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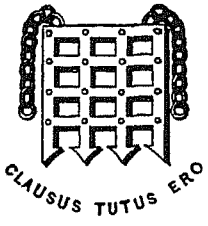

THE SCOTT NEWSLETTER

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SCOTT AND THE JURY COURT

A.G. Stevenson, Solicitor, Glasgow

In early times it was part of the Scottish judicial system to have a jury sitting in determination of civil actions as well as in criminal trials, but only the latter survived beyond the sixteenth century. The former had fallen into desuetude, largely unlamented. By contrast, in England both types of jury continued to sit.

The Court of Session had survived largely unchanged in terms of organisation and administration since its establishment in 1532, but from 1808 to 1810 there was reforming legislation known collectively as the Procedure Acts. A bill was introduced in 1807 by the short-lived Whig government of Lord Grenville, and when Parliament reverted to Tory control in the following year a Royal Commission investigated various procedural amendments. Secretary to the Commission was Walter Scott. One of the issues under discussion was the introduction into Scotland of civil juries on the English model. There was mixed reaction within the legal profession to this suggestion. Henry Cockburn, who was favourable towards it, remarked that 'The experiment was keenly resisted, chiefly by the older judges, and by the established obstructors of change'.[1]

Scott was one of the doubters. In his article 'Changes in the Administration of Justice'[2] which appeared in the *Edinburgh Annual Register* of 1810, he remarked that 'it would be presumptuous to offer any opinion on the matters remitted to the commissioners, who have not yet made their report'. He was correct–it would be and indeed, it was! Scott remained Secretary until after the publication of his article, which was before the Commission had reported.[3]

Firstly, he disparaged the notion that the creation of civil juries was 'but the revival of an usage familiar to the practice of our ancestors'. The original civil juries 'had no resemblance but in name' to the proposed new ones, and having been dormant for nearly 300 years, to regard the bill 'as the enactment of an ancient law ... is a palpable fallacy; – the measure may be productive of good but still it is undeniably an *innovation*'. Ten years before he adopted the persona of Malachi Malagrowther, Scott suggested that the proposed new civil jury was 'altogether English' and mentioned 'the great hazard of this species of reform, by which the law of one civilized and independent country is made to bow the knee to that of another'. Commenting on Scott's article, Lockhart refers to the author's 'deep jealousy of the national honour of Scotland, his fear lest the course of innovation at this time threatened should end in a total assimilation of her Jurisprudence to the system of the more powerful sister country'.[4]

Also, Scott doubted whether a litigation was 'more safely lodged in an obscure and evanescent body than in a dignified, independent and permanent Tribunal, versed in the science to be administered and responsible for the decisions they pronounce'. Scott believed that 'The middling classes are better educated than those of the same description in England; they are more sagacious, conceited, disputatious and irritable; much fonder of the exercise of power, and infinitely less disposed to bend to the authority of their superiors'.

Another reason for Scott's opposition was party political. There was antipathy towards the proposed reform from Tories such as Scott, and the *Edinburgh Annual Register* was strongly favourable to that faction.

Despite Scott's views, in 1810 civil jury trial was recommended by the Commission and in 1815 the *Act 55 Geo III c42* created the Jury Court, a tribunal which sat with a jury, and several judges known as Lords Commissioners of the Jury Court of Scotland. As in England there were 12 jurors instead of the 15 one still finds on a Scottish criminal jury. The Chief Commissioner was William Adam (1751–1839), a Scot who, hitherto, had never practised law in Scotland. He had qualified as an English barrister, been elected as an English MP and was a Whig. It was thanks to him that the Jury Court was any success at all.[5] Writing of Adam in 1826 Scott noted that he was 'not a very early friend of mine, for I scarce knew him till his settlement in Scotland with his present office. But I have since lived much with him, and taken kindly to him as one of the most pleasant, kind-hearted, benevolent and pleasing men I have ever known.' Sir Walter reflected that party loyalties were perhaps not always the most sensible of motives: 'It is high treason among the Tories to express regard for him, or respect for the Jury Court in which he prescribes. I was against that experiment as much as any one.'[6]

The experiment came to an end in 1830. In that year the Jury Court was abolished, although its powers and duties were transferred to the Court of Session. Civil juries have been a feature of that court ever since, although they have never yet been been regarded as comfortably as in England. Within the last twenty years the number of civil juries to have sat annually has been down to single figures. In 1988 an official Consultation Paper suggested the abolition of civil juries. Although this course was not followed by the Lord Advocate, the system's future remains precarious.

NOTES

1 Henry Cockburn, *Memorials of his Time* (reprint by James Thin, 1988), p. 295. It has been suggested that the House of Lords favoured the introduction of a civil jury system in Scotland because it would mean fewer appeals and therefore less work for their Lordships: Gibb, *Law from over the Border* (Edinburgh, 1950).

2 I have used the reprint in *Sir Walter Scott's Edinburgh Annual Register*, ed. Kenneth Curry (Knoxville,1977). All quotations are from this article unless otherwise stated.
3 The Advertisement for this volume of the *Register* is dated 21 July (Curry, p. 8) and in a letter to Morritt, dated 3 November 1810, Scott commended the publication, omitting to mention his connection to it, and also reported that 'My Commission [as Secretary] is ended': *Letters*, 2, 382, and Corson's *Notes and Index*, p. 63. On 15 October, in a letter to Lady Abercorn, he had audaciously denied authorship of his article and described the *Register* as 'a paper of great merit'! (*Letters*, 2, 392).
4 Lockhart, *Life of Sir Walter Scott* (Edinburgh, 1842), p. 203.
5 Cockburn, pp. 296-98.
6 *The Journal*, 20 January 1826. According to Lockhart, who highly esteemed Adam, the experiment had 'in its results proved satisfactory to the people at large, as well as to the Bench and the Bar of Scotland' (*Life*, p. 203).

HELEN MCGREGOR'S MARKED BODY

Fiona Wilson

In his excellent introduction to the Oxford World's Classics edition of *Rob Roy*, Ian Duncan claims that the Highland cateran of the novel's title embodies the transgressive energies of commerce in post-Union Scotland. 'Adept in all cultural sites and roles, the master of appearances and languages, Rob Roy is expert, above all, in the "modern" arts of commerce and negotiation, which may extend to robbery and homicide–for who better than a freebooter should thrive in the new capitalist economy?' [1]

Who, indeed? Duncan's analysis of Rob Roy McGregor is—dare I say it?—right on the money. I want to suggest, however, that it passes rather quickly over the ways in which that same spirit of transgressiveness is figured as *tragic* in the marked body of Rob's wife, that 'she-bear' Helen McGregor.

Helen's dramatic entrance into the narrative demands our attention and imposes a change of pace on the narrative's hitherto rapid progress. A vision of savage Celtic splendour (in the tradition of Gray's Bard), she looms abruptly from a cliff above the hero, Frank Osbaldistone, and a troop of English soldiers. Like the soldiers, the reader is brought to a halt. Through Frank's eyes, we contemplate the appearance of the McGregor 'Chieftainess':

> I have seldom seen a finer or more commanding form than this woman. She might be between the term of forty and fifty years, and had a countenance which must once have been of a masculine cast of beauty; though now, imprinted with deep lines by exposure to rough weather, and perhaps by the wasting influence of grief and passion, its features were strong, harsh, and expressive. She wore her plaid, not drawn around her head and shoulders, as is the fashion of the women in Scotland, but disposed around her body as the Highland soldiers wear theirs. She had a man's bonnet, with a feather in it, an unsheathed sword in her hand, and a pair of pistols at her girdle. (349)

After the skirmish which ensues, Frank's account of this 'savage, uncouth, yet martial' figure continues. 'The specks of blood on her brow, her hands and naked arms' he tells us, 'as well as the blade of the sword which she continued to hold in her hand—her flushed countenance, and the disordered state of the raven locks which had escaped from under the red bonnet and plume that formed her head-dress, seemed all to intimate that she had taken an immediate share in the conflict.' (357)

What emerges from this description is the image of a woman whose very physical appearance—blood-spattered, 'imprinted with deep lines'—limns her transgressive spirit. Helen is beyond all conventional laws, 'clean anither,' as Nicol Jarvie says of Highlanders in general, 'frae the likes o' us' (298). She is an Amazon, whose military dress testifies to her 'unnatural' adoption of male behaviour (behaviour evinced also in the rag-tag band of women and boys she leads into battle). Whatever feminine beauty she once possessed is scored over by age and suffering.

Outlaw, hag, and Amazon. In every sense of the word, Helen is a 'marked' woman. Her body is a site of disruptiveness in a text fascinated by disruptiveness. The terms Scott uses to describe Helen's physique lead the reader to comparisons with the varied Highland landscape (an area of sublime magnificence ideally suited to guerilla warfare), as well as with the much commented upon 'disjunctive' style of *Rob Roy*, a fallen, or dark, romance (414).[2] The impressive terror she inspires in Frank—a desperate mixture of fascination and abhorrence—would seem to link her also with Scott's clearly ambivalent feelings about the Jacobite rising of 1715. What looks romantic from a distance, is horrifically violent close up. The McGregors' surprise attack ends with the massacre of wounded prisoners and execution by drowning of the turncoat Morris.

The lines 'imprinted' on Helen's face, however, also indicate the buried presence of what Scott passes over in Frank Osbaldistone's narrative, for to be a marked woman in *Rob Roy* is to be connected in a very immediate sense with social and political violence. The bloodstains and lines on Helen's face encode the physical marks on her body that Scott does *not* talk about, though he can't seem to help himself from hinting at their presence. I'm talking about the series of elliptical remarks defining

Helen's body as ruined and dishonoured. 'Ye have left me neither name nor fame,' Helen accuses the English soldiers, 'my mother's bones will shrink aside in their grave when mine are laid beside them.' (349) She has been 'bereaved,' she tells Nicol Jarvie, 'of all—of all' and groans to think of surviving for any purpose other than vengeance. (359)

What these statements refer to is an aspect of the McGregor legend relegated to some only slightly more informative sentences in 'The Author's Introduction'. Scott is describing Helen McGregor's eviction from her home by Loch Lomond:

> It is said that [the] diligence of the law, as it is called in Scotland, which the English more bluntly term distress, was used in this case with uncommon severity, and that the legal satellites, not usually the gentlest persons in the world, had insulted McGregor's wife, in a manner which would have aroused a milder man than he to thoughts of unbounded vengeance. She was a woman of fierce and haughty temper, and is not unlikely to have disturbed the officers in the execution of their duty, and thus to have incurred ill treatment, though for the sake of humanity, it is to be hoped that the story sometimes told is a popular exaggeration. (17-18)

The 'ill treatment' referred to here is the alleged rape and branding with hot irons of the historical Helen McGregor—an event acknowledged in contemporary retelllings of the McGregor story, such as, for example, in William Nimmo's *General History of Stirlingshire* (1777).[3]

Like Nimmo, Scott seems to feel that the rape must be at once acknowledged and disavowed. Nimmo introduces the information in a Latin footnote to the main text; Scott refers obliquely to a 'story sometimes told'. The story of Helen McGregor's rape and eviction, however, is also hinted at in the details concerning Helen's sense of shame and thirst for vengeance. The marks on her body—the bloodstains, lines of sorrow, and so on—subliminally suggest her mutilation. Just as in Nimmo's *History*, the rape story in *Rob Roy* is present and yet concealed, 'imprinted' yet difficult to decipher.

If, as Ian Duncan argues, Rob Roy McGregor represents the energies of a tiger economy, the body of Helen McGregor—transgressive, yet also transgressed against—surely represents another kind of story about eighteenth-century Scottish capitalism. *That* story—at once marked and invisible in a novel very much, as Duncan says, about money and the Highlands—is the story of the violent mass evictions known as the Clearances. Rob Roy's skill in crossing boundaries corresponds with Helen's drastic sense of boundary violation. To adopt a Bakhtinian analogy, Rob Roy represents the positive energies of the capitalist grotesque, Helen those same energies turned tragic.[4] No wonder, as the older Frank reports, that she haunts his nightmares for years to come. Her presence in the novel is truly the return of the repressed.

NOTES

1 Ian Duncan, 'Introduction' to *Rob Roy* (1819): Oxford and New York: Oxford University Press, 1998, xxvi. The OUP edition of *Rob* Roy is the text used for page references throughout.

2 For Ian Duncan, the narrative is characterized by 'obscurity, disjunctiveness, illogic and bewilderment'. Jane Millgate cites 'a persistent sense of disturbance at deeper [narrative] levels' and 'the presence of much that is dark, violent, and unredeemed.' See Duncan, 'Introduction', xi. Also, Millgate, *Walter Scott: The Making of the Novelist* (Edinburgh: Edinburgh University Press, 1984), 134.

3 See William Nimmo, *General History of Stirlingshire* (1777): Edinburgh: William Creech, 1817. Footnotes.

4 In *Rabelais and His World,* Bakhtin argues that the positive energies of the Medieval aesthetic of the grotesque return in tragic form in European Romanticism: 'The world of the Romantic grotesque is to a certain extent a terrifying world, alien to man. All that is ordinary, commonplace, belonging to everyday life, and recognized by all suddenly becomes meaningless, dubious, and hostile.' For Bakhtin, the epitome of the Medieval grotesque is the image of the laughing pregnant hag. Helen McGregor—disfigured, vengeful, and despoiled—would certainly seem to qualify as a candidate for the epitome of the Romantic grotesque. See Bakhtin, *Rabelais and His World*, transl. Michael Holquist (New York, Midland Books: 1984), 38.

GEORGE CRABBE AND SCOTT'S *SAINT RONAN'S WELL*

Richard D. Jackson

John Gibson Lockhart's account of the possible genesis of *Saint Ronan's Well* in his *Memoirs of the Life of Sir Walter Scott* is well-known.[1] He says that in July 1823, while he, Scott and Willie Laidlaw were lounging on ponies on the brow of the Eildon, they fell to considering possible subjects for Sir Walter's next novel. Laidlaw suggested that, in the light of the less than favourable reception in Britain of *Quentin Durward*, Scott should return to Scottish soil and in particular to the village of Melrose. As the conversation developed, Scott told his companions 'a tale of dark domestic guilt' the scene of which was a smaller hamlet that lay full in their view. Lockhart says that the details of this tale were not of a kind to be dwelt upon. He comments that

> anything more dreadful was never conceived by Crabbe, and he told it so as to produce on us who listened all the effect of another *Hall of Justice.*

Lockhart says that both he and Laidlaw were convinced that this conversation led Scott to begin writing *Saint Ronan's Well.* As Mark Weinstein points out in his edition of the novel for the Edinburgh Edition of the Waverley Novels,[2] this cannot be the case because by July more than half of the first volume of the novel had already been written. Firm evidence of this timescale is provided by letters from Cadell to Constable dating from 13 May 1823 onwards. On 24 May Cadell told Constable that '30 pages of Copy [are] in the hands of the Printer' and on 28 May that 'half Volume first of the new book is in the hands of the Printer ... the author expects to make great progress before he leaves town—he writes a portion of it every day'. Weinstein goes on to say that 'it is probable that after a rapid start, Scott curtailed his work during the summer, finishing the first volume in late August or early September'.[3]

At some point during June or July 1823 Scott seems to have come to a decision as to the direction and tenor that his story should take in its later chapters. The crux here is the dating of a letter from Scott to James Ballantyne that Grierson gives as '*c.* July 1823'.[4] In doing so Grierson is merely basing the date of the letter upon what Alexander Skene, who at that time owned the undated letter as well as the manuscript of the novel, said in a letter to *The Scotsman* in 1872.[5] Skene wrote that the letter was 'written evidently about July 1823, when the novel was commenced, and [is] of touching interest as showing the bent of Sir Walter's mind towards the tale, at the time he had but reached the third chapter'. Skene himself was obviously basing his dating of the commencement of writing the novel, and thus of Scott's letter, upon the passage in Lockhart's *Life.* In the actual letter, the manuscript of which is in the National Library of Scotland, Scott wrote:

> I have thoughts of making the tale tragic, having 'a humour to be cruel' - It may go off however - If not it will be a pitiful tragedy, filed [sic] with the most lamentable mirth – I find I must have a moments [sic in the MS] peep at the revise of Sheet C - or, stay - Insert the following addition & corrections
>
> Dele - the alteration line 2 . p . 65, and *Stet* as before *I wadna* etc
>
> P. 66 line 2. Add ^– 'and Nanny - ye may tell them he has an illustrated poem – illustrated mind the word Nanny - that is to be stuck as fou o' the like o' that as ever turkey was larded wi' slabs of bacon'-[6]

Scott's new words do indeed occur in the third chapter of the novel.[7] James Corson, in his *Notes & Index to Sir Herbert Grierson's Edition of*

The Letters of Sir Walter Scott, considers that the date of this letter must be late May or early June on the grounds that 'Vol. 1 was in good progress by 24 May and Scott would have reached p. 66 before July'.[8] However, the point is that Cadell's letters of 24 and 28 May relate only to the writing of the manuscript and not to ensuing work upon proofs. In considering Grierson's dating of *c.* July, Weinstein argues, on the basis of Cadell's letter of 28 May, that 'it therefore seems more likely that Scott had corrected the proofs of page 66 in June'.[9] But it is evident that in the letter to Ballantyne Scott was simply seeking to add small further changes to a print that would be based upon his earlier proof corrections. Only occasionally did he see revised proofs and this accounts for his apologetic tone in first asking for 'a moment's peep' at a revise sheet and then amending this request by merely instructing Ballantyne to make an addition and a minimal correction. There is, therefore, no reason why this letter should not be dated '*c.* July'. Weinstein later refers to the same correction as being made 'in a letter of July 1823'.[10]

Although half of the first volume had been written by 28 May, there are thirteen chapters in this volume and it is not until the ninth chapter that the meeting between Clara and Tyrrel occurs in which she asks him why sorrow should not be the end of sin and folly and when sound sleep ever visited a bloody pillow. These questions, together with her statement that they wanted to 'become men and women, while we were yet scarcely more than children', are indications that at the time of writing this chapter Scott had in mind a tragic plot involving an earlier sexual relationship between the couple. If Scott curtailed his work during the summer, it was probably not until after July, when he had 'thoughts of making the tale tragic' that might or might not 'go off', that the ninth chapter was written. Weinstein goes on to postulate that Scott did not complete the first volume until late August or early September, and that the work was not 'half finished or more' until the time of a letter to Constable that Grierson dates as 14 September.[11]

When he first appears on the scene in the second chapter of the second volume, Touchwood seems to be a benevolent, elderly, Dickensian figure who will ultimately solve all the mysteries and resolve all the problems. Until nearly the end, unaware of the early sexual relationship between Clara and Tyrrel, he maintains that he 'has come four or five hundred miles to lie quiet among you all, and put all your little matters to rights, just when you think they are most desperate'. If Touchwood had been able to retain such a role, he could have descended climactically ex machina to foil Bulmer's renewed advances to Clara by convincing her that her fradulent marriage was not binding and proving that Tyrrel was the true Lord Etherington. By the end of the novel, however, he too has become part of the novel's tragic atmosphere of vanity and futility and is

left 'forming plans which have no object and accumulating a fortune, for which he has apparently no heir'.

In his book *Under Which King? A Study of The Scottish Waverley Novels*[12] Robert C. Gordon reserves the sharpest criticism for *Saint Ronan's Well* which he condemns as 'wrong as a novel can be – structurally confused and improbable, awkward in style and tone, and trivial in effect'. He considers that 'In choosing his subject [Scott] has walked into a quicksand' and is particularly scathing about the novel's 'false and disastrous conclusion'. Gordon is correct in drawing attention to Sheridan's use of a spa for social and erotic competition in *The Rivals* and to a resemblance between Captain McTurk and Lucius O'Trigger as trouble-making arrangers of duels. He also points to Scott's admiration of Otway in his *Essay on Drama* and to Otway's play *The Orphan* in particular.

> There is the same triangle of a woman and two brothers, the same deception at the wedding, the same remorse on the part of the heroine, exhibited in a tendency toward distracted wandering, and the same honourable surrender of rights by her real lover.

Gordon says that by making this play his most important source Scott could hardly have committed a worse strategic blunder. Gordon does not, however, identify another important source the highly visible marker of which is to be found in Lockhart's account of the conversation on the Eildons. This is the naming of George Crabbe's poem – *The Hall of Justice*. At the time of the conversation Scott may not have been prepared to tell his companions that he had already begun a story located in a village. But it may be that the July conversation was the genesis of the idea that the novel should contain 'tragedy as well as comedy' and that it was the thought of a local 'tale of dark domestic guilt' comparable to the realistic tragedies depicted by Crabbe that caused Scott's air to become 'graver and graver'.

Crabbe was an author that Scott admired greatly. George Saintsbury, assessing Crabbe in his *Essays in English Literature*,[13] comments that Scott 'read him constantly' and 'quotes him incessantly' and that 'he was perhaps Sir Walter's favourite English bard' albeit that at one time he had certain reservations. On 13 January 1809 he wrote to Charles Kirkpatrick Sharpe suggesting that he review the 1807 volume of *Poems by The Rev. George Crabbe*. 'He has,' wrote Scott, 'I think, great vigour and force of painting; but his choice of subjects is so low, so coarse, and so disgusting ...'.[14] Nevertheless, in 1811 he imitated Crabbe's style in a poem called *The Poacher*. It is evident from a letter from Crabbe to Scott dated 13 October 1812[15] that Scott had earlier written to the poet's publisher, Hatchard, requesting a copy of his latest volume entitled *Tales* (1812) and had subsequently written again to Hatchard about the poems in terms that

gratified Crabbe highly. Replying on 21 October Scott told Crabbe that when he was about eighteen years old, he had come upon copious extracts from his poems *The Village* and *The Library* in a volume or two of *Dodsley's Register* and 'committed them most faithfully to my memory'. He added that 'none of my little folks about the formation of whose taste and principle I may be supposed naturally solicitous have ever read any of my poems while yours have been our regular evening's amusement'. Sophia, he said, 'enters as well into the humour as into the sentiment of your admirable descriptions of human life'.[16] In this respect Sophia might have agreed with David Daiches' comment that *Saint Ronan's Well* is 'a curious mixture of comedy and manners and Gothic melodrama' but perhaps not with his ultimate assessment of it as a failure 'because of the uncertainty of its insights'.[17]

A few months later Crabbe wrote again to Scott enquiring about an Edinburgh clergyman who had sought his help in producing a book of Scottish Psalmody. In his reply, dated by Grierson as c. January 1813 and by Corson as 'probably mid or late Feb.', Scott told him that 'Your 'Tales' are universally admired here. I go but little out, but the few judges whose opinions I have been accustomed to look up to, are unanimous.[18] In March Crabbe responded by sending Scott copies of three of his volumes: *Poems* (1807), *The Borough* (1810) and *Tales* (1812). These three volumes, in which Scott wrote his name, are now in the National Library of Scotland. Scott thanked him on 1 June 1813[19] for the volumes saying:

> Now am I doubly armed since I have a set for my cabin at Abbotsford as well as in town. And to say the truth the auxiliary copy suffers as much by its general popularity among my young people as a popular candidate from the hugs and embraces of his democratical admirers.

The title of the 1812 volume may even have been on Scott's mind when in the spring and early summer of 1816 he began writing what was to become the first series of *Tales of my Landlord*. It is Ballantyne's note to Blackwood of 22 August 1816 that mentions, apparently for the first time, this title and the plan for a work comprising a series of regional tales with a separate one in each of four volumes.[20] When the first tale appeared in December 1816, it featured an Introduction by Jedidiah Cleishbotham the general tone of which can justifiably be compared to that of George Crabbe in the Preface to his 1812 *Tales*. Crabbe wrote of this volume

> It may probably be remarked, that Tales, however dissimilar, might have been connected by some associating circumstance to which the whole number might bear equal affinity, and that examples of such

> unions are to be found in Chaucer, in Boccace, and other collectors and inventors of Tales, which, considered in themselves, are altogether independent; and to this idea I gave so much consideration as convinced me that I could not avail myself of the benefit of such artificial mode of affinity.

As originally conceived *Tales of my Landlord* had the 'associating circumstance' of dealing with four different regions of Scotland although as the work progressed Scott found himself unable to avail himself of this mode of affinity. Crabbe did, however, adopt such a connective device when in 1819 he published his *Tales of the Hall.*

On 10 July 1822, Crabbe wrote to Scott to say that two years before he had asked him 'whether a journey into Scotland would be of Benefit to me in a Disease which then oppressed me'. Scott had advised him to make the journey but pain had compelled Crabbe to give up the idea at the last minute. He felt better now and asked if he could come north to meet Scott wherever that would be convenient. Scott replied on 16 July to say that he would be delighted to see him but that if King George IV visited Scotland, he would have to be in Edinburgh 'for a day or two'. In the event Crabbe did not get as far as Abbotsford but arrived at Scott's house in Castle Street before the King's visit began on 14 August and remained there for some time.[21] On Wednesday 21 August, while the King rested at the young Duke of Buccleuch's Palace in Dalkeith, the two authors walked with Lockhart to Arthur's Seat and climbed up to the ruin of St Anthony's Chapel and Muschat's Cairn which Crabbe wanted to visit because of his host's use of this place in *The Heart of Midlothian.*[22] In 1822 Scott's authorship of the Waverley novels was still an open secret but George Crabbe's son says in his biography of his father that during his visit

> Before he retired at night, he had generally the pleasure of half an hour's confidential conversation with Sir Walter, when he spoke occasionally of the Waverley novels – though not as compositions of his own, for that was yet a secret – but without reserve upon all other subjects in which they had a common interest.[23]

The 1807 edition of Crabbe's *Poems* contains his poems *The Village* and *The Parish Register* as well as *The Hall of Justice* and *Sir Eustace Grey.* Writing to Lady Abercorn on 2 August 1820 Scott had commented that the last two poems 'indicate prodigious talent'.[24] Neither of these poems can be said to be infused with the 'humour' that appealed to young Sophia Scott. *Sir Eustace Grey*, an example of what Daiches identifies as Gothic melodrama, is set in a madhouse where Grey is a patient after killing his 'Bosom's Friend' who has eloped with his wife. Ironically

enough, considering Scott's high regard for the poem, Grey says that before his descent into madness:

> I, in my State, my comforts sought;
> Delight and Praise I hoped to find,
> In what I builded, planted, bought!

Part Two of *The Parish Register*, which is concerned with Marriages and warns that 'Disposed to wed, e'en while you hasten, stay', contains the tale of Phoebe Dawson who succumbs to her lover's advances

> But ah! too soon his looks success declared,
> Too late her loss the marriage-rite repair'd ...
> Then fly temptation, youth; resist, refrain!
> Not let me preach for ever and in vain!

Although for the first four months of 1823 year Scott was occupied with the writing of *Quentin Durward*, Crabbe's visit fired his imagination and it is likely that it was *The Village* and *The Borough* that initially influenced his choice of a theme for his next novel. The concept of basing a nineteenth-century story on the circumscribed lives of the inhabitants of 'the little village of Saint Ronan's' and the 'rival village called Saint Ronan's Well' accords with that which underlies Crabbe's poems and relates effectively to the reference in Lockhart to fun that the trio on the Eildon obtained from discussing 'the different real persons in the village [of Melrose] that might be introduced with comical effect'. But as Lockhart and Laidlaw laughed, the combination of a recollection of a local 'tale of dark domestic guilt' and the tragic aspects of poems such as *The Hall of Justice* caused Scott to become grave.

The twenty-four verse 'Letters' in *The Borough*, from which he had already borrowed a number of epigraphs for chapter headings in *The Heart of Midlothian*, provided Scott with ample inspirational material. Letter III describes a *Curate* who, like the Rev. Josiah Cargill, is a gentle and studious lover of learning spends his time among his books and 'from the World retreats'. Letter VI, *Professions – Law*, describes Swallow, the dishonest lawyer, who provided characteristics for Mr Micklewhame as well as serving a purpose for Benjamin Britten in *Peter Grimes*. Letter VII, *Physic*, attacks 'the great Evil of Quackery'. Letter X, *Clubs and Social Meetings*, describes card players 'Like Friends assembled but like Foes to feel' among whom are an 'antient Burgess' and a 'large Lady' who 'settle doubts' and whose 'Decrees are Laws' although 'all are troubled when ... Diana questions what Apollo spoke'. Letter XI describes a variety of *Inns* among which is a large, deserted one in a state of decay. Letter XX *Ellen Orford* expresses her 'Guilt and Shame' after being left,

like Effie Deans in *The Heart of Midlothian*, with an illegitimate child by a faithless lover. And, perhaps most importantly, Letter XII, *Players*, tells of the annual visit of 'Our Troop Dramatic, Heroes known of old'. The members of Saint Ronan Well's Managing Committee are introduced in Chapter Three in the manner of a list of *dramatis personae*. From this Letter Scott also derived the chapter entitled 'Theatricals' in *Saint Ronan's Well*. Lockhart describes how, on the third day after his return to Abbotsford in 1832, Scott told him to

> 'Read me some amusing thing – read me a bit of Crabbe'. I brought out the first volume of his old favourite that I could lay hand on, and turned to what I remembered as one of his most favourite passages in it – the description of the arrival of the Players in the Borough. He listened with great interest, and also, as I soon perceived, with great curiosity. Every now and then he exclaimed, 'Capital – excellent – very good – Crabbe has lost nothing'.[25]

There is no doubt too that the grimmer aspects of *Saint Ronan's Well*, with the more bitter episodes of its socially satirical element combined with darkly-plotted tragedy, is a reminder of the debt owed by Scott to several poems by George Crabbe. Tale XVI in Crabbe's 1812 volume of *Tales* is called *The Confidant*. This is the story of Anna, an orphan, who is taken into the home of the Lady of the Hall. She falls in love with a young suitor named Stafford but is seduced by a deceitful Irish captain who deserts her. In her pregnant state she wants her 'soul's sister' Eliza to be with her when she goes to town to give birth secretly. The baby dies and when Eliza keeps her secret, Anna marries Stafford. Eliza, whose own legitimate infant also dies, then writes to Anna blackmailing her on the grounds that she requires 'kindness due to her for kindness done'. Anna sends her 'useless bribes' but Eliza demands more and comes to lodge herself comfortably in the home of the married couple. However, Stafford tells them both a tale of Harun al Raschid which reveals allegorically that he has overheard Eliza's plotting and forgives Anna her premarital affair. Eliza is defeated and departs to go to her 'miserable home'. In this Tale we have the origin of the relationship between Clara Mowbray and her 'early friend' and 'unprovoked enemy' Hannah Irwin who gives birth to a short-lived infant and dies of child-bed fever after raving for a 'magistrate' to be found to hear her confession.

Meg Dods is an intertextual echo of the Widoe Goe in *The Parish Register* who

> Kept her farm, her credit, and her tongue:
> Full thirty years she ruled, with matchless skill,
> With guiding judgement and resistless will;

> Advice she scorned, rebellions she suppressed,
> And sons and servants bowed at her behest....
> But when our farmers made their amorous vows,
> She talked of market steeds and patent ploughs.

In *Saint Ronan's Well* the ancient village of Saint Ronan has become decayed and its Castle, now the Cleikum Inn, has become a symbol of the past set aside by a new road and fashionable society developments. Meg Dods does all she can to preserve the old building and its traditional values in the face of competition from the modern moral turpitude of the inhabitants of the Well many of whom are the kind of people that the Shepherd in the *Noctes Ambrosianae* in *Blackwood's Magazine* for November 1830 describes as 'the sumphs and sumphesses that compose fashionable society'.[26] In doing so she performs a similar function to that of Caleb Balderstone in *The Bride of Lammermoor* who, for all his foolishness, tries to maintain a façade of continuity of traditional values in the decaying fortress of Wolf's Crag in the face of the greed and corruption represented by the villagers of Wolf's Hope.

In the *Catalogue of the Library At Abbotsford* four sets of Crabbe's works are listed including his two-volume work entitled *Tales of the Hall* published by John Murray in 1819.[27] The first 'Book' in *Tales of the Hall* begins with lines that echo the plot of *Saint Ronan's Well*:

> The Brothers met who many a year had past
> Since their last meeting, and that seem'd their last.

George, the elder brother and now an old man, returns to the scenes of his childhood to purchase the Hall of Binning and is soon joined by his brother Richard. The brothers are friendly but their reunion results in a series of tales. In Book XV of the second volume a tale is told as a consequence of a meeting between Richard and a man called James Belwood whom he remembers from his early days. The tale, which is entitled *Gretna Green*, relates how, in those days, the guardians of Belwood, then an orphan, send him to a school run by a Doctor Sidmere (in *Saint Ronan's Well* the Rev. Josiah Cargill falls in love with a daughter of Lord Bidmore). The Doctor has a beautiful daughter called Clara who runs away with Belwood to marry him at Gretna Green. Afterwards he becomes brutal and Clara flees 'to a hired lodging and a widow'd bed'. This tale was also in Scott's mind when he developed the role of Clara Mowbray.

Although Lockhart too spent a good deal of time with Crabbe during the King's visit, the reference to *The Hall of Justice* in the *Memoirs* is an indication that it may have been Scott himself who introduced this poem into the conversation in July 1823. If he required any reminding of this

tale, a fine new five volume 8vo edition of Crabbe's works was published by John Murray in March 1823 with *The Hall of Justice* in the first volume.[28] Of all Crabbe's poems why might this one seem so relevant that day on the brow of the Eildon? In it a female Vagrant is accused before a Magistrate of stealing food for the baby that she is holding in her arms. She pleads that she herself was ' a child of sin, conceived in shame' and wandered with a vagrant crew until she fell in love with a Gipsy-Boy called Aaron. Aaron's father, the crew's chief, whose look was 'dark and dreadful', struck down his son in wrath and 'vex'd him, till he left the land'. The father then 'told his cruel love' to the woman and used force to make her pregnant and marry her. Aaron then returned, secretly murdered his father and married the woman. 'Yes! We were wed, I knew my crime'. 'I brought a lovely daughter forth, his father's child, in Aaron's bed'. Aaron takes the baby away telling her it is dead and the woman is haunted by her 'father-husband'. Aaron dies, the woman re-marries and is forced into prostitution. Her new husband dies and while in prison she meets her grown-up daughter who is then transported as a convict leaving behind a baby to be looked after by her grandmother. The woman is told by the Magistrate to repent and she will be forgiven her crimes.

The details of this story are not such that Scott might have thought of 'elaborating' them in a novel by the respectable and respected Author of *Waverley*. It could be, however, that, as a consequence of the conversation in July 1823, *Saint Ronan's Well* retains a trace of suspicion of the crime of incest that occurs in *The Hall of Justice* and is also hinted at by Ellen Orford in *The Borough* as having been committed by two of her children. In *The Antiquary* Lord Glenallan is deceived into believing that Eveline Neville, whom he has married secretly, is his sister and that he has therefore committed incest. As a result he is burdened with 'a guilt the most horrible with which man can be stained, and the sense of which, however involuntary, has wrecked my peace, destroyed my health, and bowed me down to an untimely grave'. The deception drives Eveline to suicide. Despite the prompt halting of the mock-marriage carriage, Clara Mowbray may well believe that she is liable to the accusation, in the eyes of the world, of scandalously sinful involvement with two half-brothers. This would be in accordance with Lockhart's understanding of the consequence of the mock marriage to Bulmer and, as suggested by Edgar Johnson,[29] would provide a better explanation for Clara's extreme feelings of remorse and guilt and for Tyrrel's outburst that

> Were Clara Mowbray as free from her pretended marriage as law could pronounce her, still with me – *me*, at least, of all men in the world – the obstacle must ever remain, that the nuptial benediction has been pronounced over her, and the man whom I must for once call *brother*.

In the event, as is well known, Scott was more or less obliged by James Ballantyne, and much against his will, to change his story between manuscript and publication to remove the revelation that Clara and Tyrrel had indulged in sexual intercourse,[30] or in what Scottish Kirk Sessions of the day referred to as the sin and scandal of 'ante-nuptial fornication'. Critics who have considered this novel in isolation have castigated Scott for caving-in in such a submissive and aesthetically ruinous fashion. But the completion of the novel had already been delayed from the end of October or early November because of Scott's reluctance to give way. In August 1823 Constable, concerned about his financial position and that of James Ballantyne, had written tactfully to Scott about how their dealings might be put on a less expensive footing. Scott had told him that he had already cut back on expenditure, that the proceeds of *Saint Ronan's Well* would help, and had suggested a new novel to appear in February or March 1824. Possibly impressed by the pick-up in France of sales of *Quentin Durward* Constable now agreed to a new contract.[31] The wheels of the financial caravan had to move on to help pay for the further adornment of Abbotsford by its ever hospitable Laird and Scott was anxious to get ahead with his new novel. By 11 December a mock advertisement for the Siege of Ptolemais by Josiah Cargill, 'a specimen of the Authors General History of the Crusades', had been written. Scott made the required changes to *Saint Ronan's Well* which was published on 27 December 1823 but on 8 January 1824 what Cadell received, rather than the commencement of one of the *Tales of the Crusaders*, was the first sixty-four pages of Redgauntlet.[32]

The result of the major qualitative but not time-consuming, quantitative surgery to *Saint Ronan's Well* was to distort his post-July intention of creating a more ultimately doom-destined couple than any of his heroes and heroines since *The Bride of Lammermoor*. If this had not happened, their relationship might have provided a more effective element of the psychological analysis that, combined with an acerbic study of people living in a small, tightly-knit community, characterises the work of George Crabbe. In his article *The Problem of Coherence in the Antiquary*[33] Robin Mayhead points out that 'The whole Glenallan story, until its final determination, has been a saga of futile passions and futile guilts'. In *Saint Ronan's Well* the basis of the whole Gothic Clara/Tyrrel/Bulmer/Hannah Irwin saga can be similarly described.

In the Historical Note in his edition[34] Mark Weinstein refers to an article by John W. Cairns in which he refers to a long legal case involving John William Henry Dalrymple and two women: Johanna Gordon, with whom, while in Scotland, he had formed a liaison involving promises of marriage; and Laura Manners with whom he later contracted a regular marriage in England. Cairns argues that this affair 'fed into aspects of the

plot of *Saint Ronan's Well*' in that in 1820, after twelve years of widely-known litigation, the final stage of the proceedings came before the First Division of the Court of Session in Edinburgh where Scott was one of the clerks. Apart from the case of Clara Mowbray, Lord Etherington, father of both Tyrrel and Bulmer, contracts an irregular marriage in France followed by a public marriage in England; and Lady Binks has to go to the Commissary Court in Edinburgh to prove her marriage to Sir Bingo. Weinstein cites as further evidence the fact that Scott refers more than once in his manuscript to Clara Mowbray as 'Laura'. Scott's manuscripts frequently contain inconsistencies in respect of the names of characters. Moreover, Tale X, *The Lover's Journey*, in Crabbe's 1812 volume of *Tales* has the male referring to his loved one as Laura in imitation of Petrach's Laura and Scott may simply have had mental echoes of the names of the females in this poem and in *Gretna Green* in *Tales of the Hall*. In his paper on *The Heart of Midlothian* in *Scott in Carnival*[35] Tony Inglis raises the issues of intertextuality and 'unconscious mental or psychic activity' and points out that 'Crabbe too steps in and out of the novel from beginning to end'. He might have added that *The Heart of Midlothian* and *The Hall of Justice* share the themes of illegitimacy and parricide. It is perhaps a pity that Lockhart does not give us a more detailed account in his *Memoirs* of that other conversation, the one between Scott and Crabbe as they stepped out to St Anthony's Chapel in 1822.

Ten years before, in May 1813, Lady Abercorn had written to Scott to say that her husband believed that Scott could write an entertaining equivalent of *Causes Celebres* by Gayot de Pitaval which described interesting legal cases and the decisions reached upon them. Scott replied on 21 May 1813.[36] He told her that he liked her husband's plan and was convinced that he could produce a most entertaining book in which the cases were divested of technicality. It could, however, comprehend only Scottish cases as he knew nothing of English law. He described a case that began in the mid-1700s involving a Scots gentleman named Carruthers of Dormont whose wife 'went astray'. Before divorce proceedings could be completed, she gave birth to a daughter who was deemed legally to be his legitimate heir. In due course the daughter ran away to marry the son of a neighbouring squire and prolonged legal proceedings ensued in an attempt to obtain a share of Dormont's estate. The case came before the First Division of the Court of Session in May 1812 but at the date of Scott's letter it was still being pursued and concluded in House of Lords only in 1820.[37] This affair obviously interested Scott and in the years leading up to the writing of *Saint Ronan's Well* he would be aware of its ultimate outcome. In this letter to Lady Abercorn he went on to say that his description of the Dormont case had taken up so much room

> that I have none to enlarge upon the present marriage-law of England and Scotland. Being quite opposite to each other the one acknowledging as legal a marriage which the other annuls it clearly follows that a man may have a lawful wife in each country at one and the same time and also a lawful family by each wife and this with perfect impunity because as neither country will acknowledge the marriage made in the other as existing a trial for bigamy is out of the question.

Problems of this kind continued until Lord Brougham's Act of 1856 which was passed to check Border runaway marriages that were usually entered into by declaration before some self-constituted official. The Act ruled that no 'irregular marriage' 'by declaration, acknowledgement or ceremony' was valid unless one of the parties had his or her usual place of residence there, or had lived in Scotland for twenty-one days preceding the marriage.

Until 1940 irregular marriage was defined, as one constituted by parties consenting without ceremony to take each other for husband and wife in one of three ways. The first was *per verba de praesenti* in which the parties seriously and genuinely made a mutual declaration to take each other as husband and wife. There was no need for witnesses and consummation was not required. The second way was *per verba de futuro subsequente copula* whereby if a promise was made to marry at some future date and sexual intercourse took place on the faith of the promise, the parties were taken to be married at the date of the intercourse. A case in 1844 decided that there must be a definite promise of marriage; courtship was not enough. Both promise and intercourse had to take place in Scotland. The theoretical basis of the doctrine was that if a woman permitted sexual intercourse in reliance of a man's promise to marry her, it was presumed that the couple had exchanged consents to marry. This presumption was rebuttable and, not surprisingly, the theoretical basis came to be regarded with judicial suspicion. The third way was by cohabitation with habit and repute. The first two ways were abolished by the Marriage (Scotland) Act 1939 which came into force on 1 July 1940.[38]

Marriage laws in Scotland were still the subject of a good deal of debate in the 1820s. In an article *On The Scots Law of Marriage* in the July 1827 issue of *Blackwood's Magazine* Robert Whigham, a Scottish Advocate, states that consent is the essential and indispensable quality of a marriage contract and offers, as a legal maxim, *Consensus, non concubitus, facit matrimonium*. He quotes Lord Stair, the great authority on Scottish law, as stressing that a marriage is not binding when the consent of one of the parties has been obtained by means if gross fraud and imposition. He concludes that the facilities for marriage in Scotland are as great as the heart of man can wish but stresses that the greater the facilities, and

the more simple the form and ceremony, the more room there is for fraud and the greater the need for indubitable proofs of full, free and deliberate consent.[39]

Scott was certainly very familiar with Scottish marriage laws. John W. Cairns, in another article called *The Noose Hidden Under Flowers: Marriage and Law in Saint Ronan's Well*,[40] argues that the theme of marriage is central to this novel and that in it Scott is offering a severe critique of aspects of Scots as contrasted with English law. In England Lord Hardwick's Act of 1753 (26 Geo.II c. 33) restricted marriages (except for Jews and Quakers) to public ceremonies preceded by the calling of banns and performed by Church of England clergymen. Persons under the age of twenty-one, not being widowed, required the consent of parents or guardians. The crucial provisions of the 1753 Act had been affirmed in England by another Act as recently as 1823 (4 Geo. IV, c.76). In England Sir Bingo Binks and Rachel Bonnyrig would have remained unmarried. So would Clara Mowbray who, like Bulmer, was sixteen at the time of their runaway marriage; Tyrrel was only eighteen.

By contrast in Scots law Clara could perhaps be considered to be legally married to Tyrell *per verba de futuro subsequente copula* although it is not clear if a promise of marriage took place before sexual intercourse. If it did, a subsequent marriage to Bulmer, if valid, would be both bigamous and incestuous. Of course her marriage to Bulmer could be considered not to be binding because in that instance she was the victim of a gross fraud. But this would have required litigation. Jekyl suggests to Bulmer that Clara might be prepared to go through a more formal marriage to avoid a lawsuit and tells Tyrrel that in such a lawsuit she might be thought to be using the excuse of an error to get out of her marriage to Bulmer. It might also be alleged that she waited so long before raising the issue because at the time she had really acquiesced to a perfectly proper marriage. This was why the evidence of Hannah Irwin was so important.

Critics have tended to take the view that Clara could not credibly believe that any Kirk or court would condemn her because she fell foul of a deceitful plot. But the ways of Kirks and courts are strange. Clara would have been obliged to convince everyone, in the face of evidence from other witnesses, that back then in the past it was really the deceiver's half-brother that she had thought she was marrying. Scott's aim in *Saint Ronan's Well* was to create a plot in which all the legal complexities of a case of gross fraud could feature. In order to highlight the kind of mess that could result from Scots marriage laws, he had to place Clara in particular in an extremely fraught situation. If a man could have one wife in England and another in Scotland and not be tried as a bigamist, what was the position of a woman who, in Scotland, consented to have intercourse and to run away with one man with the intention of marrying him but

who subsequently found that she had gone through a marriage ceremony, not merely apparently *de verba de praesenti* but performed by a minister and before witnesses, with the same man's half-brother? Was such behaviour bigamous? In the eyes of the world might it appear incestuous? Would she be believed? It was enough to drive one mad!

Futhermore, it is not really appropriate for us to seek to judge the reactions of those involved from a moral standpoint that may differ significantly from that of the author himself. Alexander Welsh, in *The Hero Of The Waverley Novels*, argues that the novels consistently demonstrate Scott's firm belief that prudence should always take precedence over passion. Welsh refers to a paragraph in the 1830 introduction to the Magnum edition of *Ivanhoe* in which Scott comments upon Rebecca's 'rashly formed or ill assorted passion' for Ivanhoe and her subsequent 'sacrifice of passion to principle'. Scott rejects the view expressed by some people that Rebecca would have made a better eventual partner for Ivanhoe than Rowena and says that it would have been 'a dangerous and fatal doctrine to teach young persons...that rectitude of conduct and of principle are either naturally allied with, or adequately rewarded by, the gratification of our passions, or attainment of our wishes'. Welsh continues

> She receives credit for suppressing passion, but this credit does not cancel the misfortune – and the opprobrium, since we are speaking of moral credit – of rashly conceiving the passion in the first place. In other words, Rebecca should have repressed her passion for Ivanhoe so successfully that she would not have become conscious of it herself ... . Ideally a proper heroine is not conscious of love for a hero until he has asked her to marry him.[41]

To sum up, there are grounds for believing that the July conversation on the Eildon, as well as the overall influence of the poetry of George Crabbe, had an effect upon Scott's thinking as he pressed ahead with the writing of *Saint Ronan's Well.*

NOTES

1 J. G. Lockhart, *Memoirs of the Life of Sir Walter Scott, Bart.*, 7 vols (Edinburgh and London, 1837-38), (henceforth cited as Lockhart), 5 (1837), 284-85.
2 *Saint Ronan's Well*, The Edinburgh Edition of the Waverley Novels, 16, ed. Mark Weinstein (Edinburgh, 1995) (henceforth cited as Weinstein), Essay on the Text, pp. 376-79. Quotations from the text of the novel are from this edition.
3 Weinstein, p. 379.
4 *The Letters of Sir Walter Scott*, ed. H. J. C. Grierson et al, 12 vols (London, 1932-37) (henceforth cited as Grierson *Letters*), 8.29.
5 *The Scotsman*, Friday 16 February 1872.
6 The manuscript of this letter (MS 15970), together with a copy of Alexander Skene's letter in *The Scotsman*, is in the National Library of Scotland.

7 Weinstein, p. 26.
8 James C. Corson, *Notes & Index to Sir Herbert Grierson's Edition of The Letters of Sir Walter Scott* by James C. Corson (Oxford, 1979) (henceforth cited as Corson *Notes*).
9 Weinstein, p. 377.
10 Weinstein, p. 391.
11 Weinstein, pp. 378-79.
12 Robert C. Gordon, *Under Which King? A Study Of The Scottish Waverley Novels* (Edinburgh and London, 1969).
13 George Saintsbury, *Essays in English Literature, 1780-1860* (London, 1890), pp. 1-32. Quoted in *Crabbe: The Critical Heritage*, ed. Arthur Pollard (London & Boston, 1972).
14 Grierson *Letters*, 2.149.
15 Lockhar, 3.22-23.
16 Grierson *Letters*, 3.181-83.
17 David Daiches, 'Scott and Scotland', in *Scott Bicentenary Essays: Selected Papers read at the Sir Walter Scott Bicentenary Conference*, ed. Alan Bell (Edinburgh & London, 1973), p. 56.
18 Grierson *Letters*, 3.210-11, and Corson *Notes*, p. 90.
19 Grierson *Letters*, 3.279-83.
20 See Peter Garside's Essay on the Text in his edition of *The Black Dwarf*, Edinburgh Edition of the Waverley Novels, 4a (Edinburgh, 1993) pp. 125-35.
21 For an account of this correspondence and Crabbe's visit to Edinburgh see Grierson *Letters*, 7.210-13.
22 Lockhart, 5.218-19.
23 *The Life of George Crabbe By His Son*, World's Classics (London, 1932), p. 262.
24 Grierson *Letters*, 6.253-54.
25 Lockhart, 7.387-88 (1828).
26 *Noctes Ambrosianae by Professor Wilson*, ed. J. F. Ferrier, 4 vols (Edinburgh and London, 1856), 3.89.
27 *Catalogue*. Op. cit., p. 198.
28 *The Works of George Crabbe* (London: John Murray): March 1820. Scott had already used four lines from *The Hall of Justice* as a motto for a Chapter in *Guy Mannering*. Other mottoes and references in this novel are also taken from poems by Crabbe; see the Explanatory Notes in P. D. Garside's edition of the novel (henceforth cited as Garside *Guy Mannering*), The Edinburgh Edition of the Waverley Novels, 2 (Edinburgh, 1999).
29 Edgar Johnson, *Sir Walter Scott: The Great Unknown* (London, 1970), pp. 918-19.
30 Weinstein, p. 390.
31 *Sir Walter Scott: The Great Unknown*, pp. 844-48.
32 Weinstein, pp. 379-80, and *RedgauntletI*, ed. G. A. M. Wood with David Hewitt (Edinburgh, 1997), Essay on the Text, p. 383.
33 Robin Mayhead, 'The Problem of Coherence in *The Antiquary*', in *Scott Bicentenary Essays*.
34 Weinstein, p. 444, and John W. Cairns, 'A Note on *The Bride of Lammermoor*: Why Scott did not mention the Dalrymple Legend until 1830', *Scottish Literary Journal*, 20:1 (May 1993), 19-36.

35 *Scott in Carnival*, ed. J. H. Alexander and David Hewitt (Aberdeen, 1993), pp. 216-31.
36 Grierson *Letters*, 3.273-79. This letter is headed 21 May. Grierson adds 1813. *Causes Celebres et Interessants, avec les jugements qui les ont decides. Recueillies par Gayot de Pitaval* (La Haye, 1747, etc.) is listed in the *Catalogue of the Library at Abbotsford*, p. 35.
37 For details of this case see Garside *Guy Mannering*, p. 367.
38 For information on the laws governing marriage see *The Laws of Scotland: Stair Memorial Encyclopaedia* (The Law Society of Scotland, Edinburgh 1990), Vol.10, Section 811, pp. 473-75 and *Encyclopaedia of the Laws of Scotland* (W. Green & Son Ltd., Edinburgh.,1930) Vol. IX, Sections 928, 929, 933, 942.
39 'On the Scots Law of Marriage', *Blackwood's Magazine*, 22 (July 1827), 59-6,) by T. P. According to the *Wellesley Index of Victorian Periodicals 1824 – 1900* (Toronto, 1966), 1.24 the author of this article was Robert Whigham, Advocate 14 December 1816; Advocate-Depute 1841; Sheriff of Perthshire 1841-49.
40 John W. Cairns, 'The Noose Hidden Under Flowers: Marriage and Law in *Saint Ronan's Well*', *The Journal of Legal History*, 16 (1995), 234-55.
41 Alexander Welsh, *The Hero of the Waverley Novels, with New Essays on Scott* (Princeton, 1992), p. 113.

AN ALLUSION TO LUCAN IN *THE TALISMAN*

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In Chapter 7 of *The Talisman*, Scott writes that 'Like the contending Roman chiefs of old, the Scottish would admit no superiority, and their southern neighbours would brook no equality.' The allusion is to Lucan, *Pharsalia*, 1.125–26, where the poet states that 'nor any longer could Caesar bear any superior or Pompey any equal' (*nec quemquam iam ferre potest Caesarve priorem / Pompeiusve parem*).

END