ally paid. In the charters of Alexander the First, and of David, tithes are mentioned as if they were familiarly known, and had been long established. It is clear that tithes were paid to the clergy during the reign of Malcolm Canmore, and probable that such ecclesiastical dues were payable as early as the commencement of the tenth century (910,) when Constantine the king, and Kellach the bishop, solemnly vowed to observe the faith, discipline, and rights of the churches.”@@1 During the reign of Malcolm Canmore, according to the high authority of Innes,@@2 several na­tional councils were held in Scotland for the establishment of ecclesiastical discipline, and the reformation of the rude and fierce manners of the people. Some extracts from the canons passed in these councils are inserted by Turgot, the confessor of Malcolm’s pious consort St. Margaret, in the interesting life which he has given us of this princess.@@5

During this obscure period, we meet with frequent men­tion of an order of religious men named Culdees, who first appear in the beginning of the ninth century. They seem to have been a kind of secular presbyters or monks, the Gaelic term Culdee meaning a recluse or hermit. With the exception of the form of the tonsure and the rule of observing Easter, they professed the same rites and cere­monies as the rest of the church. It has been erroneously pretended that the Culdees rejected bishops. So far was this from being the case, that we have repeated instances of the colleges of these Celtic monks having been instituted and ordained by the bishops themselves, while they, wherever they had a college about the see, possessed a vote in the election of the bishop.@@4 Of this distinct order, we find that there existed in North Britain, during the Scottish period, religious houses at Abernethy, Dunkeld, St. Andrews, Dun­blane, Brechin, Mortlach, Aberdeen, Monymusk, Lochle­ven, Portmoak, Dunfermline, Scone, and Kirkcaldy.@@5

It remains to say a few words on the laws, manners, and language of the Scottish period. To affect to speak with certainty upon the laws which regulated the government, restrained the crimes, or directed the succession of a fierce and barbarous people who have left no written muniments, would betray presumption and ignorance. As far as can be conjectured, we find the crown neither strictly hereditary nor strictly elective, but directed in its descent by what has been termed the law of *Tanistry*,∙ an institution by which the person in the family of the reigning prince who was judged best qualified, whether son, brother, or even more remote relative, was chosen under the name of Tanist, to lead the army during the life of the king, and to succeed to him after his death. Chalmers has asserted, that, at this era, the te­nure of land throughout the country determined with the life of the possessor; an opinion requiring some modifica­tion, as it indicates a state of barbarism even greater than is discovered by the few glimpses of light which sometimes shoot athwart this twilight of our history. By a custom which the Scots evidently brought with them from Ireland, denominated in Irish *gabhail-cine,* meaning literally fa­mily settlement, it appears, that the fathers of families di­vided their lands among their sons, sometimes in equal, sometimes in unequal portions, and strictly excluded females from any share in this appropriation. As to their legisla­tive code, there seems to be little doubt that the nearest

approach we can make to the laws or usages of Celtic Scot­land, must be by the study of such fragments as remain to us of the brehon laws of Ireland. “ This brehon law,” says Cox, “ w as no written law, it was only the will of the bre­hon or lord ; and it is observable that their brehons or judges, like their physicians, bards, harpers, poets, and historians, had their offices by descent and inheritance. These hereditary judges or doctors,” continues he, “ were but very sad tools. The brehon, when he administered justice, used to sit on a turf or heap of stones, or on the top of a hillock, without a covering, without clerks, or indeed any formality of a court of judicature.” This state of law, observes the author of Ca­ledonia, may be traced among the Scoto-Irish in Scotland till recent times. Every baron had his mote-hill, whence justice was distributed to his vassals by his baron bailie.@@β There seems to be little doubt that Malcolm, from his mar­riage with a Saxon princess, and his frequent intercourse with the Saxon and Norman people, was an admirer of their superior civilization, and anxious to introduce their usages among his own ruder subjects. But that he succeeded to any material degree is extremely problematical ; and the no­tion that he introduced the complicated system of the feudal law into Scotland, has been long ago exploded. .

In a rapid sketch of this nature, little room can be given to any detailed description of the manners of the people during the Scottish period. The natural state of the Celtic tribes in Scotland was similar to that which we find existing among them in Ireland, namely, a state of constant war; and to those who consider how slow is the progress of improve­ment, and how strong the principle of imitation and tradi­tion among a savage people, it will be no subject of won­der that we find little change produced by the lapse of cen­turies upon the manners of the ancient British, whether we look to Wales, Ireland, or North Britain. Their marriages, their mode of burial, their dress, their war cries, were simi­lar. Armorial bearings, during this whole period, were un­known ; seals, and coined money they had none; and it has been remarked by Chalmers, that the Gaelic people of Scot­land borrowed their very terms for the several denomina­tions of money from the Scoto-Saxon inhabitants. Thus, the Gaelic feorling, farthing, is from the Saxon feorthing; the Gaelic peighin, a penny, is from the Saxon penig.

In those rude ages of which we now write, stones of me­morial were frequently employed, and many of them still remain ; yet as they are found without inscriptions, and only occasionally ornamented by rude hieroglyphics, the memory of the events which they describe has perished, and the field is left open to antiquarian conjecture. Inaugural stones also were used by them, upon which not only the Irish and Scot­tish kings were placed on their accession to the crown; but the chiefs of septs or petty *reguli,* were accustomed on the same to take the oaths to their vassals, when they succeeded to the power of the former chief. To the same class of in­augural stones belongs, as is well known, the famous coro­nation stone of Scotland. Tradition reports this singular relic to have been brought from Ireland by Kenneth ; it was undoubtedly carried off from Scone by Edward the First, who inserted it into a chair, which he placed before the shrine of Edward the Confessor in Westminster Abbey. It is al­most impossible to speak with any precision of the state

@@@l lnnes, p. 785. Chronicle. Codex Colbertinus. See also Innes, 603.

@@@\* Mem. p. 588.

@@@’And here having spoken of St. Margaret, we cannot refrain, in these brief remarks on the early state of the Scottish church, from allud­

ing to a beautiful picture preserved by this same worthy Bishop Turgot, in which be describes the love of Malcolm for St. Margaret, and the influence which the mild piety of the Saxon princess acquired over the fiery temper of her Celtic husband. “ Malcolm,” says he, (we use Lord Hailes⅛ translation), “ respected the religion of his spouse, was fearful of offending her, and listened to her admonitions. Whatever she loved or disliked, so did be. Although be could not read, he frequently turned over her prayer-books, and kissed her favourite volumes. He had them adorned with gold and precious stones, and presented them to her in token of bis devotion. She instructed him to pass the night in prayer, with groans and tears. I must acknowledge, that I often admired the works of the divine mercy, when I saw a king so re­ligious, and such signs of deep compunction in a layman.”—Hailes, vol. i. p. 15.

@@@\* Goodal’s Introduction to the History and Antiquities of Scotland, p. 117.

@@@5 Chalmers, vol. i. p∙ 134.

**@@@8 Caledonia, vol. i. p. 308.**