Date due

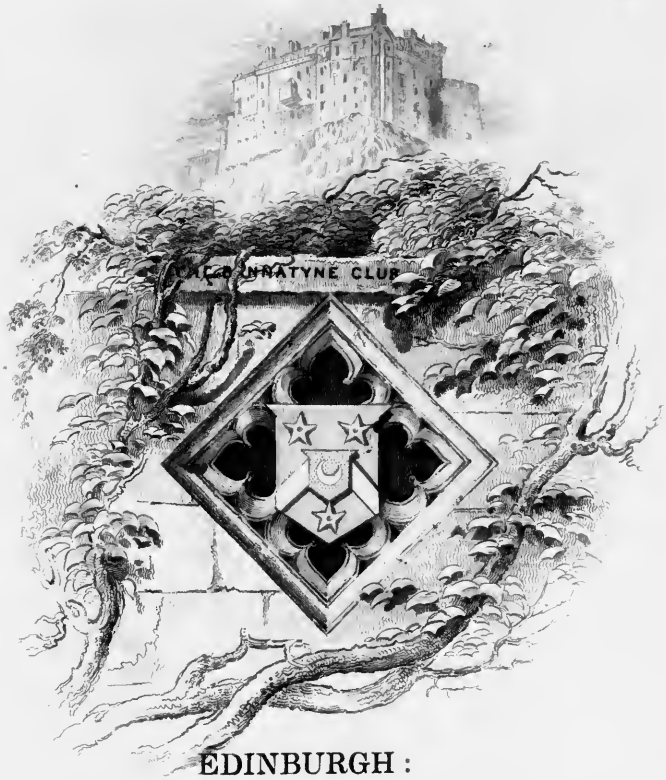
TEARES

FOR THE

DEATH OF ALEXANDER

EARLE OF DUNFERMELING,

LORD CHANCELLAR OF SCOTLAND.



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M.DCCC.XXIII.

TO

SIR WALTER SCOTT, Bart.

OF ABBBOTSFORD,

AND TO THE OTHER MEMBERS OF THE

Bannatyne Club,

THIS REPRINT

IS RESPECTFULLY DEDICATED

BY

JAMES MAIDMENT.

THE BANNATYNE CLVB,

FEBRUARY MDCCCXXIII.

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MEMBERS ADMITTED

25TH NOVEMBER, 1823.

THE EARL OF MINTO,
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WILLIAM BLAIR, ESQ.
J. T. GIBSON CRAIG, ESQ. JUN.
ANDREW SKENE, ESQ.
THOMAS MAITLAND, ESQ.

PREFACE.

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 Glammis,"—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 expede 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 infeftment 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 "dyed 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

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* 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.

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

TEARES

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

ALEXANDER

EARLE of *Dumfermeling*, Lord *Fyuie*, and Vrquhart late *Lord Chancellar of* SCOTLAND.

EDINBVRGH,
Printed by the Heires of ANDRO HART.
ANNO DOM. 1622.

TO MY VERIE

Honourable and most *respected good LADIE,*

Dame *Beatrix Ruthven,* LADIE *Coldenknowes.* &c.

Madam

S I condemne the vnnaturall cuſtome of the Auntient Thracians, *who vſed 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 Chancellar: 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 condiscended, willing rather to publish mine owne imperfections then that your La. scarce imitable and vnfained affection to that Noble 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 vndeserued 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,

ALEXANDER

EARLE of *Dumfermeling*, Lord *Fyuie*, and Vrquhart late *Lord Chancellar of* SCOTLAND.

AH, muſt my weake and care-benummed hand,
Paint out the ſorrowes of this ſorrowing 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 ſilence ſit)
Frame loftie Lynes to ſerue as ſignes of wit,
Sad care-croſt Muſe vnto the world proclaime,
With wofull notes this lamentable Theame:
And ſing ſo ſadlie to each liſtning eare,
That euerie eye for tribute pay a teare.

Come eueric Age, Eſtate, and Sexe, come all,
Come and bewaile this ſtatelie Cedars fall.
Come all wrong'd *Orphanes*, come bewaile your ſyre,
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 griefe,
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 themſelues 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 vnparalel'd ſhall bee.

Iuſtice and Mercie fitting for a Iudge,
Hee wiſelie 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 ſit,
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 juice his pleaſing food to make.
Wherewith full fraught hee haſtes him to his Hyue,
Where Drones decay, but thriſtie Bees doe thryue,
So in his trauels with judicious 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 ſeate.

Where

VVhere whilſt hee ſpake with judgement, wit, and Art,
Hee raviſh'd euerie eare, and euerie heart:
His wiſe graue ſentences ſo 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 grone.
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 thinkes 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 deſignes 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 inſatiate monſter Death,
Had thou had ſeene when as thou rob'd his breath,
His Ladies beautie or her carefull cryes,
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 ſtraite 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 IEHOVAHS 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 teſtifie 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 ſhowes 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 ſoone conſumed breath:
Which with a blaſt will ſuddenlie 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 griefe ſhall grow ſtill as thy yeeres increaſſe,
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 increaſe 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 griefe,
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 griefe, where few contentment find.
A ſea 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.

FINIS.