass Rock, the chief breeding haunt in the British Isles of the gannet; the cliffs at St. Abb's Head, where thousands of guillemots have their appointed shelves, in addition to puffins, the lesser black-back, kittiwakes, and a variety of other gulls; the Fast Castle cliffs, and several smaller sea-bird colonies dotted along the coast. Among rare birds we can count as regular breeders the peregrine falcon (there are at least three eyries in the County productive annually, so far as one can judge), the fulmar petrel, the great spotted woodpecker, the merlin, and, irregularly, the raven and the buzzard. The merlin is much less numerous than some years ago, which is to be regretted, since it is a very fascinating little falcon. A matter of twenty years ago one would have seen it almost daily skimming the heather during Spring and Summer in the Lammermoors, but now one might spend a week or two there without even a passing glimpse of it. This applies not only to East Lothian. Throughout Scotland and England the merlin seems rapidly to be dying out, since for some reason it did not recover during the war period, as did the majority of birds of prey. Its home being essentially the grouse moors, it suffers a good deal in the cause of game preservation, but several ornithologists of note, who have carefully observed its habits, state that it is less destructive to grouse chicks than any of our hawks. It is generally recognised that the kestrel should be preserved, but the kestrel is more essentially a ground-feeder than the merlin, and very likely to lift the newly-hatched chicks of game birds. It is when the young grouse, little larger than larks,

first take to the air that the merlin may prove destructive, though, for the damage it does, the rate at which it is persecuted is out of all proportion.

The peregrine is not infrequently seen in the Lammermoors, though it is generally a case of birds from the coast taking an inland flight. During these jaunts, which may carry a fleet-winged falcon inland a matter of fifty or sixty miles in a single circuit, his flight is interesting. The falcon is seen flying at an altitude of about three hundred feet; then down he comes, to skim the ling tips for a matter of a hundred yards or so, rising again and dipping again, and thus covering an immense circuit of country while in view. A peregrine seen flying thus, as I usually see him in the Lammermoors, has invariably come from some distance—apparently a love-flight, as I have never known a peregrine travelling thus to strike at game.

So far as I can judge, the great spotted woodpecker breeds annually in the Humble or Saltoun woods. The green woodpecker is absent from the County. There are a few packs of blackgame in the Lammermoors, and, among migrants, we have winter visitors in the twite and waxwing. To all intents and purposes, the goldfinch appears to have gone, though three years ago I found the remains of one killed by a sparrow hawk near Gifford. Records of the appearance of the goldfinch should be carefully made and notified.

In wild animals East Lothian is well represented. As throughout the kingdom, and concurrently in Ireland, the badger has shown a tendency to increase, and might well have met with more encouragement than has generally been given it. This animal would undoubtedly become numerous in East Lothian if given a proper chance, and, not so many years ago, the badger was re-introduced into the County—then a hunting County—in order to clean up the fox earths, in the hope of stamping out red mange. All along the slopes of the hills the badger was numerous three years ago, but keepers and rabbit-catchers have very efficiently kept its numbers in check. The badger betrays its presence about a burrow by the existence of grey hairs, while its tracks are unmistakable. Also, the abundance of bedding it leaves littered about the burrow mouth is a sure indication of its presence. It is not popu-

lar among rabbit-catchers on account of its habit of robbing snares, and a short time ago a rabbit-catcher showed me fully a dozen neatly-capsized skins which a badger had conveyed to one corner of the wood.

In the New Forest, where badgers are numerous, the keepers have no quarrel with them, and I have known a pheasant successfully to rear her brood within twenty feet of a badger den containing cubs.

The otter frequents the Tyne and breeds annually on one or two of the tributaries joining the river on the south. Discussion has run high among anglers as to the question of its systematic destruction, but it is questionable whether the fishing on running water can be improved by the destruction of otters. They are as nomadic in their habits as the stoat, and, with a rugged coast-line near at hand where they can breed uninterrupted, there is a constant source of supply. If one is killed, another quickly takes its place, and it is an established fact that a good stretch of water will harbour as many otters as can find fishing there, so long as they have free run to it. Thus the killing of them often amounts to useless killing, which this Society should discourage, and one is tempted to think that the value of the otter's pelt has sometimes a good deal to do with it. Over and above these facts, there remains the question as to whether otters pay their way by destroying eels and other coarse fish. Certainly the balance is well weighted, but I fear the question has never properly been thrashed out—indeed, the life-story of the otter is yet to be known and written. Last year I came across a case of an otter and her two kits being destroyed for killing cultivated wild duck; unfortunately, the killing went on after their extermination, and finally proved to be by a fox. This very often happens, though unquestionably there are many cases on record of otters taking duck.

Roe-deer are fairly abundant from Lennoxlove and Yester across to Whittingehame, with their outlying beats. In certain of the Lennoxlove woods they have deeply-trodden paths — a sign which may be misleading, as two surviving roe-deer feeding over the same country nightly would very soon trample out game-runs which suggest the presence of a whole herd.

East Lothian is certainly a good country for hares, though, as elsewhere, their numbers vary considerably from year to year. In addition to the common brown hare of the farm country, we have the mountain hare along the moorland slopes of the County. Indeed, the record weight for a mountain hare, I have so far been able to obtain, was for one killed on the Yester estate.

Woodcock migrate in fair numbers over the same range of country, and there is a smattering of resident birds, but, generally speaking, this side of the Firth of Forth is, for some unaccountable reason, not so popular with them as the opposite side. Except for the red deer, the capercaillie, and the ptarmigan, East Lothian, therefore, has a very representative showing of Scottish game.

Owing to efficient game preservation, the weasel and the stoat are nowhere abundant, and it is necessary to discriminate carefully between the two. Stoats are more nomadic, and cover a much greater range of country in their hunting than do weasels. Two years ago, throughout the winter and until April, there were practically no stoats at all in the vicinity of Gifford, Saltoun, and Haddington—in fact, as far east as Whittingehame and as far west as Pathhead. Distemper had wiped them out, but, immediately the young of ground-breeding birds began to run, back came the stoats in their usual numbers. The weasel, being so much smaller and shorter in the legs, does not travel to anything like the same extent. It is essentially a burrow hunter, and kills little but mice, of which it kills great numbers. Last Spring, in the vicinity of Glenkinchie, I watched a weasel attacking, or endeavouring to attack, a young rabbit, but certainly the weasel was as scared of the rabbit as the rabbit was of it, and eventually the little animal ran off, leaving the rabbit uninjured. Had it been a stoat, there would have been a very different story to tell.

With us the weasels breed all through the season, rearing two or three families, whereas stoats breed but once in the year. By July and August the stoat population, therefore, consists of adult animals, but the young stoats, as soon as they leave the nest, climb into the hedgerows to search for birds'

eggs and fledglings. Unquestionably, stoats are among the worst enemies of song-birds, to say nothing of their destructiveness to partridges, pheasants, and grouse. On the Yester moors, two years ago, I watched a stoat hunting down a covey of young grouse which were just able to fly. Having flushed them, the stoat watched them alight, marked the point at which they pitched, and followed them. Doubtless he would keep this up until the young birds were exhausted and would fall easy victims—an incident which serves to illustrate the fox-like habits of the stoat in hunting.

Last Spring there were indications of the possibility of vole plague in many parts of the County, as elsewhere in Scotland, but the abnormally wet Summer and the flooded state of the country has removed all likelihood of this. Only on the well-drained slopes do voles still exist in numbers—for example, on the slopes of Lammer Law.

The house rat, however, remains as firmly dug in as ever, for some inexplicable reason specially prosperous in East Lothian as far back as its history goes. Those who have not observed can form no idea of its abundance during the Spring and Summer months along the banks of streams throughout the whole country. In most cases it has ousted the peaceful water vole, and a few weeks ago, when travelling at night, I found a refuse heap at the roadside positively alive with rats. On examining the heap the following day, I found it to be perforated with their burrows—an ideal breeding haunt for them. The heap consisted mainly of waste matter from the adjoining farm. About many of the farm steadings the hedgerows and woodland bankings are perforated with their burrows, and a season of wasteful harvesting, when the crops are beaten by gale, is naturally in their favour. This is one reason why such creatures as owls and weasels should be encouraged, particularly the light-coloured barn owl. Disused kilns and ancient dovecots being numerous, these birds should flourish in the County, but the owls in East Lothian are much given to hunting in broad daylight, partly on account of the abundance of rodents and partly because we appear to be along one of their migration routes. This habit of daylight hunting too often tempts the indiscrimi-

nating gunner, but the shooting of an owl in this County particularly should not be allowed to pass unnoticed. Recently a Pencaitland rabbit-catcher saw a whitrick (weasel) carrying an adult rat. It ran right up to his feet with its heavy load, and, though badly startled, did not drop its prey.

The invasion of the grey squirrel and the little owl has not reached East Lothian, but it is to be feared this is only a matter of time, and one cannot recommend that the first arrivals be too graciously received. The grey squirrel was introduced in the vicinity of Loch Leven some years ago, and still exists there, but so far it has no open passage to East Lothian. Our own red squirrel is not too numerous, owing to the zealous watch of foresters, and, where young timber is not of primary importance, as, for example, about the grounds of some of the older estates, one would like to see this attractive creature, now in danger of extermination over great areas by its alien cousin, properly guarded, and, if possible, reintroduced.

H. MORTIMER BATTEN.

THE MONASTERY OF NORTH BERWICK

It is impossible to state definitely the date of the erection of this building, locally known as "The Nunnery," and, in recent days, "The Abbey." The correct name is "The Monastery," which is that always used in deeds granted by the Prioress and on the Common Seal of the Convent. In the Chartulary, edited by Cosmo Innes for the Bannatyne Club, published in 1847, there are printed a number of charters and other writs referring to the monastery, its churches and other properties which had been donated for the uses of the Convent. In the recently published *Inventory of Ancient Monuments in East Lothian* it is stated that the house was founded probably in the third quarter of the twelfth century. Sibbald and Laing give the date as 1216, Bower 1217, and Sir Archibald Lawrie, who is probably right, says it is about 1136. The earliest charter printed in the Chartulary was granted about 1177 by Duncan, *Dei Gratia*, fifth Earl of Fife, confirming a gift of the land of Gillicamestone, which his father, Earl Duncan, had given, and the land of Matheryne and Adhernin (Aithernie), in the parish of Scoonie, Fife, with two hospitals—one at North Berwick, the other at Earlsferry. Duncan, the fourth Earl, succeeded to the earldom sometime before 1136, and frequently witnessed charters by David I to religious houses. He was himself, probably following the "sair sanct's" example, a benefactor to the Church, especially to the Bernardine or Cistercian Nunnery of North Berwick, of which, it would seem, he was actually the founder. He died in 1154. Sir James Dalrymple, in his *Collections concerning Scottish History* (p. 268), states that the monastery of nuns at North Berwick, which was governed by a Prior and Prioress, was founded by Duncan, the elder Earl of Fife, and that he had seen a charter by King David confirming the gift by Duncan to the monastery of North Berwick and the land called Gillicameston, which was witnessed, *inter alia*, by Walter, the Chancellor. Duncan was succeeded by Duncan, his son, who gave to the monastery the lands of Mathritht, in Fife, and other lands, which are confirmed by King William, with the donation by Duncan, the elder Earl, of the lands of Kirkamstoun, and of two hospitals; "so it's like that Earl Duncan, the elder, was the founder, and that the Church has been originally the cell or kirk of a religious person called

Campston, which was then dedicate to the Blessed Mary, and the hospitals turned from their first use and the rents applyed to the Monastery. I have seen King David's confirmation and that by King William, and one by Duncan, Earl of Fife, and many other Charters by the Kings, Earls of Fife, and Duncan and Adam de Kilconceath, the Earls of Carrick, and by Bishops and other great men to that Monastery, but were unfortunately burned in the great fire at Edinburgh in the year 1700, and a few only preserved which were not in the same house with the rest."

Another charter by Malcolm, edited by Mr Angus, Curator of the Historical Department of the Register House, is printed in the Miscellany of the Scottish History Society, Vol. IV., 1926. Mr Angus has given permission to use his notes on the charter. This writ, which is undated, but before 1199, may be translated in these terms: Malcolm, son of Earl Duncan, makes known that he has granted to God, St Mary, and the nuns of North Berwick, in free pure and perpetual alms, the church of North Berwick with the land thereof, teinds, and offerings and all other rights justly pertaining thereto, and the land on which their house is built, usually named Gillecolmestun; the hospital lands of North Berwick, and Ardros (and others); and that the nuns shall hold and possess the same as freely as any Abbey holds and possess any alms in the land of the King of Scots of any earl or baron, and as the charter of his father gives, confirms and witnesseth regarding said alms.

It will be observed that the church of St Andrew is included in the grant, which shows that it had been erected then, and this fortifies the local tradition that the porch still standing is of the twelfth century, while the *Inventory of Ancient Monuments* informs us that the mouldings thereon are work of the sixteenth century.

Mr Angus identifies Walter the Chancellor as Walter de Bidun, who was appointed to that office c. 1147-50. King David died on 24th May 1153. Mr Angus is of opinion that the monastery was founded round about the year 1150, and that it is one of the earliest houses founded by a Scottish noble. It is no



THE MONASTERY OF NORTH BERWICK, 1789 (From Grose's *Antiquities of Scotland*).

great stretch of the imagination to carry the date back to 1136, when Duncan succeeded to the earldom, as from the terms of the first charter the building appears to have been in existence at its date: there is a distinction between founding and gifting. The connection of the Fife family with the barony of North Berwick would be more appropriately dealt with under Tantallon, of which they were owners.

The fifth Earl, also named Duncan, succeeded in 1154, and in one of his early charters—dated before 1177—confirmed the grant by his father, and added to the donations to the monastery. He was appointed Justiciar of Scotland by William the Lion, and died in 1204. His successor was Malcolm, who is one of the witnesses to the charter by his father of Gillecamestone or Gillecolmestun. He also confirmed the gifts made by his father and grandfather. He died in 1228. The churches of Kilconquhar, Largo, and Logy and several estates were among the gifts of the Fife family to the monastery.

Reference has been made to the two hospitals, one of which was in North Berwick, and the other in Earlsferry, Fife. It was stated recently in the local Press that the site of the hospital was in Quality Street. It would be interesting to know where the writer of the article obtained this information. We may take it that the site was *not* there. The hospital in that street was on the site of the Dalrymple Arms Hotel, formerly known as the "Tower of Babel," and was the Laird of Bass's hospital. The hospital would be erected close to the harbour, and the most probable site was that now occupied by the granaries on the east side of the roadway. No reference has been found in local records or any writ as to its position, but the one indicated would be the best for all purposes. It adjoins the church and is the place where the pilgrims would embark or land on their journey to and from St Andrews. The hospitals were erected and endowed by the fourth Earl for the reception and entertainment of the numerous poor people and pilgrims who used the ferry in proceeding from the south of the Forth to St Andrews, attracted by the miracle-working relics of the patron saint of Scotland. The same error is made in the *Inventory of Ancient Monuments* (p. 58). The writer there states "In September 1560 Robert Lauder of the Bass, as 'undoubted patron of the hospital of

poor brothers (*confratrum pauperum*) and of the perpetual chaplainry of the same near the vill of North-berwyk perpetually founded and situated at the shrine or chapel of the aforesaid and described (*hujus modi*) hospital' presented George Lyell to the chaplainry in succession to James 'Cowhen' (Cowan) and invested him in possession by presentation of the key of the said chapel and of the lodging built over it (*camere ejusdem desuper constructe et situate*). The site of the hospital has been fixed in Quality Street." In a writ engrossed in the Protocol Book of Schyr Robert Lauder, dated "at ye Craig" ("the Bass vulgo vocat ly Craig") on 13th October 1562, it is recorded that Robert Lauder of Bass, on account of urgent necessity, had received from Schyr George Lyell, his chaplain, $3\frac{1}{2}$ acres of ground to dispose of at his pleasure, "the said Robert movit vyt pyete and consens" bound himself and his heirs "to sustene ye said Schyr George Lyell sa lang as ye said Schyr George is abell to maik service to him induryng ye said Robert will" when he was to give Sir George one of his almshouses in North Berwick, and pay him £10 yearly, or else victual as other beadmen get, and this to be paid from the Mains of Bawgone. In a charter in the Laing collection, Lyell is designed as curate of North Berwick. There were differences between the Lauders and the monastery as to part of the teinds, which the former endeavoured to filch for the upkeep of their Parish Church of the Bass, and it was of this church that Lyell was curate.

In addition to the Fifes, the family of the Earls of Carrick were benefactors of the convent. The churches of West Kilbride and Maybole were gifted by them, and it is suggested that one of the earlier Prioresses (if not the first) was a member of that house.

The convent was dedicated to the Virgin Mary, and was occupied by the Cistercian or White Nuns. The largest number of inmates to which reference is made occurs in a charter, dated 1544, subscribed by the Prioress and 21 Holy Sisters. In the earlier period of its history it appears to have been governed by both a Prior and Prioress. A charter by Malcolm, Earl of Fife, is witnessed by James, Prior of North Berwick. An officer of the convent was styled "magister monialium." On

28th August 1296, William "vicarie del eglise de Laneta," warden of the "priorite of Northe Berewyk," swore fealty to Edward I at Berwick.¹ The office of prior appears to have been abolished in the 13th century, as no reference to such an official can be found later. In letters from Mr David Erskine, W.S., to Captain (afterwards General) Hutton, which are quoted in the appendix to Turnbull's *Fragmenta Scoto Monasticon*, he writes: "I have an agreement between the Abbot and Monks of Cullenros and the Prioress and nuns of Northberwyk anno 1288 — no names of Abbot or Prioress—and I have a similar one in 1237."

The nunnery was of considerable importance as a religious establishment, as it held the Parish Churches of North Berwick, Largo, Logie Aithry, Maybole, Kilbride, Kilconquhar, St. Monance, and Kilbrachmont. In the ancient *Taxatio*, the lands which belonged to the monastery were rated at £66, 13s 4d, while the income at its dissolution was £556, 17s 8d, besides rent in kind, of wheat, 9 chalders 12 bolls; bear, 19 ch. 4 b; oats, 14 ch. 4 b; pease and beans, 3 ch. 9 b; malt, 1 boll 3 firlots 3 pecks; 18 oxen; 13 cows; one last, 9 barrels of salmon. There were eleven nuns at the period of the Reformation, who had each £20 per annum.

There is, unfortunately, no trace of any description of the conventual buildings by which we would be able to obtain an idea of the size of the establishment, but they must have been of considerable extent. In Parkyns's *Monastic and Baronial Remains*, two views are given of the buildings in existence in 1805. These are somewhat similar to the drawings in Grose (1789). One of the views from Grose is herein reproduced. The letterpress in the former states:—"At no considerable distance from the town of Berwick, in Haddingtonshire, and on its north-western side, is an eminence whereon was the most delightfully situated monastery, erected for Cistercian nuns. . . . Of the ruins no very interesting fragments are in existence, except such as are delineated in the annexed view; nor does it appear to have been a splendid building: it was, however, a place of large dimensions, as is clearly evidenced by foundations profusely scattered over a field of considerable extent. In regard to the surrounding

1. Bain's *Cat. of Documents* ii, p. 208.

country, many interesting and picturesque objects are there to be found, independent of the sea view, which cannot anywhere be excelled. . . . In this [the second] view Bass Island is seen at a distance, through an arch in the building, and also several vaults belonging to the monastery." In Walcott's *Scoti-Monasticon* (p. 377) it is stated:—"There are only shapeless heaps on the site, consisting of a part of the refectory, cellarage, kitchen with a fireplace, and east end of the chapel; and an entrance arch through which, in 'Marmion,' the Abbess of St. Hilda came into the venerable pile." This reference to "Marmion" is in Canto fifth:—

"And now, when close at hand they saw
North Berwick's town and lofty Law,
Fitz-Eustace bade them pause awhile
Before a venerable pile,
Whose turrets viewed afar,
The lofty Bass, the Lambie Isle,
The ocean's peace or war.
At tolling of a bell, forth came
The convent's venerable Dame,
And prayed Saint Hilda's Abbess rest
With her, a loved and honoured guest,
Till Douglas should a barque prepare
To waft her back to Whithy fair."

In *Caledonia* there is a somewhat obscure reference to Queen Mary resting in the Abbey, on one of her journeys to Dunbar.

This arch is the only part remaining of the enclosing wall referred to in the mandate dated 12th August 1375 (5 Gregory xi), to the Bishop of St. Andrews, "to make order touching Beatrice, the prioress, and the majority of the nuns . . . who have petitioned for perpetual enclosure, they being much molested by the neighbourhood and visits of nobles and other secular persons, and that this intercourse had increased of late from the building of a number of castles and forts in the neighbourhood of the nunnery." The Pope ordered an enclosing wall to be built at the expense of the convent, and commanded the Prioress and nuns to live strictly within the enclosure.¹ In a Bull of Pope Clement vii (18 February 1529) reference is made to the spoliation of

1. *Cal. of Papal Registers* iv, p. 212; *Theiner*, p. 355.

the monastery in war time and to the burning of the church by the rabble.¹ It is wonderful that the arch has stood so long, as it is very flat and, in consequence, has no keystone.

In 1548 General Desse (d'Esse), the French officer commanding the mixed Scottish forces, who were besieging the English in Haddington, attacked a party of the English who had appeared about the Abbey of North Berwick, and completely repulsed them.

In the Chartulary (p. xvii), Cosmo Innes states:—"The ruins now known as the Abbey . . . still show enough to leave no doubt that they are of later structure, apparently about the time of the Reformation, when the Humes, Lords of North Berwick, may have built a dwelling on the site of the old nunnery. There is no mark of any ecclesiastical building in the existing ruins." The writer of that statement did not know he was so near the truth. On 28th January 1568-9, a feu charter was granted by Margaret Home, Prioress, in favour of Alexander Home of North Berwick "of the mansion or lodgeing called the Newark," and she also granted a Procuratory of Resignation and Demission on 12th January 1587-8 of "all and hail the place of the Abbey of North Berwick and the mansion called the Newark, houses and biggings of the said Abbey." The Crown Charter in favour of Alexander Home assigns the mansion of Newark as his principal dwelling-place. Stones from the ruined buildings were apparently used in the construction of the house. The £2000 referred to later was most probably spent on the erection of this building, instead of the repair and rebuilding of the monastery, as the parties were astute enough to read the signs of the times as far as the fate of religious establishments were concerned.

Alice was Sub-Prioress in 1220. Beatrice, as already mentioned, was Prioress in 1375. Elena de Carric in 1386 granted a receipt for the rent of the church of Maybole, let on lease to Sir Alan of Cathkert. Matilda de Leys is mentioned in a Brieve of Perambulation dated 13th October 1434. Mariot

1. *Carte Mon. de Northberwic* (Ban. Club) p. 47.

Ramsay, on 4th October 1463, entered into an agreement with the vicar of her parish of Kilconquhar, who was to pay to the convent a pension of 12 merks yearly out of his vicarage. On 30th April 1474 Mariot was dead and was succeeded by Elizabeth Forman, one of the nuns, who was Prioress in December 1477, and is referred to in a Bull by the Pope to the Bishop of Aberdeen which informs us that he had gifted the vacancy of the priory of the monastery of North Berwick to Elizabeth Forman, who being simple and ignorant of law and not expeding the gift had taken possession of the goods of the monastery, and the Pope willing to take away all inhability and blot of infamy from the said Elizabeth absolved her from all excommunications and empowered the Bishop to proceed to the execution thereof upon her demitting the priory in the Bishop's hands.¹ It would appear that the qualifications for the office of Prioress were not of a high order. The next name we meet with is that of Alison Home, "be the permissioun of God, priorass of the Abbay of the Nunre of Northberwik and Convent of the samyn," who in September 1523 let to Alexander Home of Polwart and Patrick, his son and apparent heir, the teinds of the kirk of Logy for 19 years. On 4th January following she resigned office in favour of Isobel Hume, a nun of Eccles, who was still Prioress in March 1539, when she and 17 nuns of the convent confessed their inability to write by subscribing a charter, each having her hand upon the pen of the notary. She was succeeded in 1544 by Margaret Hume, a daughter of Alexander Hume of Polwarth and Margaret Lauder, a daughter of Sir Robert Lauder of Bass. She died in 1562.² Her successor also was unable to write. Home and Hume were different spellings of the same name. The last Prioress was also a Margaret Home or Howme, so that the office had become a sinecure of the house of Polwarth.

The family of Polwarth is much in evidence in the history of the monastery and the transfer of lands to them apparently commenced so early as Isobel's time, as she granted to her half-brother the tithes of the church of Largo. Her successor disposed of the tithes of Logie to Sir Patrick Home. In

¹ *Inventory of the Writs and Evidents of the lands, Barony, and Estate of North Berwick, Edinburgh University Library (Laing Collection).*

² *The Scots Peerage*, pp. 5, 6, ; *Chartulary*, p. 71.

June 1548, Margaret Hume, in consideration of £2,000 received for the repair and rebuilding of the monastery, granted to her brother, Alexander Home, the lands of Heugh, belonging to the convent. Alexander Home obtained a grant of the office of bailie of the monastery in March 1569. He also acquired the lands of the Mains and the north part of the Abbey farm, as well as the mills of Kinkeith (in the Glen) and the over-mill of East Linton. Other members of the family who obtained possession of parts of the lands of the convent were Andrew of Roddis (Rhodes) and John of Horsecruik.

The lands of the convent were of considerable extent. They extended from the lands of Tantallon on the east to the parish boundary on the west, and included the Rhodes, Heugh, Mains and Abbey farms, but the royal burgh was excluded. The lands were frequently seized by the lawless neighbours. In 1296 the Prioress submitted to Edward I, and in return she obtained writs to the Sheriffs of Edinburgh, Fife, Haddington and Roxburgh to restore the estates which had been filched from her.¹ The teinds of several of the parishes in Fife were taken in 1482, as in December of that year the Prioress applied to Parliament for protection, when the lords ordered the culprits to restore the property taken and repair the damage done.² In 1529 the Archbishop of St. Andrews lamented the frequent devastations of the monastery and its lands, and the burning of its church by the invading army.³

This church must have been of moderate extent, as, in addition to the chapel of St. John, we find in a charter granted by Sir William Fowlar he is designed "chaplain of the altar of the Holy Cross founded within the kirk of the monastery of Northberwik."³ The foundations have lately been discovered by Colonel Speir, the present proprietor of the ground, when forming a tennis court on the east side of his house. Whether the church was rebuilt afterwards is unknown — no vestige of it remains. By an Act of Parliament of James VI there was excepted from the benefices to the Crown *inter alia* "ane part of the patrimonie of Northberuik, thay are to say, all and haill the place quhair the Abbay Kirk and Closter of Northberuik stuid before,

1. Chalmers's *Caledonia* iv, p. 506; 2. *Acta Auditorum*, p. 103; 3. *Chartulary*, pp. xvii, 55.

quhilk is now ruinous, and was na Paroche Kirk." ¹ This proves that the church itself was not rebuilt.

It has been stated that the original seal of the priory was stolen in 1548, and was replaced by another representing the Virgin crowned and standing without a canopy, holding the Infant with both hands. This is not correct, as there is entered in the old Inventory of Writs of the North Berwick estate, above referred to (p. 62 n), "Ane Instrument whereby the Prioress and Convent of North Berwick acknowledges and authorise ane seal presented to them by Alexander Home to be the common seal of the Convent." This is dated 28th January 1568-9. The original, which was oval, showing the Virgin seated under a canopy, supporting the Child on her left arm, and holding a straight lily in her right hand, with the inscription "Sigillum Capituli Sce. Marie de North-berewik." had apparently gone amissing, as there is an entry in the Protocol Book of Robert Lauder which states that it had been carried away by some indiscreet persons unknown, in 1548. It, however, had been restored, as this seal is attached to a charter by Dame Margaret Howme in favour of Magister Allexander Wood, brother german of Andrew Wood of Largo, dated 11th May 1561, which is now in the possession of Sir Hew Hamilton-Dalrymple, Bart. This deed is subscribed by the Prioress and Elen Derling, Katrine Levynton, Agnes Gledstane, Margaret Donaldson, Agnes Ramsay, Margaret Crawford, Isobell Renton, and Alison Puntoun, all nuns, "wyt our hands on ye pen led be Sir Robert Lawder Notar."

Alexander Wood was the last pre-Reformation vicar of North Berwick. He was the second son of Sir Andrew Wood of Largo, the famous commander of the "Yellow Carvel," who distinguished himself in various encounters with the English fleet. In addition to being the vicar of this parish, he appears to have been vicar of Kilconquhar, and he was certainly vicar of Largo at the time of the Reformation. In 1560, the Prioress and Nuns sold the lands of Grange, in Fife, to Mr Wood for the sum of £1000. There are many transactions between him and the Prioress recorded in the Protocol Book.

On 20th April 1562, Alexander Howme paid to each of the nuns present

1. *Chartulary*, p. xiv.

in the Abbey a sum of money for the sealing of his feu and title given to him of the teinds of the harbour. This was done in the convent at 10 o'clock in the morning immediately after which he "past to the port hevin and landing place of Northberwyk and . . . gadderit, collectit, and vptuik the teynd fisches of the boitts and cobillis of the said hevin." ¹ Home was apparently in a hurry to get his fish.

The Prioress held her court, along with her baron bailie, at the gate of the convent (*apud portam monesterii*), as she had jurisdiction over the west part of the town called the Nungate. On 2nd February 1556-7 there is recorded a dispute between the Prioress and the bailies of the burgh an excerpt from which reads:—"That quhair upone ane contraversye quhair the said balzies pundit Robert Jhonsone and put hym in the towbutht wythtin the burght of Northtberwyk, the said Robert being wythtin the Vestgait, the said balzes come befor the said prioress and Alexander Home, hyr balze, and ressonit upone the said action quhow for the gaddering of ane taxt the said Robert gaiff injurius vordis and vald nocht suffer to be puyndit quhairupone complenit the saidis ballyis and burgess to the said Prioress that gyff that sche or hyr balzes maid ony impediment oder of takkis or stalleing in the gaderyng theroff wythtin the Vestgait, or in metting or mesuryng of ther stopis and vechtis that they said that the said prioress was myndit to hurt thair privilageis quhilk thai var in vse of past memor of man." ¹ The Prioress consented to the bailies collecting the tax, except for one of each craft in the Westgate.

In the Chartulary it is stated that a succession of persons were placed in the priory, with the title of Prioress, merely to enable the family who acquired the property of the convent to make up titles and exercise the rights of proprietors more conveniently. This statement is rather remarkable for its guess at the truth, as the writer does not appear to have been aware that Margaret Home granted a bond of interdiction, dated 28th June 1568, whereby she obliged herself to grant no infeftments of lands, teinds, and others belonging to her, but by the advice of Alexander Home, and interdicts herself in his favour. Alexander must have been a crafty individual, as in the protocol book

1. *Chartulary*, pp. 73, 85.

it is recorded, on 20th April 1562, that he came to the Abbey of Northberwick and there satisfied and thankfully paid the convent for their consent and sealing of his feu and title made to him by umquhile Dame Margret Howme, Prioress and convent foresaid and this by delivering to "ilk ane of thame that vas present in the said abbay ane certain sune of monye for thair awin partis" for which the said convent ratified and affirmed their consent and assent and gift of the feu before given and of new gave him the same "vytht thair guid vill and kyndness."¹ The feuar had had his doubts as to the legality of the first transaction, but what can be said of the second in these days! There is also an agreement between Margaret Home and Patrick Home, her brother, under which the latter undertakes to repay 200 merks which he owed the Prioress, and to deliver a chalice which he had in pledge of her.¹ What excuse can be made for such sacrilege?

The duty of keeping the bail on North Berwick Law to warn the neighbourhood of the approach of "oor auld enymeiss" devolved on the Prioress.

The final overthrow of the monastery occurred on 20th March 1587-8, when King James VI granted a charter to Alexander Home, one of his favourites, who was known as "the Guidman of North Berwick," of the whole lands belonging to the convent, and which were converted into a barony. A new charter was granted on 16th October 1591 of the same subjects providing that Home should support the Prioress during her lifetime. In 1592, Parliament ratified "the infettments maid be our Soverane Lord to his lovit Alexander Hwme of Northberuik, his aris and assignais thairin specefeit, of the Baronie of Northberuicke, landis, mylins, fischings, houssis, yardis, mansionis, feufermes, tennentes, tennendries, and service of frie tenentis of the samyn, advocatioun, donatioun, and richt of patronage of the personage and vicarage of the Paroche Kirk of Northberuik thairin contentit."¹

In the year 1596, "Dame Margaret Hume, prioress of the Abbay of Northberwik and convent thair of . . . considering that the monastical superstitione, for the quhilk the abbacies and nunries of this realme were erectit of auld, ar now be the lawis of this realme alluterlie

1. *Chartulary*, pp. xiv, 71, 84, 85.

suppressit and abolischit . . . lyk as the haill temporall landis of our said abbay, with the advocacione and rycht of patronage of the kirk of Northberwik ar erectit in ane temporal baronie and dissolvit thairby fra oure said abbay: and the kirk of Mayboill being ane other kirk of our said abbay is dissolvit thairfra and erectit in ane personage . . . sua that at this present thair remains nathing of our said abbay of Northberwik, of the auld patrimonie thairof, bot allanerlie the teind schevis utheris teindis fruttis rentis proventus emolumentis and deuteis of the personagis and vicaragis of our parochie kirkis of Logie, Largo, and Kilconquhar; quhilkis by the lawis of this realme we are obleist to provide with sufficient ministeris for serving the cure thairat. And swa in respect of the premissis thair will be little or na superplus thairof to ws: nather will thar be ony convent of our said abbay to be sustenit heirefter . . . in respect of the premissis and zeale we beir to the trew relligioun and advancement of the word of God, sa far as in us lyes, willing the fruttis of the parochie kirkis forsaidis of our said abbay as yit undissolvit, and speciallie of the said kirk of Logie, sall be employit to the sustentatione of the minister serving the cure thairat and utheris godlie usis," therefore resigned the said kirk of Logie and its teinds in the hands of the King, "our undoutit patrone, to the effect above specifiet." ¹ The Instrument of Resignation was sealed with the common seal of the Abbey (the second seal), and subscribed by "Dem Mergret Hovm" at North Berwick, on 12th July, and by "Dem Margaret Donaldsone, ane of the convent now on lyfe," who was unable to write, at Edinburgh on 22nd July 1596.

In 1597, Parliament, "understanding that the haill temporalitie of Northberwik, with the mansioun, manor place, houses, biggings, and yairdis thairof, and thair pertinentis, with the Paroch Kirk of Northberwick, aduocation, donatioun, and richt of patronage thairof, were all erectit in ane frie barounie, quhairin umquhile Alexander Home of Northberwick, for himself, his airis, and successeuris specifeit thairin, were heritablie infeft be our Soueraine Lord his Charter under his hienes Greatt Seall quhilk landis and temporalitie are excepted furth of the generall annexatioun of the kirk landis to the Crowne, quhairby the said Monasterie is alreadie effectuellie suppressit, and the rema-

1. *Chartulary*, pp. xiv, xv.

nent kirkis of the patrimonie thair of in effect dissolvit thairfra; to wit the kirkis of Largo, Kilconquhair, and Mayboill, lyand in the Sheriffdomes of Fyff, Striviling, and Air respective; quhilkis kirkis and patronages thair of ar alreadie resignit in our Soueraine Lordis handis be umquhil Dame Margaret Home, Prioress of the said monasterie, for erectioun thair of in severall rectoreis to be servit be speciall ministeris and rectoris as utheris benefices of cure, according as his hieness suld think maist expedient to provide and dispone the samin: Quhilk dimissioun and resignatioun of the said patronages his hienes ressavit and admittit; sua that now thair remainis na propir rent nor patrimonie in the said Abbacie of Northberwick nather temporalitie nor spiritualitie quhairunto ony successor may be provydit in tyme cuming: Thairfoir oure said Soueraine Lord, with advyse of the saidis three Estatis, ratifeis and approves the said dimissioun and resignationis maid of the kirkis foirsaid, and euerie ane of thame, and hes dissoluit and dissoluis the samin perpetuallie heireftir fra the said Abbacie, that they be na part of the patrimonie thair of; suppressand the said Abbacie and Monasterie for euir; and that their be na successour provydit thairto in time cuming:"¹ The buildings became a quarry for local erections, and many of the stones can be observed in various walls on the Abbey farm. There are some built into a rockery on the lawn of the manse, and, in addition to the list contained in the *Inventory of Ancient Monuments*, there is the fragment of an old font referred to in the Chartulary. A sepulchral cross found in one of the fish ponds of the nunnery stands in the grounds of the Lodge. When the old farm house was lately altered, a number of stones from the church were found. A few glazed tiles from the Abbey are to be seen on the staircase of the National Museum of Antiquities. So ends the story of an edifice which must have exercised a potent influence in the community.

Sir Alexander Home, who obtained the barony, was the second son of Patrick Hume fourth of Polwarth and Elizabeth, daughter of Sir Patrick Hepburn of Waughton, and was one of the favourites of James VI. He was one of the delegates to Denmark to negotiate the marriage with Queen Anne. It is interesting to note that the delegates sailed

1. *Chartulary*, pp. xvi, xvii; *Acts of Parliament*, iv, p. 157.

from the port of North Berwick. He was Provost of Edinburgh from 1593 to 1597. Various historians record the story of the deputation to the King on the threats to religion and the riot which arose through the answer they received. "The Provost, Sir Alexander Hume, whom the shouts of the uproar had reached on a sick bed, seizing his sword, rushed in, all haggard and pale, amongst the citizens, and with difficulty appeased them." In *Marchmont and the Humes of Polwarth* (Margaret Warrender) it is stated he died without issue in 1608, but in the inventory of his estate which is recorded in the Commissary Court Books of Edinburgh on 14th July 1598, the date of his death is stated to have been 22nd July 1597. He desired to be interred "in my awin parochie kirk besyde my bedfallow, quha restis with God, without ony vane pompe or ceremonie." He left the sum of 1000 merks, the interest thereon being distributed among the poor, and this interest still continues to be paid from part of the Abbey lands. He was succeeded by his nephew, Sir John of North Berwick, who was a son of Patrick Hume fifth of Polwarth. He sold the estate to William Dick in 1633, according to the statement in *Marchmont and the Humes of Polwarth*, but there appears in the Great Seal Register on 16th June 1632 a grant of the lands and barony of North Berwick, belonging to Sir John Home, to James Durhame of Kinnell, who was probably a heritable creditor. On 29th March 1634, there is a grant of new to Sir William Dick of Braid, merchant burgess of Edinburgh, of the whole lands of the barony. Sir William was also Provost of Edinburgh 1638-40. He fell into financial difficulties, and the estate was confiscated by the Commissioners for the Commonwealth. Sir Hew Dalrymple, Lord President of the Court of Session, took over the heritable debts, and acquired the estate by decree of sale, on 8th December 1694, at the price of 152,322 merks.

It should be mentioned that the ruins are well cared for by the present proprietor, Colonel Speir, who has had them repaired and strengthened, in keeping with the original character of the buildings.

D. B. SWAN.

EAST LOTHIAN SANCTUARY ASSOCIATIONS.

My paper, after a preliminary sketch of the origin and nature of sanctuary rights, will deal briefly with a few famous English Sanctuaries having some special points of interest to East Lothian folk. I shall then deal with the history and legislation relating to sanctuaries in Scotland, with special reference to East Lothian. Places in the county possessing the privilege of sanctuary will be noted. Glimpses will be given of East Lothian men who were seekers of sanctuary in the famous girth of Holyrood. No attempt has hitherto been made to deal with the right of sanctuary in East Lothian, and references to East Lothian sanctuaries are singularly sparse. It should be kept in view that my paper is not confined to those places in East Lothian that possessed the right of sanctuary.

When people speak of a sanctuary they invariably mean a place of worship—a sacred place. The word has other meanings, however. The most notable of these is “a place of refuge,” and it is to sanctuaries as places of refuge that my paper is restricted. While sanctuary rights are practically extinct in Christian countries the name of “sanctuary” still clings tenaciously in modern as well as in old churches to the eastern part of the chancel or choir where the high altar stands, and where the hunted seeker of sanctuary felt more secure.

The privilege of sanctuary is older than civilization itself. Among the first glimmerings of history there are traces of it. Barbaric tribes immersed in ruthless and incessant warfare—tribes to whom might alone seemed right—sometimes revealed that they, too, recognised certain areas as places where pursuit must be stayed, where no violence could be done to friend or foe. The grim law of the *lex talionis*—an eye for an eye and a tooth for a tooth—had to relax its rigours when the hunted man reached a place of sanctuary. Many North American tribes recognised certain places—sometimes whole villages—as sanctuaries; and in the island of Hawaii there were two “puhennas” or cities of refuge in which even the vilest criminal was safe. Africa, too, had cities

of refuge, and there was one even in the upper regions of the Zambesi. The aboriginal tribes of Australia are set low in the scale of civilization, but in central Australia each totem centre possessed a spot in whose immediate neighbourhood everything was held sacred. Within that circle none might be assailed.

Untutored savage, cultured pagan, Jew and Gentile, unbeliever and Christian, all have been more or less upholders of the right of sanctuary. Most of the great cities of antiquity possessed sanctuaries of their own, secured by immediate usage or specially conferred on the city when it was founded. Even Rome was no exception—indeed, outcasts and broken men were welcomed to the young community on the banks of the Tiber. Thebes and Athens, as well as Rome, had noted sanctuaries. Temples sprang up over the ancient Greek territories, which conferred the right of sanctuary—among them the temples of Apollo at Delphi and Delos and the Temple of Diana at Ephesus. The last-mentioned ("Diana of the Ephesians") was perhaps the most famous of all. The altar on Mars Hill to the Unknown God was a sanctuary. The Jews had their cities of refuge—indeed, the Mosaic code established no less than six of these. The Bible contains passages relating to the horns of the altar. The fugitive laying hold on the horns of an altar in Palestine was safe: he was held to be protected by God. Similarly in Greece a fugitive became immune when he reached "Jove's inviolable altar." The thunderbolts of Jove himself awaited any person attempting to violate the right of sanctuary.

England had several famous sanctuaries. There was one at Hexham, a Northumbrian town that reminds one of Haddington, and, like Haddington, has its river Tyne. Hexham was at one time in Scottish territory. To this we owe the fact that the great grandfather and granduncle of Alexander II (the Scottish king born in Haddington), granted a sanctuary Charter to Hexham. We find that in 1138 King David I and his son, Prince Henry, confirmed it in its full rights of sanctuary, so that it might be a thoroughly safe refuge (*tutissimum asilum*) for both poor and rich, to preserve life and goods and gear. And farther south there was a sanctuary within the great cathedral of Durham said to have been founded by St. Cuthbert, a saint who, as Mr

Angus points out in his article on "Two Early East Lothian Charters" in Vol. I Part II of the Society's *Transactions*, is said to have been a native of the Lothians and to have spent his boyhood on the banks of the Tyne near Tynninghame. Then, in the south of Yorkshire there was the great Beverley Minster, where a sanctuary flourished long before Robin Hood made the neighbourhood of Beverley, and, indeed, the whole country, resound with his exploits. Special sanctuary rights were conferred on Beverley in 937 by King Athelstane or Ethelstan, grandson of Alfred the Great. Some four years previously he had visited it, invoking the assistance of St. John of Beverley in his warfare against the Scots and other powerful foes, and obtaining the banner of the church from the hands of the archbishop. The campaigns of Athelstane against the Scots are somewhat obscure, and the great battle of Brunanburgh, in which Constantine, the vigorous old king of Scots, and other kingly foes of Athelstan were defeated, is nowadays invariably placed considerably farther south than East Lothian. But not a few ancient writers place the victory over the Scots in East Lothian. We find the following in *Miracula S. Johannis* (Continuation) *Eboracensis Episcopi*,¹ written circa 1170, "And as he" (Athelstane) "returned by the shore of the sea near Dunbar and saw the rocks jutting out he stopped and sighing uttered words in this fashion—'If by the intervention of St. John, God would vouchsafe to give me some evident sign' (that the Scots ought to be subject to the English) "and drawing his sword from its sheath he struck it into the crag which was in that hour, God's virtue governing it, as penetrable to his sword as if the stone had been butter or soft gravel. For the rock was so cleft by the stroke of the sword that the measure might be fitted to the length of the hole. And even to the present day it is an evident sign that the Scots were conquered and subjugated by the English when such a memorial shows it clearly to all comers." It was on his triumphant return from his victory over the Scots and their allies that Athelstane bestowed large gifts on the church at Beverley with the privilege of sanctuary. The refuge extended for about a mile and a half from the Minster in all directions. Both Hexham and Beverley possess a Frith (or Peace) Stool, on which a seeker of sanctuary sat.

1. Raine's *Fork*, pp. 296-7.

The most celebrated of the English sanctuaries, however, was that of Westminster. Though the palaces of the English kings were themselves sanctuaries, Queen Elizabeth Woodville (the queen of Edward IV) twice sought and found sanctuary at Westminster—in 1470 when the king was driven abroad during the Neville rising, and again in 1483 after the death of her husband, when she sought sanctuary to escape the machinations of her ambitious and unscrupulous brother-in-law, the Duke of Gloucester. On each occasion she fled with her children from the palace to the sanctuary at Westminster throwing herself and them under ecclesiastical protection, the protection of the Abbot of Westminster, and registering as sanctuary persons. It was in the Sanctuary of Westminster that Edward V was born in 1470. When the king was born there a boy about 10 years old was living who became a celebrated poet and satirist. This was John Skelton, who about a half a century later, was to seek refuge in the sanctuary of Westminster from Cardinal Wolsey, whom he had at one time lauded to the skies and then unmercifully satirised.

Sanctuary right arose in Scotland in very early times, long before Kenneth Macalpin became king of the Picts and the Scots. Before they were welded together the sanctuary area was called the "comraich"—a certain defined area around a primitive church where a seeker of sanctuary who had shed blood was safe from the blood feud. Later the Pictish and Celtic "comraich" gave way in Scotland to "girth," or "gyrth," a word descended from the Scandinavian "garth," an enclosure. The girth crosses were the cross-marked stones which showed, alike to pursuer and pursued, where the safety zone began and the danger zone ended. David I, granting in 1143 the ancient church of Lesmahagow in Lanarkshire to the Monks of Kelso, says—"Whosoever to escape peril of life or limb shall flee to the same cell, or within the four crosses that mark the bounds to them, I grant my firm peace, out of the reverence I bear to God and St Machut." The hand of the avenger was stayed when he came to one of the girth crosses; he could not follow with intent to avenge, though he could crave that the seeker of sanctuary be brought to trial. Even in those early times there was royal as well as ecclesiastical sanctuary in the kingdom of Scotland. The king's palace or residence for the time, and its immediate neighbourhood, had immemorial

rights of sanctuary. Violation of the privilege of sanctuary, whether ecclesiastical or royal, was among the early Celts of Scotland a crime for which there could be no forgiveness. The life of the breaker of sanctuary was forfeit; no payment could redeem it, or any excuse condone the crime. Even St. Columba organised an expedition to punish a sanctuary violator.

Scotland was not alone in having royal as well as ecclesiastical sanctuary. Royal sanctuary arose through veneration or respect for the person of the King; ecclesiastical sanctuary from awe and reverence for religious places. As I have said elsewhere (Book of Old Edinburgh Club, vol. xv; The Sanctuary of Holyrood), "As Scotland emerges from the twilight times of the Picts and the Scots we find the privileges of royal and ecclesiastical sanctuary running concurrently. She is fast shedding some of her ancient customs but we see her still clinging tenaciously to sanctuary rights which had sprung up under the sheltering arms of the ecclesiastics as well as of the sovereigns."

The greatest Scottish Sanctuary was the Sanctuary of Holyrood: no other girth in Scotland was ever within measurable distance of it in historic interest—not even the ancient Midlothian Sanctuary of what was then called Wedale and is now called Stow, after the village.

East Lothian could boast of no such sanctuary as Holyrood, but she possessed in Tynninghame a sanctuary older than that of Holyrood. There appear to be no records of the East Lothian sanctuaries, but Tynninghame was undoubtedly one of prime importance. After the death of the son of the youthful King Malcolm IV his body lay for a night in the church of Innerleithen. In commemoration the King conferred on that church such sanctuary within its territory as Wedale and Tynninghame enjoyed—sanctuary for life and limb. In the Register of Kelso Abbey this privilege of Tynninghame church is chronicled (*Liber S. Marie de Calchou* No. 21); and while the charter by King Duncan, son of Malcolm Canmore, printed in Vol. I, Part II, of the Society's *Transactions* does not specially mention the right of sanctuary as effeiring to the church, the grim malediction it contains is sufficient to cover any interference with it:—"Whosoever would destroy this or take from the servants of Saint Cuthbert anything of it let him bear the curse of God and of Saint Cuthbert and mine."

What was it that so singled out Wedale and Tynninghame from the churches of Scotland in those far-off times? The tradition regarding Wedale was that King Arthur himself had brought with him from Jerusalem an image of the Virgin Mary; and a writer in the 11th century said that fragments were still preserved at Wedale in great veneration. The greater the sanctity of the church and its relics the more secure its right of sanctuary. The Firth-board fringe of East Lothian was saturated with the saintliness of the apostle of the Lothians. St. Baldred was a name that must have been in all men's mouths in those early days, and perhaps we need look no farther for the reason that presumably impelled King David I to grant a special charter of sanctuary rights to Tynninghame—to Tynninghame where (in the words of Symeon of Durham, *Historia Dunelmensis, Ecclesiae*, Vol. I, p. 48). "In the seventeenth year of (Cynewulf's) episcopate and the twentieth of Edbert's reign the man of the Lord and priest Baldred, who had led in Tynningham the life of an anchorite, trod the way of the holy fathers departing on the day before the Nones of March to Him who had refashioned him in the likeness of his Son." The Monastery of St. Baldred at Tynninghame, which in later Catholic times belonged to the see of St. Andrews, originally came under the far-spreading ecclesiastical jurisdiction of Lindisfarne, and the monastery held lands from Lammermoor "even unto Eskmouth" (Inveresk). From the *Historia Regem* of Symeon of Durham, Vol. II, p. 94, we learn that in the year 941 Olaf laid waste the church of St. Baldred and burned Tynninghame. The right of sanctuary at Tynninghame was violated, "and presently he perished."

Another noted East Lothian sanctuary was that of Soutra—the hospice of the pleasant prospect, the welcoming, high-set "Rest and be Thankful" to many weary pilgrims, to many sick and poor folk. The Hospital and Monastery of Soutra were established in the reign of Malcolm IV, the king who made mention of the sanctuary of Tynninghame in his grant of sanctuary rights to Innerleithen. Soutra was much more than a sanctuary, or a hill church. Up its girth gate or sanctuary road passed many a hunted man from far and near seeking sanctuary in its sheltering bounds. The king founded it in 1164 to give shelter and succour to travellers and the poor and the afflicted, and he specially conferred on it the privilege of sanctuary. Pope Gregory IX, by charter granted in 1236, announced that "We have taken

the church of the Holy Trinity of Soltre under our protection and that of the Blessed Peter." The right of sanctuary was not interfered with. The charter goes on to say "Whatever possessions you now have or shall in future obtain by the bounty of Kings, Chiefs or others shall be inalienably preserved." For several centuries the hospice prospered exceedingly. A beneficent and wealthy monastery, it was a veritable Lamp of the Lammermoors alike to natives of Lothian and to pilgrims and sanctuary seekers from beyond its bounds.

The sanctuary of Soutra was not confined to its ecclesiastical buildings or to thirty paces round about them, but spread to ground beyond, not possibly in every direction as in some other sanctuaries but towards the south. There a considerable knowe, about half-a-mile from the monastery, is still called Cross-Chain Hill. It is said that the bounds of the sanctuary were marked off by a chain running round part of the summit of this eminence, and separating the privileged ground from ground where sanctuary could not be found. Hence the name of Cross-Chain Hill which has apparently come down from the time when Soutra was a sanctuary and crosses—probably four in number—marked the limits.

The downfall of Soutra, unlike that of other Scottish sanctuaries, was not primarily due to the Reformation spate but to the Catholic zeal of a Scottish Queen (Mary of Gueldres, the widow of James II). For she conceived the idea of founding a great hospital and church in Edinburgh for the praise and honour of the Holy Trinity and of transferring to it the princely revenues of this East Lothian sanctuary; and she carried this into effect by a charter granted on 1st April 1462 by the "aforesaid Mary with consent and assent of the illustrious Prince and Lord James, our son, the invincible King of Scotland." Hence it comes about, perhaps, that the not inconsiderable endowments of this ancient East Lothian hospital and sanctuary are administered by the Corporation of Edinburgh instead of the Corporation of Haddington! Soutra was shorn of its glory, and sanctuary seekers and pilgrims sought shelter elsewhere. Soutra was a mustering place in times of war and Border troubles, and, perhaps, the folk in sanctuary there would sometimes

see armed men summoned from East Lothian assemble there with armed men from Midlothian and Peebles, and the bale fires lit on Soutra Hill flash far their warning messages.

These were important sanctuary centres of East Lothian, but every other church in the county possessing, like parish churches and most monastic churches, rights of baptism and burial was, to a sanctuary seeker, an unchartered sanctuary for twenty-four hours, at least. If churches had no charter to vouch that they enjoyed the privilege, they at least claimed sanctuary privileges by prescriptive right.

Whether, before Scotland was called Scotland, Traprain was a City of Refuge; whether semi-legendary kings dwelt at Traprain, and conferred by their presence the right of sanctuary, are questions which in all probability will never be authoritatively determined. We are on surer ground when we come to the Town of Haddington. It is historically certain that William the Lyon had a palace in Haddington, and that his son, Alexander II was born there. Sanctuary seekers came to the Palace of Haddington as well as to other Scottish palaces, craving the king's peace or a fair trial.

Not a few enactments regarding the privilege of sanctuary are to be found in *Regiam Majestatem* and the Acts of the Scots Parliament. From those passed in the reigns of the Haddington sovereigns William the Lyon and Alexander II the following are culled:—

“ Gif ane man within Sanctuarie, or in anie other place, asks and craves the king's peace, and ane other man be evil zeale and purpose, lifts up his nive or fist to strike or beat him, and that be proven by twa honest men, he sall pay to the king foure kye and to him quhom he would have stricken an kow.

“ And gif he gives ane blow with his neive nought drawand bleed he sall pay to the king sax kye; and to him quhom he did strike twa kye.

“ And gife he fells or slays him with his nieve he sall gif to the king 29

kye, and ane zounge kow, and sall assith the friends of defunct conforme to the law of the countrie.

“ And gif anie of them quha flies to the kirk confesses himself to be innocent, and for povertie may nought find borgh nor pledges, he sall acquit himself in anie sure and convenient place as the king or the bishop sall think best; and gif he be fund clean, he sall passe in peace; and gif he be filed he sall be punished according as he is worthie.

“ Moirover, manslaughterers, traitors to their maisters, and they quha are challenged of murther or treason sall be lawfullie accused thereanent, and gif they in manner foresaid flie to the kirk, the law foresaid sall be keeped and observed to them.”

If ancient St. Martin's, in the Nungate, or the early “ Lamp of Lothian,” or the great church of St. Mary, could none of them confer or secure ecclesiastical sanctuary for more than twenty-four hours, the sanctuary seeker could flee to the Palace of Haddington, and there seek royal sanctuary. The right of sanctuary was inherent in the palace, as the residence of the sovereign, and its precincts: it needed no charter to confer it on these. The respect due to the king's presence and the king's house was itself sufficient to confer sanctuary; no one had the right to come into the palace or its precincts and deprive the king of the services of a subject however humble the subject. Royal sanctuary, with its benison of the king's peace was not limited even to the immediate presence of the king or to palaces and castles where he was dwelling temporarily or permanently. The king could and did confer it on other places and persons. Did both Walter and William Bisset, after the atrocious murder of Patrick of Galloway, seek royal sanctuary in Haddington? No less a person than Queen Mary, the wife of Alexander the II, came forward to say that William Bisset, the head of the Bisset family, was many miles north from Haddington when the inn in which the Earl was lodging was burned and the Earl himself murdered. There was a deadly feud between the Bisset family and the victorious young Earl, and the fact that he had vanquished the Bisset champion, Walter, in the tournament at Haddington only embittered the feud.

Rumour pointed to Walter Bisset as the miscreant, and William, the family head, was thought to be implicated in the crime. But the crime did not fall under treason or sacrilege, both of which would have been beyond the pale of sanctuary. The Bissets were called upon to stand trial, but, fearful of the influence of their foes, the Cumins, they declined, offering instead to assert their innocence by single combat. Their offer was declined, and they were called upon to "abjure the realm," which they did. Their oath entailed leaving their native land, never to return without leave of their sovereign. An abjurer on his way furth of the realm had to gang warily and painfully—sometimes he was called upon to go barefooted and bareheaded; sometimes he was restricted to a single garment of sackcloth; later he was allowed his shirt and breeches. There is no record that the Bissets had to undergo any of these indignities. In England, if not in Scotland, an abjurer of the realm had to keep strictly to the route marked out for him, otherwise he was liable to be executed at sight by the populace.

The right of sanctuary in Scotland was not confined to Scots, nor was the right of sanctuary in England confined to Englishmen. Twelve knights from Scotland and twelve knights from England met in 1249 to frame the laws of the Marches, and one of their enactments was that a fugitive crossing the border might take the peace of the king at the next church, the bell being rung until he obtained it from the sheriff. Such sanctuary seekers from over the border were not confined to the lowly born. No less a person than the redoubtable John of Gaunt, the Duke of Lancaster, the father-in-law of Richard II, sought and found sanctuary in Scotland. The Wat Tyler insurrection took place in 1341, and in the words of Wyntoun, the Scottish poetical chronicler, "The Carlis ras agayne their king." This drove Lancaster into the hands of the Scots, the auld enemies of England, and he sought sanctuary, or "herbry" (harbourage), at Holyrood. He found the Scots full of courtesy and consideration. The Earl of Douglas and his kinsman, the Lord of Galloway, met Lancaster, convoyed him to Haddington with a brilliant retinue, where he rested for the night. In the morning they escorted him with princely honours to the sanctuary of Holyrood. As Wyntoun has it in his *Cronykil* (B. IX c. 4. v 32), "Til Edinburgh on the morne pas thai and intil Holyrude

hous that Abbay Thai made hym for to tak herbry." There, with his train, he abode for a time in peace and plenty, the Scottish nobility and gentry vying with each other in showering costly gifts upon him. And when, the trouble in England being over, Lancaster again passed through Haddington on his way by Berwick to his nephew's court, he had with him an escort of 800 Scottish spearmen. Lancaster never forgot that Holyrood had sheltered him in sanctuary. When war began again and he was in command of the English forces in Edinburgh he restrained his men who were eager for spoil and destruction. And when Richard II himself was in Scotland in 1385, laying waste even the beautiful Border Abbeys, Lancaster, who accompanied him, got him to spare the Abbey of Holyrood.

Walter Bower or Bowmaker did not see Lancaster's princely progress through the county capital. But, as Walter Bower was born in Haddington only two or three years later, he must have heard from his older playmates, or the grown-up folk of the town, of the brilliant spectacle. Bower lived to become Abbot of Inchcolm, and to gain fame as an historian, as the continuator of Fordun's *Scotichronicon*.

Bower tells us of a sanctuary incident that happened in Holyrood some little time previously—in the reign of Edward III. Edinburgh Castle was at the time in the hands of the English, and one of the officers of the garrison was slain in the city by a Scot named Prendergast in retaliation for an insult. Prendergast took refuge in Holyrood Abbey, claiming the right of sanctuary by ringing the bell "as the custom is." The chapel was closed, so he did not get into it, but he entered the chapel of St. Augustine within the Abbey and was on his knees before the altar when the English discovered him. They feared to violate the right of asylum by slaying him or forcibly taking him "furth frae sanctuary," but they gave him a terrifying time. They got spikes fastened to long sticks, and from the screen of the chapel they kept prodding away at poor Prendergast with these, so that he could get no rest or sleep, and they placed a guard outside to prevent food reaching him. The monks managed to let down food to him, however, and eventually he escaped.

I give from ecclesiastical statutes and records some illustrations of the attitude of the Catholic Church to the privilege of sanctuary.

In the 13th century we find this form of excommunication:—

We excommunicate and condemn and anathematise and thrust out from the confines of the holy mother the church of God . . . *disturbers and violators of ecclesiastic liberties and immunities* in lands or waters or in woods or pastures or any properties whatever or those who abet them or give them advice help or countenance.

There is some doubt as to who was the "illustrious Scottish King" to whom Pope Innocent II issued a Decretal about 1212 A.D. Some authorities say, notwithstanding the manner in which he was addressed, that the king was not the king of Scotland, as we know it now, but the king of Connaught in Ireland. Be that as it may, the Pope, in the decretal, gives his judgment on various points submitted to him through the royal foresight of "you my very dear son." One is that a distinction must be made between a sanctuary seeker, who is a free man, and one who is a serf. However great the crime a free man has committed he cannot be dragged from church and condemned to death or corporal punishment. The rectors of the church are enjoined, as a concession to them, to obtain security for his limbs and life. A highway robber or a "plunderer of fields by night" might, the Pope points out, according to the canonical determinations, be haled forth of the church without any sanctuary being afforded to him. A serf, however, who has fled to the church for sanctuary may, the Pope advises, be taken out of it by his master, who, however, must make oath to the clergy that he will not punish the serf either in life or in limb. The sanctuary seeker, who was not a serf, was, therefore, safe from the avenger whether he was a criminal or merely suspected of a crime.

In the Aberdeen Diocesan Records of the 13th century there is this prohibition:—

We strictly ordain that no one shall take thence be force persons fleeing

to a church whom the church is bound to protect or shall blockade them round about the church or withdraw victuals from them.

Apparently a doubt arose at one time whether churches in "which the divine mysteries are celebrated" could confer the privilege of sanctuary, although they had not been consecrated. The Canon Law ordained that they could—a point of considerable importance in East Lothian. We find from the Pontifical of Bishop David de Bernham of the see of St. Andrews that a number of churches, not necessarily of recent foundation at the date of the Pontifical, had been consecrated between the years 1240 and 1249. The Church of St. Cuthbert's, Yester, is one of those consecrated in 1241, in the same year as St. Cuthbert's, Edinburgh; Linton is another. In 1242 there are Bara, Pencaitland, Seton, Gullane, North Berwick Monastery, Innerwick, and Oldhamstocks.

A sanctuary seeker of the landed classes, whose case was suspicious, might be asked to undergo the ordeal by fire; a peasant seeker of sanctuary might be asked to undergo the ordeal by water. The fire ordeal entailed walking barefooted and blindfolded over red-hot ploughshares; the water ordeal entailed being thrown bound hand and foot into the water. If the peasant floated he was adjudged innocent; if he sank he was adjudged guilty.

The privilege of sanctuary, no doubt, led to abuses in East Lothian as well as elsewhere. Men were sheltered in sanctuary who should have been condemned to death. While the system of sanctuary in early Scotland worked on the whole beneficially to the country, many abuses grew up. King William, in his palace of Haddington, planned to correct these abuses. The Pope Innocent III did not see eye to eye with him in this—thought, indeed, that neither king nor people should meddle with ecclesiastical sanctuary. More than two and a half centuries passed before an Act was passed (in 1469) excluding those who committed "slaughter," whether "forethought" or "on a suddantie" from sanctuary. Professor George Joseph Bell, in his great legal work (the Commentaries), says that the sanctuaries which, in the reign of Alexander II were useful or expedient, had become the refuge of deliberate

murder, hence the passing of that Act. As ecclesiastical sanctuary waned in Scotland royal sanctuary grew in power — at least until the Reformation. By an Act of James V, passed in 1535, it was provided that all "Maisteres of Girths within this Realme" were to appoint "responsal" men, Bailies or Deputes masters of sanctuary under them, and to send their names to the Lord Justice-Clerk. They were also directed to deliver to the Sheriffs for trial any sanctuary seekers within the bounds of their girth who were suspected of "forethought felony."

On 11th May 1685, when Lord Tweeddale was present, the Scottish Privy Council resolved in the "present exigence of affairs" to call the heritors and freeholders (those of East Lothian under the command of Lord Yester) and militia regiments (that of East Lothian under the command of the Earl of Winton). The heritors and freeholders were to be in readiness, sufficiently armed and provided to come out on horseback with their followers and servants, and with "twentie dayes provision to attend our army on twentie four hours advertisement and to march and obey such orders as they shall 'reseave from our Council or one of our generall officers.'" It having been reported to the Privy Council that certain persons who are obliged "to goe out and attend his Majesties host" may seek exemption on the ground of the risk they run on leaving sanctuary, the Privy Council, on 3rd June 1685, issued an order prohibiting all execution against such persons. The trouble did not last long, however, for, on 1st July 1685, the Privy Council, on the preamble that "that expedition is now over," recalled and revoked the order of 3rd June, "and to the effect all persons concerned may have notice hereof, ordain a Macer of Council to make intimation of these presents with sound of trumpet at the Mercat Cross of Edinburgh that non mey pretend ignorance."

George Buchanan, the illustrious scholar and historian who tutored James VI of Scotland, was the son of an East Lothian woman, Agnes Heriot of Tra-brown. For that reason, as well as for its interest, I give, in the words of Aikman's translation, a sanctuary incident chronicled in Buchanan's History of Scotland, which he wrote in Latin:—

"Next year, A.D. 1531, a circumstance occurred, remarkable on account

of its novelty, the astonishment at which is not lessened by the obscurity of the author, nor satisfied by the inquiries which were instituted at the time. John Scot, a man neither polished by learning, nor accustomed to business, nor sufficiently shrewd for practising deceit, having been unsuccessful in a lawsuit, and unable to pay the expenses, took refuge in the asylum of Holyrood Abbey, where he continued a number of days without sustenance of any kind. The story spreading, was at last told to the king; by his order, his garments were changed, and after being rigidly examined, he was shut up in an apartment in Edinburgh Castle, entirely secluded from all communication with any person, but having bread and water placed daily beside him, and during thirty days, he voluntarily abstained from all human food. Thence, when the fact had been sufficiently ascertained, he was publicly exhibited naked. To the mob which assembled, he made an incoherent harangue, containing nothing remarkable, except that he said, trusting to the assistance of the Virgin Mary, he could fast as long as he chose. Discovering more folly than cunning, he was dismissed; on which he set out for Rome. On his arrival there, he was put in prison by Pope Clement, till he confirmed the truth of the miracle by another fast; thence, clothed in a robe in which the priests say mass, and which he received, together with a certificate sealed with a leaden seal, a testimony of the greatest weight among the Romanists, he came to Venice, and, having proved his powers of fasting among them when he said he wished to perform a vow, he received fifty gold ducats, to pay the expenses of his journey to Jerusalem. On his return, he brought back some leaves of palm trees, and a bag full of stones, which he represented as taken from the pillar to which Christ was bound when he was scourged."

As illustrating the usage of sanctuary within the girth of Holyrood, the following selection of incidents in which prominent East Lothian men figured, should not be without interest. In a paper read by Mr William Galloway, at a meeting of the Society of Antiquaries of Scotland, held on 11th April 1879, he brought to light a Petition for Interdict or "Supplicatione" against a brother of a Sinclair laird of Gosford:—

"Supplicatione given in by Adam, Bischop o' Orkney, Commendatore of

Haliruidhous and Convent thair of, and alsweil Mr. Johnne Spens of Condy, Avocat, to our Soverane Lorde for Hes Grace's interest; and the indwellaris and inhabitants of the Canogait beneth the Girthe Croce thair of for thair interest; agains William Barrie, and Henri Sincler, brother to umquhile — Sincler of Gosfurde; makin mentioun:

"That quhan our Soverane Lordis predecessouris, Kingis of Scotland for the tyme, hes of auld, at the foundatione of the saidis Abbaye of Haliruidhous, grantit the privilege of the Girthe and immunities thair of to the haill boundis of the said Abbacy, and to that pairt of the Burghe of Canogait, frae the Girthe Croce doune to the Cloickisholm Mylne, quhilk privilege of Girthe has been inviolablie observit to all maner of persounes cumin within the boundis foirsaidis—not committan the crymes expresslie exceptit frae all maner of Girth — and that in all tymes bygane past memorie of man. Nochtheless William Barrie, Messinger, accompanit wi certane men of weir, armit wi culveringes, daggis, swordis, and uther wapponis, invasive cam to the dwellan hous of Thomas Hunter, within the foirsaidis boundaris, and beset the saymn round about and perforce brak up the dures thair of, baith on the baksyde and foirsyde, under an abune, and entirit in weir maner thairintill, and rypit the saidis haill lugeing: for quhat caus we know nocht, and that under collour o' searchin for sum persoune allegit committan of sum cryme;—quhilk hous within the boundis foirsaidis aucht justlie to have been girthe and place of surenes to quhatsumevis persounes resortan thairto, quha has nocht committit treasoune, murther, or sic uther crymes exceptit frae the privilege of Girthe. And siclike Thomas Barrie, Messinger, upoune the viii daye or thairby of Februar instant, accompanit with xvi or xvii men of weir, armit wi wapponis foirsaidis, cam to the saymn dwellan hous of the saidis Thomas Hunter, and also to the housis of Andre Chalmer and Sir Johnne Stevenson within the boundis foirsaidis, and maisterfullie and perforce brak up the dures thair of and entirit within the saymin, serchit and socht thro the saidis housis under collour of seekin of sum persounes quham thaye know nocht and sae hes violate the privilege of the Girthe grantit to the boundis foirsaidis in hie contemptioun of our Soverane Lordis autoritie, and thairthrough hes incurrit the panes of violatioun of Girthe."

The records of the Privy Council (10th December 1685) contain a reference to an incident in the sanctuary of Holyrood, in which Archibald, Master of Kingston was implicated. On 10th December 1685 the Lords of the Privy Council granted warrant to the bailie of the Abbey to assist the Macers of Council or Messengers employed in apprehending Archibald Master of Kingston and his accomplices. They, on 12th November, had been found guilty of riot and deforcement, and warrant was granted for their apprehension and imprisonment in the Tolbooth of Edinburgh till they found caution for their future behaviour. The Petitioner, James Hamilton, W.S., and Thomas Reid, Messenger, had been executing a poinding against the Master when he and his accomplices set about a "tumultuous convocation and violent deforcement." Notwithstanding the Warrant of 12th November, they had left their dwellings and come to the Abbey of Holyroodhouse.

Had the Master of Kingston been merely a debtor seeking sanctuary at Holyrood no warrant would have been granted for his apprehension. After the Reformation the privilege of sanctuary, even within the Girth of Holyrood itself, was limited to sanctuary for debt.

Two interesting Holyrood debtor cases are those of members of two distinguished East Lothian families, Richard Cockburn and George Hamilton.

Helen, one of the daughters of the famous Sir Richard Maitland of Lethington and Thirlestane, the blind judge and poet, married Sir John Cockburn of Clerkington. A descendant of this union was "Richard Cockburn Elder of Clarkington" who was a dweller in the sanctuary of Holyrood early in the eighteenth century. He had retired to the girth to get respite from his debts, but he added to them while he was a "sanctuary person." In a change house he incurred a debt amounting to about £35 Scots for "vivers," including liquor, which he failed to meet. The creditor sued Cockburn for the debt, and the bailie of Holyrood granted decree against him for it. This scion of the house of Clerkington was thereupon, to his great indignation, lodged in Holyrood prison. He presented a Bill of Suspension in which he craved the Lords of Session to set him at liberty. He averred that the bailie of Holyrood had no jurisdiction to sit in judgment on debts, and he craved to be

"reponed on his oath, there being no other means of probation against him." The answers lodged against Cockburn's pleadings were to the effect that the Bailies of Holyrood were competent to "cognosce" debts incurred within the precincts of the girth, especially for "vivers;" that Cockburn having been personally apprehended could not profess ignorance, and that in any case the only thing he seemed to contravert was the exorbitant charges in the account. The Lords were impressed with the soundness of these answers, and they accordingly refused Cockburn's Bill of Suspension.

A third of a century later (in 1741) an East Lothian laird figures in a Holyrood case. This was the Jacobite laird of Redhouse, George Hamilton, who was one of the rebels tried and executed at York in 1746 for his participation in the rebellion. To obtain the full benefit of sanctuary a sanctuary seeker required to book. Even Queen Elizabeth Woodville booked herself and her children as "sanctuary persons." But on retiring to the sanctuary in 1739, the last of the Redhouse Hamiltons wanted to be a law unto himself, wanted to secure the privileges of a dweller in the girth of Holyrood Abbey without any registration being made of his name in its records. He reckoned without James Halyburton, W.S., the Bailie of Holyrood. On two small creditors applying to the Bailie, he granted a warrant to arrest Hamilton and search for money which, it was alleged, he was fraudulently concealing. The laird must have been a stormy petrel in the Holyrood Alsatia. Violent opposition was expected from him, and the messengers sent to apprehend him were accompanied by a posse of soldiers armed with bayonets. The odds were too great for the redoubtable laird, and as the house in which he lodged was beset he sought to effect his escape by climbing a high wall. He was, however, overtaken and captured. He was wounded in the hand and a cutlass he carried was wrested from him. His pockets were searched, and a sum of five pounds found in them was taken possession of by the messengers.

Hamilton lodged an "Information" against the Bailie on 8th December 1740. In it he blames his ancestors, not himself, for his financial troubles. It was, he says, "the misfortune of the Pursuer Redhouse to succeed to a landed estate deeply encumbered by the debts of his predecessors." Entering into a

Submission with his creditors, he retired, he says, to the Abbey, not proposing injustice to any mortal, but merely to withdraw himself from personal diligence until a satisfactory arrangement had been come to with his creditors. He did not book, as he considered booking a ridiculous practice, and that every sanctuary seeker, whether booked or not, was entitled to sanctuary the moment his legs were over the Strand (the boundary line between the sheltering girth and the unsheltering Canongate).

The bailie's fee for booking was the modest one of five shillings, but the demanding of it acted on this last of the Redhouse lairds of his line like a red rag on a bull. The exacting of such a fee seems to him a grinding "of the faces of the poor," in which category he apparently includes himself. There is an amusing touch in his statement that such infringements of personal liberty as the "granting of Warrants *de plano* for plundering pockets are what superior courts only practise, and inferior courts are not to be indulged in." Sanctuary, in his view, needed no one's interposition. Their lordships, however, backed up the bailie, and found that the warrant he granted, and the consequent seizure and search, could not be attacked.

"Patrick Haliburton" was a well-known East Lothian name. Whether the Edinburgh Complainer of that name who gave in a Complaint to the Lords the year after Cockburn's case was tried was a descendant of the famous Dirlerton house of Haliburton is not certain, but the case is an interesting one. Haliburton must have been no inconsiderable figure in the Edinburgh of those days if his Assets were in proportion to his Liabilities. For he had incurred Debts amounting to about £3000, an extraordinary figure for the beginning of the eighteenth century. He was reputed to have secretly made away with his effects before he retired to Holyrood girth to get refuge from his exasperated Creditors. Every person booked in the Holyrood sanctuary had a weekly immunity of twenty-four hours, and was free to wander beyond the bounds of the girth for the space of time between midnight on Saturday and midnight on Sunday. No Creditor could molest him: no emissary of the law could make him afraid. So Mr Patrick Haliburton, like other dwellers in sanctuary, joined in the general exodus up the Canongate as the clocks "chappit" twelve

one Saturday night. Secure in his twenty-four hours' immunity, he called on one of his Creditors, a Mr Stewart, to treat with him in the words of his complaint "anent his satisfaction and security and his own liberation." The wily Stewart treated him with much kindness: nothing would satisfy him but that Haliburton must stay and sup and, no doubt, drink with him. The unsuspecting Haliburton was thus "trepanned and ensnared" and did not observe the flight of time. Twelve had no sooner struck, however, than Stewart, who had a Messenger-at-Arms in readiness, got Haliburton seized and put in prison. Haliburton, in his complaint, alleged first that this had been done by "a most illegal and treacherous practice, all the preparations being done on the Lord's Day, which is all one as if he had executed his Caption on the Sunday, contrary to our law and decisions and the prohibition of the Roman Emperors I, II *c de feriis* to secure that holy day from profanation." He also alleged that Queen Anne, by indemnity, had pardoned all offences, contempts, forfeitures, and outlawries preceding the 19th of April last," and that Stewart's Caption against him had been raised long before that. On his first plea the Lords allowed a proof; the second they repelled, finding that the Queen's indemnity did not extend to captions for civil debt prior to its date.

It was while his father was the Bailie, and therefore the "maister of the girth" or sanctuary of His Majesty's Palace of Holyroodhouse and of the whole bounds and precincts thereof, that Francis Jeffrey, Lord Jeffrey, was nearly drowned on the Tyne at Stevenson by the capsizing of a tub in which he was attempting to sail the river. The distinguished literary critic and lawyer was a young boy at the time of the accident, and he was on a visit to the family of the lairds of Stevenson. George Jeffrey, Lord Jeffrey's father, was appointed Bailie in 1777, and held office for about twenty-one years.

The dwellers in Holyrood sanctuary were nicknamed Abbey Lairds, whether they came of a landed or landless stock. George Jeffrey had both varieties among the numerous Abbey lairds under his jurisdiction. Sir Walter Scott confers an Abbey lairdship on one of his imaginary characters—on Mr Chrystal Croftangry, to whom he devotes a fascinating seven-chaptered introduction to the First Series of *The Chronicles of the Canongate*. Mr Croft-

angry, after an extravagant youth, found that his position would be most judiciously assumed by taking it up near the Abbey of Holyrood. After a certain time had elapsed, however, he used to long for Sunday "experiencing the impatience of a mastiff who tugs in vain to extend the limits which his chain permits." Many years after, when Croftangry was a free man again, he chose of his own free will to settle down within the sanctuary precincts "like the errant knight prisoner in some enchanted castle where spells have made the ambient air impervious to the unhappy captive, although the organs of sight encountered no obstacle to his free passage. Why I should have thought of pitching my tent here I cannot tell. Perhaps it was to enjoy the pleasures of freedom where I had so long endured the bitterness of restraint."

John Skelton, who, as we have seen, registered in the sanctuary of Westminster, was not the only author who fled to sanctuary. No famous author was ever a sanctuary seeker in East Lothian. A visitor to the county well over two hundred years ago was Daniel Defoe, who visited Lord Tweeddale at Yester. The author of Robinson Crusoe has a sure place among the immortals, but at one period of his life he had a place among "the sanctuary persons" of Bristol. It was not crime but debt, following an unprofitable adventure, that sent him there. Like the dwellers in the girth of Holyrood, the Bristol sanctuary folk got out on Sunday to wander at will. The gossips seeing him as he walked, and knowing that he had been in sanctuary, called him "A Sunday Gentleman," for, to the Bristolians, all who had taken refuge for debt in their sanctuary were called "Sunday Gentlemen."

Not once, but often, Thomas De Quincey was a dweller in the sanctuary of Holyrood. He produced some memorable literary work while he was in the sanctuary there. De Quincey was not, any more than Defoe, a native of East Lothian; but, though the name had died out of the county for centuries before his time, De Quincey knew that it was a name to reckon with in East Lothian, when the De Quincey lords of Travernent (Tranent) and Winton were among the most powerful of Scottish Barons. Thomas De Quincey (one of the most indefatigable of pedestrians) often walked about those places in the county where illustrious bearers of his name had lorded it in long-dead centuries.

A lame boy of eight, who spent some weeks at Prestonpans hobnobbing with an old military veteran named Dalgetty, and who became a greater author than either Defoe or De Quincey, was at one time swithering about retiring to Holyrood Sanctuary. When financial disaster overtook Sir Walter Scott he wrote in his diary "I suppose that I, the Chronicler of the Canongate, will have to take up my residence in the sanctuary for a week or so." Two days later he writes—"I can imagine no alternative but either retreat to the sanctuary or the Isle of Man. Both shocking enough. But in Edinburgh I am always near the scene of action, free from uncertainty, and near my poor daughter: so I think I will prefer it."

Other times other manners. The privilege of sanctuary, which served its day and generation not unfaithfully or unwisely, had to go. What was a salutary restraint to the hot-foot avenger in the earlier centuries, and a boon and blessing to the sanctuary seeker, would be an anachronism in these later times. It was a product of unsettled times and countries; and there is no place for it in an era and a country like ours, where no one is permitted to slay or steal with impunity, or to take the law into his own hands. Even the sanctuary of Holyrood, in which a future king of France and visitor to East Lothian found sanctuary not much more than a century ago, and in which harassed East Lothian folk could have found refuge less than half a century ago, is not now available. For though the sanctuary rights of Holyrood have never been specially repealed, legislation has made the shadowy privilege of sanctuary still attaching to it of no practical value, and no East Lothian man is ever likely now to call upon the Bailie of Holyrood to book him as a sanctuary person.

HUGH HANNAH.

SUGGESTIONS FOR RESEARCH.

One of the objects of the Society is to encourage the study of the civil and natural history of the County, and the Council have thought it advisable, in order to develop this branch of the Society's activities, to make suggestions as to the various lines of research which may be pursued. For convenience, the matter may be treated under four heads, viz.:—Archæology, Records, Folklore and Customs, and Natural History.

ARCHÆOLOGY.

East Lothian is a county peculiarly rich in evidences of pre-historic occupation, many of the sites being found on the coast-line, especially in the sandy areas. From time to time implements of flint, stone, bone, and bronze have been picked up. Burials of the bronze and iron ages have been discovered, the former yielding sepulchral pottery, of food vessel and beaker type, and also large cinerary urns and the small "incense cups" which sometimes accompany them. Many of these relics now form the East Lothian collection in the National Museum of Antiquities, Queen Street, Edinburgh.

Any archæological discoveries that throw fresh light on the lives of the people who inhabited these parts in bye-gone ages are of the utmost importance, and should be at once reported to the Director of the National Museum of Antiquities. By so doing, important evidences would not be overlooked, but properly recorded, and any finds would be added to the collection already in safe keeping.

Regarding the monuments mentioned in the Royal Commissions' Report and Inventory of the County, it would be well if members of the Society would take an interest in these and report to the Secretary any damage or interference which may occur.

RECORDS.

These may be divided into three classes: — (1) National Records, (2) Manuscripts in private custody, and (3) Local County Records.

Under the first class are comprehended the large mass of Records preserved in the Register House and the National Library, and also in the Public Record Office and the British Museum, London. Much valuable material for the history of the County will be found in them, and, as they have been made accessible, to some extent, by means of printed and MS. Calendars and Indexes, it is only necessary to draw the attention of our members to the wealth of material which they contain.

The second class refers more especially to the Records preserved in the muniment rooms of our leading County families which have been made available to a slight extent by the publications of the Historical MSS. Commission, and also by private publication. Much, however, remains to be done, and attention may be drawn to the Nineteenth Report of the above Commission (p. 9), which invites the co-operation and assistance of county and local historical societies in obtaining a conspectus of the historical material in private hands in the country. It may also be pointed out that private diaries, memoranda, and account books often contain much interesting material illustrative of the social and economic life of the people, and selections from such manuscripts usually make popular and interesting reading.

Our principal local Records are:—(1) Records of the three Royal Burghs, (2) Sheriff Court Records, (3) Ecclesiastical Records, (4) Records of the old seignorial jurisdictions abolished in 1748 (regalities, baronies, lordships, etc.), and (5) Records of the Incorporated Trades and of the Heritors and other corporate bodies. With the exception of No. 3, no inventories of these records have been published, but proposals are under consideration for the transfer of No. 2, and also of the Heritors' Records, to Edinburgh, where, no doubt, they will be arranged and catalogued. An inventory of the remainder is essential before any real progress can be made, and any help the Society can render will be much appreciated by record scholars. Practically nothing has been done to exploit these Records, which are an inexhaustible mine of information on everything relating to the County.

It is unnecessary to emphasise the importance of Records for material

illustrative of the history of the County, and it is hoped that some of our members will be able to undertake research work in one or other of the classes above mentioned. Although contributions must be written chiefly for the general reader who is not a specialist, the requirements of the latter must not be neglected, and much valuable work may be done in transcribing and printing manuscripts which will appeal to writers other than the local historian.

FOLKLORE AND CUSTOMS.

The folklore of the Lowlands has to some extent been neglected, and, though there is not the same wealth of material as in the Highlands and Islands, it is advisable that a record should be made of what survives. The collection of old customs, rhymes, and songs has, perhaps, received more attention, but much yet remains to be done, and it is desirable that from oral and printed sources an attempt should be made to compile a collection for the County. It may be suggested that a start might be made with the folklore and customs bearing on agriculture—the prime industry of the County—and the old bothy songs which are fast dying out should also receive attention.

Under this head we may also mention the study of place-names. We are glad to announce that a number of scholars have undertaken a survey of the southern counties, and members who can assist in the survey for East Lothian should communicate with Mr Laurence Sharp, of Edinburgh University Library, who is in charge of the work for the County. In this connection it is desirable to emphasise the importance of field-names, as they do not usually appear in any map or record, and are known only to those who cultivate the fields and to natives of the locality.

NATURAL HISTORY.

The study of the fauna and flora of the County is by no means the least important and useful of the Society's activities. Attention may be drawn to the important contribution in the current issue of our *Transactions* on the fauna of the County from the pen of Mr Mortimer Batten, and contributions on similar lines are requested. Records of the appearance in the County of

rare and unusual birds, animals, insects, or plants, of the arrival and departure of migrants, and of the variations in the nesting periods of birds, may be particularly mentioned, but not to the exclusion of other equally interesting and important subjects. It must not be forgotten, also, that the spade of the archæologist frequently discovers the remains of birds and animals long ago extinct, and a study of the place-names of the County is not without value in this connection.

The Council do not wish to emphasise the importance of any one subject more than another, and members are unfettered in their choice. There is an endless variety of subjects to write about, and the only criterion is that the contribution should elucidate some aspect of local history, civil or natural. Members who have suggestions to make or who wish advice on lines of research should communicate with the Editors of the Transactions, Mr J. H. Jamieson, 14 Sciennes Gardens, Edinburgh, and Mr William Angus, Historical Department, H.M. General Register House, Edinburgh.