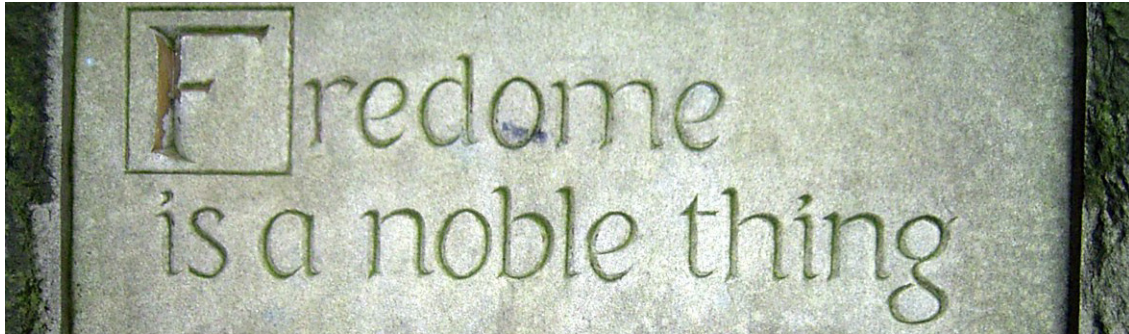


ARCHDEACON JOHN BARBOUR



*A freedom & A nobill thing
Freedom may be may to haiff liking*

**“NARRATIVE HISTORY” AMOUNTS TO FABULATION,
THE REAL STUFF BEING MERE CHRONOLOGY**



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

1320

In about this year, in all likelihood, [John Barbour](#) was born, perhaps in Aberdeenshire or Galloway, Scotland.

NOBODY COULD GUESS WHAT WOULD HAPPEN NEXT



April 6, Sunday (Old Style): The Declaration of Arbroath, the “Scottish Declaration of Independence,” was signed by the assembled local nobility in Arbroath Abbey. The Declaration was addressed to the Pope because he had thrown his support to King Edward II of England and had excommunicated [Robert the Bruce](#). The text explained that the Bruce had rescued his country from a dreadful situation and that for this they were going to support him in all things. Among the signatories was [Patrick Dunbar, 10th earl of March](#), who had received Edward into Dunbar Castle after his flight from Bannockburn in 1314, and thus had enabled him to return to his own kingdom. The most famous soundbyte from the text is:

“For, so long as a hundred remain alive, we will never in any degree be subject to the dominion of the English. Since not for glory, riches or honours do we fight, but for freedom alone, which no man loses but with his life.”

The full text of this Declaration of Arbroath is carried on the following two screens (as rendered, of course, into English that is intelligible to modern readers.)

READ THE FULL TEXT

Patrick, in addition to being the 8th Earl of Dunbar after Gospatric, and possessing also the title and privileges of the 10th earl of March, had been one of the contestants against the Bruce for the crown of Scotland but had chosen to withdraw this claim and swear allegiance instead to the previous English monarch, Edward I. Patrick’s son and heir, the husband of the famous “Black Aggie,” also had sworn fealty to the English crown, to the son Edward II, at least at first. However, the son had here become one of the signers of this Declaration.



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

To the most Holy Father and Lord in Christ, the Lord John, by divine providence Supreme Pontiff of the Holy Roman and Universal Church, his humble and devout sons Duncan, Earl of Fife, Thomas Randolph, Earl of Moray, Lord of Man and of Annandale, Patrick Dunbar, Earl of March, Malise, Earl of Strathearn, Malcolm, Earl of Lennox, William, Earl of Ross, Magnus, Earl of Caithness and Orkney, and William, Earl of Sutherland; Walter, Steward of Scotland, William Soules, Butler of Scotland, James, Lord of Douglas, Roger Mowbray, David, Lord of Brechin, David Graham, Ingram Umfraville, John Menteith, guardian of the earldom of Menteith, Alexander Fraser, Gilbert Hay, Constable of Scotland, Robert Keith, Marischal of Scotland, Henry St Clair, John Graham, David Lindsay, William Oliphant, Patrick Graham, John Fenton, William Abernethy, David Wemyss, William Mushet, Fergus of Ardrossan, Eustace Maxwell, William Ramsay, William Mowat, Alan Murray, Donald Campbell, John Cameron, Reginald Cheyne, Alexander Seton, Andrew Leslie, and Alexander Straiton, and the other barons and freeholders and the whole community of the realm of Scotland send all manner of filial reverence, with devout kisses of his blessed feet.

Most Holy Father and Lord, we know and from the chronicles and books of the ancients we find that among other famous nations our own, the Scots, has been graced with widespread renown. They journeyed from Greater Scythia by way of the Tyrrhenian Sea and the Pillars of Hercules, and dwelt for a long course of time in Spain among the most savage tribes, but nowhere could they be subdued by any race, however barbarous. Thence they came, twelve hundred years after the people of Israel crossed the Red Sea, to their home in the west where they still live today. The Britons they first drove out, the Picts they utterly destroyed, and, even though very often assailed by the Norwegians, the Danes and the English, they took possession of that home with many victories and untold efforts; and, as the historians of old time bear witness, they have held it free of all bondage ever since. In their kingdom there have reigned one hundred and thirteen kings of their own royal stock, the line unbroken a single foreigner. The high qualities and deserts of these people, were they not otherwise manifest, gain glory enough from this: that the King of kings and Lord of lords, our Lord Jesus Christ, after His Passion and Resurrection, called them, even though settled in the uttermost parts of the earth, almost the first to His most holy faith. Nor would He have them confirmed in that faith by merely anyone but by the first of His Apostles -- by calling, though second or third in rank -- the most gentle Saint Andrew, the Blessed Peter's brother, and desired him to keep them under his protection as their patron forever.

The Most Holy Fathers your predecessors gave careful heed to these things and bestowed many favours and numerous privileges on this same kingdom and people, as being the special charge of the Blessed Peter's brother. Thus our nation under their protection did indeed live in freedom and peace up to the time when that mighty prince the King of the English, Edward, the father of the one who reigns today, when our kingdom had no head and our people harboured no malice or treachery and were then unused to wars or invasions, came in the guise of a friend and ally to harass them as an enemy. The deeds of cruelty, massacre, violence, pillage, arson, imprisoning prelates, burning down monasteries, robbing and killing monks and nuns, and yet other outrages without number which he committed against our people, sparing neither age nor sex, religion nor rank, no one could describe nor fully imagine unless he had seen them with his own eyes.



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

But from these countless evils we have been set free, by the help of Him Who though He afflicts yet heals and restores, by our most tireless Prince, King and Lord, the Lord Robert. He, that his people and his heritage might be delivered out of the hands of our enemies, met toil and fatigue, hunger and peril, like another Macabaeus or Joshua and bore them cheerfully. Him, too, divine providence, his right of succession according to or laws and customs which we shall maintain to the death, and the due consent and assent of us all have made our Prince and King. To him, as to the man by whom salvation has been wrought unto our people, we are bound both by law and by his merits that our freedom may be still maintained, and by him, come what may, we mean to stand. Yet if he should give up what he has begun, and agree to make us or our kingdom subject to the King of England or the English, we should exert ourselves at once to drive him out as our enemy and a subverter of his own rights and ours, and make some other man who was well able to defend us our King; for, as long as but a hundred of us remain alive, never will we on any conditions be brought under English rule. It is in truth not for glory, nor riches, nor honours that we are fighting, but for freedom -- for that alone, which no honest man gives up but with life itself.

Therefore it is, Reverend Father and Lord, that we beseech your Holiness with our most earnest prayers and suppliant hearts, inasmuch as you will in your sincerity and goodness consider all this, that, since with Him Whose Vice-Regent on earth you are there is neither weighing nor distinction of Jew and Greek, Scotsman or Englishman, you will look with the eyes of a father on the troubles and privation brought by the English upon us and upon the Church of God. May it please you to admonish and exhort the King of the English, who ought to be satisfied with what belongs to him since England used once to be enough for seven kings or more, to leave us Scots in peace, who live in this poor little Scotland, beyond which there is no dwelling-place at all, and covet nothing but our own. We are sincerely willing to do anything for him, having regard to our condition, that we can, to win peace for ourselves. This truly concerns you, Holy Father, since you see the savagery of the heathen raging against the Christians, as the sins of Christians have indeed deserved, and the frontiers of Christendom being pressed inward every day; and how much it will tarnish your Holiness's memory if (which God forbid) the Church suffers eclipse or scandal in any branch of it during your time, you must perceive. Then rouse the Christian princes who for false reasons pretend that they cannot go to help of the Holy Land because of wars they have on hand with their neighbours. The real reason that prevents them is that in making war on their smaller neighbours they find quicker profit and weaker resistance. But how cheerfully our Lord the King and we too would go there if the King of the English would leave us in peace, He from Whom nothing is hidden well knows; and we profess and declare it to you as the Vicar of Christ and to all Christendom. But if your Holiness puts too much faith in the tales the English tell and will not give sincere belief to all this, nor refrain from favouring them to our prejudice, then the slaughter of bodies, the perdition of souls, and all the other misfortunes that will follow, inflicted by them on us and by us on them, will, we believe, be surely laid by the Most High to your charge.

To conclude, we are and shall ever be, as far as duty calls us, ready to do your will in all things, as obedient sons to you as His Vicar; and to Him as the Supreme King and Judge we commit the maintenance of our cause, casting our cares upon Him and firmly trusting that He will inspire us with courage and bring our enemies to nought. May the Most High preserve you to his Holy Church in holiness and health and grant you length of days.

Given at the monastery of Arbroath in Scotland on the sixth day of the month of April in the year of grace thirteen hundred and twenty and the fifteenth year of the reign of our King aforesaid.

Endorsed: Letter directed to our Lord the Supreme Pontiff by the community of Scotland.



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

1356

[John Barbour](#) was promoted to the archdeaconry of Aberdeen in Scotland, from a post he had held for less than a year in Dunkeld Cathedral.

It was in about this year that Sir John Mandeville's TRAVELS began to be consumed (this was a composite of classical and medieval sources that offered information about such foreign wonders as the phoenix, the vegetable lamb, gold-guarding griffins, and gold-digging ants).

The Breton knight Bertrand du Guesclin –he had been knighted after kidnapping an English officer in 1354– fought a sword [duel](#) on horseback with an English knight, Thomas of Canterbury. When the Englishman lost his sword, the Frenchman jumped down and threw it into the crowd, heaving his own sword after it. The Englishman then tried to ride the Frenchman down with his horse. Du Guesclin ducked under the horse and stabbed it with his dagger, bringing it down and pinning the Englishman to the ground. At this the seconds intervened and all went to dinner with their ladies (but, too bad about that horse).

1352 The Turks first enter Europe.
1354 The money in Scotland till now the same as in England.
1356 The battle of Poitiers, in which king John of France, and his son, are taken prisoners by Edward the Black Prince.
1357 Coals first brought to London.
1358 Arms of England and France first quartered by Edward III.
1362 The law pleadings in England changed from French to English, as a favour of Edward III. to his people.
John Wickliffe, an Englishman, begins about this time to oppose the errors of the church of Rome with great acuteness and spirit. His followers are called Lollards.
1386 A company of Linen-weavers, from the Netherlands, established in London.
Windsor Castle built by Edward III.
1388 The battle of Otterburn, between Hotspur and the Earl of Douglas.
1391 Cards invented in France for the king's amusement.
1399 Westminster Abbey built and enlarged; Westminster hall ditto.
Order of the Bath instituted at the coronation of Henry IV.; renewed in 1725, consisting of 38 knights.
1410 Guildhall, London, built.
1411 The university of St. Andrew's in Scotland founded.
1415 The battle of Agincourt gained over the French by Henry V. of England.
1428 The siege of Orleans, the first blow to the English power in France.
1430 About this time Laurentius of Harleim invented the art of printing, which he practised with separate wooden types. Guttemburgh afterwards invented cut metal types; but the art was carried to perfection by Peter Schoeffer, who invented the mode of casting the types in matrices. Frederick Corsellis began to print at Oxford, in 1468, with wooden types, but it was William Caxton who introduced into England the art of printing with fusile types, in 1474.



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

1357

When David II returned to Scotland from exile and actively assumed the role of monarch, [John Barbour](#) received a letter of safe-conduct to travel through England to the University of [Oxford](#).

- 1352 The Turks first enter Europe.
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LIFE IS LIVED FORWARD BUT UNDERSTOOD BACKWARD?
— NO, THAT'S GIVING TOO MUCH TO THE HISTORIAN'S STORIES.
LIFE ISN'T TO BE UNDERSTOOD EITHER FORWARD OR BACKWARD.



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

1371

King David II of Scotland died. [John Barbour](#) would serve in a number of capacities in the court of King Robert II. During his time as part of Robert's household he would be composing his "The Brus." This octosyllabic effort would present a chivalric account of the deeds of Robert the Bruce and the Black Douglas in the Scottish Wars of Independence from before the English invasion of 1296 to the death of Thomas Randolph, Earl of Moray in 1332. The poem's central focus would be upon the year 1314 and its Battle of Bannockburn.

CHANGE IS ETERNITY, STASIS A FIGMENT



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

1372

[John Barbour](#) served as one of the royal Scottish government's auditors of exchequer.

THE FUTURE IS MOST READILY PREDICTED IN RETROSPECT





ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

1373

[John Barbour](#) was serving as a clerk of audit in the royal Scottish government.

THE FUTURE CAN BE EASILY PREDICTED IN RETROSPECT





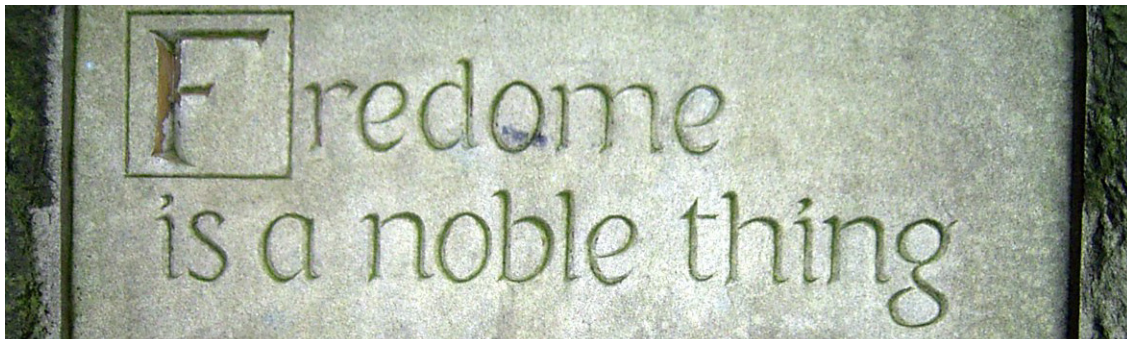
ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

1375

Archbishop [John Barbour](#) of the Kirk of St. Machar in Aberdeen completed the poem “The Brus”¹ that would be printed in 1790 as THE BRUCE: OR, THE HISTORY OF ROBERT I, KING OF SCOTLAND, that Henry Thoreau would read in 1842. This actually was the earliest known substantial poem written in Scots (as opposed to Gaelic, French or Latin), and attributable to a known poet. For his 13,550 lines of poesy Barbour would be rewarded with a pension from the [Robert the Bruce](#)’s grandson Robert II, founder of the Stuart dynasty which would rule Scotland –and later Great Britain– until the accession of King George I in 1714.² Among this poem’s most famous passages is the following (l. 225-8):

A! fredome is a noble³ thing!
Fredome mayss man to haiff liking;
Fredome all solace to man giffis:
He levys at ese that frely levys.



A! fredome is a nobill thing
Fredome mayss man to haiff liking

WHAT I’M WRITING IS TRUE BUT NEVER MIND
YOU CAN ALWAYS LIE TO YOURSELF

1. Note that this founding-father figure “The Brus” was in actuality an artful compounding of three individuals named Robert who in today’s historical reconstruction (were anyone to care to attempt such a feat, and I think that now nobody much cares) would need to be kept carefully distinct from one another perhaps as “Robert₁,” “Robert₂,” and “Robert₃.”
2. Unfortunately, Mr. Gibson was not awarded a royal Australian pension for “Braveheart” and has been obliged to remain in Hollywood to commit movie atrocity after movie atrocity.
3. Please note that within this frame of reference, since freedom is a noble thing it is something that pertains only to the “brave hearts” of this world: serfs and slaves, on account of their evident willingness to be alive as serfs and slaves, simply cannot lay any legitimate claim to such a noble thing as freedom. They can be but mere prey to the noble freeman with his broadsword. “Tug your forelock and pay your taxes, boy.”



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

1377

[John Barbour](#) was granted 10 pounds Scots by the royal Scottish government as a reward for his lengthy octosyllabic poem of adulation of the founding father figure, “The Brus.”⁴

Do I HAVE YOUR ATTENTION? GOOD.

Archdeacon John Barbour

“Stack of the Artist of Kouroo” Project

4. Note that this founding-father figure was an artful compound of three individuals named Robert who in today’s historical reconstruction (were anyone to care to attempt such a feat, and I think that now nobody much cares) would need to be kept carefully distinct from one another perhaps as “Robert₁,” “Robert₂,” and “Robert₃.”



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

1378

[John Barbour](#) was granted a life pension of 20 shillings as a reward for his poem “The Brus.” His post as one of the auditors of exchequer of the royal Scottish government would be renewed or extended. The sum of 10 pounds Scots would be added to this pension.

Owain Glyndwr, Welsh mercenary, was murdered in France. The son and grandson of wealthy Welsh landowners, Owain had lost a court case over land and harbored a serious grudge against the English. His military exploits and Anglophobia endeared him to the Welsh people, and when the Welsh rebelled against the English in 1402, Owain Red Hand would be made the subject of many legends and stories (these stories would in turn inspire Shakespeare’s character Glendower).



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

1395

March 13, Friday (1394, Old Style): [John Barbour](#) died, presumably in Aberdeen for his name is recorded in the obituary book of St. Machar's Cathedral there. He had made provision for a mass to be sung for himself and his parents, and this mass would indeed be taking place, in the Kirk of St. Machar, until the advent of the Protestant Reformation in Scotland. There are indications that he had composed not only the long poem "The Brus" that has come down to us, but perhaps five or six other long poems which have not come down to us. We have the names of some of these poems, "The Stewartis Oryginalle" and "The Brut." There is extant a 1580 edition of a poem "The Buik of Alexander," a translation of the "Roman d'Alexandre" and associated pieces, which overlaps with "The Brus" and may therefore also have been by Barbour.



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

1790

[Adam Smith](#) died in Edinburgh, Scotland.

The weaver and peddler [Alexander Wilson](#) had all along been attempting to get the poems he was crafting into a published book that he had the idea that he might successfully peddle in order to support himself, and at this point he managed to get into print a volume he entitled POEMS, HUMOROUS, SATIRICAL, AND SERIOUS. The enterprise would fail beyond his wildest expectations and he would relocate to the nearby village of Lochwinnoch. He continued to contribute to the Edinburgh Bee and continued to come into Edinburgh to deliver poetical addresses at the Pantheon.

Archdeacon [John Barbour](#) had composed a 13,550-line poem “The Brus” in 1375, the earliest known substantial poem written in Scots (as opposed to Gaelic, French or Latin), and attributable to a known poet. In this year this poem was for the 1st time published, as THE BRUCE; OR, THE HISTORY OF ROBERT I, KING OF SCOTLAND. WRITTEN IN SCOTTISH VERSE BY JOHN BARBOUR. THE FIRST GENUINE EDITION PUBLISHED FROM A MS. DATED 1489; WITH NOTES AND A GLOSSARY BY J[OHN] PINKERTON. (London: printed by H. Hughs, for G. Nicol, Bookseller to His Majesty. M.DCC.XC.).



ROBERT THE BRUCE

BARBOUR'S THE BRUS I

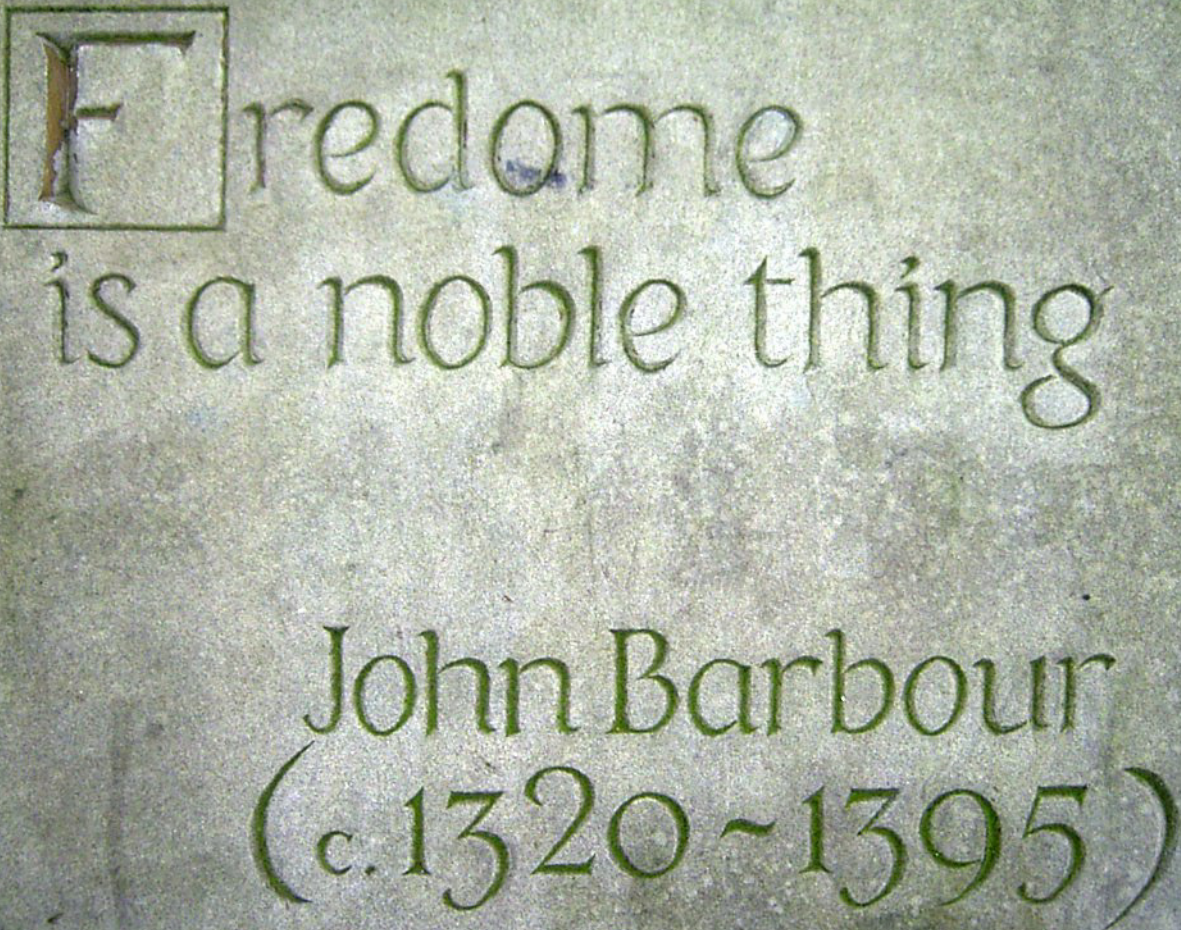
BARBOUR'S THE BRUS II

BARBOUR'S THE BRUS III

A! fredome is a noble thing!
Fredome mayss man to haiff liking;
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He levys at ese that frely levys.

[HDT](#)[WHAT?](#)[INDEX](#)**ARCHDEACON JOHN BARBOUR****ARCHDEACON JOHN BARBOUR**

(Henry Thoreau would read this edition in 1842.)



Fredome
is a noble thing
John Barbour
(c.1320~1395)

*A fredome is a nobill thing
fre dome mayß man so hayff liking*

[ROBERT THE BRUCE](#)



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

1842

January 10, Monday: Charles Stearns Wheeler borrowed from the [Harvard Library](#), at [Henry Thoreau](#)'s request because otherwise Thoreau, just another "country scholar" no longer a privileged resident of Cambridge, would not have been permitted access to them, Archdeacon [John Barbour](#)'s poem THE BRUCE; OR, THE HISTORY OF ROBERT I, KING OF SCOTLAND. WRITTEN IN SCOTTISH VERSE BY JOHN BARBOUR. THE FIRST GENUINE EDITION PUBLISHED FROM A MS. DATED 1489; WITH NOTES AND A GLOSSARY BY J[OHN] PINKERTON. (London: printed by H. Hughs, for G. Nicol, Bookseller to His Majesty. M.DCC.XC.) (on June 15th he would ask Wheeler to return this to the library).



ROBERT THE BRUCE

BARBOUR'S THE BRUS I

BARBOUR'S THE BRUS II

BARBOUR'S THE BRUS III

Lieutenant Vincent Eyre would report from the border of [Afghanistan](#) that "At break of day all was again confusion, every one hurrying to the front, and dreading above all things to be left in the rear. The Europeans were the only efficient men left, the Hindostanees having suffered so severely from the frost in their hands and feet, that few could hold a musket, much less pull a trigger. The enemy had occupied the rocks above the gorge, and thence poured a destructive fire upon the column as it slowly advanced. Fresh numbers fell at every volley. The sepoy, unable to use their arms, cast them away, and, with the followers, fled for their lives. The Affghans now rushed down upon their helpless and unresisting victims sword in hand, and a general massacre took place. The last small remnant of the native infantry regiments were here scattered and destroyed; and the public treasure, with all the remaining baggage, fell into the hands of the enemy. Meanwhile, the advance, after pushing through the Tungee with great loss, had reached Kubbur-i-Jubbar, about five miles ahead, without more opposition. Here they halted to enable the rear to join, but, from the few stragglers who from time to time came up, the astounding truth was brought to light, that of all who had that morning marched from Khoord-Cabul they were almost the sole survivors, nearly the whole of the main and rear columns having been cut off and destroyed. About 50 horse-artillerymen, with one twelve-pounder howitzer, 70 files of Her Majesty's 44th foot regiment, and 150 cavalry troopers, now composed the whole Cabul force; but, notwithstanding the slaughter and dispersion that had taken place, the camp-followers still formed a considerable body." When the



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

survivors directed another remonstrance to Akber Khan, his response was that he was unable to restrain these Giljyes. Traversing a narrow defile at the foot of the Huft Kotul, the travelers had to trudge past the bodies of those who previously been killed there while defenseless against continuing deadly fire from above.

“Brigadier Shelton commanded the rear with a few Europeans, and but for his persevering energy and unflinching fortitude in repelling the assailants, it is probable the whole would have been there sacrificed.”

When they made camp in the Tezeen valley for three hours of rest, it was evident that they had lost 12,000 men since leaving Cabul. A total of 15 officers had been either killed or wounded during this day’s march alone. At 7PM they pushed on under cover of darkness, abandoning their last cannon and at this point leaving behind Dr. Cardew. Soon Dr. Duff also was so exhausted that he was unable to proceed. “Bodies of the neighbouring tribes were by this time on the alert, and fired at random from the heights, it being fortunately too dark for them to aim with precision; but the panic-stricken camp-followers now resembled a herd of startled deer, and fluctuated backwards and forwards, *en masse*, at every shot, blocking up the entire road, and fatally retarding the progress of the little body of soldiers who, under Brigadier Shelton, brought up the rear. At Burik-âb a heavy fire was encountered by the hindmost from some caves near the road-side, occasioning fresh disorder, which continued all the way to Kutter-Sung, where the advance arrived at dawn of day, and awaited the junction of the rear, which did not take place till 8AM.”⁵

June 15, Wednesday: “Country scholar” [Henry Thoreau](#) wrote to Charles Stearns Wheeler to return some books to the [Harvard Library](#) on his behalf, including Archdeacon [John Barbour](#)’s THE BRUCE... long poem about the Scottish leader [Robert the Bruce](#). These books had evidently been charged out in Wheeler’s name because Thoreau, just another “country scholar” no longer a privileged resident of Cambridge, would not otherwise have been permitted access to them.

CHARGE TO GRAND JURY — TREASON

Case No. 18,275

Circuit Court, D. [Rhode Island](#)

30 F. Cas. 1046; 1842 U.S. App. LEXIS 598

STORY, Circuit Justice, after some preliminary observations upon the late alarming crisis of the public affairs in Rhode Island, and paying a just tribute to the excellent institutions and past history of the state, proceeded to say to the grand jury: This is the first occasion, for many years, in which it has become necessary for me, in addressing the grand jury, to state the doctrines of law applicable to the crime of treason. Happily, there is at the present moment a pause in the public mind, which I trust may be the harbinger of a speedy return to a permanent course of peace, prosperity, and general confidence among the citizens of your state. It is impossible for me not to feel a

5. Lieut. V. Eyre (Sir Vincent Eyre, 1811-1881). THE MILITARY OPERATIONS AT CABUL: WHICH ENDED IN THE RETREAT AND DESTRUCTION OF THE BRITISH ARMY, JANUARY 1842, WITH A JOURNAL OF IMPRISONMENT IN [AFGHANISTAN](#). Philadelphia PA: Carey and Hart, 1843; London: J. Murray, 1843 (three editions); Lieut. V. Eyre (Sir Vincent Eyre, 1811-1881). PRISON SKETCHES: COMPRISING PORTRAITS OF THE CABUL PRISONERS AND OTHER SUBJECTS; ADAPTED FOR BINDING UP WITH THE JOURNALS OF LIEUT. V. EYRE, AND LADY SALE; LITHOGRAPHED BY LOWES DICKINSON. London: Dickinson and Son, [1843?]



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

deep sense of the dangers, through which you have so recently passed, and of the painful duties, which might have devolved upon this court in certain contingencies, which seemed at one moment about to be fearfully realized. It may not, therefore, be without some use, to call your attention to the law of treason, and to distinguish between the cases, where the crime is properly a crime against the United States, and the cases, where it properly constitutes a crime exclusively against the state. Both may be, indeed (as will be presently shown), mixed up in the same transaction; or rather, the treason against the state may, under certain circumstances, be merged in the treason against the United States. Still, there is a broad and clear line of distinction between them in many cases, which I will endeavour briefly to explain and illustrate.

The constitution of the United States has declared that "treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort." [Article 3, § 3.] There must, then, to constitute the crime, be a levying of war against the United States in their sovereign character, and not merely a levying of war exclusively against the sovereignty of a particular state. What, in the sense of the constitution, is to be deemed a levying of war? I take it to be clear, that it is not sufficient, that there should be an assembly of persons, who are met merely to meditate and consult about the means of levying war at some future time, or upon some future contingencies, without any present force. The would amount to a conspiracy to levy war. But a conspiracy to levy war, and an actual levy of war are distinct offences. To constitute an actual levy of war, there must be an assembly of persons, met for the treasonable purpose, and some overt act done, or some attempt made by them with force to execute, or towards executing, that purpose. There must be a present intention to proceed in the execution of the treasonable purpose by force. The assembly must now be in a condition to use force, and must intend to use it, if necessary, to further, or to aid, or to accomplish the treasonable design. If the assembly is arrayed in a military manner, – if they are armed and march in a military form, for the express purpose of overawing or intimidating the public, – and thus they attempt to carry into effect the treasonable design, – that will, of itself, amount to a levy of war, although no actual blow has been struck, or engagement has taken place. This is a clear case; but it is by no means the only case (for many others might be stated), in which there may be an actual overt act of levying war. I wish to state this only as one case, upon which no doubt whatsoever can be entertained. In respect to the treasonable design, it is not necessary, that it should be a direct and positive intention entirely to subvert or overthrow the government. It will be equally treason, if the intention is by force to prevent the execution of any one or more general and public laws of the government, or to resist the exercise of any legitimate authority of the government in its sovereign capacity. Thus, if



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

there is an assembly of persons with force, with an intent to prevent the collection of the lawful taxes or duties, levied by the government, – or destroy all customhouses, – or to resist the administration of justice in the courts of the United States, and they proceed to execute their purpose by force, – there can be no doubt, that it would be treason against the United States. But it is not every act of treason by levying war, that is treason against the United States. It may be, and often is, aimed altogether against the sovereignty of a particular state. Thus, for example, if the object of an assembly of persons, met with force, is to overturn the government or constitution of a state, – or to prevent the due exercise of its sovereign powers, or to resist the execution of any one or more of its general laws, but without any intention whatsoever to intermeddle with the relations of that state with the national government, or to displace the national laws or sovereignty therein, every overt act done with force towards the execution of such a treasonable purpose is treason against the state, and against the state only. It is in no just sense a levying of war against the United States. But treason may be begun against a state, and may be mixed up or merged in treason against the United States. Thus, if the treasonable purpose be to overthrow the government of the state, and forcibly to withdraw it from the Union, and thereby to prevent the exercise of the national sovereignty within the limits of the state, that would be treason against the United States. So, if the troops of the United States should be called out by the president, in pursuance of the duty enjoined by the constitution, upon the application of the state legislature, or the state executive, when the legislature cannot be convened, to protect the state against domestic violence, and there should be an assembly of persons with force to resist and oppose the troops so called out by the president, that would be a levy of war against the United States, although the primary intention of the insurgents may have been only the overthrow of the state government or the state laws. These cases sufficiently point out the distinction, to which I have alluded, and it is not necessary, upon the present occasion, to go into more minute details.

“MAGISTERIAL HISTORY” IS FANTASIZING, HISTORY IS CHRONOLOGY



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"It's all now you see. Yesterday won't be over until tomorrow and tomorrow began ten thousand years ago."

- Remark by character "Garin Stevens"
in William Faulkner's INTRUDER IN THE DUST



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ARRGH AUTOMATED RESEARCH REPORT

GENERATION HOTLINE



This stuff presumably looks to you as if it were generated by a human. Such is not the case. Instead, someone has requested that we pull it out of the hat of a pirate who has grown out of the shoulder of our pet parrot "Laura" (as above). What these chronological lists are: they are research reports compiled by ARRGH algorithms out of a database of modules which we term the Kouroo Contexture (this is data mining). To respond to such a request for information we merely push a button.



ARCHDEACON JOHN BARBOUR

ARCHDEACON JOHN BARBOUR

Commonly, the first output of the algorithm has obvious deficiencies and we need to go back into the modules stored in the contexture and do a minor amount of tweaking, and then we need to punch that button again and recompile the chronology – but there is nothing here that remotely resembles the ordinary “writerly” process you know and love. As the contents of this originating contexture improve, and as the programming improves, and as funding becomes available (to date no funding whatever has been needed in the creation of this facility, the entire operation being run out of pocket change) we expect a diminished need to do such tweaking and recompiling, and we fully expect to achieve a simulation of a generous and untiring robotic research librarian. Onward and upward in this brave new world.

First come first serve. There is no charge.
Place requests with <Kouroo@kouroo.info>. Arrgh.