Journal

of the

Sydney Society for Scottish History

SEMPER CLAUSUS

Volume 15 May 2015

THE SON OF SCOTANGLE: SIR JOHN STEWARD
(d. 1447)

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Introduction

IN 1447 Sir John Steward made a will that is a memorial to an eventful life.[1] Describing himself as the son of John Steward alias 'Scotangle', that is Scot-English, he requested burial in the mother church of Calais. He named his eldest son Thomas as his heir, bequeathing him his military equipment and a ship called *Grace de Dieu* given him by John, duke of Bedford, brother of Henry V and Regent of France.[2] Other bequests included a gold goblet given him by Queen Catherine at her coronation and a diamond ring given him by Eleanor Cobham, duchess of Gloucester, while she was in his custody. He bequeathed his mansion at Swaffham, Norfolk, to a second son Robert, and silverware and jewelry to his daughter Magdalena. Steward assigned the *tutela* of his eldest son to Sir Thomas Kyriel and appointed him his executor. The will was proved on 3 September 1447. It survives in the registers of the Prerogative Court of Canterbury, now held by the National Archives. A copy also appears in a manuscript miscellany compiled by Augustine Steward, a lawyer and antiquary in London, around 1570.[3] The centrepiece of the manuscript is a Latin chronicle, tracing the history of his family from Banquo, through the high stewards of Scotland, 'Scotangle' and Sir John Steward, to the Stewards of his generation, most especially his branch of the family, based at Lakenheath, Suffolk. The manuscript also includes transcripts of some twenty-five old charters in Augustine's possession in 1567.[4] Apparently,

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[1] The National Archives [TNA], the Public Record Office [PRO], PROB 11/3/500. This is the new reference created in the digitalisation project. The new data-base mistakenly dates the will as '1444'.

[2] The wording is 'navem cum toto apparatu vocatam le Grace de Dieu'.

[3] British Library [BL], Additional MS. 15,644.

[4] At the head of the first folio of transcripts Augustine Steward has written and signed 'A S': 'In this book is entred the true transcript of sundry ould charters

Augustine did not have an original copy of Sir John Steward's will. A transcript appears at the end of the manuscript with a note, dated 1564, providing a reference to the register at Lambeth.[5]

This article's primary concern is to explore the career of Sir John Steward, the testator of 1447. The attention that has been hitherto paid to him has been entirely genealogical and has arguably generated more heat than light. The pedigree of the Scotangle Stewards came under assault in the late nineteenth century, caught initially in the crossfire of the debunking of the myth of Banquo and the notion that Oliver Cromwell was, through his mother Elizabeth Steward, a distant cousin of Charles I.[6] Walter Rye, a Norfolk genealogist, argued that Augustine sought to conceal his family's modest origins and fabricated its history to support its heraldic claims.[7] John Horace Round, the great pedigree buster, acknowledged that the Scotangle legend predated Augustine and that the charters he transcribed appeared authentic. He nonetheless regarded the pedigree as one of the most egregious forgeries of all time and identified Augustine's uncle, Robert Steward, prior of Ely, as the

fabricator.[8] Of course, neither Rye nor Round could deny that there was a notable knight, well connected in royal circles in the reigns of Henry V and Henry VII, called Sir John Steward. For Rye, this knight, 'the genuine fighter at Agincourt', was appropriated and enlisted as a cover for the family's humble origins.[9] In an undeservedly neglected article in the mid-1920s, however, Henry Steward, an amateur family historian, made a very able response to Rye and Round, pointing out major flaws in their argument and providing a more thorough analysis of the evidence.[10] Above all, of course, there is the testimony of the will of 1447. Neither Rye nor Round attempt an explanation or even ponder the significance of the fact that the testator identified himself as the son of an anglicised Scot.

A major problem in documenting Sir John Steward's life is that there were other John Stewards active in England, not to mention Scotland, in the first half of the fifteenth century.[11] According to the family chronicle, his father came to England as a captive with the future James I, that is in 1406; John was born in England shortly afterwards; he was knighted at the coronation of Queen Catherine in 1421. The challenge of identifying him in the records is compounded by an unfortunate coincidence, illustrated by two documents that serve as important markers. One is a petition to parliament in 1414 by John Steward, Welsh by birth and parentage, who sought and secured dispensation from disabilities imposed on Welshmen.[12] Though not identified as a soldier, he can be plausibly associated with two other Welsh squires who were naturalised at this time. In this scenario, the Welshman is the most likely candidate for the John Steward who was retained by Henry V in 1414, led a company in the

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[8] J. Horace Round, 'Oliver Cromwell and his "Stuart" Descent', *The Genealogist*, new series 10 (1893), p. 18.

[9] Rye, 'The Steward Genealogy', p. 39.

[10] Sir Henry Steward, 'Cromwell's Stuart Descent', *Proceedings of the Cambridge Antiquarian Society* 27 (1924–5), pp. 86–122.

[11] It should be noted here that Steward is variously rendered in the sources. Steward appears as '*Sensechallus*' in Latin texts, including the family chronicle and the will. In the records of the time, in which English names are inserted in Latin texts, 'Steward', 'Styward', 'Stiward' and 'Stuard' are all in evidence and do not help with identification.

[12] Parliament Rolls of Medieval England, November 1414.

Agincourt campaign and remained on the royal pay roll until 1449.[13] The other document is a will by another Sir John Steward.[14] The will is singularly unrevealing about his background but is dated 1449, making it very likely that he was the annuitant of 1414. It is disconcerting to find two John Stewards, one the son of Scotangle and the other probably a Welshman, both knighted in the last years of Henry V's reign, pursuing parallel careers in the royal service, and passing away in 1447 and 1449 respectively.

The family chronicle and papers, and the will itself, offer some prospect of separating out the two careers, but by no means resolve all the difficulties. Sir John Steward, son of Scotangle, was evidently a notable figure. The will reveals that he was well connected at court and indicates a military career in France. His sense of heritage and identity as the son of a Scot is especially interesting. His career is worthy of attention in its own right. A study that involves a close examination of the family papers and an analysis that draws on a broader set of records has a potential significance beyond the purely biographical. The family papers include a number of items of general historical interest. As early as 1831, Bentley published the extract from Steward's will relating to Eleanor Cobham as an illustration of English history.[15] In 1870 Joseph Stevenson extracted from the chronicle the text of the Turnberry Band of 1286, a document of some import for Scottish history.[16] Since the family chronicle and papers survive only in sixteenth-century copies, and since doubts have been expressed about the good faith and authenticity of some of the material, the study provides an opportunity to assess and in some

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[13] In extracting documents relating to Scotland in the Public Record Office in London, Joseph Bain noted the career of John Steward, squire and knight, whom he assumed to be Scots, and highlighted the length of time over which he drew his annuity. Joseph Bain (ed.), *Calendar of Documents Relating to Scotland preserved in Her Majesty's Public Record Office, London*, [*CDS*] (1357–1509), (Edinburgh: H. M. General Register House, 1888), vol. 4, p. xxxiii, n. 7.

[14] Lambeth Palace Library, Reg. Stafford, f. 173. This will was also transcribed for Augustine Steward. The transcriber believed the testator the brother mentioned in Sir John Steward's will in 1447. BL, Add. MS. 15,644, f. 82r.

[15] Samuel Bentley, *Excerpta Historica, or Illustrations of English History* (London: Bentley, 1831), p. 278.

[16] BL, Add. MS. 15,644, ff. 35v–36v; Joseph Stevenson (ed.), *Documents Illustrative of Scottish History*, 2 vols. (Edinburgh: H. M. General Register House, 1870), vol. 1, no 12, pp. 22–3.

sense clarify its value to the historian. Of course, it is not possible to set aside entirely the issues relating to the ancestry of Sir John Steward and his descendants. After all, much of the evidence was assembled and shaped, perhaps even fabricated, to support genealogical and heraldic claims. Though offering the prospect of a firmer base from which to address the claims, this study is more concerned to engage with the enterprise through which the son of Scotangle, his ancestors and descendants, sought to document their past. In any event there is a great deal more at stake than the vanity of the family, or even the delicious ironies that the story of Banquo first took shape in England or that Charles I and Oliver Cromwell were distant cousins. The study makes it possible to assess and clarify the value of archive of the Scotangle Stewards and the insights that it provides on English and Scottish history.

Problems of Sources

The sources relating to Sir John Steward can be grouped into three. First, there are the pedigrees and narrative sources. In the chronicle, the life of the son of Scotangle is a natural point of focus. The first of the line born in England, he went some way towards establishing the family fortunes before setbacks in the 1440s. His son and heir, Thomas Steward, preserved his memory until the 1470s. By this stage oral tradition was already finding support in pedigrees and chronicles, as well as heirlooms and other memorabilia from his time. For the historian, the lifetime of Sir John Steward marks the period in which the lineage emerges into the clearer light of history. The chronicle account of his career appears more historical in the sense that it can be tested and generally corroborated by reference to national narratives and other external sources. The records of government, in particular, constitute a second category of evidence, produced and preserved by agencies other than family for their own purposes. Finally, it is useful to think in terms of a third class of source material. The documents transcribed in the 1560s represent an 'intermediary' category between the family narratives and records produced and preserved by external agencies. Since they survive only as copies made by or for the family, their authenticity cannot be assumed. As records of transactions with names and dates, however, they offer more stable and specific points of reference than the chronicle. Most of them relate to Sir John Steward's career and the settlement of debts arising from his ransom, but they also include

some outliers that serve to document the family history. In any event, it is fortunate to have three relatively distinct bodies of evidence to draw on, cross-reference and triangulate. Above all, Steward's unusually revealing will of 1447 serves as pillar and copingstone in the analysis.

Needless to say, the family chronicle is a problematic source. In British Library, Additional MS 15,644, it is introduced as 'a transcript of a certain genealogy the family of Stewards in England set out from Banquo the Scot and extended to 1572'.[17] Far from being a simple genealogy, the Latin text has some of the flavour of humanist history. The narrative begins with Banquo, and offers accounts of Fleance and the high stewards of Scotland to Alexander of Dundonald, fourth high steward (d. 1283). It then diverges from the main line of the house of Stewart and tells the stories of Andrew Steward, Alexander's youngest son, putting to flight Edward Balliol with a staff at Annan in 1332; his son Sir Alexander Steward, prospering in the service of the kings of France in the late fourteenth century; and finally his son John 'Scotangle', allegedly arriving in England with the captive Prince James in 1406.[18] The chronicle then details the lives of Sir John Steward and his descendants until 1511, with a continuation to the generation of Augustine Steward in 1572. The earliest part of the family chronicle is more legend than history. The accounts of the high stewards in the thirteenth century, though a little vague, refer to historical events. The accounts of Scotangle's grandfather, father and Scotangle himself are obviously original and, though they may have some basis in fact, give the impression of a self-serving family romance. After all, they serve to prove the family's descent from the stewards of Scotland, the right to bear their arms of *fesse chequy* on a field of gold, and the augmentation memorialising the triumph over the Lion of Balliol.

The challenge is to date the core of the family chronicle. It appears to have been largely the composition of Simeon Steward, who

[17] BL, Add. MS. 15,644, f. 15r.

[18] There is no independent record of Andrew, son of Alexander the Steward (d. 1283). Andrew Stuart notes a tradition that the Scotangle Stewards were descendants of James Stewart (d. 1334), ancestor of the Stewarts of Lorne. James was the son of John Stewart of Bonkyl, second son of Alexander the Steward. Andrew Stuart, *Genealogical History of the Stewarts from the Earliest Period of their Authentic History to the Present Times* (London: Strahan and Cadell and Davies, 1798), p. 65.

presents himself, 'while these things were being written', as a young man studying the liberal arts at Cambridge.[19] The section on his early life concludes what is described as a history of the Stewards from the eleventh century to 1511.[20] There is a clear break at this point: 'what follows has been newly added' heads the next folio.[21] There is also a change in approach, with more summary biographical notices of family members, and a lateral extension to include all Simeon's sons and daughters. This part of the chronicle is presumably Augustine Steward's work. Given that the extant text of the entire chronicle was copied in 1572 or shortly after, it is not possible to rule out some significant reworking of the earlier parts. In all likelihood Augustine wrote, in addition to the continuation, the new prologue, some framing passages and at least one obvious interpolation.[22] The overall impression, though, is that Augustine was an interested reader rather than the author of the chronicle. There is surprisingly little use in the chronicle of the information provided by the documents that he had to hand in the 1560s.[23] In any case the main elements of the narrative—the descent from Banquo and the story of Scotangle—were certainly in place long before his time. The part of the chronicle ending in 1511 refers to a roll from the reign of Henry V and a pedigree from Edward IV's time. The later part of the family chronicle begins with confirmations of the pedigrees by heralds who make reference to the evidences set before them. In fact the texts of the earlier chronicles can still be consulted. A brief narrative of the descent from Banquo to Richard Steward, Sir John Steward's grandson, originate in the 1470s, though copied or continued a

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[19] 'Symeon Seneschallus alias Steward filius Nicholai, adhuc dum hec scriberentur immaturus iuvenis, in academia Cantabrigensis liberalibus artibus animum applicans': BL, Add. MS. 15,644, f. 57v.

[20] BL, Add. MS. 15,644, ff. 57v–59v.

[21] BL, Add. MS. 15,644, f. 60r.

[22] A section recording the children of Geoffrey, a younger son of Thomas Steward is obviously an interpolation from this time. The children include Augustine Steward, mayor of Norwich (d. 1571), whose death is reported but was presumably breaking news at the time of writing as a space has been left for the year. '1571' is written in the margin: BL, Add. MS. 15,644, ff. 52r–v.

[23] In defending the good faith of the family chronicle, Henry Steward presents evidence to show that the will was not known to its author. Steward, 'Cromwell's Stuart Descent', p. 100.

century later, passed through Quaritch's in the early 1880s.[24] A similar text, dated 1522, showing the descent from Banquo to Robert Steward, prior of Ely, Simeon's brother, was printed in 1691.[25]

The Making of Sir John Steward, Son of Scotangle

Though the natural starting point for the life of Sir John Steward, the chronicle presents an immediate problem in regard to the approximate date of his birth. The account of his father, John Steward called Scotangle, states that he left Scotland with James, the heir to the Scottish throne, was captured with him at sea, and was taken with him into captivity in England. According to the chronicle, he married a lady at the English court, swore allegiance to Henry IV, won celebrity in a tournament at Smithfield, but died shortly afterwards, leaving his young son to be brought up by John, duke of Bedford. This somewhat romantic tale cannot be dismissed out of hand. The future James I, the earl of Orkney and a 'certain knight' were captured at sea in 1406, and a squire called John Steward was a member of the earl of Somerset's winning team at Smithfield in 1409.[26] Furthermore, it can be argued that his son's self-identifica-

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[24] Walter Rye, 'Oliver Cromwell's Descent from the Steward Family', *The Genealogist*, new series 1 (1884), pp. 150–7. It was bound up with a copy of Nicholas Upton, *Libellus de Officio Militari* made by Robert Glover, Somerset Herald, from a fifteenth-century copy. The text relating to the Stewards is headed '[Hec] est geneologia Thome Steward et Richardi filii sui breviter extracta ex Rotuli' and the copy is dated 1572. Brief notes on later family members have been added.

[25] The text is headed 'Incipit genealogia Roberti Stewarde Domini Prioris Eliensis, breviter tracta è rotulis Heraldorum anno MDXXII': Henry Wharton, *Anglia Sacra, sive Collectio Historiarum ... de Archiepiscopis et Episcopis Angliae, a prima Fidei Christianae susceptione ad Annum MDXL*, First Part (London: Richard Chiswel, 1691), pp. 686–88. Though dated 1522, it has been continued to include the death of Simeon Steward in 1568.

[26] For James's capture in March 1406, see Michael Brown, *James I* (Edinburgh: Canongate Academic, 1994), pp. 16–7. Steward's participation in the tournament in 1409 is noted in fifteenth-century English chronicles, e. g. William Marx (ed.), *An English Chronicle 1377–1461. A New Edition. Edited from Aberystwyth, National Library of Wales MS 21068 and Oxford, Bodleian Library MS Lyell 34* (Woodbridge: The Boydell Press, 2003), p. 39. It appears in print in William Caxton's edition of the Polychronicon (1480): J. R. Lumby (ed.), *Polychronicon Ranulphi Higden Monachi Cestrensis*, vol. 8, p. 545.

tion as the son of Scotangle and his early profile in chivalric and courtly circles presuppose a glamorous back-story. The time frame, however, poses problems for the family history. If Scotangle only came to England in 1406 and died in 1409 or shortly afterwards, he would have had very little time to marry, start a family, and win fame as a knight.[27] A son born in 1407 or 1408 likewise seems too young to be assigned to Queen Catherine's service and knighted at her coronation in February 1421. It is hard to escape the conclusion that Scotangle arrived in England earlier than 1406, and that his arrival with the Scots prince has the character of a family romance, not unfamiliar in modern migration stories, that glosses over more mundane or even dishonourable reasons for relocation.

Many Scots came to England in the later Middle Ages. Most of them were commoners drawn by opportunities for trade, employment and education.[28] Some were nobles and knights, seeking to escape troubles at home or to find service with English kings and magnates. In the early fourteenth century the Scots supporters of the English cause who fled south after the triumph of Robert Bruce were described as *Scoti-Anglicati*.[29] Alongside the Scots who pursued

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Augustine Steward added a marginal annotation to the pertinent passage in the family chronicle, 'vide policronicon anno domini 1409': BL, Add. MS. 15,644, f. 44r.

[27] The family chronicle reports that Scotangle had three children, namely Sir John, a second son also called John, and a daughter Candora, who married Richard Brooke: BL, Add. MS. 15,644, ff. 44r–44v. In his will Sir John Steward makes bequests to his brother John and Richard Brooke: PROB 11/3/500. The chronicle identifies his brother as citizen and sheriff of London; BL, Add. MS. 15,644, f. 46v. For some details on John Steward, citizen and chandler of London, sheriff of London, 1456–7, see Caroline M. Barron, *London in the Later Middle Ages. Government and People 1200–1500* (Oxford: The Boydell Press, 2004), p. 343.

[28] The alien subsidy returns, which list people born outside the realm, record the names of many Scots resident in England from 1440, including a dozen named Steward or Styward. See the data-base of the Arts and Humanities Research Council funded project 'England's Immigrants 1330–1550. Resident Aliens in the Later Middle Ages', at www.englandsimmigrants.com.

[29] Michael Brown, '*Scoti Anglicati*: Scots in Plantagenet Allegiance during the Fourteenth Century' in Andy King and M. A. Penman (eds.), *England and Scotland in the Fourteenth Century: New Perspectives* (Woodbridge: Boydell and Brewer, 2007), pp. 94–115.

military careers in the service of the kings of France,[30] including Scotangle's grandfather and father, there were a number who looked for advancement in England, especially in times of truce between the two kingdoms. There were at least two knights named Steward who settled in England in the 1390s. Sir William Steward, who married and held property in England, came to the attention of the authorities in 1400 when it was reported that he was an adherent of the Scots cause.[31] Sir Walter Steward, who brought a company of nineteen men into England in 1393 and was retained by Richard II with an annuity of 100 marks, was evidently a man of some quality and military experience.[32] He married an English lady and may have put down roots.[33] If Scotangle were a member of Sir Walter Steward's party in 1393, it would provide a more realistic time-frame for the birth of his son and, according to the family chronicle, two other children.

In relation to the son of Scotangle, it is prudent to seek out common ground between the family papers and the external sources. According to the family history, he was brought up by the duke of Bedford after his father's death, won a place in the service of Queen Catherine through his patronage, was knighted at her coronation, and served as cupbearer at the feast.[34] Although the external sources do not provide any direct evidence of Bedford's early patronage, the story finds some support in the pattern of Steward's career in France, especially his association with the Calais garrison, and in the gifts given him by Bedford. More generally, the trajectory of his career assumes an education in chivalry and courtesy, and indeed can only

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[30] Elizabeth Bonner, 'Scotland's "Auld Alliance" with France, 1295–1560', *History, The Journal of the Historical Association* 84 (1999), pp. 5–30, esp. pp. 14–17.

[31] *Calendar of the Patent Rolls Preserved in the Public Record Office* [*CPR*], *1399–1401* (London: His Majesty's Stationery Office, 1903), p. 415. See also http://sdrc.lib.uiowa.edu/patentrolls/search.html, accessed on 17 April 2015.

[32] *CDS*, 4, p. 98.

[33] Isabel, his wife, was probably well connected at court as she was allowed to retain her husband's annuity after his death. *CPR, 1399–1401*, p. 510. Payments to her are recorded until 1414: *CDS*, 4, pp. 168–9, 171–2.

[34] BL, Add. MS. 15,644, f. 44v. In relation to Bedford's role in bringing up the son of Scotangle, an early version of the chronicle is most explicit: '*in curam domini Ducis Bedfordiae, defuncto patre, suscipiebatur*': Rye, 'Oliver Cromwell's Descent from the Stewards', p. 154.

really be explained by patronage at the highest level. His assignment to the Queen Catherine's service is documented in the chronicle, family papers, the will, and in external sources.[35] By a fortunate chance, records relating to the queen's horses have been preserved in the exchequer office. They show that Steward was keeper of the queen's horses from 1 February 1421 until November 1426.[36] The accounts detail the building up of her stable, beginning at Rouen on 1 January 1421 and during her progress through England before and after her coronation. They document, too, her return to France, in the company of the duke of Bedford, in May 1422.[37] Henry V and Queen Catherine met on the road to Paris, entered the capital on the vigil of Pentecost, and were welcomed by the queen's parents, the king and queen of France. The family chronicle includes a safe conduct issued by Charles VI to Sir John Steward at Paris on this day. It describes him as knight of state (*'chivaler destate'*) to his daughter and recognises him as the grandson of Sir Alexander Steward, his former servant.[38] Steward accompanied the royal party to Senlis, was with the queen at the time of Henry V's death in August, and escorted her and her husband's cortège back to England.[39]

During her brief marriage, the queen was a focus of ceremonial and festivity, courtly dalliance and chivalric gallantry. As master of her horse, Sir John Steward was presumably often at her side, arranging the transport of her household, escorting her on her travels and perhaps accompanying her when she rode for pleasure and exercise. In her circle, both before and after her husband's death, was

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[35] An independent account of the coronation lists him as the queen's 'sewer': Marx (ed.), *English Chronicle 1377–1461*, p. 56.

[36] TNA, PRO, E 101/106/25, E 101/106/26. Since his status changes from squire to knight in the first accounting period, he can be clearly identified with the son of Scotangle. In the accounts the surname is variously spelt 'Steward', 'Styward' and 'Stuward'.

[37] He was presumably the Sir John Steward who contracted to lead three men-at-arms and 12 archers in the king's service at this time: *CDS*, 4, p. 185.

[38] BL, Add. MS. 15,644, ff. 48v–49r. The term 'chivaler destate', though it seems not to connote a specific position, seems apt. Curiously enough, Charles VI granted Sir John Stewart of Darnley, a Scots captain in his service, a handsome monthly allowance in 1422 *'pour l'etat de sa personne'*: Stuart, *Genealogical History of the Stewarts*, p. 130.

[39] He recorded the death of a horse at Calais on 1 November: TNA, PRO, E 101/106/25.

James, the captive king of Scots. An admirer of Henry V, James may not have been entirely loath to accompany him in France in 1420.[40] He attended the royal marriage, presented the new queen with a horse as a new year's gift in 1421, and sat on her left hand side at the coronation feast.[41] Catherine reputedly encouraged her husband to look favourably on James's love match with Joan Beaufort, Henry's cousin, and to facilitate his return to Scotland.[42] As the queen's servant, Steward must have seen a fair amount of the Scots king. It is hard to believe that his Scots background was not a topic of conversation. The family chronicle's reference to a pedigree being drawn up by a Scots herald in Henry V's reign needs to be seen in this context. Equally, though, its silence in regard to Steward's relations with James is further reason to suspect the story that his father came to England in the prince's company. This part of the story presumably only gained currency after James's return to Scotland in 1424. It may have been less an outright fabrication than a polite fiction that Steward was happy to go uncorrected.

Henry V's sudden death in August 1422 transformed the queen's personal circumstances. A widow before her twenty-first birthday, she was stranded in a land still foreign to her. Her infant son became Henry VI of England and then, after her father's death, king of France under the terms of the Treaty of Troyes. Though the widows of French kings often served as regents during royal minorities, regency powers in England were vested in the council of magnates. Furthermore, the regency in France was assigned to John, duke of Bedford. During her son's infancy, Catherine had an important ceremonial role as the king's mother. In November 1423, she brought her son from Windsor to Westminster, riding through London with the babe in her arms prior to his being presented to parliament.[43] In the medium term, of course, the queen could be expected to assume more informal power through her influence over her young son. Given the rivalry over policy, patronage and precedence between Humphrey, duke of Gloucester, the late king's

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[40] Brown, *James I*, p. 23.

[41] For the gift of a horse at Rouen on 1 January 1421: TNA, PRO, E 101/106/25.

[42] Lorna G. Barrow, '"The King of Scottis is now hoom in his land": James I and Joan Beaufort: A Political Partnership (1424–1436)', *Journal of the Sydney Society for Scottish History* 14 (2013), pp. 12–32, at p. 16.

[43] Bertram Wolffe, *Henry VI* (London: Eyre Methuen, 1981), p. 34.

youngest brother, and Henry Beaufort, bishop of Winchester, the senior member of a cadet line of the house of Lancaster, her future political stance could prove decisive. In October 1425 open conflict between Gloucester and Beaufort prompted the hurried return to England of the duke of Bedford.[44] A background concern in the crisis was actually the issue of the queen's remarriage. Rumours of a romance between the queen and Edmund Beaufort, Bishop Beaufort's nephew, raised the spectre of an alliance that would consolidate and perhaps perpetuate Beaufort influence in the royal household. A bold petition in the parliament at Leicester in spring 1426 requesting that the queen be permitted to marry again added to the tensions of the time.[45] Bedford successfully arbitrated between Gloucester and Bishop Beaufort, with the churchman resolving on a pilgrimage to Rome. A compact between Bedford, Gloucester and Queen Catherine in November 1426 to safeguard the young king and advance his interests acknowledged the importance of the queen's stance for the stability of the realm.[46] Steward, who concluded his formal duties as master of the horse a year earlier, may have been a useful liaison between Bedford and the queen. He presumably knew something of the state of play in the queen's circle

During his time in the queen's service, in the early 1420s, Sir John Steward also took a wife.[47] The statement that he married the daughter of Sir Thomas Kyriel and the references to Kyriel as his son's grandfather cannot be right. Born in 1395, Kyriel was still a

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[44] Ralph A. Griffiths, *The Reign of King Henry VI. The Exercise of Royal Authority 1422–1461* (London: Ernest Benn, 1981), pp. 73–83.

[45] Ralph A. Griffiths, 'Queen Catherine and a Missing Statute of the Realm', *Law Quarterly Review* 93 (1977), pp. 248–62.

[46] Wolffe, *Henry VI*, p. 44.

[47] It is likely that he was married by 1424 and that his son Thomas was born before 1425. The genealogists' statements that Thomas was born in or after 1426–7 are based on the assumption that he was a minor in 1447 when Sir John commended his *tutela* to Sir Thomas Kyriel. Though 'little more than a boy', according to the chronicle, Thomas was old enough to serve with his father in France in 1439–40: BL, Add. MS. 15,644, f. 49v. During the 1440s Sir John had to sell off and mortgage property to pay a large ransom. It is likely that Kyriel assisted by serving as a trustee on behalf of his nephew. An arrangement of this kind is indicated by Sir John's grant in 1444 to his son of £20 *per annum* from his lands in Guines, near Calais, during the life of Kyriel. This grant may mark his son's marriage: BL, Add. MS. 15,644, f. 9v.

bachelor in the 1420s.[48] A possible solution of the discrepancy is that Steward married the sister of Kyriel, who after his father's death would have been *in loco parentis*. The chronicle also states that Kyriel was godfather to Steward's son, who was named in his honour.[49] Given the high trust accorded Kyriel by Steward's will, a close relationship can be assumed, perhaps even a pact as brothers-in-arms. Though Kyriel's career is documented from 1417, Steward's entry into the profession of arms may have been a little later. If he were in Bedford's service, he may have served at sea in 1416, but otherwise might not have left England until 1420. Service in Bedford's retinue in France in 1420 led to his patron's assignment of him to the Queen Catherine's service at the end of the year. Since his accounts as master of the queen's horse record less activity after 1422, Steward may have served again under the duke of Bedford, by then regent of France.[50] It may be significant that he stepped down as master of the queen's horses at the height of the political crisis in early November 1425, when Sir Richard Woodville, Bedford's chamberlain, held the Tower of London against Gloucester's supporters. He was well placed to make himself useful to Bedford during 1426. It is likely that he set out with him to France in March 1427. Bedford clearly regarded him later in the year as sufficiently experienced militarily to take on an independent command at Rysbank, the tower dominating the harbour at Calais.

The family chronicle and papers and the public records provide complementary information about his activities between 1427 and 1432. He was appointed captain of Rysbank in November 1427 and took up the post shortly thereafter.[51] Two documents in the family papers reveal that two years later he took leave from his position. One is an indenture by which Sir William Bourchier took on the

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[48] David Grummitt, 'Kyriel, Sir Thomas (1395–1461) of Westenhanger and Sarrecourt in the Isle of Thanet, Kent', draft entry for the *History of Parliament*. I thank Dr Grummitt for sharing his research with me.

[49] BL, Add. MS. 15,644, f. 49v.

[50] If he served under his patron in 1424, he would have fought against Scots in the French service, including two namesakes, John Stewart, earl of Buchan, killed at Verneuil, and Sir John Stewart of Darnley. In general, see Elizabeth Bonner, 'Scotland's "Auld Alliance" with France, 1295–1560', *History. The Journal of the Historical Association* 84 (1999), pp. 5–30, esp. 14–17.

[51] *Calendar of Close Rolls* [*CCR*], *1422–1429*, p. 360; *CDS*, 4, p. 209.

captaincy for a year from Martinmas 1429.[52] The other is a statement by two members of the garrison that records Steward's resumption of office in July 1431 and the state of the garrison.[53] His absence from Rysbank makes it probable that he was the knight who served as master of the king's horse in 1430 and led a company in the expedition accompanying Henry VI to his coronation as king of France. His experience as the queen's master of the horse would have stood him in good stead for what was, after all, very much a reprise of his role in 1421–2. It was perhaps originally assumed that Queen Catherine, who attended her son at his coronation in Westminster in November 1429, would take part.[54] In April 1430 the royal host arrived in Calais, and over the following months proceeded to Rouen and Paris, where Henry was crowned in Notre Dame. The exchequer records include a payment to Steward at Rouen in January 1431 and a statement as to his receipt of £159 19s 2d and its expenditure on wages of the retinue and himself from May 1430, when they mustered at Sandwich, until May 1431.[55] The family papers round out the documentation of this episode, recording his return to his post at Rysbank on 24 July.[56]

It is likely that Queen Catherine's absence from her son's coronation in Paris had some connection with her affair with Owen Tudor. The queen's morganatic marriage to a Welsh gentleman in her service is a most obscure episode in British history. There had been some discussion of her possible remarriage in 1426, and indeed rumours of a romantic attachment to Edmund Beaufort. The parliament of 1427–8 passed an act declaring that the dowager queen could only marry with the permission of the king when he came of age and laying down that anyone marrying her without permission would suffer forfeiture of his property.[57] It has been reasonably

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[52] BL, Add. MS. 15,644, ff. 2v–3r. Grants of office at this time generally include the right to appoint a deputy, adding greatly to the difficulty of establishing narratives of a career.

[53] BL, Add. MS. 15,644, f. 3r.

[54] There is indirect evidence that Queen Catherine may have accompanied her son as far as Rouen. Griffiths, *Reign of King Henry VI*, p. 66, n. 61.

[55] *CDS,* 4, p. 216.

[56] BL, Add. MS. 15,644, f. 3r.

[57] Griffiths, 'Queen Catherine and a Missing Statute', pp. 248–62.

assumed that the queen's liaison with Owen Tudor arose from this impasse.[58] The chronology of the relationship, however, can only be inferred from the fact that Queen Catherine had three or four children before she became ill in 1436 and died at the beginning of 1437. The most plausible inferences are that the elder sons, Edmund and Jasper, were born around 1430 and 1431. Recent speculation that Edmund may have been the queen's son by Edmund Beaufort, and that the marriage to Owen Tudor may have been a cover for the affair, adds further layers of uncertainty.[59] All in all, the queen's personal circumstances, which did not become public knowledge until after her death, must have precluded her full participation in the coronation expedition. Sir John Steward may have been among the first to know something of her new condition. He was well acquainted with Edmund Beaufort and would probably have known Owen Tudor as a colleague.

One of the most intriguing items transcribed in the 1560s reveals that Sir John Steward was interrogated by the lords of the council as to what he knew about the marriage.[60] The text is a record of his response to the questions set before him, perhaps a copy of a document in French that he signed or sealed for the council. Steward is the model of discretion. He had sworn to the queen his mistress that he would keep her counsels, he declared, and in matters that did not relate to the crown, dignity and estate of his sovereign he would never be such a cad as to broadcast her secrets 'to the perpetual shame of his name and estate'. He denied having any dealings in the affairs of Owen Tudor and the queen other than that which was fitting for a loyal knight. He declared that he knew nothing of their intentions prior to their marriage and was actually serving in the king's wars in France at the time of the ceremony. Though it is undated and disappointingly discreet, the statement is quite revealing.

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[58] A later chronicler claimed that the queen's choice of a husband with little to lose was in response to this statute. J. A. Giles (ed.), *Incerti Scriptores Chronicon Angliae* (London: Nutt, 1848), p. 17.

[59] G. L. Harriss, *Cardinal Beaufort. A Study of Lancastrian Ascendancy and Decline* (Oxford: Clarendon, 1988), pp. 178–9. Michael Jones, 'Catherine (1401–1437)', *Oxford Dictionary of National Biography* [*ODNB*], accepts it as 'serious speculation'. Colin Richmond, 'Beaufort, Edmund, first duke of Somerset (*c*.1406–1455)' *ODNB*, feels that it is an 'agreeable possibility'.

[60] BL, Add. MS. 15,644, f. 3r.

Scholars have tended to assume that no formal investigation took place until after the queen's death. This statement makes it clear that the queen was alive at the time of the interrogation, and that the fact of the marriage and when it took place were known. Steward's statement that he was in France at the time of the wedding narrows the time frame only a little. The most likely period, assuming that Catherine had a child in 1430, would be during his first term at Rysbank, between November 1427 and November 1429.[61] One point of detail in the statement that may be significant. Steward was asked what Sir Thomas Kyriel knew about the marriage. Since Kyriel seems not to have been in the queen's service, the council's particular interest in him seems odd. An explanation may lie in the fact that Kyriel was in the retinue of Edmund Beaufort from 1429.[62] The council may have entertained the sorts of suspicions recently aired among historians.[63]

The Fortunes and Misfortunes of War

Sir John Steward continued to be active in court circles. He remained in Queen Catherine's service and was master of the king's horse at 20 marks a year. In May 1434 he was among the lords and knights who came before the council to witness the reconciliation of Bedford and Gloucester.[64] Above all, Steward continued to be militarily active as a key figure in the Calais garrison. The death of the duke of Bedford in 1435 was a great blow. Along with Sir Richard Woodville, Steward was appointed to take the final muster of Bedford's retinue at Calais.[65] Bedford died leaving a great number of creditors, including Steward and other captains. It is likely that Bedford's gift of the ship called the *Grace de Dieu* was in lieu of

[61] Ralph Griffiths suggests that the marriage probably took place after 1430: Griffiths, *Reign of Henry VI*, p. 61; R. A. Griffiths, 'Tudor, Owen (*c.* 1400–1461)', *ODNB*. Steward, of course, was in France for significant periods of time through the 1430s.

[62] Grummitt, 'Kyriel, Sir Thomas (1395–1461)'.

[63] I plan to discuss Sir John Steward's testimony relating to Queen Catherine's marriage to Owen Tudor in more detail in a future article.

[64] *Proceedings of the Privy Council*, IV, pp. 210–16, at 212.

[65] *CPR, 1429–1436*, p. 289.

some earlier payment.[66] Of course, Bedford's debts were ultimately the government's debts. In July 1438 the exchequer acknowledged a debt to Steward of over £160. Given the parlous state of the government's finances, Steward had no option other than to settle for half that sum.[67] The queen's death in January 1437 removed another well wisher. In 1436 she had extended the annuity she paid Steward to his son in survivorship.[68] The deaths of Bedford and the queen probably explain Steward's return to active service in France at a time when fortunes of war had turned decidedly against English arms.

Sir John Steward set out for Bordeaux, a major theatre of conflict. According to detailed accounts in the family papers, he and his retinue were on the royal payroll from May 1437 to September 1438.[69] During the summer of 1439 he was back at court serving as master of the horse.[70] In autumn or soon afterwards, however, he returned to France with his son Thomas, perhaps joining the earl of Somerset in Normandy. He was involved in a military encounter around this time that was the occasion of an interesting case in the law of arms. According to the account in the family papers, he engaged hand to hand with a French knight named Jacques Forkque and felled to him to the ground. Assuming him to be dead, he moved to the fray elsewhere, leaving him 'lying on the cold earth bleeding with warm blood'. The French knight survived, however, and Sir Thomas Rempston swept in and took him prisoner.[71] The case was

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[66] There survive two manuscript books, with inscriptions recording that Sir John Steward son of Scotangle had them of the gift of the duke of Bedford. Bodleian Library, Oxford, MS. Douce 115. Montague Rhodes James, *The Manuscripts in the Library at Lambeth Palace* (Cambridge: Cambridge Antiquarian Society, 1900), p. 20. The inscriptions are almost certainly retrospective, probably from the late fifteenth century.

[67] TNA, PRO, E 404/54/314, cited in Jenny Stratford, *The Bedford Inventories. The Worldly Goods of John, Duke of Bedford, Regent of France (1389–1435)* (London, 1993), p. 43, n. 96.

[68] BL, Add. MS. 15,644, ff. 5v–6r.

[69] BL, Add. MS. 15,644, ff. 11v–12r.

[70] Sir John Steward was in receipt of fees as keeper of the king's horses fairly continuously in the 1430s: *CDS*, 4, pp. 221, 223, 225, 226.

[71] For Sir Thomas Rempston, see Carole Ralston's biography: J. S. Roskell, in Linda Clark and Carol Rawcliffe (eds), *History of Parliament: The House of Commons 1386–1421* (Stroud: Alan Sutton Publishing, 1993). Setting the careers of Rempston and Steward alongside each other, it is hard to see when

eventually heard in a court of chivalry presided over by the earl of Somerset in 1442.[72] By this stage Steward and his son had themselves been captured in a campaign around Pontoise, presumably over the winter of 1439–40. The ransom was set at 25,000 *salus* (£816.13s 4d), a large sum. In June 1441 his agents secured £50 towards his costs at Calais.[73] Leaving his son behind as surety, he returned to England to raise the requisite amount by restructuring his finance and raising loans.[74] According to the family papers, a first instalment of 4,000 *salus* was paid in 1442 and a prisoner exchange allowed him to discharge the rest of the ransom in France. Unfortunately, it involved adding to his debts and obligations in England that his son and grandson were still paying off in the 1470s.

In his last years Steward was dependent on his status and credit at court. He was based at Dartford, Kent, in 1436.[75] Although his position and activities in Kent are hard to distinguish from his namesake, it is likely that he was the man given the custody of Rochester castle in October 1439, a position that was converted, at

and where this incident could have taken place, except perhaps in 1439 or early 1440. For a discussion of ransom cases, including Rempston's own misfortunes, see Michael K. Jones, 'Ransom Brokerage in the Fifteenth Century', in Philippe Contamine, Charles Giry-Deloise and Maurice H. Keen (eds), *Guerre et Société en France, en Angleterre, et en Bourgogne, XIVe–XVe Siècle* (Lille: Université Lille 3 Charles-de-Gaulle, 1991), pp. 221–35, at pp. 223–4, and J. L. Bolton, 'How Sir Thomas Rempston paid his Ransom: or, The Mistakes of an Italian Bank', in Linda Clark (ed.), *The Fifteenth Century, VII* (Woodbridge: Boydell and Brewer, 2007), pp. 111–18.

[72] BL, Add. MS. 15,644, f. 4v. The process is dated Verneuil on the vigil of Our Lady, presumably the principal Marian feast of the Assumption (15 August). Though the earl of Somerset is not known to have been in Normandy at this time, it is possible. The statement on 7 July 1442 that he intended to go into France 'in all goodly haste' has been reasonably, though perhaps mistakenly, assumed to refer to an expedition to Guyenne that took place later. He was absent from meetings of council in August: Harriss, *Cardinal Beaufort*, p. 332.

[73] BL, Add.MS. 15,644, f. 2r.

[74] The prior of St Salvator, near London, took jewels in return for a loan of £100, 4 July 1442. The family chronicle states that his brother, John Steward, citizen of London, provided financial assistance: BL, Add.MS. 15,644, ff. 45v–47r.

[75] Norman F. Ticehurst, *The Mute Swan in England. Its History, and the Ancient Custom of Swan Keeping* (London: Cleaver Hume Press, 1957), p. 101.

the time of his distress in May 1441, to an annuity of £36.[76] He was also probably the knight who served on the commission of the peace in Kent alongside Sir Thomas Kyriel who, like the son of Scotangle, was equally at home in Calais.[77] In addressing his financial position in 1441, he cashed in a lease of the manors of East Wrotham in Norfolk and Bledlow in Buckinghamshire first obtained in 1437–8.[78] According to his will in 1447 he had other property in Norfolk. His 'mansion' in Swaffham served as a residence for family members over several generations. Walter Rye, the critic of the Scotangle descent, made a great deal of the fact that there was already at Swaffham a freeholding family by the name of Steward or Styward, arguing that either the son of Scotangle 'was really a lowborn Swaffham man' or that the Stewards of Swaffham forged their descent from him.[79] Steward's acquisition of property in a village where there was already a family of the same name does not seem a great coincidence, given that his patron, the duke of Bedford, was lord of the manor of Swaffham from 1425. There is, however, a very remarkable coincidence in respect to the constableship of Leeds castle in Kent. It was his namesake who was appointed to the post in 1437, since the grant was made notwithstanding the annuities granted in 1414.[80] After her arrest in July 1441 Eleanor Cobham,

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[76] *CPR, 1436–41*, p. 546.

[77] *CPR, 1441–46*, p. 472. His last appointment is on the commission dated 28 December 1447, three months after his death, but that may be a clerical oversight: *CPR 1446–52*, p. 590.

[78] *CPR, 1436–41*, p. 546.

[79] Rye, 'The Steward Genealogy', pp. 37–9. Rye, in particular, seeks to impugn the family's account of Thomas Steward, the son of Sir John Steward, and associate with a well documented Thomas Steward of Swaffham who died in 1433 or his son and namesake, who was living in 1461. As Henry Steward shows, Rye makes egregious errors in reading the documents relating to Thomas Steward: Steward, 'Cromwell's Stuart Descent', pp. 103–4. In addition, I would note Rye's illogical assertion, in respect of Thomas, that 'a man who was a grandfather in 1467, but who was born *after* 1426, would be a real wonder in rapid procreation.'

[80] *CPR, 1436–41*, pp. 33–4. In further confirmation that it was Steward's namesake who was constable of Kent castle, the proceeds of the office were not reassigned until October 1449 when it was reported that that Sir John Steward 'is now dead it is said', two years after the death of the son of Scotangle but only two months after his namesake's death. *CCR, 1447–1454*, p. 144.

duchess of Gloucester, was taken by one or other Sir John Steward to Leeds.[81] While it was his namesake who was constable of the castle where she was kept for several months, it was the son of Scotangle who was given the diamond ring by Eleanor while she was in his custody.[82] It does seem curious that both men were centrally involved in her detention.

The Scotangle Stewards

As he approached his death in 1447 Sir John Steward could look back on a remarkable life and a distinguished career. He was a long way, however, from re-establishing his fortunes. Several of the charters indicate that he was heavily in debt. He may have been living at Calais and in 1444 seems to have land in Guines that Sir Thomas Kyriel held in trust for him.[83] Thomas Steward, his eldest son, faced a number of challenges in building on his inheritance. His guardian's capacity proved to be very limited. Sir Thomas Kyriel's career as a soldier extended over thirty years when his luck failed. He was captured in 1450 and had to find a large ransom. Like his friend a decade earlier, he had outlived his patrons, and found himself having to chart a new course in the tumultuous politics of the 1450s. His growing association with the Yorkist party, especially Richard Neville, earl of Warwick, captain of Calais, led to his execution by the court party at the second battle of St Albans in 1461.[84] His son, John Kyriel, remained in France unransomed for twenty-five years.[85] Thomas Steward at least had his freedom. The family chronicle reports that he followed a career at sea. In addition to inheriting the *Grace de Dieu* from his father, Thomas probably inherited experience and connections in business, military contracting and shipping. One document in the family papers

[81] Ralph A. Griffiths, 'The Trial of Eleanor Cobham: An Episode in the Fall of Duke Humphrey of Gloucester', *Bulletin of the John Rylands Library* 51 (1968–9), pp. 381–99.

[82] PROB 11/3/500.

[83] BL, Add. MS. 15,644, f. 9v.

[84] The execution of Sir Thomas Kyriel is recorded in Caxton's *Polychronicon*: Lumby (ed.), *Polychronicon*, vol. 8, p. 585.

[85] *CCR*, 1476–85, p. 300.

indicates that in 1464 he was providing the earl of Warwick, captain of Calais, two ships 'for the conduct of war upon the narrow seas'.[86] Another is a contract by which he and a colleague had the conduct of five ships raised in Bristol for the king's fleet in March 1469.[87]

Interestingly, Thomas Steward's maritime career and association with Warwick brought him to Berwick and re-engagement with his Scottish heritage. In an indenture, dated 1462, between him and Duncan Steward of Scotland, the Scots squire acknowledges Thomas, grandson of Scotangle, as a cousin, and the two men enter a pact of friendship and alliance under a penal bond.[88] In a transaction of 1464 the bishop of Glasgow, the abbot of Holy Rood, the earl of Argyll and others Scots notables enters a bond in 1,000 *livres* that Sir John Ross of Hawkhead in Renfrew, a captive of the earl of Warwick, would deliver himself at the 'iron gate' of Middleham castle. In the following year Warwick gave Steward this bond as payment for supplying two ships fully furnished and manned for service in the English Channel.[89] Thomas Steward and his son Richard may have given some consideration to exploring opportunities in Scotland. According to the chronicle, Richard had a great desire to visit his ancestral homeland and at length was able do so. He sought out noblemen of his name and was reportedly well received at the Scottish court.[90] He died soon after his return to England, apparently in 1478.

In the late fifteenth century there is a decided shift of focus in the Scotangle line from chivalry to civil professions. According to the family history, Richard Steward was sent to the abbot of Ramsey, a kinsman, for his education. He married the daughter of John Borely of Isleham, Cambridgeshire, who undertook business for Ramsey

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[86] BL, Add. MS. 15,644, f. 13r.

[87] BL, Add. MS. 15,644, f. 5r. The ships were the *Gabriel* of Plymouth, the *Rose* of Bristol, the *Grace Dieu* of Bristol, the *Castle* of London and the *Peter* of Dover.

[88] BL, Add. MS. 15,644, ff. 12v–13r. Rye regards it as suspicious that this document is in French rather than English. He rather overlooks the maritime context and the likelihood that Duncan Stewart, like Thomas Steward, probably had a background in the wars in France.

[89] BL, Add. MS. 15,644, ff. 9r–9v.

[90] BL, Add. MS. 15,644, ff. 54v–55r.

Abbey and the Ely Priory.[91] Among the family charters is an
acknowledgement by the prioress of Blackborough, near Lynn, in
1476 that she has received from Richard Steward the payment of the
final instalment of £40 borrowed for the ransom of his grandfather
and father, and the release to him, at the instance of the abbot of
Ramsey, of a little chest (*capsula*) of muniments, held as surety for
the loan.[92] The chest doubtless included some of the papers
subsequently used to document the family history. They may have
inspired Richard to seek out his kinsmen in Scotland. Richard's early
death, and his father's demise shortly afterwards, again threatened
the continuity of the family tradition. Nicholas Steward, Richard's
son, progressed from Cambridge to London to study law at the
Middle Temple.[93] He probably used his legal training in estate
administration and acquired land at Outwell, on the border between
Cambridgeshire and Norfolk. He died in 1499, leaving six sons,
including Robert, later prior of Ely, and Simeon, who wrote the
family history at Cambridge.[94] A notable feature of the chronicle,
reflecting changing values and new ideas about gentility, is its
concern to record the education and profession of family members.

   In the early sixteenth century Nicholas Steward's family prospered
through investment in education, the management of monastic
estates and sharp dealing in the land market. The son who enjoyed
most worldly success was, ironically, the one who became a monk of
Ely. As he was from Outwell and Upwell, his name in religion was
Robert of Wells.[95] He was able and energetic, rising to become prior
of Ely and then, after the dissolution of the priory, the first secular
dean of Ely. He was doubtless well placed to assist his kinsmen.
Simeon Steward, his younger brother, settled at Lakenheath, a manor

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[91] BL, Add. MS. 15,644, ff. 53r–54r.

[92] BL, Add. MS. 15,644, f. 5v.

[93] There is a record of Nicholas Steward (Styward) in practice as an attorney in
the Court of Common Pleas in 1480: TNA, PRO, CP 40/873/313.

[94] His will is dated 14 March 1498 and probate was granted 24 January 1499. In
the will the family name is rendered 'Stward', incidentally making it hard to find
in the new catalogue. TNA, PRO, PROB 11/11/349. Augustine Steward owned a
copy of Bracton's *Laws and Customs of England*, that had formerly belonged to
Nicholas Steward: James, *Manuscripts at Lambeth Palace*, p. 45.

[95] Felicity Heal, 'Steward, Robert (*d.* 1557)', *ODNB*. This entry mistakenly
gives Robert's birthplace as Wells next the Sea.

of the priory of Ely. Like his father, Simeon seems to have been able to secure educational opportunities for several sons, including Mark Steward, who secured a place in the royal household, and Augustine Steward, who enjoyed success in London as a lawyer and property dealer. Above all, the Stewards aspired to the social status that came with lineage. As he rose through the ranks, Robert of Wells reclaimed his surname. Robert's pride in his pedigree and penchant for heraldic display are all too evident. He and his brothers apparently dusted off the old rolls and muniments and sought confirmation of their claims from Thomas Wriothesley, Garter King of Arms, in London in 1520.[96] In the mean time Simeon expanded the brief narrative linked to pedigree compiled some decades earlier into a remarkable history of the Stewards from Banquo to his own time. His son, Augustine, an antiquary as well as a lawyer, conducted further research, compiled the British Library manuscript as a compendium of the Scotangle tradition, and publicised his descent in stained glass and wall paintings.[97]

Assessing the Scotangle Tradition

Though he remains a little elusive, Sir John Steward, son of Scotangle, is man of history not legend. This study of his career between the 1420s and 1440s has, it is hoped, shown some of the interest of a Anglo-Scots knight, well connected in chivalric and courtly circles and involved in war and politics, who identified himself at the end of his life as the son of Scotangle. It is clear, though, that much of the interest depends on the material laid out in British Library, Additional MS. 15,644, and, more generally, the authenticity of the Scotangle tradition. The study of the first of the Scotangle Stewards who was born in England can perhaps serve the further purpose of testing the robustness of family tradition. Given the limitations of most history written at this time, it should not be entirely surprising that, in respect of Sir John Steward, the family chronicle is not wholly reliable. Still, close familiarity with the text breeds respect rather than contempt. It is an ambitious enterprise. A

[96] BL, Add. MS. 15,644, ff. 2r–v.

[97] I propose to examine in more detail the career and antiquarian scholarship of Augustine Steward (d. 1598) in a separate article.

chronological series of connected biographies of people who are not kings or churchmen is most unusual.[98] The chronicle melds the styles of older verse genealogies and new humanist history. Some of its limitations as a source reflect the author's attempts to fill gaps through his own researches and to extrapolate from the limited information available to create a coherent narrative. It is hard to be sure, for example, that the story of the duke of Bedford's role in Steward's education and advancement is a family memory, as is likely enough, or the author's inference from the fragments of evidence. The family charters, which only survive as copies, likewise present a range of problems. Since many of them have been preserved for their evidentiary value, they have to be approached with some suspicion. The transcripts appear painstaking. Augustine Steward checked some of them—including Steward's case in the court of chivalry—against the originals, making notes on their seals and commenting of issues of legibility. Though the charters present many puzzles, they do seem genuine. The items copied from external archives, including the wills of the two Sir John Stewards, can be shown to be accurate, and attest more generally a concern to seek out sources rather than fabricate them. The records of government attest rather than otherwise the value of the family papers. On some topics—notably Steward's connection with Queen Catherine—the various sources provide unique pieces of information that complement each other.[99] The will of the son of Scotangle, a source that seems not to have been available to the author of the original chronicle, effectively binds together key aspects of the story.

  In attesting to the good faith of the chronicle, at least as it relates to Sir John Steward, this study makes it hard to accept the claims of Rye and Round that the Stewards in the sixteenth century were guilty of gross deception. The argument that they sought to disguise their

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[98] It may be relevant that Robert Steward, prior of Ely, wrote a continuation of the history of Ely from 1486 until 1554, bishop by bishop. Wharton, *Anglia Sacra*, I, pp. 675–7.

[99] For example, the family chronicle reports Sir John Steward's appointment as captain of Rysbank, referring to a letter patent, presumably then in family hands: BL, Add. MS. 15,644, ff. 45r–v. The patent rolls do not record the appointment, but they do include other references to him in this capacity: *CDS*, 4, p. 209; *CPR, 1429–36*, p. 9. Among the family papers transcribed in the 1560s are documents relating to his subcontracting the post, the sort of arrangement rarely documented in the official records: BL, Add. MS. 15,644, ff. 2v–3r.

humble origins in Swaffham by appropriating a hero of Agincourt is easily dismissed. Contrary to the impression given by Walter Rye, the descent of Nicholas Steward, the father of the prior of Ely and the young man at Cambridge, from Sir John Steward, son of Scotangle, is clear and reasonably compelling, even without seeing the originals of the charters that passed muster with the Garter King of Arms in 1520.[100] In any case, as Henry Steward argued, it is hard to know how the prior of Ely could have got away with such a deception about his family origins in so close in time and space to putative ancestors and kinsmen in Swaffham. In regard to the allegation of ancestor theft, it is interesting that the Stewards did not claim that their ancestor fought at Agincourt and, given that his namesake did, it is greatly to their credit that they neither made the claim nor even sought to associate him with the warrior king. Since none of the publicly available sources, with the exception of his will, refers to Sir John Steward as the son of Scotangle, it is hard to explain how the sixteenth-century Stewards could have found their way to the Scotangle tradition unless it indeed was their own tradition. Even if it can be imagined that they somehow acquired the whole archive of a defunct family with the same surname, it would still leave intact the historicity of Sir John Steward and the conundrum of the Scotangle tradition. The idea that the sixteenth-century Stewards fabricated the whole tradition, including the planting a fake will in the register at Lambeth, defies belief.

If it can be reasonably concluded that the members of this family were descendants of Sir John Steward (d. 1447) and that he was the son of a Scot, it does not follow that they and he had an illustrious ancestry. The only documentary evidence for a noble descent is in the family chronicle itself and it is not especially robust. It is a copy of a letter patent of Charles VI of France, dated 1 July 1385, addressed to the people of Scotland. In records a grant of the insignia of knighthood to Sir Alexander Steward; refers back to the services of Sir Andrew Steward; approves an augmentation to the family's arms of a small shield of silver a red lion beaten by a ragged staff in commemoration of his father's putting to flight 'the factious usurper and coward Lion of Balliol'; and, implicitly, recognises the entitlement of father and son to bear the arms of *fesse chequy* on a

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[100] BL, Add. MS. 15,644, ff. 2r–v.

field of gold of the high stewards of Scotland.[101] A second document, again only extant in the chronicle itself, is the letter of Charles VI, dated 1422, granting a safe conduct to Sir John Steward, '*chivaler destate*' of his daughter, the queen of England, and acknowledging him as a kinsman of his former servant, Sir Alexander Steward. The authenticity of the first grant has been roundly challenged on linguistic grounds. According to M. Francisque-Michel, it was obviously written in the 'the patois of an Englishman little familiar with the language spoken in Paris at the end of the fourteenth century'.[102] Historically, however, the grants seem quite compelling. Their dates, 1 July 1385 and the Vigil of Pentecost 1422, place them convincingly in the narratives of Alexander Steward's likely departure to join the Admiral of France in Scotland and Sir John Steward's return to Paris with Queen Catherine.[103] The linguistic anomalies in the document of 1385 may be explained by the inclusion of the wording of Sir Alexander's petition, especially given its intended audience in Scotland, or by the corruption of the text through successive copyings in an Anglophone environment. If, even in the best estimation, the two documents seem contrived, it should be borne in mind that they were sought, in the manner of testimonials, from the French king, who perhaps did no more than instruct his clerks to draw up letters that were largely based on the petitions.

Even if wholly authentic, of course, the documents do not prove the pedigree, certainly not the descent from Banquo or even, crucially for the royal connection, the claim that Andrew Steward, the alleged hero of 1332, was the youngest son of Alexander the high steward of Scotland. They do suggest, however, that the family legend began, not in the sixteenth century, but with Sir Alexander Steward in France in the 1380s and the son of Scotangle in England forty years later seeking to preserve, elaborate and in some measure

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[101] Steward, 'Cromwell's Stuart Descent', pp. 91–2.

[102] Francisque-Michel, *Les Écossais en France, Les Français en Écosse*, 2 vols. (London: Trübner, 1862), vol. 1, pp. 92–3.

[103] The admiral of France's expedition to Scotland, from which an invasion of England would be mounted, is mentioned in the French king's letter. The admiral set off for Scotland with the vanguard in late May 1385, but the main army was assembled at Sluys in July for departure at the end of month. Jonathan Sumption, *The Hundred Years War. III. Divided Houses* (London: Faber and Faber, 2009), pp. 537–8, 543.

'invent' a sense of lineage and identity. They were doubtless inspired and assisted by contemporary heralds and chroniclers who were recording pedigrees, documenting feats of arms, and fashioning a usable past for the Scottish nation and its new royal house. There may well have been some debt to the lost *Stewartis Original,* composed by John Barbour for the first Stewart king, Robert II, on his accession in 1371.[104] The family chronicle refers to a roll drawn up a Scots herald in the reign of Henry V.[105] The fact that the early Scotangle pedigrees include the descent of Robert II but do not trace the line of later kings adds to the impression that the key elements in early family history were set in place in the decades around 1400. For all their evident passion for genealogy, heraldry and social climbing, the Scotangle Stewards in sixteenth-century England showed absolutely no interest in the royal house of Stewart.

A remarkable feature of the family chronicle is that it begins with Banquo and Fleance. The origins of the Banquo legend are wholly obscure. It may have dated back to the thirteenth century, and was perhaps first set down in writing in the no longer extant *Stewartis Original*. The fifteenth-century chronicles of Walter Bower and Andrew of Wyntoun, however, show no interest in the origins of the house of Stewart. Hector Boece's *Scotorum historia a prima gentis origine* (1526–7) is generally credited with providing the earliest extant notice of Banquo. In his account of Macbeth, he makes reference to the thane of Lochaber and digresses to give an outline of the descent, through the stewards of Scotland, to James V.[106] Translated into Scots in 1536, Boece's work was certainly known in England. It was a major source for Raphael Holinshed's *History of England, Scotland and Ireland* (first edition, 1577). There can be little doubt, however, that the Scotangle tradition is an earlier witness to Banquo than Boece. 'Banquho' is the first name in the pedigree dating back to the 1470s, in the history of the Stewards compiled by Simeon Steward in 1511, and in the genealogy prepared for the prior

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[104] It is assumed to be 'a metrical chronicle of the royal Stewarts, tracing their origin in successive generations from Ninus the founder of Nineveh (who lived before Abraham) down to Robert II': J. T. T. Brown, 'The Origin of the House of Stewart', *Scottish Historical Review* 24 (1927), pp. 265–79, at p. 265.

[105] BL, Add. MS. 15,644, f. 59v.

[106] Hector Boece, *The History and Chronicles of Scotland ... translated by John Bellenden* (Edinburgh: W. and C. Tait, 1821), vol. 2, pp. 264–7.

of Ely in 1522. More to the point, the family chronicle provides a much fuller narrative. Its account of the career of Banquo, his murder by Macbeth, the flight of his son Fleance to Wales, and the return to Scotland of his grandson, Walter, the first of the stewards, is not only earlier than those in Holinshed (1577) and George Buchanan's *Rerum Scoticarum Historia* (1582) but also, given its focus on Banquo and his line, more detailed. A thorough comparison of the early accounts of Banquo would be a worthwhile exercise.

The early embrace of Banquo by the Scotangle Stewards suggests access to a lost version of the legend. It strengthens, even if only marginally, their credentials as descendants of the high stewards of Scotland. There is an additional reason, however, to take seriously their claim to noble ancestry north of the border. Even as he denounced the pedigree, J. H. Round wondered how the Stewards had acquired the collection of interesting documents. Robert Steward, prior of Ely, is known to have taken manuscripts from the library at Ely and Augustine Steward was an avid collector of books and antiquities. Still, all the evidence suggests that the Scotangle material was their family archive, perhaps initially kept preserved at Ramsey, Blackborough and other religious houses. What is particularly intriguing, though, is that the older items, if genuine, must have come from Scotland. The letter of Charles VI granting the augmentation of arms in 1385 probably had the status of a family heirloom. It was the key exhibit that was set before the heralds and was so familiar a text within the family that only the first lines were included in the short pedigree-chronicles composed in the 1470s and 1522. It only survives, however, in the family chronicle. A related document, however, was in Augustine Steward's possession in 1567. It is an indenture in which Sir Alexander Steward bound himself to George, earl of Angus, to take the cross at Christmas 1390 and set out with the duke of Bourbon to Africa against the Saracens.[107] Interestingly, M. Michel, who doubted the authenticity of the grant of 1385, accepted it as genuine. A number of Scottish historians have likewise accepted it as genuine.[108]

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[107] BL, Add. MS. 15,644, f. 3v.

[108] Francisque-Michel, *Les Écossais en France*, 1, pp. 91–2; Michael Brown, *The Black Douglases: War and Lordship in Late Medieval Scotland, 1300–1455* (East Linton: Tuckwell Press, 1998), p. 205; Alastair J. MacDonald, *Border Bloodshed: Scotland and England at War, 1369–1403* (East Linton: Tuckwell

Even more notable is the Turnberry Band of 1286, a pact made by a group of Scots and Anglo-Irish magnates in the crisis following the sudden death of Alexander III. It is an important text, translated and published in a major collection of historical documents, and continues to attract interest.[109] Its authenticity appears never to have been questioned, perhaps because, as with so many items in the Scotangle archive, it is hard to imagine anyone having the knowledge, imagination and the motivation to forge it. The provenance is interesting. William Dugdale, who published it in the *Baronage of England* (1673–5), took it from a manuscript of Robert Glover, an Elizabethan herald and antiquary. In turn, Glover states that the document belonged to Augustine Steward of Lakenheath and dates his transcription '1573'.[110] In all likelihood the original was then at Lakenheath. The earliest extant copy now, however, is the family chronicle, where it is inserted in the section on Alexander the Steward (d. 1283).[111] The interest for the Stewards, of course, is the fact that two of Alexander's sons—James the Steward and John Stewart of Bonkyll—attached their seals to the Band. A related document that Glover also presumably transcribed at Lakenheath, as it appears on the opposite page, is a pact, dated 1283, between the earl of Carrick and his brother and the James the Steward and his brother John.[112] Given the status of the documents as rare evidences of the high stewards of Scotland in the late thirteenth century, it is hard to explain their presence at Lakenheath in 1573, unless indeed

Press, 2000), p. 122. George, earl of Angus, was barely a teenager, and Brown doubts that he actually went on crusade.

[109] Stevenson (ed.), *Documents of Scottish History*, 1, no. 12, pp. 22–3; G. W. S. Barrow, *Robert Bruce* (1965), pp. 25–6. For a recent analysis, see Seán Duffy, 'The Turnberry Band', in Seán Duffy (ed.), *Princes, Prelates and Poets in Medieval Ireland: Essays in Honour of Katharine Simms* (Dublin: Four Courts Press, 2013), pp. 124–38. I thank Dr Duffy for sharpening my focus on this document.

[110] William Dugdale, *The Baronage of England, or an Historical Account of the Lives and Most Memorable Actions of our English Nobility ...* , 2 vols. (London: Printed by Tho. Newcomb, for Abel Roper, John Martin, and Henry Herringman, 1675–6), I, p. 216; BL, Lansdowne MS. 229, ff. 111r–112r.

[111] BL, Add. MS. 15,644, ff. 35v–36v.

[112] BL, Lansdowne MS. 229, f. 110v. There is no copy of this particular item in BL, Add. MS. 15,644.

Augustine Steward—and, for that matter, his nephew, the grandfather of Oliver Cromwell—were descended from them.

WHEN WAS THE SCOTTISH NEW YEAR? SOME UNRESOLVED PROBLEMS WITH THE *'MOS GALLICANUS'*, OR FRENCH STYLE, IN THE MID-SIXTEENTH CENTURY[1]

Elizabeth Bonner

In 1600 the 1st of January was ordained as the first day of the New Year in Scotland. By this ordinance the Kingdom of Scotland joined the great majority of Western European kingdoms, states and territories who had, at various times during the sixteenth century, rationalized the reckoning of Time by declaring the 1st January as New Year's Day.[2] This article will examine, very briefly, the long history of the reckoning of Time as calculated in ancient western civilizations. During the sixteenth century, however, these calculations were rationalised in the culmination of the political and religious upheavals of the Renaissance and Reformations in Western Europe. In Scotland, for a brief period under the influence of the French government from 1554 to 1560 during the Regency of Marie de Guise-Lorraine,[3] and from 1561 to 1567 during the personal reign of her daughter Mary Queen of Scots, the *mos Gallicanus*, which recognised Easter Sunday as the first day of the New Year, was used in a great number of French official state documents, dispatches and correspondence. We will also note the failure by some past editors to recognise this change, which leaves the date of some important

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[2] Grand Duchy of Lithuania (1362); Republic of Venice (1522); Holy Roman Empire (Germany, 1544); Spain (1556); Portugal (1556); Prussia (1559); Sweden (1559); France (1564); Southern Netherlands (1576); Lorraine (1579); Northern Netherlands (1583); Scotland (1600). Others later included: Russia (1700); Tuscany (1721); Great Britain (excluding Scotland): England and Ireland and its colonies (1752).

[3] For background see Elizabeth Bonner, 'The Politique of Henri II: De Facto French Rule in Scotland, 1550–1554', *Journal of the Sydney Society for Scottish History* 7 (1999), pp. 1–107.

documents still unresolved. Finally, this paper will also briefly examine the modern celebration of the Scottish New year, or Hogmanay as it has been known since the early seventeenth century.

In the dying days of the sixteenth century the young King of Scots, James VI, and the Lords of the Secret Council issued an Ordinance at Holyrood House, on 17th December 1599, which proclaimed that: 'the first day of the year begins yearly upon the first day of January commonly called New Year's day' … [and that] 'upon the first day of January next to come, … shall be the first day of 1600 year of God'.[4] This ordinance also brought Scotland into line with France as regards the commencement of the year and adds a further aspect to James VI's relationship with the French King, Henri IV. At Fontainebleau in March 1599, Henri followed his predecessors, Francis I in 1518 and Henri II in 1554, by confirming privileges for Scottish merchants trading in France. He also granted to all the Scottish subjects of James VI living in France, General Letters of Naturalization (as had Louis XII in 1513 and Henri II in 1558) enabling them 'to accept all and every the benefices, dignities and ecclesiastical offices that they might legally acquire, and also with permission to dispose of them by testament and etc. to their heirs and successors living in France'.[5] These letters patent were given legal authority and registered at the *Parlement* of Paris on 31 July 1599, although the *gens du parlement* added the caveat: 'provided that the testators of those who shall decease intestate, be denizons *[sic]*, as is more at large contained in the said letters and conclusions of the king's solicitor-general'.[6] Perhaps it was the grant of these privileges

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[4] National Records of Scotland [NRS], Registrum Secreti Concilii; Acta (1598–1601) PC 1/17, ff. 205–6. Published in full in *Register of the Privy Council of Scotland* [*RPC*] vol. 6 (1599–1604), ed., D. Masson (Edinburgh: Printed under the authority of His Majesty's Stationery Office, by Morrison & Gibb, 1884), p. 63.

[5] For a table of all the 'Auld Alliance' treaties, grants and privileges between French and Scottish monarchs from 1295 to 1646, see Elizabeth Bonner, 'French Naturalization of the Scots in the Fifteenth and Sixteenth Centuries', *The Historical Journal* 40, pt 4 (October, 1997), pp. 1102–03.

[6] Archives Nationales, Paris [AN], Registre du Parlement de Paris, X[1A] 8644, ff. 47[v]–49[r]; copies: Bibliothèque Nationale, Paris [BN], Fonds français 7996, f. 102; National Library of Scotland, Edinburgh [NLS], Adv. MS. 35. 1. 5, ff. 357–8; British Library, London [BL], Harleian Coll. 1244, ff. 404–5; for an exact transcription and full translation of this document see Thomas Moncrieff (ed.

that caused Sir Robert Cecil, Queen Elizabeth's Chief Minister, to pen a memorandum in March 1599 entitled: 'A memorial of the present state of Scotland, how it groweth every day into more affection to Popery'.[7] James VI's ordinance of 1599, though it brought Scotland in line with many European states, introduced a discrepancy with England in the reckoning of Time which was not resolved until 1752. This situation continued after the union of the crowns when James VI of Scotland also became James I of England in 1603; and was not changed when under Queen Anne, the last of the Stuart monarchs, the parliamentary union of the kingdoms of Scotland and England took place in 1707.

Before examining James VI's rationale for issuing his Ordinance of December 1599 or the historic influences of this act in Scotland, a very brief survey of the long history of the reckoning of Time, as calculated in ancient western civilizations, should be undertaken in order to place this new reckoning within the context of contemporary society of the sixteenth century. 'The use for dating purposes of the Christian year (*annus domini* [AD] Year of the Lord) arose somewhat unexpectedly through the compilation of a table for calculating the date of Easter, made by the monk Dionysius Exiguus in AD 525. This was intended to continue to AD 626 the Easter Table then in use, of which the cycle would end in AD 531. Dionysius, a Scythian[8] by birth but living in Rome, constructed a list of years calculated not from the prevailing era of Diocletian, the pagan emperor, but from the Incarnation of Our Lord'.[9] A continuator carried on the table to

and trans.), *Memoirs Concerning the Ancient Alliance between the French and Scots and the Privileges of the Scots in France,* (Edinburgh: W. Cheyne, 1751) repr. in *Miscellanea Scotia* (Glasgow: John Wylie and Co, 1820), vol. IV, pp. 36–42; and for an edited version, J. D. Mackie (ed.), *Calendar State Papers, relating to Scotland* (Edinburgh: Scottish Record Office, 1969), vol. 13, pt 1, pp. 431–3.

[7] M. J. Thorpe (ed.), *Calendar of State Papers relating to Scotland, of the Reigns of Henry VIII, Edward VI, Mary and Elizabeth*, 2 vols (London: His Majesty's Stationery Office, 1858), vol. 2, p. 768.

[8] *Scythian:* 'Pertaining to ancient Scythia, the region north of the Black Sea, the Caspian, and the Sea of Aral, or the ancient race inhabiting it', E. A. Baker (ed.), *New English Dictionary* (London: Odhams, 1932).

[9] C. R. Cheney, *Handbook of Dates for Students of English History*, Royal Historical Society Guides and Handbooks no 4 (London: Offices of the Royal Historical Society, 1945), p. 1. I am indebted to Cheney's excellent brief

AD 721. Starting from English usage in the eighth century the new era gradually spread to the Continent until in every country of Western Europe, except Spain, Christians reckoned from AD 1. In Spain the era originated in an Easter Table of which the first cycle began, not at the Incarnation, but at 38 BC and it was reckoned from the 1st January 38 BC.[10]

The Indiction, unlike the Christian and Spanish eras, was originally a civil reckoning of time. It is a cycle of 15 years, counted as *Indictio Prima, Secunda*, and so on, to 15, reverting then to 1. The cycles were always computed from AD 312, but there were three chief methods of reckoning the opening date:

(i) The Greek or Constantinopolitan Indiction, beginning on 1st September. The Popes seemed to have used this fairly regularly till 1087 after which the practice of the Papal Chancery varied till Alexander III (1159–81).

(ii) The Bedan or Caesarian, or Imperial Indiction, or the Indiction of Constantine, beginning on the 24th September. This was probably introduced by Bede into England, where it became usual, and was adopted by the Papacy under Alexander III.

(iii) The Roman or Pontifical Indiction, beginning on 25th December (or sometimes on the 1st of January) was in fact only occasionally used in the Papal Chancery, but it is found in other places at various periods.

The use of the Indiction year as an element in the dating of documents goes back to Imperial Rome, when it was added to statements of the consular and imperial years. It continued to be used by the Papacy and the Royal Chanceries of the West in the early Middle Ages for the more solemn privileges and legal records. At the Vatican, Papal Bulls issued during the mid-sixteenth century use the Roman Calendar and the Regnal year of the Pope. For example, the

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overview for much of this introduction. *'Incarnation*: the action of incarnating or fact of being incarnated or 'made flesh'; becoming incarnate; investiture or embodiment in flesh; assumption of, or existence in, a bodily (esp. human) form ... of Christ, or of God in Christ. ... In early use often in reference to the Christian era.' J. A. H. Murray (ed.), *Oxford English Dictionary* (Oxford: Oxford University Press, 1971).

[10] Cheney, *Handbook of Dates*, pp. 1–2.

Bull promulgated by Pope Paul III in 1548 which conferred the Bishopric of Ross on David Paniter is dated: '*Pridie Idus Octobris nostro anno quarto decimo*' (the day before the Ides of October the 14*th* year of our reign, *viz*: 14 October 1548).[11] Indeed, George Buchanan's Letters Dimissory, for the grant of an ecclesiastical benefice in Normandy, given by Pope Paul IV in 1557 is dated: '*Rome apud sanctum Petrum nonis februarii anno secundo*' (At St. Peters, Rome on the nones of February the second year of our reign *viz*: 5th February 1557).[12] It is also found in some private charters. But by the end of the thirteenth century it was generally ignored except in one class of document: the instruments drawn up by public notaries continue to exhibit the Indiction together with other dating elements until the sixteenth century.[13]

An even more important reckoning of New Year's Day with regard to the dating of documents, in England until 1752 and in Scotland until 31st December 1599, is the feast of the Annunciation, or Lady Day on the 25th March. This 'is a more logical starting point for the years reckoned from the Incarnation than the feast of the Nativity [25th December], so long as the feast in question was that of the preceding 25th of March [i.e. Christ's conception]. This way of reckoning started at Arles late in the ninth century, spread to Burgundy and Northern Italy, was used, though with growing infrequency, in the Papal Chancery between 1088 and 1145, but remained a local use. It spread freely in France, though mainly in ecclesiastical circles, and from 1098 the Papal Chancery generally used it in its more solemn documents.[14]

Finally, a computation not far removed from 25th March, but the most illogical and inconvenient that could have been devised is that from Easter [i.e. Easter Sunday].[15] The number of the year is

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[11] Archivio Segreto Vaticano, Rome, Reg. Vat. 1682, Libro 230, Bullar. Paul III, ff. 274r–276v.

[12] Archives de l'Évêché de Coutances et Avranches: Registre des Déliberations du Chapitre, 9 (1554–59) f. 146v.

[13] Cheney, *Handbook of Dates*, pp. 2–3.

[14] Cheney, *Handbook of Dates,* pp. 4–5. Cf. R. L. Poole, *Studies in Chronology and History* (Oxford: The Clarendon Press, 1934), pp. 45–6.

[15] Easter, Pasch, Paice, Easter Day or Easter Sunday, on which day the 'Resurrection of our Lord is commemorated on the first Sunday after the first full moon that falls upon, or next after the 21st March. If the full moon falls on a

reckoned from the Nativity, but its initial day from the Resurrection of Our Lord; and as the time of Easter may vary by more than a month, the length of the year is never uniform, and if Easter falls early in one year and late in the next, the same year includes a good many days of March or April at both ends. This unhappy system came into use in the French Court from the beginning of the thirteenth century; it is known as the *mos Gallicanus* [French Style]. But it never wholly supplanted the reckoning from Lady Day in the local custom of many districts of France, and it never travelled far beyond the limits of the kingdom except to places which were closely connected with it through the ruling houses or through trading relations [for example, Scotland in the mid-sixteenth century]. In Holland, Flanders, and Hainault, the New Year began on Easter Sunday, which style the notaries adopted in their acts; but to avoid mistakes, they were compelled to add 'before Easter'. In 1575, the Duke of Requesens, governor of the Low Countries, ordered the year to commence on the 1st January. The States of Holland had long before adopted this calculation, and endeavoured, as early as 1532, to bring it into general use.[16] Thus it became officially used in Holland and even Cologne; but it was known as the *stylus curiae* [i.e. the style of the Papal Court at the Vatican], and it did not supersede the popular reckoning from Christmas.[17]

 'Throughout the Middle Ages, and in some countries for much longer the calendar in use was known as the Julian, because it was originally introduced by Julius Caesar in 45 BC', nominating the 1st January as New Year's Day. It was named for Janus the Roman god of doors and gates, and had two faces, one looking forward and one back; and the month named after this god, January, was considered as the appropriate opening to the year. 'This way of reckoning is now known as the "Old Style", in contra-distinction to the "New Style",

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Sunday, Easter Day is the Sunday after. The earliest date on which Easter Day can fall is the 22nd March, the latest date is the 25th April; therefore there are 35 different dates on which Easter Day may fall', A. H. Dunbar, *Scottish Kings. A Revised Chronology of Scottish History 1005–1625*, 2nd edition (Edinburgh: D. Douglas, 1906), p. 297.

[16] H. Nicolas, *The Chronology of History* (London: Printed for Longham, Rees, Orme, Brown, Green, & Longman and John Taylor, 1833), p. 47.

[17] Poole, *Studies in Chronology*, pp. 45–6.

that is to say reckoning by the Gregorian calendar'.[18] On 24th February 1582 Pope Gregory XIII promulgated a bull which ordered the use of a reformed calendar. This excised ten days from 1582, 'so that the 15th October followed immediately upon the 4th October, while future difficulties were to be avoided by making only the fourth of the end-years of successive centuries a leap year. The bull allowed for AD 2000 to be a leap year, and this was adopted in later changes to the Gregorian calendar. The year was to begin on 1st January', which meant those states and kingdoms who had not previously adopted 1st January prior to 1582 adapted their own legislation accordingly, for example, England by an 'Act of Parliament [at Westminister], on the 14th September 1752'.[19] This discrepancy is highlighted by some of the wording of James VI's ordinance of 1599 which could be construed as being somewhat critical of England. 'The first of January', it runs, is used by 'all other well governed commonwealths and countries', and James did not want any 'disconformity between his realm and lieges and other neighbouring countries in this particular'.[20]

In France, the reform was first promulgated by an Edict of Charles IX in January 1563, and by the Edict dated at Roussillon on the following 4th August by which the 1st January was fixed upon as the commencement of the year. The law, however, was not adopted into French law by the *Parlement* of Paris until 1567.[21] Indeed, prior to this the practice had already begun under Henri II's administration when certain French Treasury officials used the 1st January as New Year's Day. For example, the Budget Estimate for 1549[22] and the list

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[18] Cheney, *Handbook of Dates*, pp. 1–2; Ugo Boncompagni, Pope Gregory XIII (b. 1502, 1572–1585).

[19] Dunbar, *Scottish Kings*, p. 292,

[20] NRS, Registrum Secreti Concilii; Acta (1598–1601) PC 1/17, f. 205 and *RPC*, vol. 6 (1599–1604), p. 63.

[21] Nicolas, *Chronology of History*, p. 45.

[22] BN, Fonds Français 3127 ff. 91r–93v, for a full transcription of the Budget Estimate, see Elizabeth Bonner, 'The Scots and the French Army, 1547–1559: French Financial and Military Documents Concerning Scotland During the Reign of Henri II', in preparation for publication by the *Scottish History Society* (Edinburgh).

of royal Pensioners also for 1549[23] are both dated from 1st January to 31st December 1549. Scotland, as we have seen, fell in line with both the French and Papal reforms eighteen years after the promulgation of Pope Gregory XIII's bull. However, the timing of this very desirable and logical mathematical reform in 1582 at the height of the Catholic Counter-Reformation could not have been more unfortunate as religious and political hostilities were so pronounced that even a measure so much to the general benefit was not regarded objectively as a mere matter of chronological accuracy by many states.[24] Certainly, in Scotland James VI's Ordinance did not receive universal approval. In 1599 Robert Pont, a self-confessed 'aged Pastour in the Kirk of Scotland', published a lengthy discourse deploring that 'sundrie learned men of our men of our memory and time have earnestly desired, that some Reformation of the *Julian Kalendar* might be made till now lately in our daies, with favour of Pope Gregory 13 [XIII] his Cardinals and Councels, it was permitted in 1582 year of Christ'.[25]

Another far-flung outpost of Early Medieval Western Europe was that of the Scots/Irish Celts, or Northern British as they were also known, who provided a resistance to Bede's imposition of the Roman reckoning of Easter in 664, according to the tables devised by Dionysius in 525. According to Bede's *History of the English Church and People*, there is the constant complaint that the Celts insist on going their own isolated and wrong way. For example, letters from two Popes: Honorius I (625–638) warns the Scots/Irish Celts 'not to imagine that their little community, isolated at the uttermost ends of the earth, had a wisdom exceeding that of all churches ancient and modern throughout the world'; and John IV (640–642) similarly complains that in 'the dark cloud of their ignorance they refused to observe the Roman Easter'.[26] More than a

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[23] 'Ordonne de faire en lannee prochaine que commencera le premier jour de janvier prochainement 1549 [It is ordered that it will commence next year on the 1st January 1549]', BN Fonds Français 3132, ff. 31r–46r.

[24] Cheney, *Handbook of Dates*, p. 10.

[25] R. Pont, *A Newe Treatise of the Right Reckoning of Yeares, and Ages of the World ... this 1600 yeare of Christ ...* (Edinburgh: Robert Waldegrave, 1599), pp. 54–55.

[26] L. Hayne, 'Early Christianity in North Britain', *Journal of the Sydney Society for Scottish History*, 2 (1994), p. 9. *Cf.* Leo Sherley-Price (ed. and trans.), *Bede's*

thousand years later the early medieval Celts' descendants were also disinclined to follow *dicta* from England regarding the reckoning of Time. Ronald Black says that the 1751 Act of the British Parliament at Westminister, which adopted the Gregorian Calendar, had little or no effect in parts of Gaelic Scotland. He says that 'from 1752 to 1800 the Gaelic [i.e. Julian or Old Style] calendar lagged eleven days behind the Gregorian' but 1800 was a leap year in the Julian but not in the Gregorian system, therefore the difference widened to twelve days. By the early part of the twentieth century, however, the 'Old Style' was giving way to the 'New' throughout Gaeldom. [27] Nevertheless, today there are still some who take a dram or two on the 12th January to celebrate the 'Old New Year', and many others who celebrate both the 'Old' and the 'New' New Years.

In present-day Scotland there has been a ready acceptance by officials and historians that prior to 1st January 1600 the first day of the New Year was 25th March [The Annunciation or Lady Day]. In mid-sixteenth-century Scotland from 1554 until 1559, during the reign of Henri II, French influence extended to ruling Scotland almost as if it were a province of France and this included the reckoning of Time. Therefore, during the Regency of Marie de Guise-Lorraine from April 1554 to June 1560, and during Mary's personal reign from 1561 to 1567, there are numerous examples of the use of the *mos Gallicanus* or Easter Sunday as the first day of the New Year in their correspondence and official documents of state. A prime example of this method of dating is found in the 'Depenses de la Maison Royale' [Expenses of the Royal Household] which are, according to the Exchequer catalogue in the Scottish Record Office, 'a separate series of accounts of expenditure of the household of Mary-Guise-Lorraine and became the principal household record on her appointment to the Regency of Scotland in 1554, and continued as such during the personal reign of her daughter. The accounts are in French and follow the French practice of beginning the year on

History of the English Church and People (Harmondsworth: Penguin, 1955), for the Popes' Letters: pp. 2, 19; Easter references: pp. 2, 2; 3, 4; 3, 25; and pp. 5, 21.

[27] R. Black (ed.), *The Gaelic Otherworld: John Gregorson Campbell's 'Superstitions of the Highlands and Islands of Scotland' and 'Witchcraft and Second Sight in the Highlands and Islands'* (Edinburgh: Birlinn, 2008), p. 21.

Easter Day'.[28] This form of dating was used in all the diplomatic dispatches and correspondence, treaties and other documents of state recorded between France and Scotland during this time. Whilst these particular Exchequer records have been little used by historians thus far, there have been a number of errors in dating recorded by some editors in State Papers, diplomatic correspondence and other official Franco-Scottish documents, who have failed to take account of the French reckoning of Easter Sunday as the first day of the New Year.

It is not within the scope of this paper to make an exhaustive examination of all the existing discrepancies in the dating of these documents, however, the following examples identify a few of the most prominent. In the mid-nineteenth century attention was drawn to the problem of not taking into account the *mos Gallicanus* in dating French documents in Scotland. On 2nd July 1839 Prince de Labanoff, editor of the *Collection of the Letters of Mary Queen of Scots*, wrote to Mr MacDonald, secretary of the Maitland Club, at the time that the latter was preparing some letters of Henri II for publication, to point out the errors in dating letters by Scottish editors and historians, not only in the letters of Henri II but also in those of Mary Queen of Scots. Mr MacDonald noted that 'the Prince's corrections to the dates in question were confirmed and that his supporting evidence was irrefutable'.[29] This seemed not to change his calculations, however, as MacDonald then observed that 'in Scotland the matter is more simple than elsewhere, the legal and conventional commencement of the year having continued to be on the 25th of March, the Feast of the Conception, until the 1st January was substituted in 1599 by an Act of the Privy Council'.[30]

Apparently, some Scottish editors have been seemingly unaware of the use of the *mos Gallicanus* in many French State documents, dispatches and correspondence with Scotland in the mid-sixteenth century. Thus, when a comparison is made between certain manuscript and the edited published documents, then previous interpretations of the historical events of mid-sixteenth century

[28] NRS, State Papers, SP.7, French Commissions, Grants and Letters, 1554–1558; NRS, Exchequer, 'Depenses de la Maison Royale', E 34/12/12–25 and E 31–33.

[29] 'Note regarding the Letters of Henri II', Appendix, *Miscellany of the Maitland Club*, vol. 2, pt 2 (Edinburgh, 1840), pp. 545–48.

[30] 'Note regarding the Letters of Henri II', p. 547.

Scotland, with regard to these documents, are viewed very differently when correctly dated using the *mos Gallicanus*. Indeed, there are examples of editors' incorrect dating of documents during the period known as the 'Rough Wooing'. This is the term commonly used to describe the Anglo-Scottish wars from 1543 to l550 whereby Henry VIII and the Protector Somerset attempted to force the Scots to agree to the marriage of Mary Queen of Scots to Edward, Henry VIII's only legitimate son and heir and nephew of the Protector. The failure of the English 'Rough Wooing' and the timely arrival of the French is well-known and well-documented in English and Scottish historiography. Less well known and poorly elaborated is the success of the intervention of the French king Henri II who, at the behest of the Scots under the terms of their 'Auld Alliance',[31] defeated the English and married the young Queen of Scots to his son and heir Francis. Ultimately, this dynastic marriage resulted in the union of the crowns making them both the first and last sovereign king and queen of France and of Scotland in 1559.[32]

French influence and power in Scotland during the reign of Henri II (1547–59) can be seen in the French king's response to the Scottish pleas for help following their devastating defeat by the English at the battle of Pinkie on 10th September 1547. In 1548 Henri agreed to send a substantial fully equipped army into Scotland following an Act of the Scottish parliament agreeing to the betrothal of Mary to Francis and her removal to France for her education and upbringing. One of the French king's first military actions was to sign a mandate appointing the Baron Fourqueveaux as the Captain of Hume Castle on the Scottish Borders, dated at Chantilly on the 1st April 1548. There is also a contemporary copy of this document which is dated the '24 April 1548, after Easter'. This shows that the *mos Gallicanus* was the method used in dating these documents as Easter Sunday fell on 1st April 1548.[33] Apparently, Fourquevaux

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[31] See Elizabeth Bonner, 'Scotland's 'Auld Alliance' with France, 1295–1560, *History* 84 (1999), pp. 5–30.

[32] For details see Elizabeth Bonner, 'The French Reactions to the Rough Wooings of Mary Queen of Scots', *Journal of the Sydney Society for Scottish History* 6 (1998), pp. 1–161.

[33] I am grateful to Dr David Caldwell, for drawing my attention to these documents, and to Monsieur Raoul Brunon, conservateur of the Musée de L'Empéri, Salon-de-Provence, the owner of the documents, for his permission to transcribe and publish them. In a letter dated 22 December 1993, M. Brunon

'provisioned and fortified it [Hume castle] so well that it held out against the English and was never taken, though in previous wars it had fallen more than once into the hands of the old enemy'.[34]

Another document concerning the French army sent to Scotland to assist the Scots rid the Borders of the English, is Patrick, Lord Gray's Bond of Manrent[35] to Marie de Guise-Lorraine: 'Right excellent Princess, Mary Queen Dowager of Scotland and [mother of] our sovereign Lady, her dearest daughter ... against our old enemies of England', for which loyalty Gray was to be paid 'five hundred [500] merkes usual money of Scotland' inscribed with my 'signature and personal seal of arms. At Huntlie the 26 March 1548'.[36] In the catalogue of State Papers at the Scottish Record Office this document is dated 26 March 1548. However, there is very good historical evidence to show that Gray's Bond of Manrent was made using the *mos Gallicanus* as the method in dating this document. As we have seen Easter Sunday fell on the 1st April 1548 which means that Gray's Bond of Manrent, according to the following evidence, was actually dated 26th March 1549.

informed me that: 'I am directly descended from the Fourquevaux by my mother and I was actually born at the château de Fourquevaux'. He also said that, 'the archives of Raymond de, Fourquevaux were, unfortunately, sold by my uncle in the 1930s [and] Scottish archivists bought those documents which were of interest to them [*cf.* National Library of Scotland, MS 2991]. My father conserved the two documents that now belong to me copies of which I have sent to you [and which] you may publish.' Mandate of Henri II, Chantilly, 1 April 1548, and copy dated 24 April 1548, after Easter', Musée de L'Empéri, Salon-de Provence, France; for a full transcription of this document see Bonner, *Scots and the French Army* (in preparation for the Scottish History Society, Edinburgh).

[34] Gladys Dickinson (ed.), *Fourquevaux's Instructions sur le Faict de la Guerre*, (University of London: Athlone Press, 1954), p. cxi; see also Gladys Dickinson (ed.), *Mission of Beccarie de Pavie, Baron de Fourquevaux en Écosse* (Oxford: Blackwell, 1949), pp. 21–6.

[35] According to Gordon Donaldson, 'by a Bond of Manrent a man of a lesser rank undertook to assist a more powerful one, who reciprocated by a Bond of Maintenance promising him protection', in G. Donaldson and R. S. Morpeth (eds), *A Dictionary of Scottish History*, (Edinburgh: John Donald Publishers, 1977) p. 23.

[36] NRS, State Papers 13/56. Jenny Wormald accepts the Scottish Record Office dating of this document in *Lords and Men of Scotland: Bonds of Manrent, 1442–1603* (Edinburgh: J. Donald, 1985) p. 361.

At the time of the Anglo-Scottish wars of the 1540s, Patrick, Lord Gray had always been an English supporter especially after the French, at the behest of the Scots, had entered the wars. On 30 September 1547, the *Acts of the Privy Council of England* records that 3,548 crowns and £1,148 were to be delivered by Anthony Stonehouse 'to the Lord Grey of Scoteland as given to him in reward by the Kinges Majeste [Edward VI, in reality the Protector Somerset]'.[37] This information begs the questions: reward for what and, more importantly, where was Lord Gray at the Battle of Pinkie on 10 September 1547? It would seem that there is no available evidence to show that he was there, as Dr. Caldwell's detailed analysis of the battle shows.[38] Caldwell says that it is clear that the Governor of Scotland, James Hamilton, 2nd earl of Arran, intended as full an army as possible and that the 'Scottish army at Pinkie is likely to have been one of the largest ever mustered. ... Theoretically', continues Caldwell, 'all able-bodied men between the ages of sixteen and sixty, including burgesses town dwellers and churchmen, had to serve, if required, for a maximum of forty days in any one year'.[39] The conclusion, that Somerset had paid Gray the princely sum of about £2,000 Pounds Sterling a few weeks later for absenting himself from the battle, is irresistible, although how he managed this is unknown. Additionally, about six months later, on 3rd April 1548, the Privy Council of England suggested to Sir Andrew Dudley and Mr. Lutterell that 'they should make offer of M [1,000] crownes pencion unto the Lord Graye of Scotland ... so as he may take courage in respecte of the premisses to doe some notable service'.[40] There is no evidence, however, that Gray complied with this request. In July 1548, however, the Scottish parliament agreed to the marriage of Mary and Francis, a large contingent of French troops was deployed in Scotland and the young queen was taken to France. By the spring of 1549 the French had all but defeated the English and were engaged in mopping-up exercises. It was at this point it would seem,

[37] J. R. Dasent (ed.), *Acts of the Privy Council of England*, New Series (London: printed for His Majesty's Stationery Office by Eyre and Spottiswoode, 1890–1907), vol. 2, p. 132.

[38] D. Caldwell, 'The Battle of Pinkie', in N. Macdougall (ed.), *Scotland and War AD 79–1918* (Edinburgh: John Donald, 1992).

[39] Caldwell, 'The Battle of Pinkie' pp. 70–4.

[40] *APC of England*, vol. 2, p. 552.

on 26 March 1549, that Patrick, Lord Gray, accepted the inevitable, changed sides and signed a Bond of Manrent with the French Queen Dowager of Scotland, Marie de Guise-Lorraine.

Patrick Hepburn, 3rd Earl of Bothwell and Admiral of Scotland, was another Scottish noble who played a double game with France and England. Captured after the Battle of Pinkie on 10 September 1547 after the English had inflicted an overwhelming victory over the Scots, Bothwell at first accepted pensions from the English,[41] having been given his freedom the same night as his capture. Following the signing of the Treaty of Boulogne on 24th March 1550,[42] however, he immediately petitioned firstly the Queen Dowager and later Henri II himself, for a substantial pension. Annie Cameron, editor of *The Scottish Correspondence of Mary of Lorraine*, has accepted the date of this document as the 1st April 1549,[43] but Easter Sunday 1549 was the 21st of April, therefore the correct date of this petition is the 1st April 1550. Evidence for this dating can be found in the deliberations of the Privy Council of Scotland whereby 'the Quenis Grace, my Lord Governor and Lordis of secreit Counsale', indicted Bothwell on 23rd May 1550 on a 'charge of treason for having misrepresented the Queen Dowager to the King of France'.[44]

Marguerite Wood, editor of the *Foreign Correspondence with Marie de Lorraine*,[45] also erred in dating two letters from John Stewart, seigneur d'Aubigny, as being the 18 April and 24 June 1546, regarding his release from imprisonment in the Bastille where he had been languishing by command of Francis I. The king had refused to release him despite the pleas of Marie de Guise and the then Dauphin

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[41] *APC of England*, vol. 1, p. 69.

[42] 'Following a successful campaign in Boulogne, Henri II signed a peace treaty with England on 24 March 1550 in which he demanded the comprehension of Scotland', Bonner, *De Facto French Rule in Scotland*, p. 5.

[43] A. Cameron (ed.) *Scottish Correspondence of Mary of Lorraine*, Scottish History Society, 3rd Series (Edinburgh: printed at the University Press by T. and A. Constable, 1927), pp. 297–8.

[44] *RPC*, vol. 1, p. 100.

[45] Marguerite Wood (ed.), *Foreign Correspondence with Marie de Lorraine Queen of Scotland from the Originals in the Balcarres Papers,* 2 vols, Scottish History Society, 3rd Series (Edinburgh: Scottish History Society, 1923 and 1925), vol. 1, pp. 128–143.

Henri[46] of his innocence, since the defection of his brother, Matthew Stewart, 4th earl of Lennox, to Henry VIII in 1544. In fact these letters should have been dated in 1547 given that Easter Sunday 1547 fell on the 10th April. Therefore, given Francis I's intransigence it was not until after Henri II ascended the throne on 31st March 1547, that Aubigny was released from the Bastille. According to Lord Cobham's report to the Protector Somerset on 18th April 1547: 'M. D'Aubigny, brother of the Earl of Lynes [Lennox], a Scottish Lord, whom his brother has long kept in prison in the Bastilian in Paris, for his brother's offence, has been enlarged'.[47] Also in April l547, St. Mauris, Imperial ambassador at the French court, reported that 'M. d'Aubigny had been let out of the Bastille'.[48]

There are probably other examples of errors in dating documents using the *mos Gallicanus* between France and Scotland during this period of French influence in the government of Scotland which have escaped the notice by modern professional historians. Thus, caution should be taken with the editions of State Letters and Papers by nineteenth- and early twentieth-century authorities as modern research into previously unknown manuscripts is beginning to reveal their fallibility. Nevertheless, things were not so simple as Mr MacDonald of the Maitland Club declared in 1839 that in Scotland the 25th March was always considered as New Year's Day until 1599 when 1st January was substituted by an Act of the Privy Council.[49] What is, perhaps, the most important point to remember is that Scotland, following the Union of the Crowns in 1603, did not automatically follow England in the administration of institutions and bureaucracy as nineteenth-century English writers and editors might have us believe. In fact, the Scots borrowed liberally from many other states, as regards their institutions, law, language, literature, art and architecture and, as it has been argued here, in the reckoning of Time. As Wormald reminds us; 'institutionally

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[46] NLS, Ad. MSS. 29.2.1, f. 72; Published in *Miscellany of the Maitland Club*, vol. 1, part 2 (Edinburgh: Maitland Club, 1833), p. 214.

[47] Lord Cobham to the Protector, Calais, 18 April 1547, W. B. Turnbull (ed.), *Calendar of State Papers, Foreign, Edward VI* (London: Longman, Green, Longman, & Roberts, 1861), p. 331.

[48] M. A. S. Hume and R. Tyler (eds), *Calendar of State Papers, Spanish, Edward VI* (London: Longman, Green, Longman, & Roberts, 1912) vol. 9, p. 76.

[49] Cf. notes 29 and 30 above.

Scotland resembled other European states of a comparable size, rather than England'.[50] Therefore, it is interesting to speculate on James VI's rationale for changing New Year's Day in December 1599 from the long-established and traditional 25th March to the 1st January. This would appear to be one of the reasons why James embarked upon a deliberate pro-French policy during the 1590s and to concern his well-documented anxiety regarding his succession to the English crown. By 1599 James had, with exceptional political and diplomatic skill, to a large extent in terms of friendship and good neighbourliness, resurrected much of Scotland's 'Auld Alliance' with France, named his son and heir Henry, who was born in 1594, after the French king Henri IV[51] the same year that James had initiated the negotiations, 'to have that most ancient league contracted between our former predecessors of good memory their crowns and estates renewed and confirmed in most sure and straightest form in all points and articles',[52] and capped the decade and the century by re-aligning Scotland's New Year's Day with that of France as of the 1st of January 1600.

What is perhaps more interesting is the development of Hogmanay, as the Scots called the celebration of their New Year in the early seventeenth century, which reflects the French culture at the Scottish court in the 1590s. It was first mentioned in Scotland in 1604 in the church records of Elgin Cathedral in Elgin, Moray, as 'Hagmonay'. According to the *Oxford English Dictionary* the origin of the word *Hogmanay* is attributed to the early seventeenth century and perhaps comes from *hoguinané*, the Norman French form of Old French

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[50] Jenny Wormald, *Court, Kirk, and Community. Scotland 1470–1625* (London: Edward Arnold, 1981), p. 21.

[51] In May 1599 Henri IV recognised the depth of James's commitment to the 'Auld Alliance' in his 'Instructions' to his envoy to the Scottish court, 'by the many assurances of his friendship given by the ambassadors James had sent to him, and also by the oath and prayer that James had made to give his first son [Henry] his name [qu'il luy fit de donner son nom à son premier fils]', 'Henri IV's Instructions to Philippe Béthune', May 1599, Mackie (ed.), *Calendar State Papers, Relating to Scotland*, vol. 13, pt 1, p. 468.

[52] 'Instructions to our trusty and weilbeloved James Colvill of Eistervemys, directed be us to our dearest brother and cousing the king of France and Navarre, Edinburgh, Apryl, 1594', Annie Cameron (ed.), *The Warrender Papers*, Scottish History Society, 3rd Series (Edinburgh: T. and A. Constable, 1932), vol. 2, pp. 237–38.

aguillanneuf, meaning the 'last day of the year, new year's gift'. *The Concise Scots Dictionary* entirely agrees with this definition and also adds that the origins of the word *New-zere* [New Year] in Scotland are attributed from the late-fifteenth to the seventeenth century.[53]

Christmas in Scotland was traditionally observed very quietly, because the Presbyterian Church of Scotland discouraged the celebration of Christmas for nearly 400 years, although Christmas Day held its normal religious nature in Scotland amongst its Catholic and Episcopalian communities. Christmas Day only became a public holiday in 1958, and Boxing Day in 1974. Conversely, the 1st and 2nd January are public holidays for the New Year's Eve festivity, Hogmanay, which is by far the largest celebration in Scotland. The gift-giving, public holidays and feasting associated with mid-winter were traditionally held between the 11th of December and 6th January. However, since the 1980s, the fading of the Church's influence and the increased influences from the rest of the UK and elsewhere, Christmas and its related festivities are now nearly on a par with Hogmanay. Edinburgh, since 2011, has a traditional German Christmas Market held from late November until Christmas Eve.

In modern-day Edinburgh Hogmanay celebrations commence by creating a 'river of fire' from Parliament Square along Princes Street to Calton Hill for a fireworks display featuring Scottish thistles and the saltire flag of Scotland, accompanied by the pipes and drums of both traditional and contemporary outfits. Many Scots then follow the tradition of 'First-footing' when a friend or neighbour would be the first person to set foot through the front door after midnight of the New Year, bringing symbolic gifts like salt, coal, shortbread, whisky, or black bun. In the Highlands, it is traditional to clean one's house from top to bottom and perform a *Saining,* which means 'protection' or 'blessing' in Scots—this involves burning juniper (for the purifying qualities of the smoke) and sprinkling water from a river-ford around all the rooms of the house. In general, however, having family and friends together and partying is one of the main Hogmanay customs. As soon as the clock strikes twelve, bells are rung in every town and village throughout the land. Many places have street parties with the villagers for example all meeting in the village square to bring in the New Year together. Immediately after

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[53] Mairi Robinson (editor-in-chief), *The Concise Scots Dictionary*, (Aberdeen: Aberdeen University Press; Oxford: Pergamon Press, 1985), pp. 294 and 440.

midnight it is traditional for everyone to stand in a circle, cross over their arms, hold hands with people on either side and sing Robert Burns' 'Auld Lang Syne'.[54]

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[54] For further details, see internet sources like: http://news.bbc.co.uk/local/ highlandsandislands/hi/people_and_places/arts_and_culture/newsid_8434000/84 34760.stm as well as http://www.rampantscotland.com/know/blknow12.htm, both accessed on 16 April 2015.

THE HIGHLAND CLEARANCES: HISTORY, LITERATURE AND POLITICS[1]

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THE Highland clearances is the name given to the process of eviction and emigration which took place in the north of Scotland over the period from *c*.1730 to *c*.1880, with most of the activity occurring in a concentrated period from *c*.1780 to *c*.1855. The complex history of the clearances can be divided into two phases, each with distinctive characteristics. The first phase, lasting until 1815, involved the removal and resettlement of people from traditional communal townships to newly laid out crofting communities, with individual holdings. The second phase, precipitated by economic change at the end of the Napoleonic Wars, but peaking during the potato famine of 1846 to 1855, involved the break up of failed crofting communities with direct encouragement of emigration.[2] The aftermath of the Clearances is almost as interesting and significant as the process itself. In the 1880s there were concentrated protests in the crofting communities of the West Highlands and Hebrides, part of the objective of the protestors was to seek the restitution of lands perceived to have been 'stolen' during the Clearances of the earlier part of the century. This grievance was articulated, initially hesitantly but ultimately powerfully, in the vivid evidence given by crofters to the Royal Commission chaired by Lord Napier which investigated the problem in 1883–4. From 1886 to 1919 the British government implemented a body of legislation which went some way towards resettling lands, sometimes under state ownership, and creating new communities in areas which had been depopulated. Even if this can be interpreted as a reversal of the clearances the history of the process does not end there. Political

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[1] This is a version of a lecture given to the Sydney Society for Scottish History in July 2007. I am grateful to the late Malcolm Broun for hosting the lecture.

[2] The leading historian of the clearances is Professor Eric Richards of Flinders University, the most recent of his many books on the subject, *Debating the Highland Clearances* (Edinburgh: Edinburgh University Press, 2007), provides a splendid introduction to the subject, contains fascinating source material and has an excellent bibliography.

debate over the land question in Scotland—from the pre-1914 period
when the Liberal party dominated Scottish politics, through the inter-
war years which saw the Labour party break that hegemony, and
right up to the devolved politics of the post 1997 period—has been
conducted with constant reference to the clearances.[3]

The cultural impact of the Clearances is also significant. Several
novels, most notably Neil M. Gunn's *Butcher's Broom* (1934), and
Consider the Lilies (1968) by Iain Crichton Smith, explore the topic.
The stage play *The Cheviot, The Stag and the Black, Black Oil* which
dealt, in part, with the clearances played to packed houses in village
halls throughout the Highlands in the early 1970s. The clearances
have also had a political impact beyond the areas which were directly
affected by the evictions. The development of the Labour movement
in Scotland in the period from 1880 to the 1920s demonstrated that
socialist politicians such as Keir Hardie and Thomas Johnston
indulged in excoriation of landlords as a key element in their
propagandist activities. Johnston's *Our Scots Noble Families*
published in 1908 is one of the most powerful pieces of political
polemic produced in twentieth century Scotland. In 1965 the Labour
Secretary of State for Scotland, William Ross, presenting the
Highland Development Bill to the House of Commons, argued that
'the Highlander was the man on Scotland's conscience', echoing
arguments used by William Gladstone, the Prime Minister, in the
preparation of the *Crofters Holdings (Scotland) Act* of 1886.[4]

It could even be argued that the clearances are the central topic in
modern Scottish history. There are several possibilities here. Firstly,
for those who like their Scottish history to be a simple tale of
victimisation, the clearances contain plenty of material. Second, it is
depressing to record, although the situation is improving, that Scots
are not especially well informed about their own history. One of the
results of this is that the public perception of the Scottish past is
dominated by a series of episodes—the Viking incursions, the Wars
of Independence, the Reformation, the exploits of the Covenanters
and the Jacobites—which includes the Highland clearances.
Although some would argue that the clearances are a process which

[3] I have dealt with some of these matters in 'The Land Question and the New
Scottish Parliament', *Contemporary British History* 15 (2001), pp. 83–114.

[4] *Parliamentary Debates*, 5th series, vol. 708 (House of Commons), col. 1095
(16 March 1965).

is peripheral to the history of a country marked by industrialisation, urbanisation and highly productive agriculture in the Lowlands, it can be brought to centre stage in a more helpful way. The clearances were not remote from these central themes in Scottish history. It was industrialisation which drove the demand for wool which stimulated the creation of large scale sheep walks in the late eighteenth century. The economics of the new crofting communities—relatively small holdings, relatively high rents—impelled their members to seek employment. Sometimes this was found in kelp or fishing industries (the former to produce alkali for industrial processes such as the glass industry of the Wearside area of the north east of England) designed to profit the clearing landlord. Another survival strategy, however, was temporary migration to the industrial and agricultural economy of Lowland Scotland. This had many advantages: financial remittance, a period of consumption away from the holding, but with the retention of a link back to the place of origin. This was a strategy employed most extensively by crofters of the north-west Highlands and Hebrides. By contrast the Highlanders who moved permanently to the towns and cities of Lowland Scotland tended to originate from areas of the south and east Highlands closer to these urban settlements.[5] These movements of people meant that the domestic economy of a crofting community in the Highlands could be quite closely tied, for better or worse, to the fortunes of the industrial economy of Lowland Scotland. In an even wider context it is perhaps trite, but nevertheless important, to note that the clearances were the Scottish manifestation of a European process whereby common land was appropriated for individual use and the relationship between lord and peasant became more formally contractual and commercialised. These points have not been brought out in the literature to any great degree, perhaps because of the tendency, especially in collective scholarship, to consider the Highlands as a separate theme rather than integrating the experience of Highland history with that of the nation as a whole.[6] Some scholars have argued that this has led to

[5] T. M. Devine, 'Temporary Migration and the Scottish Highlands in the Nineteenth Century', *Economic History Review* 32 (1979), pp. 344–59; C. W. J. Withers, *Urban Highlanders: Highland–Lowland Migration and Urban Gaelic Culture, 1700–1900* (East Linton: Tuckwell Press, 1998).

[6] R. J. Morris and Graeme Morton, 'Where was Nineteenth-Century Scotland?', *Scottish Historical Review* 73 (1994), pp. 93–4.

Highland history has being over-emphasised in Scottish historical writing. While this might be a prejudiced view it is certainly true that there are not a wide range of studies of lowland agrarian history.[7] None of this is to argue, of course, that there were not distinctive elements to the clearances. The process was extremely concentrated in time and space compared to events elsewhere in Britain and Europe. A process which took 250 years in some locations was compressed into sixty to eighty years in the north of Scotland. Further, the process was not regulated in any meaningful way by the state. The Scottish legal code in the area of land tenure, the essence of which survived the Union of 1707, gave enormous power to the landlord and very few rights or protections to tenants-at-will, such as crofters, whose landholding was not governed by a lease.[8] Indeed, despite its manifest weaknesses, this is why the Crofters Act of 1886 is so important, the security of tenure which it granted stood in such contrast to the historical experience of those who came under its jurisdiction. Before turning to develop these issues of interpretation it is important to give a broad overview of the process of clearance.

Although great changes were unleashed in the aftermath of the Jacobite rebellion of 1745–6, Highland society was not static prior to that date. From 1737 to 1743 on the estates of the second duke of Argyll in Mull, Morvern and Tiree lands began to be allocated according to competitive bidding rather than political loyalty and military service. This new policy was an attempt to reorientate the economics of the estate after an investigation by Argyll's Whig colleague Duncan Forbes of Culloden. Although it looked profitable on paper it did not turn out to be so in reality, although the coincidence of its implementation with the very bad seasons of the late 1730s and early 1740s was unlucky. The succession of the third duke in 1743 saw a return to a more traditional outlook, but possibilities had been glimpsed.[9] In the aftermath of the rebellion

[7] R. H. Campbell, 'Too Much on the Highlands? A Plea for Change', *Scottish Economic and Social History* 14 (1994), pp. 58–75.

[8] T. M. Devine, 'Social Responses to Agrarian "Improvement": the Highland and Lowland Clearances in Scotland', in R. A. Houston and I. D. Whyte (eds), *Scottish Society 1500–1800* (Cambridge: Cambridge University Press, 1989), pp. 148–68.

[9] Eric Cregeen, 'The Tacksmen and their Successors: a Study of Tenurial Reorganisation in Mull, Morvern and Tiree in the Early Eighteenth Century', *Scottish Studies* 13 (1969), pp. 93–144.

government sponsored institutions such as the Annexed Estates Board, attempted to reform the structures of the estates which had been confiscated from rebels—such as Cameron of Lochiel in Lochaber, Inverness-shire—and evictions were part of the process. The growing demand for military manpower for the global conflicts of the late eighteenth century were also a powerful force which motivated the process of clearance. From 1756 to 1815 nearly 75,000 Highlanders were recruited to the British Army. Many of these men were from the landless class in Highland society and the fact that they had been promised land on enlisting stimulated the creation of new crofting communities as a direct result of the recruiting process.[10]

A further driving force behind the clearances was the quickening of commercial activities in the region, especially in the period after 1770. The realisation that blackface and cheviot sheep could be grazed profitably in upland areas presented a great opportunity to Highland landowners wishing a greater return from their estates. For example, on the Glengarry estate in western Inverness-shire the rental increased from £732 in 1768 to £4184 in 1802. In the years from 1786 to 1788 this estate saw the first large scale removal of people as a large scale sheep run was created in Glengarry and Glenquoich, and by 1796 there were over 60,000 sheep in the area.[11] The most notorious clearances of the first phase occurred in the county of Sutherland where, in the years from 1807 to 1821, nearly 10,000 people were removed from Strathnaver and other locations to make way for sheep. In many ways this was the most iconic of the clearances, it has proved seductive to polemicists, historians and novelists. An eviction in Strathnaver in 1814 resulted in the death of an old woman, Mrs Chisholm, and the duke of Sutherland's agent, Patrick Sellar was accused of culpable homicide and tried at the High Court of Justiciary in Inverness. Had he been convicted he might well have faced transportation and the policy of clearance adopted by many landlords at the time may have been profoundly altered. Sellar,

[10] Andrew MacKillop, *'More fruitful than the soil': Army, Empire and the Scottish Highlands, 1715–1815* (East Linton: Tuckwell Press, 2000).

[11] Eric Richards, *The Highland Clearances: People, Landlords and Rural Turmoil* (Edinburgh: Birlinn, 2000), p. 74.

however, was acquitted.[12] It should be noted that large scale and meticulously planned emigrations such as these were not representative of the process as a whole. Many clearances were small scale and piecemeal and are difficult to locate in the historical record. The victims of eviction were often removed to coastal sites where their new holdings were insufficient for subsistence. To raise money to pay their rent the tenants had to resort to industries, such as the gathering of seaweed which was then processed for its alkali products, which returned huge profits to the landowner. The labour requirements for such industries, alongside the profits available from sheep farming, motivated landowners to deprecate emigration. Nevertheless, in the interludes of peace from 1763 to 1815 nearly 30,000 Highlanders emigrated to North America. Some historians have argued that this was a spontaneous movement, a 'peoples' clearance', constituting a protest against and rejection of the landlords' intentions. Other historians have counselled that this is too sanguine a view and that the emigration of this period, although it was led by the tacksmen in many cases, was the result of coercion and fear of the consequences of the landlords' policy.[13] In 1803, after intensive lobbying by landowners (disguising their true motives under the cloak of humanitarian concern for shipboard conditions and facilities in the passenger trade) legislation was passed, which increased the cost of emigration, thereby reducing its extent.[14]

The fact that clearance in this first phase was largely concerned with relocation of people through large-scale social engineering can be illustrated by the fact that the population of the Highland counties continued to increase in this period. The Reverend Alexander Webster's private census recorded 193,224 as the population of the counties of Argyll, Inverness, Ross and Cromarty, and Sutherland in 1755. The first civil census of 1801 gave a figure of 245,000 in 1801,

[12] Eric Richards, *Patrick Sellar and the Highland Clearances: Homicide, Eviction and the Price of Progress* (Edinburgh: Polygon, 1999), pp. 1–4, 114–37.

[13] J. M. Bumsted, *The Peoples' Clearance, 1770–1815: Highland Emigration to North America* (Edinburgh: Edinburgh University Press, 1982); Marianne McLean, *The People of Glengarry: Highlanders in Transition, 1745–1820* (Montreal and Kingston: McGill-Queen's University Press, 1991).

[14] See Bumsted, *Peoples' Clearance*, pp. 129–44; Oliver MacDonagh, *A Pattern of Government Growth, 1800–60: The Passenger Acts and their Enforcement* (London: McGibbon and Kee, 1961).

rising to 310,000 by 1831. Even in Sutherland where the largest scale clearances had taken place the population had risen from 20,774 in 1755 to 25,518 in 1831.[15]

The end of the Napoleonic Wars in 1815 was a key turning point in the history of the Highland clearances. The industries which Highland landowners had relied on for their own profits and for the retention of population went into decline. Military service was obviously affected as the army began to demobilise and the kelp industry, no longer sheltered from European competition by wartime embargoes, suffered severe reversals. In 1810 kelp was selling for around £10 per ton; by 1828 this had fallen to £3 13s. Thus, the crofting communities which had been created by the first phase of clearance were no longer viable. The small tenants, deprived of the wages of the kelp industry or military service, were thrown back onto the inadequate resources of their holdings. The impossibility of subsistence induced many to move temporarily to the industrial economy of the Lowlands in search of employment. A further sustaining factor was the new dependence on the potato. This crop was not only reliable, returned a high yield from a small acreage and could be cultivated in very poor ground but, in combination with milk and fish, could provide a balanced diet. These advantages out-weighed the possible dangers of over dependence.[16]

With the partial failure of the potato crop in 1836 and its total failure a decade later powerful forces emerged which drove the process of clearance to new levels. With the collapse of the Lowland industrial economy and cattle prices in 1848, the Highland population, especially in the former kelping areas, were experiencing famine conditions. With the reform of the poor-laws in 1845, and fears that the able bodied poor could be awarded relief by a system which was largely funded by landlords, there was an obvious imperative to clear crofting communities of surplus population. A recent survey has uncovered twenty-three major clearances in the ten year period from 1846 to 1856 and this is unlikely to be comprehensive.[17] Several notorious clearances occurred in these

[15] Michael Flinn (ed.), *Scottish Population History: From the 17th Century to the Present Day* (Cambridge: Cambridge University Press, 1977), pp. 301–15.

[16] T. M. Devine, *The Great Highland Famine: Hunger, Emigration and the Scottish Highlands in the Nineteenth Century* (Edinburgh: J. Donald, 1988).

[17] Devine, *Great Highland Famine*, p. 177.

years. In 1849 twenty-one families were cleared from Strathconan in Ross-shire; in 1850 132 families were removed from the island of Barra by the proprietor Colonel John Gordon of Cluny; at Borreraig and Suisnish in Skye over the period from 1852 to 1854 over 100 people were evicted; over the same period in the neighbouring island of Raasay around 500 people were cleared.[18]

Although it is difficult to estimate the numbers of people subjected to clearance in these years it is possible to estimate the numbers who emigrated from the Highlands in the 1840s and 1850s. Whereas landlords had discouraged emigration during the first phase of clearance they positively encouraged it in the second phase. Australia emerged as an important destination for Highland emigrants, numbering around 5000, who were assisted in their voyage by the Highlands and Islands Emigration Society. Nevertheless, around 10,000 people were assisted by landowners in emigration to British North America in the decade from 1846 to 1856. These figures are not comprehensive, in that they do not include those who left on their own account, nor do they include those who went to the United States of America. Around 50,000 left Scottish ports for British North America, and nearly 16,000 for Australia in the years 1846 to 1856, so it can be seen that Highland emigration made up a substantial part of emigration from Scotland in these years. Nevertheless, we should not let the undoubted trauma of Highland emigration in the nineteenth century overwhelm our sense of the wider picture of the outward movement from Scotland, indeed from Wester Europe. Perhaps 45 million people left Europe for North America, Australia, New Zealand and other destinations in this period. Of this group around two million were from Scotland. This means that Scotland was one of the major emigrant nations of the period. As such its characteristics as an urbanising industrialising nation were very different from other emigrant nations, such as Ireland.[19] In contrast to the first phase of clearance the outcome of the process in the 1840s and 1850s was population decline in Highland counties. The population of the seven most northerly counties of Scotland amounted to 411,785 in 1841, by 1901 the figure was

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[18] Richards, *Highland Clearances*, pp. 22–31, 207–25, 237–41, 288.

[19] T. M. Devine, 'The Paradox of Scottish Emigration', in T. M. Devine (ed.), *Scottish Emigration and Scottish Society* (Edinburgh: J. Donald, 1992), pp. 1–15.

371,158; and whereas in 1841 these counties accounted for 15.7 per cent of the Scottish population this had declined to 8.3 per cent in 1901 (this was affected by the dramatic rise in population in the industrial western Lowlands as well as Highland population decline, of course).[20]

There was once a view that one of the most troubling features of the clearances was that the process was carried out with little in the way of protest from those who were its victims. That this has been shown to be wrong is one of the most important points to be established by the research which has taken place in the last generation. Although resistance to clearance had taken place during the first phase, most notably in a concerted attempt to drive sheep from Ross-shire and eastern Sutherland in 1792, protest occurred more frequently and with greater intensity during the second phase of clearance. Events such as the riots which ensued at Greenyards in Easter Ross when the landlord attempted to evict twenty-two families, the attempt by over 600 people at Sollas in North Uist to resist a policy of clearance and emigration in 1849 or the deforcements of Sheriff's Officers at Coigach in Wester Ross in 1852–3, gained great publicity in the press.[21] Another level of protest came in the rhetorical form of Gaelic poetry. Although anti-clearance poems are not common some can be identified: two such are Allan Macdougall's 'Oran do na Ciobairibh/Song to the Lowland Shepherds' from around 1800, or the anonymous 'Gur Olc an Duine Malcolm/Malcolm is a wicked man', which excoriates Malcolm of Poltalloch for the evictions he carried out at Arichonan in Argyll in 1848.[22]

Although evictions continued to occur the scale and intensity of the process was much reduced after the mid-1850s. Much attention was drawn to the clearances during the Crofters' protests of the

[20] Flinn, *Scottish Population* History, p. 306.

[21] Kenneth J. Logue, *Popular Disturbances in Scotland, 1780–1815* (Edinburgh: J. Donald, 1979), ch. 2; Eric Richards, 'How Tame were the Highlanders during the Clearances', *Scottish Studies* 17 (1973), pp. 35–48.

[22] Donald E. Meek, *Tuath is Tighearna: Tenants and Landlords: An Anthology of Gaelic Poetry of Social and Political Protest from the Clearances to the Land Agitation (1800–1900)* (Edinburgh: Scottish Academic Press for the Scottish Gaelic Texts Society, 1995).

1880s.[23] The Crofters' Wars of the 1880s were part of protests on the land question throughout the British Isles and Ireland. Farm labourers in England continued a rich tradition of protest in the 'Revolt of the Field'; Irish small tenants, the most rebellious in Europe, reached new heights of organised agitation in the 1880s; and the more quiescent small farmers of Wales were up in arms over the injustice of having to pay tithes to the Church of England.[24] This concentrated outburst of protest, which could also be seen in Europe and North America, was due, partly, to global changes in the market for agricultural produce which left small farmers at a severe disadvantage. The 'Agricultural Depression', which had a particular effect in the wheat growing areas of England, was noticeable from the mid-1870s onwards. In Ireland a return to near famine conditions in the later years of that decade stimulated the formation of the Irish National Land League in County Mayo in 1879.[25] In the Highlands, the period since the famine of the 1840s and 1850s had been one of relative prosperity; however, coercion of vulnerable tenants by landlords, whose legal powers were practically untrammelled, continued—albeit at a lower level of intensity than during the famine clearances. These protests impinged on the consciousness of governments and Royal Commissions on the Agricultural Depression, the Irish Land Question, the Grievances of the Crofters and on the Land Question in Wales and Monmouthshire spent years taking minutes but bequeathed a rich legacy of evidence for the historian.

The years since the famine in the Highlands had seen an increase in activity and confidence, admittedly at a somewhat rarefied level, on questions relating to Gaelic culture and Highland life. Outbreaks of protest also punctuated the 1870s; with the most notable events taking place at Bernera, in the West of Lewis, and at Leckmelm in Wester Ross. The latter was particularly important as an Aberdonian paper manufacturer sought to evict crofters from his estate, but was met with protest led by a politically aware Free Church minister and

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[23] The best sources for these events are I. M. M. MacPhail, *The Crofters' War* (Stornoway: Acair, 1989) and James Hunter, *The Making of the Crofting Community* (Edinburgh: J. Donald, 1976).

[24] J. P. D. Dunbabin, *Rural Discontent in Nineteenth Century Britain* (New York: Holmes & Meier, 1974).

[25] Paul Bew, *Land and the National Question in Ireland, 1858–1882* (Dublin: Gill and Macmillan, 1982).

an evolving coalition of activists. A number of prominent figures vocalised the protests of the Crofters; notable among them was a well-to-do Inverness Tory—who had re-invented himself as an Independent Liberal and 'member for the Highlands since being elected for the Inverness Burghs in 1874—Charles Fraser Mackintosh. A more exotic figure was John Murdoch, a former exciseman who had seen service in Ireland, and who sunk his pension into a newspaper enterprise in Inverness in 1873. The result, *The Highlander,* published weekly until 1881, was remarkable combination of campaigning journalism on the Highland land question, and Scottish and Irish Home Rule, alongside the eccentric enthusiasms of the proprietor, which included vegetarianism and the virtues of frequent bathing. Murdoch's paper, which encountered continual financial vicissitudes, controversially alleviated by Irish-American money, was a dissonant voice in the media of the day. Murdoch's contact with the crofters brought home to him the extent of their demoralisation and provided the materials for his incessant message of assertiveness.[26]

The sparring and debating of the 1870s presaged conflict of a more tangible nature in the early years of the following decade: the focus for this protest was the Island of Skye. Protest flared initially on the rack-rented Kilmuir estate of Colonel William Fraser in the North end of the island. The justly famous Battle of the Braes in April 1882, on the estate of Lord MacDonald, was the real spark which pushed the grievances of the crofters onto the wider agenda. A dispute over grazing rights on Ben Lee resulted in land being occupied illegally, writs being served, Sheriffs Officers being 'deforced'—prevented from carrying out their duty—and was concluded only by the augmentation of the Inverness County Police and a full scale pitched battle with crofters as arrests were effected. The reporting of these events in metropolitan newspapers added to the volume of the protests. At Glendale in the West of the island a gunboat had to be despatched to arrest a group of protesting crofters, among them John

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[26] Ewen A. Cameron, *The Life and Times of Fraser Mackintosh, Crofter MP* (Aberdeen: Centre for Scottish Studies, University of Aberdeen, 2000), pp. 91–112; James Hunter (ed.), *For the People's Cause: From the Writings of John Murdoch, Highland and Irish Land Reformer* (Edinburgh: H.M. Stationery Office, 1986).

MacPherson, the 'Glendale Martyr'.[27] Meanwhile, in Parliament the issue was being pressed by Fraser Mackintosh, the Caithness born member for the Irish County of Carlow, Donald Horne MacFarlane, and a Glasgow member and proprietor of the Liberal *North British Daily Mail,* Dr Charles Cameron. The Liberal government had already granted concessions to Irish small tenants in 1881 and it was argued that a Royal Commission should be appointed to investigate the case of the Scottish crofters.

In 1883 a Royal Commission was appointed under the Chairmanship of Lord Napier,. Although the Commission counted Fraser Mackintosh and the Professor of Celtic at the University of Edinburgh, Donald Mackinnon, among its members, it was thought to be unduly dominated by landowners. The Conservative MP for Inverness-shire, Donald Cameron of Lochiel and Sir Kenneth Mackenzie of Gairloch, his defeated Liberal opponent in 1880, were certainly representative of the landowning interest. They were joined by the indolent Skye-born Sheriff of Kirkcudbright, Alexander Nicolson, an avid Gaelic scholar and mountaineer. The impact of the evidence given by the hundreds of crofters who appeared before the Commission, running the very real risk of alienating their landlords, cannot be underestimated. The progress of the Commission round the Highlands, including the wreck of their ship, *The Lively,* on Chicken rock off Stornoway, was subject to full media coverage: Murdoch's encouraging sermons to the crofting community had been highly effective.[28]

After the cathartic effect of the hearings of the Commission the recommendations of the Commissioners on the land question were a big disappointment. In the absence of agreement among his colleagues Napier drew up a highly idealised scheme which the government recognised as impractical and the Crofters' movement condemned as ineffectual. A new wave of protest swept the Scottish Highlands: a large military force—led by the diminutive, but megalomaniac, Sheriff of Inverness, William Ivory—wintered on Skye in 1884/85. Gladstone's Liberal government realised the importance of a legislative solution along the lines of the Irish Land Act of 1881, especially after being disappointed by concessions

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[27] H. J. Hanham, 'The Problem of Highland Discontent, 1880–85', *Transactions of the Royal Historical Society* 19 (1969), pp. 21–66.

[28] Cameron, *Fraser Mackintosh*, pp. 117–35.

offered by a meeting of landlords in Inverness in early 1885. The government did not have time to complete the passage of such legislation before losing office in June 1885. By the time the Liberals returned to power, and the task of Highland land legislation, in early 1886 the political world had been dramatically altered. The extension of the franchise in 1885 had given crofters the vote and they used them to sweep out the landlords who mostly represented Highland constituencies and replaced them with 'Crofter MPs'. These new members included some familiar faces such as Fraser Mackintosh, who was elected in Inverness-shire, and MacFarlane in Argyll. Some new faces included Dr Gavin B. Clark, the most radical of the group, in Caithness; and another London medical man, Dr Roderick MacDonald in Ross-shire (MacDonald was the least active of the group, achieving greater fame as the unfortunate occupant of the coroner's bench in the east end of London during Jack the Ripper's reign of terror). The only one of the 'Crofter MPs' to have experienced life on a croft was Angus Sutherland, elected for his native county of Sutherland in 1886. These men had little impact on the government as the Crofters' Bill was driven through a parliament dominated by the demanding issue of Irish Home Rule. The bill reached the statute book in June 1886 and granted security of tenure to the crofters, as well as the right to appeal to a Crofters' Commission to have fair rents set and other disputes settled. The Act did not, however, include any facilities which would provide the crofters with what they needed most—more land. In this it was a great disappointment and was condemned by the Crofters' movement. Due to this inadequacy, agitation continued after 1886, most notably on the islands of Tiree and Lewis, and in North West Sutherland, necessitating the commitment of further military expeditions to the Highlands.[29]

The years down to the mid 1920s were punctuated by outbreaks of agitation and further attempts to legislate on the Highland land question in 1897, 1911 and 1919. The Land Settlement Act of 1919 was the only successful enactment; it provided for the effective nationalisation of land; however, it could not meet the expectations of war veterans who felt that they had been promised land in return

[29] Ewen A. Cameron, *Land for the People? The British Government and the Scottish Highlands, c. 1880–1925* (East Linton: Tuckwell Press, 1996), pp. 16–39.

for military service, and land raids were frequent in the 1920s. Nevertheless, this legislation had, and continues to have, a profound effect, for better or worse, on the Highlands. The Crofters' Act, despite its limitations, still engenders intense loyalty in the crofting community.[30]

The intention of this short article has been to provide an overview of the structure of the processes which have come to be known under the single heading of the Highland clearances. Modern scholarship has clarified many matters regarding these complex events. A problem remains, however. The history of the clearances has never been free of overt political overtones. The first comprehensive history of the clearances was written by Alexander Mackenzie at the height of the Crofters' War of the 1880s, and was as much a work of political propaganda as of careful scholarship, although it was not entirely devoid of the latter.[31] This political theme continues to the present day with proponents and critics of modern land reform returning to the historical events in the clearances for justification of their points of view.[32] The historian cannot ignore these layers of complexity and they present as many intellectual opportunities as problems. The issue is to understand the ways in which these political views relate to the historical process itself. Indeed, it might be argued that they are not external to the process but integral to it. The Highland clearances remain a vital, in both senses, issue in Scottish historiography and popular culture because they remain politicised. Equally, the ongoing political debate on the land question in Scotland is deeply historicised, this was as evident in the discussions which led to the Crofters Act of 1886, the Highland Development Act of 1965 or, since devolution, the Land Reform (Scotland) Act of 2003. Indeed, the Scottish Parliament voted on an apology for the clearances on 27 September 2000 when the Liberal Democrat MSP for Caithness and Sutherland presented a motion expressing the Parliament's 'deepest regrets for the occurrence of the

[30] This is the theme of Cameron, *Land for the People?*; see also, James Hunter, *The Claim of Crofting: The Scottish Highlands and Islands, 1930–1990* (Edinburgh: Mainstream, 1991).

[31] Alexander Mackenzie, *The History of the Highland Clearances* (Inverness: A. & W. Mackenzie, 1883).

[32] See the debates in the Scottish Parliament on 24 Nov. 1999 and 20 Mar. 2002 for examples.

Highland clearances and extends its hand in friendship to the descendants of the cleared people who reside outwith our shores.' The most recent development in the long history of the highland land question has been the development of community land ownership. From the 1990s to the present almost 500,000 acres of land in the highlands has passed out of private ownership and has been purchased by community trusts. This represents a complex and significant shift in power and opportunity in many areas of the highlands—Assynt, Eigg, North Harris, South Uist and others—that were profoundly affected by the processes of clearance dealt with in this article.[33] For some advocates of this movement its results can be described as part of a process of 'recovery' from clearance. For others, however, such a restorative act is not possible given the social and cultural destruction inherent in clearance.[34] The continuing historicisation of the politics of the highland land question leads to the pervasive politicisation of the history of clearance, relocation and emigration in the Scottish highlands.

[33] James Hunter, *From the Low Tide of the Sea to the Highest Mountain Tops: Community Ownership of Land in the Highlands and Islands of Scotland* (Kershader: Islands Book Trust, 2012); A. Fiona D. MacKenzie, *Places of Possibility: Property, Nature and Community Land Ownership* (Oxford: Wiley-Blackwell, 2013).

[34] See the essays in Ewen A. Cameron (ed.), *Recovering from the Clearances: Land Struggle, Resettlement and Community Ownership in the Hebrides* (Kershader: Islands Book Trust, 2013).