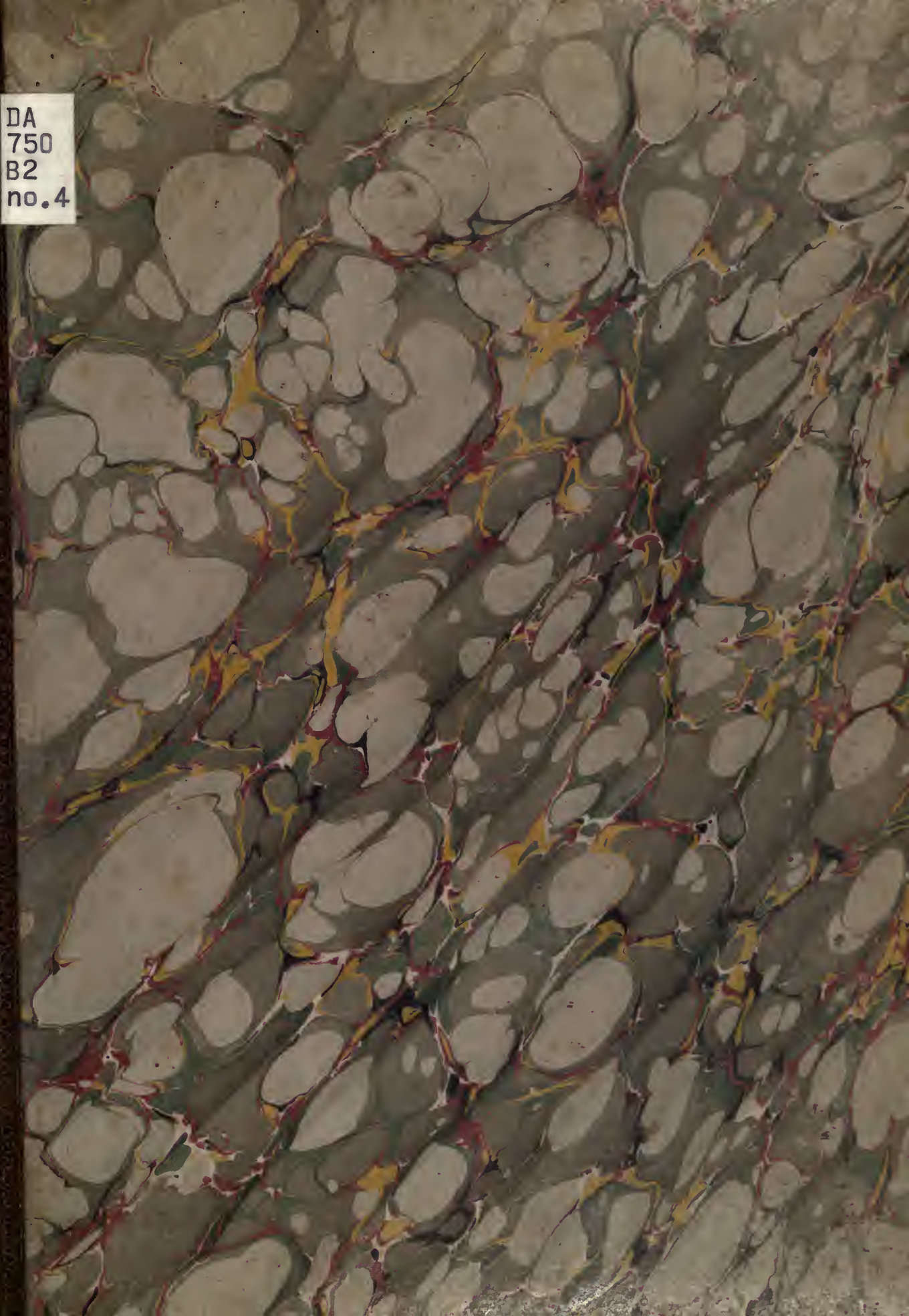


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TEARES
FOR THE
DEATH OF ALEXANDER

EARLE OF DUNFERMELING,

LORD CHANCELLAR OF SCOTLAND.



EDINBURGH :

IMPRINTED AT THE BANNATYNE CLUB PRESS,

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FEBRUARY MDCCCXXIII.

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P R E F A C E.

THE Editor is inclined to suppose that the Author of this Poem was John Lyoun of Auldbar, the only son of Sir Thomas Lyoun, better known in Scottish History, by the appellation of “The Tutor of Glamis,”—and as the coadjutor of William, Earl of Gowrie, at the “Raid of Ruthven.” Whether he was the offspring of Sir Thomas Lyoun’s *first* marriage does not appear. Wood, in his edition of Douglas’s Peerage, has stated, that John’s cousin, the Honourable James Lyoun, obtained these lands of Auldbar from his father, and that dying without issue, they returned to Ann Murray, Countess of Kinghorn, and to John, Earl of Kinghorn, her son, (his brother-german;) as these parties had a charter to the Barony, dated 8th August, 1617. If this statement were correct, it would certainly throw some doubt upon the claims of authorship, advanced on the part of John Lyoun of Auldbar:—but, upon consulting the Index of Retours, there seems to be great reason to doubt the accuracy of Douglas,—for, upon 6th May, 1642, John, second Earl of Kinghorn, was served heir-male, *ratione conquestus*, to James Lyoun of Auldbar, his brother-german, in this estate. It is, therefore, abundantly evident, that if Earl John was in possession of the *property* of the lands in 1617, upon charter and sasine, that there could be no necessity for his service in 1642. No doubt, the Countess of Strathmore and her son, might have expedite a charter to the barony of Auldbar in 1617; but this

deed may have related to the *superiority* of Auldbar, without any reference to the *property*; as it is by no means improbable that John Lyoun and his father, held these lands of the head of the family.—Or John Lyoun may have sold the lands in question to his relative. This last supposition, is probably the more correct one; as one thing is quite clear, that the Earl of Kinghorn, or his younger brother, the Honourable James Lyoun, could not have succeeded to the property, *as heirs-at-law*, because John Lyoun had a sister married to Robert Sempill of Belltrees, the author of the well-known Elegy on Habbie Simpson, the piper of Kilbarchan;—of which marriage, there was issue. Possibly, there might have been an entail, limiting the succession to heirs-male. If access could be obtained to the title deeds of the property, the matter might be satisfactorily explained.

John Lyoun of Auldbar, married a daughter of George Gladstones, Archbishop of St Andrews. He was served heir to his father, Sir Thomas, upon 6th August, 1608, in the Barony of Melgund, commonly called Auldbar; and he was, at a later date, (9th November, 1611,) served heir to his father, in the Barony of Muirladderwood, &c. In the year 1612, he obtained a Parliamentary ratification of an infestment of the patronage of the Kirk of Roscobie. The period of his decease, however, has not been ascertained.

It would appear from the dedication, that the author (whoever he was) was related to Lady Beatrice Ruthven, Lady Cowdenknowes, daughter of the first Earl of Gowrie, and ancestress to the present Earls of Home; but the Editor has been unable, to trace the degree of relationship between the Ruthvens and the Lyouns of Auldbar.

The Earl of Dunfermline, whose death forms the subject of the Poem, was a man of considerable talent. In like manner with the celebrated Sir Thomas Hamilton, his professional exertions as a lawyer, were the primary cause of his subsequent elevation. Having been appointed an Ordinary Lord of Session, he was afterwards promoted to the situation of President,—advanced to the Chancellorship, and to the rank of a Lord of Parliament,—and latterly, to the higher dignity of an Earl. He died in his house at Pinky, in April, 1622, aged 67. In Maitland of Lethington's MS. History of the Family of Seatoun, enlarged by Alexander Viscount of Kingston, (in the Advocates' Library,) it is stated, that he "dyled with regret of all that knew him, and the love of his countrie, and was interred at his buriall-place in Dalgatty, the May thereafter, with great honour."* His lordship was succeeded in his titles and estates by his son Charles, who, during the earlier part of his life appears, from the Decisions, collected by Gibson of Durie, to have been much harassed with law-suits at the instance of his mother, Margaret, sister of John, first Earl of Tweeddale, who afterwards married James' first Earl of Callender.

Much cannot be said in favour of the poetical merits of this Poem. The Editor admits, that it is characterized by that quaintness, and disfigured by those conceits, which were the fault of the age; and that not a few of the verses are pretty tolerable examples of the art of sinking in poetry; but, on the

* For farther particulars, regarding this distinguished lawyer, the Editor may refer to "The Life of Sir Thomas Craig," by P. F. Tytler, Esq. Edinburgh, 1823, p. 229.

other hand, he thinks he may venture to affirm, that some of the lines possess vigour,—that the versification is, in some places, harmonious ;—and that there is, throughout, a degree of feeling, highly creditable to the Author. The short poem, at the end, is of a superior cast ; and as Headley justly observes of the poetry of Southwell the Jesuit, there is to be found in it, “ a moral charm, that will prejudice most readers of feeling in favour of their author.”

The Editor does not know of any other copy of this Tract, than the one, perhaps *unique*, (now in the possession of his friend Robert Pitcairn, Esq.) which formerly belonged to Robert Milne, writer in Edinburgh. He takes this opportunity of expressing his regret, that so little has been discovered (to use the words of Crawford) relative to “ a person well known to be indefatigable in the studies of Scots antiquities,”—and one to whom he (Crawford) acknowledges himself to be much indebted, for access to “ his vast collection from the public records,” which were “ frankly communicate” to him.* The period of his demise, seems to have escaped the research of the accomplished Editor of Lord Fountainhall’s Chronological Notes. On accidentally turning over the pages of the British Magazine, or London and Edinburgh Intelligencer, for 1747, the Editor found the following entry of his death :—“ Robert Miln, writer, aged 103. He enjoyed his sight, and the exercise of his understanding, till a little before his death, and was buried on his birth-day.” Upon referring to the Scots Magazine, the death of “ Robert Milne,” is stated to have taken place on 21st December, 1747, in the 105th year of his age.

* Vide Preface to Genealogical History of the Family of Stewart, 1710.



T E A R E S

For the neuer sufficientlie bewailed death of the late right honourable and most worthie of all honourable Titles,

A L E X A N D E R
E A R L E of *Dumfermeling*, Lord
Fyvie, and *Vrquhart* late
Lord Chancellor of SCOTLAND.



E D I N B U R G H,
Printed by the Heires of ANDRO HART.
ANNO DOM. 1622.



TO MY VERIE

Honourable and most *respe-*
cted good LADIE,

Dame *Beatrix Ruthven, L A D I E*
Coldenknowes. &c.

Madam



S I condemne the vnnaturall custome of the Auntient Thracians, who used to weepe at the birth of their Children, and to rejoyce at the death of their Parents, Kins-folke, and Friends: So I can not but commend your Ladyships firm-fixt affection to your friends, which (contrarie to the common custome of this time-seruing Age) Death doeth not diminish which your La. makes manifest at this time, for no sooner had fame filled the eares of all, with the sorrowfull report, of the neuer sufficientlie bewailed death of the late right honourable Lord Chancellor: but your La. to show, that as in this generall losse your losse was more then commone, hauing lost so honourable a Patrone, so faithfull a Friend, and so louing a Father in all your affaires: so you in sorrow exceeded the most sorrow-

rowfull, your La. repledged from the fire, this vnpolisht ryme, to
the which (as vnworthie of the worlds view) I condemned the
same, and caus'd the same to bee printed: to the which I con-
discended, willing rather to publish mine owne imperfections then
that your La. scarce imitable and vnsained affection to that No-
ble Lord should bee concealed, accept then (Madam) in good part
those lines which by your owne procurment passes to the Presse and
as they beare the badges of your Ladiships sorrow for your so great
a losse, let them serue as signes to show the willingnes I haue to
doe your Ladiship all the seruice I can performe, to the which I
am tyed both by bandes of blood and nature, and by your
Ladiships manifold vnderferued courteous fauours to my
selfe, hoping that the Title of your Ladishippes
name shall serue as a sufficient defence for all
the imperfections of those vnperfect
and vnpolisht lines, kissing
your Ladiships hands I
rest, and shall euer
remaine.

Your Ladiships Cousen
most humblie devoted
to serue you

John Lyoun.





TEARES

For the neuer sufficiently bewailed death
of the late right honourable and most
worthie of all honourable Titles,

A L E X A N D E R
E A R L E of *Dumfermeling*, Lord
Fyuie, and Vrquhart late
Lord Chancellor of SCOTLAND.

AH, must my weake and care-benummed hand,
Paint out the forrowes of this forrowing Land :
How can my pen make others passions knowne,
Which as they are, can not expresse mine owne :
This publike losse, which was a losse too great,
Some heauen-taught Muse were fitter to relate :
Yet whilst the Learned (who in filence sit)
Frame loftie Lynes to serue as signes of wit,
Sad care-croft Muse vnto the world proclaime,
With wofull notes this lamentable Theame :
And sing so fadlie to each listning eare,
That euerie eye for tribute pay a teare.

A

Come

Come euerie Age, Estate, and Sexe, come all,
 Come and bewaile this statelie Cedars fall.
 Come all wrong'd *Orphanes*, come bewaile your fyre,
 Who did of late (but yet too soone) expyre,
 Come woefull widowes, come you, weepe you fast,
 Your Anchor, and your hope, your helpe is past.
 Rich Burgers you of whom hee once was chiefe,
 With teares bewray vnto the world your grieffe,
 You at the Barre who pleade your clients cause,
 Mourne that ye want the Iudge that judg'd your Lawes,
 Graue learned Iudges all burst foorth in mone,
 Your Light, your Lanterne and your Guide is gone,
 State-ruling Peeres, true pillers of the Crowne,
 Fit for *Bellona*, or the peacefull gowne.
 Helpe to be-waile that euer-famous Lord,
 Whose noble partes nobilitie decor'd :
 The heauens themfelues as murners doe prepare,
 With signes of sorrow to increase our care.
 For when hee dy'd, the heuens on earth did powre,
 Greiu'd at his death, of teares a liberall showre.
 And ere hee dy'd, *Latona's* child so bright
 Crab-like retired from his Sphears chiefe hight.
 As if hee would to euerie one bewray,
 In humane shape an heauenlie lightes decay.
 For hee, as where his foolish sonne did guide
 The head-strong horses hee was wont to ride,
 Obscures his rayes and hides his glorious eye,
 Loathe on the earth, this woefull sight to see.
 Our Day did set when wee expected least,
 Our Light, when full and at the highest, ceast,
 Our Summer ended, or it halfe was done,
 For loe, it ended in the midst of *Iune*.

For

For with his date, our joyes receiued theirs,
 His dulefull death gaue life vnto our cares.
 Speake tyrant Death, shew if thou canst wherefore
 Thou spoil'd the Stone that did our ring decore ?
 Did not of late each State a tribute pay ?
 Did not each-where thy crueltie beare sway ?
 Peeres, Church-men, Iudges all did tribute giue,
 And were content so hee alone might liue.
 But thou insatiate monster who is gladde,
 To see the worlde strooke with amazement sadde.
 In this thou preast thy powerfull force to show,
 Hurling all States by giuing such a blow.
 Yet doe thy worst, in spite of Time and Thee,
 His best partes still shall liue and neuer die.
 His soule which from the Heauens to Earth descended
 Bake from the Earth is to the Heauens ascended.
 There still to liue with that great KING of Kings,
 Where Angels euer Hallelujah sings.
 And heere on earth still famous shall remaine,
 His famous Acts in spight of Times disdaine.
 No Marble, Porphire, Gold, Corinthiane Brasse,
 Or Monument yet halfe so lasting was.
 Proud Pyramids of Artemisian frame,
 Vaine Monuments of quicke decaying fame,
 Will with their builders perish and decay,
 That where they stood scarce comming time can say,
 But hee more wise hath built a Tombe more strong,
 Which still shall last in spight of Envies wrong,
 Trueth, Iustice, Mercie, Policie, and Peace,
 Shall this rare Hero's Tombe with dicton grace,
 For Trueth shall say (and Trueth can neuer lie)
 His rare true worth vnparale'd shall bee.

Iustice and Mercie fitting for a Iudge,
 Hee wifelie mixt, and in his breast did ludge:
 Iustice to none hee neuer did refuse,
 Yet did sterne Law with mercie oftimes vse,
 That Pylian Sage, of whom his Ruler saide,
 Troy could not stand if but ten such hee had,
 Might well bee spar'd, did hee in Counsell fit,
 Whose ripned Iudgment led each younger wit.
 And as on Hybla or Hymetus Hill,
 The hony Birdes the flowrie mountaines fill.
 Searching from grasse to grasse from flower to flower,
 To bring their sweete foode to their sweetned Bower.
 Looke to the trauell of his younger yeares,
 And like to those his policie appeares:
 For loe, hee Bee-like past from place to place,
 Knowledge to gaine which might his Countrie grace,
 Paines, trauell, hazard, hee esteemed nought,
 To gaine the wish'd for knowledge which hee sought.
Loire, Seine, and Rhine, with Tiber, Arne, and Poe,
 Their Bankes hee past to make his learning growe,
 And as the Bee from euerie flower doth take,
 The sweetest iuice his pleasing food to make.
 Wherewith full fraught hee hastes him to his Hyue,
 Where Drones decay, but thriftie Bees doe thryue,
 So in his trauels with iudicious eye,
 Hee did the best of forraine partes espie,
 And what in vertues Gardens hee found rare,
 Hee brought them home and made them flourish faire.
 Which made his Prince (true Iudge of noble parts,
 Sole cherisher of vertue, worth and arts)
 To raise this Lord vpon the Stage of State,
 To show his wit in Iudgements highest feate.

Where

VVhere whilst hee spake with judgement, wit, and Art,
 Hee ravish'd euerie eare, and euerie heart :
 His wise graue sentences fo each man mou'd,
 Hee was of all admir'd, of all belou'd.
 That scarce this envious world affoorded one,
 That for his greatnesse greeu'd, e'er gaue a gronc.
 O wonder rare ! most wonderfull to see,
 A States-man great, and welbelou'd to bee :
 Yet hee his greatnesse manag'd with such skill,
 As hee heap't vp huge treasure of good-will.
 VVhich now is knowne, for now each one may spye,
 VVhat secret thought, in euerie breast did lye,
 For loe, the State grieues at this publike losse,
 Each priuate man thinks this a priuate crosse.
 That greatnesse gone (which as some man did thinke,
 Might make hid malice in some bosome shrinke)
 There's none that liues, or breathes this common aire,
 But for his death seemes ouercome with care.
 And reason would it that it should bee so,
 Since publike good did from his greatnesse grow.
 His chiefe designs were for the Common-good,
 VVhich who so crost his counsell still with-stood.
 Yet Princes fauour, honour, vertue, loue,
 Could not sterne Death to mild compassion moue.
 O blind and deafe infatiate monster Death,
 Had thou had seene when as thou rob'd his breath,
 His Ladies beautie or her carefull cries,
 Had pearc't thine eare, or mou'd thine hood-winkt eyes,
 His friendes complaints, his Childrens ruthfull teares,
 Did plead for pittie at thy deafned eares.
 Yet nought could stay thine hand from such a deed,
 As makes our heartes with woefull wounds to bleed.

For Heauens decree this judgment giues to all,
 That Prince and Peasant both by Death shall fall :
 Since Deathes strait doome can be eschew'd of none,
 VVhy for his death should wee sigh, weepe, and grone ?
 For wee did knowe when as he was most hye,
 That hee was mortall, and was borne to dye.
 And thus to grudge against IEROVAHS will,
 May bring on vs a farre more greater ill.
 And well wee know, hee dy'de to liue againe,
 His death was but a period to his paine.
 VVee grudge not gainst the Architect of wonders,
 VVhose fearfull voyce speakes in the mids of thunders.
 VVee onelie waile to testific our loue,
 For his perfections did affection moue.
 Those peerelesse parts hee liuing did inherite,
 Now beeing dead, this at our hands doth merite.
 That as our bakes this badge of mourning beares,
 VVee should to Griefe pay tribute with our teares.
 But ah my Muse breake off and come away,
 Thou shoves too much of this our sad decay,
 Let brauer wits this deepe taske vnder-goe,
 To waile his want and manifest our woe.



Lifes vncertaintie.

BEhold vaine man how fraile a thing thou art,
 Proud of a puffe, of foone consumed breath :
 Which with a blast will suddenie depart,
 When thou art cited by devouring death.
 Thy Pride, thy State, thine Honour, Blood, & Gold,
 Can not Deaths stroak one minuts space with-hold.
 Count from thy Cradle euen vnto thy Tombe,
 And thou shalt find Life but a Mappe of cares.
 For when thou first comes from thy Mothers wombe,
 Thy lifes first minut it is spent in teares,
 As if when borne thou did perfectlie know
 That thou wast borne to beare a birth of woe.
 And if moe yeeres thou happen to attaine,
 Thy grieffe shall grow still as thy yeeres increaffe,
 The moe thy dayes, the more shall be thy paine,
 Few dayes shall passe without a new distresse,
 Friends, Parents, Children, Kins-folk, credits losse,
 Or some such care shall still increafe thy woes.
 Yea, if the World would poure into thy lappe,
 Her richest treasures in a liberall shoure,
 Yet thinke not much of this imagin'd happe,
 Which may be spent, or perish in an houre.
 Earths flying joyes are like a summer field,
 Whose blossomes must to flower-quell winter yield.
 Imagine this (which to bee found is rare,
 Thy joyes were neuer interrupt with grieffe,
 Thy life-time spent without a dram of care,
 Yet at the last Death like a subtill Thiefe

Will

Will steale thy joyes which is a fading treasure,
To make thee know how perishing is pleasure.
Life which the Worldlings doe so much adore :
Is like a dreame, a blast of wauering wind,
A shade, a span, a smoake, an airie store,
A gulfe of grieffe, where few contentment find.
A fea of sorrows and a ship of toyes,
Fraught full of certaine cares, vncertaine joyes.
Since life is such, then let vs learne to die,
That wee by death a better life may gaine,
Let vs this Scilla this Charibdis flee,
Haste to the port and flee the troubled Maine,
Where wee shall find contentment and till then,
No true contentment is to mortall men.

F I N I S.





