

VARIOUS

NOTES AND QUERIES,
NUMBER 07, DECEMBER
15, 1849

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"When Found, make a note of."—Captain Cuttle.

MARRIAGE CONTRACT OF MARY QUEEN OF SCOTS AND THE EARL OF BOTHWELL

[Among the curious documents which have been produced from time to time before the House of Lords in support of peerage claims, there have been few of greater historical interest than the one which we now reprint from the Fourth Part of the Evidence taken before the Committee of Privileges on the Claim of W. Constable Maxwell, Esquire, to the title of Lord Herries of Terregles. It is a copy of the Contract of Marriage between Queen Mary and the Earl of Bothwell, which, although it is said to have been printed by Carmichael, in his *Various Tracts relating to the Peerage of Scotland, extracted from the Public Records*, has not been referred to by Robertson, or other historians of Scotland, not even by the most recent of them, Mr. Tytler.

Mr. Tytler tells us that on the 12th of May, 1567, Bothwell was created Duke of Orkney, "the Queen with her own hands placing the coronet on his head," and that the marriage took place on the 15th of May, at four o'clock in the morning in the presence-chamber at Holyrood; and that on the following morning a paper, with this ominous verse, was fixed on the palace gate:—

"Mense malas Maio nubere vulgus ait."

The Contract, which is dated on the fourteenth of May, is preserved in the Register of Deeds in the Court of Session (Vol. IX. p. 86.), and as the copy produced before the House is authenticated—and consequently it may be presumed a more strictly accurate one than that which Carmichael has given—it seems well deserving of being transferred to our columns, and so made more available to the purposes of the historian, than it has been found to be in Carmichael's *Tract*, or is likely to be when buried in a Parliamentary Blue Book.]

"Decimo quarto Maij anno domini ts. lxxvij, "Sederunt dni sessionis clericus regri.

"In pns of ye lordis of counsale comperit personale ane ry't excellent ry't heicht and michte princes Marie be ye grace of God queene of Scottis douieier of France on that ane pairt and ane ry't noble and potent prince James duk of Orkney erl Bothule lord Hales crychtoun and Liddisdeall great admiral of the realm of Scotland on y't vy'r p't and gaif in yis contract and appointment following subscriuit w't y'r handis and desyrit ye samen to be insert in ye bukis of counsale to haif ye strenth force and effect of y'r act and decreit thereupoun the q'lk desyre ye saidis lordis thocht reasonable and y'rfor hes decernit and decernis ye said contract and appointment to be insert and

registret in ye said bukis to haif ye strenth force and effect of y'r
act and decreit in tyme to cum et ad perpetuam rei memoriam
and hes interponit and interponis y'r autoritie y'rto and ordenis
y'r autentik extract of the samen to be deliuerit to the foirsaid
partiis and the principale to remane apud registrum Off ye q'lk
contract ye tennor followis At Edinburgh ye xiiii. day of May the
year of God I'mv'c thrie score sevin yeris it is appointit aggreit
contractit and finale concordit betwix ye r't excellent ry't heich
and mychte princess Marie be ye grace of God queen of Scottis
douarrier of France on that ane pairt and ye ry't noble and potent
prince James duke of Orkney erle Bothul lord Hales creychtoun
and Liddisdeall great admiral of yis realm of Scotland on y't
vy'r p't in manner forme and effect as efter follow is that is
to say fforsamekle as her majestie considering w't herself how
almyete God hes not onlie placit and constitut hir hienes to reigne
over this realme and during hir lifytyme to governe ye peple and
inhabitants y'r of hir native subjects bot als that of hir royall
persoun succession my't be producit to enioy and possess yis
kingdome and dominionis y'r of quhen God sall call hir hienes to
his mercie out of yis mortale life and how grecoule it hes plesit
him alredy to respect her hienes and yis hir realm in geving vnto
hir maistie of her mest deir and onlie sone ye prince baith her
hienes self and hir heill subjects are detbond to render vnto God
immortale prayss and thankis and now hir maistie being destitute
of ane husband levand solditerie in ye estate of wedoheid and
yet young and of flurissching aige apt and able to procreat and

bring furth ma childreyn hes been pressit and humble requirit
to yield vnto sum mariege quhilk petition hir grece weying
and teking in gud pairt bot cheifle regarding ye preservatioun
and continewance of hir posteritie hes condescendit y'r to and
mature deliberatioun being had towert psonage ye maist p't of
hir nobilite by way of adviss hes humblie preyit hir maistie and
thocht bettir that she seuld sefar humble himself as to accept
ane of hir awin borne subiectis in y't state and place that war
accustomet w't ye manneris lawis and consuctud of yis cuntre
rether yan ony foreyne prince and hir maistie preferrand their
aduyse and preyeris with ye welfeir of hir relm to the avansment
and promotion qlk hir hienes in pticuler mycht heve be foreyn
marriage hes in that point likwis inclinit to ye suit of hir said
nobilitie and yai bemand ye said noble prince now duke of
Orkney for ye speciall personage hir maistie well aduisit hes
allowit yair motioun and nominatioun and graciouslie accedit y'r
vnto having recent memorie of the notable and worthie actis and
gude service done and performit by him to hir ma'tje als weil
sen hir returning and arivall in this realme as of befoir in hir
hienes minoritie and dureing the tyme of governament of umq'll
hir dearest moder of gude memorie in the forth setting of her
ma'ties autoritie agains all impugnaris and ganestanders y'r of
quhais magnanimitie couraige and constant trewth towert her
ma'tie in preservation of hir awn person from mony evident and
greit dangers and in conducting of heich and profitable purposes
tending to her hienes avancement and establissing of this countre

to hir profite and universall obedience hes sa fer movit her and
procurit hir favour and affectioun that abuist the common and
accustomat gude grace and benevolence quhilk princesses usis
to bestow on noblemen thair subjectis weill deserving hir ma'tie
wil be content to resauē and tak to hir husband the said noble
prince for satisfaction of the hearts of hir nobilitie and people
and to the effect that hir ma'tie may be the mair able to govern
and rewill this realme in tyme to cum dureing hir lifytyme and
that issue and succession at Goddis plesure may be productit
of hir maist noble persoun quhilkis being sa dear and tender
to hit said dearest son efter hir ma'ties deceas may befor all
oyris serve ayd and comfort him Quhairfore the said excellent
and michtie princesse and queene and the said noble and potent
prince James duke of Orknay sall God willing solemnizat and
compleit the band of metrimony aither of them with vther in
face of haly kirk w't all gudly diligence and als hir ma'tie in
respect of the same metrimony and of the succession at Goddis
plesure to be procreat betwix thame and productit of hir body
sall in her nixt parliament grant ane ratificatioun w't aviss of
hir thrie estates quhilk hir ma'tie sall obtene of the infeftment
maid be hir to the said noble prince then erll Boithuill and
his airis maill to be gottin of his body quhilkis failzeing to hir
hienes and hir crown to returne off all & haill the erldome
landis and ilis of Orknay and lordship of Zetland with the
holmes skeireis guylandis outbrekkis castells towrs fortalices
manner places milns multures woddis cunninghares ffishings

as weill in ffresh watters as salt havynis portis raidis outsettis
parts pendicles tennentis tennendries service of frie tennents
advocation donation and richt of patronage of kirkis benefices
& chaplanries of the samyn lyand w'tin the sherifdom of Orknay
and ffowdry of Zetland respective with the toll and customs
within the saidis boundis togidder with the offices of sherifship
of Orknay and ffowdry of Zetland and office of justiciarie w'tin
all the boundis als weill of Orknay as Zetland with all priviledges
fies liberties and dewities perteing and belanging y'rto and
all thair pertinentis erectit in ane haill and frie dukrie to be
callit the dukrie of Orknay for evir and gif neid be sall mak
him new infeftment thairvpoun in competent and dew form
quhilk hir ma'tie promittis in verbo principis and in caiss as God
forbid thair beis na airis maill procreat betwix hir ma'tie and
the said prince he obleiss his other airis maill to be gotten of
his body to renunce the halding of blenchferme contenit in the
said infeftment tackand alwyis and ressavand new infeftment of
the saidis landis erlldome lordships ilis toll customs and offices
abovewryten and all thair pertinents erectit in an dukrie as said
is quhilk name and titill it sall alwyis retene notwithstanding
the alteratioun of the halding his saidis airis maill to be gotten
of his body payand zeirlie thairfore to our said soverane ladies
successoris y'r comptrollaris in y'r name and soume of twa
thousand pundis money of this realme lykas the samyn wes sett
in the tyme of the kingis grace her gracious ffader of maist
worthie memorie Maiowir the said noble and potent prince and

duke obleiss him that he sall no wayis dispone nor putt away
ony of his lands heretages possessiones and offices present nor
quhilkis he sall happen to obtene and conquies heireftir dureing
the mariage fre the airis maill to be gottin betwix him & her m'tie
bot yai to succeid to the same als weil as to the said dukrie of
Orknay. Furthermair it is concludit and accordit be hir ma'tie
that all signateurs tres and wrytingis to be subscrivit be hir ma'tie
in tyme to cum eftir the completing and solemnization of the
said mariage other of gifts dispositiones graces privileges or
vtheris sic thingis quhatsumevir sal be alsua subscrivit be the
said noble prince and duke for his interesse in signe and taken
of his consent and assent y'rto as her ma'ties husband. Likas it
is alsua aggreit and accordit be the said noble prince and duke
that na signateurs tres nor wrytingis othir of giftis dispositions
graces priviledges or others sic thingis concerning the affairs of
the realme sall be subscrivit be him onlie and w'tout hir ma'ties
aviss and subscription and giff ony sic thing happin the samyn
to be of nane availl. And for observing keiping and fulfilling of
the premisses and every poynt and article y'r of the said noble
and michte princesse and the said noble prince and duke hes
bundin and obleissit thame faithfullie to otheris and ar content
and consentis that this present contract be actit and registrat in
the buiks of counsale and session ad perpetuam rei memoriam
and for acting and registring hereof in the samyn buiks her
ma'tie ordains hir advocattis and the said noble prince & duke
hes maid and constitute m'rs David Borthuik Alex'r Skeyn his

prors con't'lie and sea'tie promittand de rato. In witness of the
quhilk thing hir ma'tie and the said noble prince and duke hes
subscrivit this present contract with thair hands day yeir and
place foirsaidis befoir thir witnesses ane maist reverend ffader
in God Johnne archbishop of Sant Andrews commendator of
paisly & George erll of Huntlie lord Gordon and Badzeneth
chencelar of Scotland &c. Daudid erll of Craufurd lord Lindsay
Andro erll of Rothes lord Leslie Alexander bishop of Galloway
commendator of Inchaffray John bishop of Ross Johnne lord
fflemyng Johnne lord Hereiss W'm Maitland of Lethington
youngar secretar to our soverane ladie sir Johne Bellanden of
Auchnoule kny't justice clerk and M'r Robert Crichton of Elioh
advocat to hir hienes with oy's diverss."

(Signed) MARIE Rx.

JAMES DUKE OF ORKNAY.

BILL OF FARE OF 1626

If an *actual* bill of fare in a gentleman's house, anno 1626, be worth your acceptance, as a pendant to the one *prescribed* in your fourth number, you are welcome to the following extract from the account book of Sir Edward Dering, Knt. and Bart.:—

"A Dinner att London, made when my Lady Richardson, my sister E Ashbornham, and Kate Ashb,—my brother John Ashb, my cosen Walldron and her sister, and S'r John Skeffington, were with me att Aldersgate streete, December 23, 1626. My sister Fr Ashb and cosen Mary Hill did fayle of coming.

Wine	3s. 10d.
Stourgeon	7s.
a joll of brawne	5s.
pickled oystres a barrell	1s. 6d.
viniger	3d.
Rabbets a couple-larkes a dozen-plovers 3 and snikes 4	7s.
Carrowaye and comfites	6d.
a Banquet and 2 dozen and a half of glass plates to sett it out in	11. 3s.
Half a doe-which in y'e fee and charge of bringing itt out of Northampton	8s.
a warden py that the cooke made-we finding y'e wardens	2s. 4d.
ffor a venison pasty, we finding y'e venison	4s.
ffor 2 minct pyes	2s. 6d.
a breast of veale	2s. 4d.
a legg of mutton	2s.
	<hr/>
Sum totall expended	31. 10s. 3d.
	<hr/>

The dinner was at y'e first course-

a peece of Brawne.

a boiled ducke in white broathe.

a boiled haunch of powdered venison.

2 minct pyes.

a boyled legge of mutton.

a venison pasty.

a roast ducke.

a powdered goose roasted.

a breast of veale.

a cold Capon py.

Second course-

a couple of rabbitts.

3 plovers.

12 larks.

4 snikes.

pickled oysters-2 dishes.

a cold warden py.

a joull of Sturgeon.

Complement-

Apples and Carrawayes.

wardens bakt and cold.

A Cake and

Chesse

A banquet ready in y'e next room.

Mem'd—we had out of y'e country y'e goose, y'e duckes, y'e capon py, y'e Cake and wardens, and y'e venison; but that is allways p'd for, though given."

The above seems to have been a family dinner. Sir Edward married, for his second wife, a daughter of Sir Ashbornham, as appears by the following entry:—

"1. January 1624/5, beeing Saturday, at sixe of y'e clocke att night, atte Whitehall, in y'e Duke of Buckingham's lodgings, I married Anne Ashbornham, third dâ of Sir Ashbornham, late of Ashbornham, Kt."

In another entry we have—

"... Dec. 1626, being thursday, Elizabeth Lady Ashbornham widor of S'r Jno Ashbornham, was married in S't Giles his Church in y'e feildes, nere London, to S'r Thomas Richardson, K't, then Lo. cheife Justice of y'e common pleas."

The day of the month is torn out. It would almost seem as if this was the wedding dinner, on the occasion of the marriage of the Chief Justice with Lady Dering's mother; at all events the reunion of the family in London was caused by that event.

Banquet was the name given to a dessert, and it was usually set out in another room.

The large baking pear is still called warden in many counties.

Appended to the above is a bill of the items of the "banquet," with the cost of hire for the glass plates; but it is so hopelessly illegible that I will not venture to give it. Many of the items, as far as I can read them, are not to be found in "the books," and are quite new to me.

Having had no small experience in deciphering hopeless scribblings, I think I may pronounce this to be better left alone than given in its present confused state.

LAMBERT B. LARKING

Ryarsh Vicarage.

MONETA SANCTÆ HELENÆ

As a subscriber to your valuable publication, allow me to suggest that it might, from time to time, be open to contributions explaining obscure passages or words, which often occur in the works of mediæval writers, and more especially in early English records. So far as English usages and customs are concerned, the Glossary of Du Cange is of comparatively little value to the English student; many terms, indeed, being wrongly interpreted in all editions of that work. Take, for example, the word "tricesima," the explanation of which is truly ridiculous; under "berfellarii," the commentary is positively comic; and many other instances might be cited. At the same time, it would be presumptuous to speak otherwise than in terms of the highest respect and admiration of Du Cange and his labours. The errors to which I allude were the natural consequences of a foreigner's imperfect knowledge of English law and English customs; still it is to be lamented that they should have remained uncorrected in the later editions of the Glossary; and I take it to be our duty to collect and publish, where feasible, materials for an English dictionary of mediæval Latin. It is in your power materially to advance such a work, and under that impression I venture to send the present "Note."

In the Wardrobe Account of the 55th year of Henry the Third, it is stated that among the valuables in the charge of the

keeper of the royal wardrobe, there was a silken purse, containing "*monetam Sancte Helene*." It is well known that, during the middle ages, many and various objects were supposed to possess talismanic virtues. Of this class were the coins attributed to the mother of Constantine, the authenticity of which is questioned by Du Cange, in his treatise "*de Inferioris ævi numismatibus*." He observes, also, that the same name was given, vulgarly, to almost all the coins of the Byzantine emperors, not only to those bearing the effigies of St. Helena, but indeed to all marked with a cross, which were commonly worn suspended from the neck as phylacteries; "hence," he subjoins, "we find that these coins are generally perforated." It was quite in accordance with the superstitious character of Henry the Third that coins of St. Helena should be preserved in his wardrobe, among numerous other amulets and relics. But what was the peculiar virtue attributed to such coins? Du Cange, in the same treatise, says, on the authority of "Bosius," that they were a remedy against the "*comitialem morbum*," or epilepsy. The said "Bosius," or rather "Bozius," wrote a ponderous work, "*de Signis Ecclesiæ Dei*" (a copy of which, by the by, is not to be seen in the library of the British Museum, although there are two editions of it in the Bodleian), in which he discourseth as follows:—"Monetæ adhuc aliquot exstant, quæ in honorem Helenæ Augustæ, et inventæ crucis, cum hujusmodi imaginibus excusæ antiquitus fuerunt. Illis est præsens remedium adversus morbum comitialem: et qui hodie vivit Turcarum Rex Amurathes, quamvis a nobis alienus,

vim sanctam illarum expertus solet eas gestare; e morbo namque hujusmodi interdum laborat. Nummi quoque Sancti Ludovici Francorum regis mirifice valent adversus nonnullos morbos."—
Lib. xv. sig. 68.

This mention of the sultan Amurath carrying these coins about his person as a precaution against a disease to which he was subject, and indeed the whole passage shows a belief in their efficacy was still prevalent in the sixteenth century, when Bozius wrote. It only remains to add, that Du Cange, in his Glossary, does not enumerate the "money of St. Helena" under the word "moneta;" nor does he allude to the coins of St. Louis, which, according to Bozius, were endowed with similar properties.

Having sent you a "Note," permit me to make two or three "Queries." 1. What is the earliest known instance of the use of a beaver hat in England? 2. What is the precise meaning of the term "pisan," so often used, in old records, for some part of defensive armour, particularly in the thirteenth and fourteenth centuries? It does not bear any relation to the fabrics of Pisa.

T. HUDSON TURNER.

TRANSLATIONS OF GRAY'S ELEGY

Sir,—My best apology for troubling you with such a lengthened Query is, that it will serve, to some extent, as a Note. Will any of your correspondents inform me of any additions to the following list of translations of Gray's *Elegy*? It may possibly be more incomplete than I am aware of, as it is drawn up, with two exceptions, from copies in my own library only.

Конец ознакомительного фрагмента.

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