

**HISTORY**  
**OF**  
**SCOTLAND.**

**By PATRICK FRASER TYTLER, Esq.**

**F.R.S.E. AND F.A.S.**

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## PREFACE.

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THE period which embraces the reigns of James the Second and James the Third, has been justly considered one of the most obscure portions of Scottish history. Even in Pinkerton, the latest, and certainly not the least acute of our historians, the narrative, from the want of access to authentic and then undiscovered materials, is often meagre, abrupt, and contradictory. Sensible of this, Mr Thomson, Depute-Clerk Register for Scotland, began, many years ago, to collect all the original muniments, and fragments of contemporary history which related to the reign of James the Second, with the laudable design of giving them to the public. This intention he afterwards abandoned, but not before he had printed the valuable Chronicle quoted so frequent-

ly in the following volume, under the title of the Auchinleck Chronicle. To this circumstance, and to the liberal communication of several other manuscript papers which he had collected, the following volume owes not a few of its facts and illustrations. I have yet another obligation to acknowledge. The Bannatyne Club, an institution which has already done much for Scottish history and antiquities, determined, some time ago, to print, from the most ancient manuscripts, a new edition of Lindsay of Pitscottie's Chronicle of Scotland. As this author, however, although one of the most amusing of our early writers, did not enjoy a high character for authenticity, it was resolved to correct and illustrate his text by notes and chronological tables, drawn up from original sources. This task was committed to the Reverend Mr Macgregor Stirling, a gentleman, whose talents for abstruse and accurate research had already been exercised on similar subjects. He enjoyed also the advantage of Mr Thomson's superintendence, and the result has been a voluminous and

valuable collection of notes and extracts from original documents, drawn up by Mr Stirling in chronological order, and compiled principally from manuscript sources. To these, which are still in manuscript, I have had unlimited access during the composition of this part of the history. They have facilitated my labour, and often alleviated the irksomeness of minute research; whilst from their materials I have frequently been enabled to derive a gleam of light, or to supply a link in the narrative, which, but for such assistance, must have remained as obscure and as defective as before.

MELVILLE STREET, *6th June*, 1831.



CONTENTS  
OF  
THE FOURTH VOLUME.

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CHAP. I.

JAMES THE SECOND.

	PAGE
RELATIVE situation of the nobility and the crown, after the assassination of James the First, . . . . .	1
Retreat of the queen-mother to Edinburgh Castle, . . .	4
Coronation of James the Second, . . . . .	5
A truce concluded with England, . . . . .	8
The young king secretly conveyed from Edinburgh Castle to Stirling, . . . . .	12
Siege of Edinburgh Castle by the Earl of Livingston, . .	15
Marriage of the queen-mother with Sir James Stewart, .	19
The king carried off, by Crichton, to Edinburgh Castle, .	24
Distress of the people occasioned by the feuds of the nobles,	25
Turbulent conduct of William sixth Earl of Douglas, . .	30
His execution in Edinburgh Castle along with his brother David, . . . . .	36
Friendly relations between Scotland and England, . . .	39
Exorbitant power of William eighth Earl of Douglas, . .	41
Feud between the Crawfords and Ogilvies, . . . . .	57
Sagacious and determined policy of the young king towards the nobles, . . . . .	61
Border feuds, . . . . .	64
Marriage of the king and Mary of Gueldres, . . . . .	67

	PAGE
Vigorous proceedings of the king against the turbulent nobility, . . . . .	70
Important parliamentary enactments, . . . . .	75
Determination of the Earl of Douglas to maintain his power, . . . . .	85
His reception of Sir Patrick Gray, the king's messenger, . . . . .	96
Douglas sent for, and assassinated in Stirling Castle by the king, . . . . .	99
The Earl of Crawford defeated by Huntley, . . . . .	105
Conspiracy of James, ninth Earl of Douglas, . . . . .	108
The king marches against Douglas, reduces, and pardons him, . . . . .	111
Submission of the Earl of Crawford, . . . . .	116
University of Glasgow founded, . . . . .	117
Intrigues of Douglas with the York party in England, . . . . .	118
Douglas defeated at Arkinholme, . . . . .	122
Predatory expedition of Donald Balloch, . . . . .	125
Extraordinary Letter of the English King to the King of Scots, . . . . .	129
Followed by war on the Borders, . . . . .	131
Measures adopted for strengthening the crown, . . . . .	132
Dispute with the King of Norway as to the Western Isles, . . . . .	142
Parliamentary enactments regarding dress, war-beacons, and Border raids, . . . . .	136
Provisions of Parliament regarding arms, the Borders, and the pestilence, . . . . .	145
Act regarding the money of the realm, . . . . .	148
Mutual support of the king and the clergy, . . . . .	153
Earldom of Mar annexed to the crown, . . . . .	154
James attacks the York party in Northumberland and Durham, in support of Henry of Lancaster, . . . . .	160
Institution of the Session, . . . . .	163
Acts of Parliament regarding weapon-schawing, dress, leases, and other internal regulations, . . . . .	164
James breaks the truce with England, to aid Henry of Lancaster, . . . . .	175
And besieges Roxburgh Castle, where he is killed, . . . . .	176
His character, . . . . .	179



CHAP. II.

JAMES THE THIRD.

	PAGE
Accession of James the Third, . . . . .	183
Feuds of the Island Lords, . . . . .	185
Award of the King of France between Norway and Scotland, . . . . .	189
Rebellion of the Earl of Ross, . . . . .	195
Rise of the Boyd Family, and their league with the House of Fleming, . . . . .	200
Death and character of Bishop Kennedy, . . . . .	205
The king carried off by Lord Boyd and other nobles, . . . . .	206
Parliamentary enactments, . . . . .	210
Intercourse between Scotland and Denmark, . . . . .	215
Marriage of the king with the Princess of Denmark, . . . . .	222
Downfall of the house of Boyd, . . . . .	ib.
Rise of the Hamiltons, . . . . .	227
Character and situation of the young king, . . . . .	228
Persecution of Graham, Bishop of Brechin, . . . . .	233
St Andrews raised to the dignity of an archiepiscopal see, . . . . .	234
Intrigues of Louis the Eleventh of France, . . . . .	237
Birth of James the Fourth and his betrothment, . . . . .	241
Causes which led to the disaffection of the nobles towards the king, . . . . .	248
Character and proceedings of Albany and Mar, . . . . .	250
Rebellion of Albany, and siege of Dunbar, . . . . .	255
Hostile attitudes of the French, English, and Scottish kings, . . . . .	261
Revolt of Albany to the English interest, . . . . .	264
The Scottish army stopped by a Papal bull on their march, . . . . .	266
Intrigues of the English kings with the Scottish nobles, . . . . .	267
Rise and magnificence of Cochrane, called Earl of Mar, . . . . .	269
His murder, and the king's seizure by the nobles, . . . . .	272
Albany and the king's party reconciled, . . . . .	276
Albany made lieutenant-general of the kingdom, . . . . .	279
But afterwards deprived of his office by the king's party, . . . . .	283

	PAGE
Albany and Douglas invade Scotland, with an English army, and are defeated, . . . . .	288
Truce between James the Third and Richard the Third of England, . . . . .	291
Death of Queen Margaret of Scotland, . . . . .	298
Real character of the king's government, . . . . .	299
Intrigues of Albany's party against the king, and their at- tempts to gain the prince, . . . . .	300
Their success in these attempts, . . . . .	305
Open rebellion of the nobles and the prince, . . . . .	309
Skirmish between the contending parties at Blackness, . . . . .	312
Temporary pacification, followed by a fresh insurrection, . . . . .	317
Battle of Sauchie-burn, . . . . .	318
And murder of the king, . . . . .	322
His character, . . . . .	323

### CHAP. III.

#### JAMES THE FOURTH.

Accession of James the Fourth, . . . . .	332
Trial of the nobles who had opposed him in arms, . . . . .	338
Parliamentary acquittal of the present king and his followers from the murder of the late king, . . . . .	342
Policy of the young king towards the nobles, . . . . .	346
Brilliant exploits of Sir Andrew Wood at sea, . . . . .	349
Conspiracy of Lord Bothwell against the king, . . . . .	354
The king begins to incline towards the friends of his father, and withdraws his confidence from his own late sup- porters, . . . . .	357
Parliamentary enactments, . . . . .	361
The king endeavours to attach to himself the Highland chiefs, . . . . .	367
His repeated expeditions into the Highlands, . . . . .	368
James's early intrigues with the Duchess of Burgundy, . . . . .	371
Perkin Warbeck corresponds with James, . . . . .	373

	PAGE
Henry VII. discovers the intrigue, . . . . .	375
James's intercourse with O'Donnell, Prince of Tirconnell, .	ib.
Warbeck arrives in Scotland, . . . . .	376
Received with great honour, . . . . .	377
Marries Lady Catherine Gordon, . . . . .	ib.
James and Warbeck invade England, . . . . .	380
Failure of the expedition, . . . . .	381
Retreat of the king, . . . . .	382
Negotiations for peace are renewed by Henry, . . . . .	383
Warbeck and his wife, Lady Catherine Gordon, leave Scot- land, . . . . .	385

## CONTENTS OF APPENDIX.

---

	PAGE
1. Boece and the story of the Bull's head, . . . . .	389
2. George, Earl of Angus, . . . . .	390
3. Execution of the Douglasses, . . . . .	391
4. Early connexion between Scotland and the Hanse towns, . . . . .	394
5. James, ninth Earl of Douglas, . . . . .	401
6. Earl of Moray, . . . . .	403
7. Rise of the power of the Boyds, . . . . .	404
8. and 9. Revolt of his nobility against James the Third, . . . . .	405
10. Inventory of the jewels and money of James the Third, . . . . .	408
11. Margaret Drummond, mistress to James IV. . . . .	418
12. Sir Andrew Wood of Largo, . . . . .	421
13. Mons Meg, . . . . .	422
14. Perkin Warbeck, . . . . .	423

HISTORY  
OF  
SCOTLAND.

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CHAP. I.

JAMES THE SECOND.

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CONTEMPORARY PRINCES.

*King of England.*

Henry VI.

*King of France.*

Charles VII.

*Popes.*

Eugene IV.  
Nicholas V.  
Calixtus III.  
Pius II.

---

THE assassination of James the First, and the succeeding minority of his son, a boy of only six years of age, was, if not a triumph to the majority of the Scottish nobility, at least an event eminently favourable to their power and pretensions. His murderers, it is true, whether from the sudden execration which involuntarily bursts out against a deed of so dark and sanguinary a character, or from the personal revenge of the queen-mother, were punished with speedy and immitigable severity. Yet, when the first sentiments of horror and amazement were abated, and the Scottish aristocracy begun to regard the consequences likely to arise from the sudden destruction which had overtaken the king in the midst of his schemes for the abridgement of their own exorbitant power, it is

impossible that they should not have contemplated the event of his death with secret satisfaction. The sentiments so boldly avowed by Grahame in the midst of his tortures, that the day was near at hand when they would bless his memory for having rid them of a tyrant, must have forcibly recurred to their minds; and when they regarded the fate of the Earl of March, so summarily and cruelly stript of his immense possessions, and contemplated the magnitude of James's plans, and the stern firmness with which, in so short a reign, he had carried them into effect, we can readily believe that the recovery of the privileges which they had lost, and the erection of some strong and permanent barriers, which should be a defence for their rights against all future encroachments of the crown, would be the great objects to which, under the minority of his successor, they would direct their attention.

It happened also, unfortunately for Scotland, that such a scheme for the resumption of individual power by the feudal nobility, in other words, for the return of anarchy and disorder throughout the country, was but too likely to prove successful. The improvements introduced by James the First; the judicial machinery for the more perfect and speedy administration of justice; the laws for the protection of the lower orders against the insolence of the great; the provisions for the admission of the representatives of the commercial classes into parliament, and for the abridgement of the military strength of the great feudal lords—were rather in the state of prospective changes, than of measures whose salutary effects had

been tried by time, and to which the nation had become attached by long usage. These improvements had been all carried into effect within the short space of fourteen years ; they still bore upon them the hateful gloss of novelty and innovation ; and, no longer supported by the firmness and the wisdom of the monarch with whom they originated, they could present but a feeble resistance to the attacks and to the ridicule of the numerous and powerful classes whose privileges they so materially abridged, and with whose ambition and aggrandizement their continuance was completely incompatible. The prospect of recovering, during a long minority, the estates and the feudal perquisites which had been resumed or cut down by James the First ; the near view of successful venality which constantly accompanied the possession of the great offices under an infant sovereign ; and the facility, in the execution of such schemes, which every feudal government offered to any faction who were powerful or fortunate enough to possess themselves of the person of the king, rendered the period upon which we now enter one of great excitement amongst the Scottish nobles. The greater chiefs amongst them adopted every means to increase their personal strength and importance, recruiting the ranks of their armed vassals and followers, and placing persons of tried fidelity in their castles and strongholds ; the lesser barons attached themselves to the more powerful by those leagues or bands which bound them by the strictest ties to work the will of their lord ; and both classes set themselves attentively to watch the

course of events, and to take immediate advantage of those sudden changes and emergencies which were so likely to arise in a country thrown into the utmost dismay and confusion by the murder of the sovereign.

But although such appear to have been the low and interested feelings of the greater proportion of the nobility, we are not to suppose that the support of the crown, and the cause of order and good government, were utterly abandoned. They still retained many friends in the dignified clergy, as well as among those learned and able churchmen from whose ranks the legal officers of the crown, and the diplomatic agents who transacted all foreign missions and alliances, were generally selected; and they could undoubtedly reckon upon the attachment of the mercantile and commercial classes, now gradually rising into importance, and upon the affectionate support of the great body of the lower orders, in so far as they were left untrammelled by the fetters of their feudal servitude.

Whilst such were the sentiments which animated the various bodies in the state upon the murder of the king, it may easily be supposed that terror was the first feeling which arose in the bosom of the queen-mother. Utterly uncertain as to the ramifications of the conspiracy, and trembling lest the same vengeance which had fallen upon the father should pursue the son, she instantly fled with the young prince to Edinburgh; nor did she esteem herself secure till she had retreated with her charge within the castle. The command of this fortress, rendered now a place of



infinitely higher importance than usual, by its affording a retreat to the queen and the prince, was at this time in the hands of William Crichton, Baron of Crichton, and master of the household to the late king, a person of great craft and ambition, and who, although still in the ranks of the lower nobility, was destined to act a very principal part in the future history of the times.<sup>1</sup>

After the first panic had subsided, a parliament assembled at Edinburgh within less than a month after the murder of the king ; and measures appear to have been adopted for the government of the country during the minority. The first care, however, was the coronation of the young prince ; and for this purpose the principal nobles and barons of the kingdom, with the dignified clergy, and a great multitude of the free tenants of the crown, conducted him in procession

<sup>1</sup> R. Magn. Sig. B. III. No. 161. His first appearance is in Rymer, vol. x. p. 309, amongst the nobility who met James the First at Durham, on his return from his long detention in England. See also Crawf. Off. of State, p. 25, for his title of Magister Hospitii, as proved by a charter then in the possession of Sir Peter Fraser of Dores, Bart. See also MS. Chamberlain Rolls, July 4th, 1438. " Et pro quinque barellis de Hamburgh salmonum salsorum, liberatis per computantem et liberatis Domino Willielmo de Crechtoun, custodi Castri de Edinburgh, fatenti receptum super computum, ad expensas domini nostri regis moderni, de quibus dictus dominus respondebit ix. lib." Again, MS. Chamberlain Rolls, July 5, 1438. " Per liberacionem factam Domino Willielmo de Crechtoun, Vicecomiti et custodi Castri de Edinburgh, ut patet per literam suam sub signeto ostensam super computum iiii<sup>xx</sup> librarum de quibus asserit quinquaginta libras receptas ad expensas coronacionis domini nostri regis moderni."

from the castle of Edinburgh to the abbey of Holyrood, where he was crowned and anointed with much applause and solemnity.<sup>1</sup>

Under any other circumstances than those in which James succeeded, the long-established custom of conducting the ceremony of the coronation at the abbey of Scone, would not have been departed from ; but its proximity to the scene of the murder rendered it dangerous and suspected ; and, as delay was equally hazardous, the queen was obliged to purchase security and speed at the expense of somewhat of that solemnity which would otherwise have accompanied the pageant. Two important measures followed the coronation : The first, the nomination of the queen-mother to undertake the custody of the king till he had attained his majority, and to become, at the same time, the guardian of the princesses, his sisters, with an annual allowance of four thousand merks ;<sup>2</sup> the second, the appointment of Archibald, fifth Earl of Douglas and Duke of Touraine, to be lieutenant-general of the kingdom.<sup>3</sup> This baron, undoubtedly the most powerful subject in Scotland, and whose

<sup>1</sup> “ Cum maximo applausu et apparatu ad laudem Dei et læticiam totius populi.” Acts of Parl. of Scotland, vol. ii. p. 31.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 54.

<sup>3</sup> Sir Thomas Boyd of Kilmarnock, in his Account in Exchequer, of the rent of Duchale in Ward, takes credit for the following payment :—“ Et per solucionem factam Domino Comiti de Douglas, locum tenenti domini regis, in partem feodi sui de anno, 1438, dicto domino locum tenenti fatenti receptum super computum sexaginta librarum.” MS. Chamberlain Rolls, sub anno 1438.

revenue, from his estates at home and in France, was probably nearly equal to that of his sovereign, was the son of Archibald, fourth Earl of Douglas, who was slain at the battle of Verneuil, and of Margaret, daughter to King Robert the Third, so that he was nephew of the late king. His power, however, proved to be of short duration, for he scarcely lived a year after his nomination to this high office.

It is unfortunate that no perfect record has been preserved of the proceedings of the first parliament of James the Second. From a mutilated fragment which remains, it is certain that it was composed, as usual, of the clergy, barons, and commissaries of the burghs; and that all alienations of lands, as well as of moveable property, which happened to be in the possession of the late king at his death, and which had been made without consent of the three estates, were solemnly revoked, whilst an inventory of the goods and treasure in the royal coffers was directed to be taken, and an injunction given, that no alienation of the king's lands or property should be permitted to be made to any person whatever, without the consent of the three estates, until he had reached his full age of twenty-one years.<sup>1</sup> We may conjecture, on pretty strong grounds, that the subjects to which the general council next turned their attention, were the establishment of a peace with England, and the renewal of amicable relations with the court of France, and the commercial states of Holland.

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 31.

With regard to the peace with England, various circumstances concurred in the condition of that country to facilitate the negotiation. Under the minority of Henry the Sixth, the war with France, and the struggle to maintain unimpaired the conquests of the fifth Henry, required a concentration of the national strength and resources, which would have been greatly weakened by any invasion upon the part of Scotland; and the Cardinal of Winchester, who was at this time possessed of the principal power in the government, was uncle to the Queen of Scotland. Commissioners were accordingly dispatched by the Scottish parliament,<sup>1</sup> who, after a meeting with the English envoys, found little difficulty in concluding a nine years' truce between the two kingdoms, which was appointed to commence on the 1st of May, 1438, and to terminate on the 1st of May, 1447.<sup>2</sup> Its provisions contain some important and interesting enactments regarding the commercial intercourse between the two countries, deformed indeed by those unwise restrictions, which were universal at this time throughout Europe, yet evincing an ardent anxiety for the prosperity of the country. In addition to the common stipulations against seizing vessels driven into port, and preventing shipwrecked mariners

<sup>1</sup> Rymer *Fœdera*, vol. x. pp. 680, 684.

<sup>2</sup> Chamberlain MS. Rolls, computum Johannis de Fyfe Receptoris firmarum de Schines, &c. "Et allocatur pro expensis Dominorum de Gordoun, et de Montegomeri ac aliorum ambassadorum regni factis in Anglia pro treugis inter regna ineundis. iiii<sup>xx</sup> iij<sup>ib</sup> vi<sup>a</sup> viii<sup>d</sup>."

from returning home, it was agreed, that if any vessel belonging to either country, were carried by an enemy into a port of the other kingdom, no sale of the vessel or cargo should be permitted, without the consent of the original owners ; that no vessel, driven into any port, should be liable to arrest for any debt of the king, or of any other person ; but that all creditors should have safe conducts, in order to sue for and recover their debts, with lawful damages and interest ; that, in cases of shipwreck, the property should be preserved and delivered to the owners ; that when goods were landed for the purpose of repairing the ship, they might be reshipped in the same, or in any other vessel, without payment of duties ; and that vessels of either kingdom, putting into ports of the other in distress for provisions, might sell goods for that purpose, without being chargeable with customs for the rest of the cargo. It was finally provided, that no wool or woolfels should be carried from one kingdom to the other, either by land or by water ; and that, in all cases of depredation, not only the chief offenders, but also the receivers and encouragers, and even the communities of the towns in which the plundered goods were received, should be liable for compensation to the sufferers, who might sue for redress before the conservators of the truce, or the wardens of the marches. The principal of these conservators for England were, the king's uncle, the Duke of Gloucester, and his kinsman, the Duke of Norfolk, with the Earls of Salisbury, Northumberland, and Westmoreland ; and for Scotland, Archi-

bald, Earl of Douglas and Duke of Touraine, with the Earls of Angus, Crawford, and Avendale, and the Lords Gordon, Maxwell, Montgomery, and Crichton.<sup>1</sup> Care was taken to send an intimation of the truce to the Scottish merchants who were resident in Holland and in Zealand ; and with regard to France, although there can be little doubt, from the ancient alliance with Scotland, and the marriage of the sister of the king to the dauphin, that the feelings of the country were strongly attached to the cause of Charles the Seventh, and that the total expulsion of the English would have been an event joyfully welcomed in Scotland ; yet the reverses experienced in the battles of Crevant and Verneuil, effectually cooled the ardour of that kingdom for foreign war, and appear to have compelled the nation to a temporary and unwilling neutrality.

We have seen that Antony, Bishop of Urbino, the papal legate, was in Scotland at the time of the murder of the late king, and that a general council of the clergy, which had been called at Perth, for the purpose of receiving his credentials, was abruptly broken off by this event. The destruction of all contemporary records has unfortunately left the proceedings of this council in complete obscurity ; and we only know, that towards the conclusion of the year 1438, Sir Andrew Meldrum, a knight of St John of Jerusalem, with his chaplain and suite, was

<sup>1</sup> Rymer *Fœdera*, vol. x. p. 695. *Rotuli Scotiæ*, vol. ii. pp. 306, 310. *Macpherson's Annals of Commerce*, vol. i. p. 654.

dispatched through England into Scotland, on a mission connected with the "good of religion," and that a papal nuncio, Alfonso de Cancifrubeis, proceeded, about the same time, to the Scottish court.<sup>1</sup> It is not improbable that the church, which was at the present moment in deep alarm at the disorders occasioned by the Hussites in Bohemia, and at the growth of heresy in England, felt anxious to engage on its side the council and ministers of the infant monarch of Scotland, and to interest them in putting down, with a strong hand, those heterodox opinions, which, it is certain, during the last reign, had made a considerable progress in this country.

An extraordinary event now claims our attention, which is involved in much obscurity, but drew after it very important results. The queen-mother soon found that the castle of Edinburgh, an asylum which she had so willingly sought for her son, the king, was rendered, by the extraordinary vigilance and jealousy of Crichton the governor, unnecessarily difficult of access to herself and her friends. It was, in truth, no longer the queen, but this ambitious baron, who was the keeper of the royal person. Under the pretence of superintending the expenses of the household, he seized<sup>2</sup> and dilapidated the royal revenues, surrounded the king by his own creatures, and permitted neither the queen-mother, the lieutenant-

<sup>1</sup> Rotuli Scotiæ, vol. ii. p. 311.

<sup>2</sup> Chamberlain MS. Rolls, computum Thomæ Cranstoun. Receptoris redituum regis ex parte australi aquæ de Forth. July 18, 1438.

general of the kingdom, nor Sir Alexander Livingston of Callendar, a baron who had been in considerable favour with the late king, to have any share in the government. Finding it impossible, by any remonstrances, to obtain her wishes, the queen had recourse to stratagem. At the conclusion of a visit of a few days, which she had been permitted to pay to her son, it was dexterously managed that the prince should be concealed in a large wardrobe chest, which was carried along with some luggage out of the castle. In this he was conveyed to Leith, and from thence transported by water to Stirling castle, the jointure-house of his mother, which was at this time under the command of Livingston of Callendar. Whether Douglas, the lieutenant-general of the kingdom, the Bishop of Glasgow, who was chancellor, or any of the other officers of state, were privy to this successful enterprise, there are unfortunately no documents to determine; but it seems difficult to believe that the queen should have undertaken it, and carried it through, without some powerful assistants; and it is still more extraordinary that no proceedings appear to have been adopted against Crichton, for his unjustifiable seclusion of the youthful monarch from his mother, an act which, as it appears in the history of the times, must have almost amounted to treason.

The records of a parliament, which was held at Edinburgh on the 27th of November, 1438, by the Earl of Douglas, therein styled the lieutenant-general of the realm; and of a second meeting of the three estates, which assembled at Stirling, on the 13th of



March, in the same year, are so brief and mutilated, that little clear light can be elicited either as to the different factions which unquestionably tore and divided the state, or regarding the provisions which were adopted by the wisdom of parliament for the healing of such disorders.

There is indeed a general provision for the remedy of the manifold abuses, and open plunder and robbery then prevalent in the country. The sheriff, within whose county the thieves had taken refuge, is commanded to see strict restoration made, and to denounce as rebels to the king's lieutenant, all who refuse to obey him, under the penalty of being himself removed from his office, and punished as the principal offender. But where there is strong reason to believe that the lieutenant and the greater barons were themselves the robbers, and that the sheriffs were their immediate vassals and dependents, it may easily be believed, that unless in instances where they were desirous of cutting off some unfortunate spoiler, who had incurred their resentment, the act was most imperfectly executed, if not universally evaded.<sup>1</sup>

Having liberated her son, the king, from the duress in which he had been kept by Crichton; the queen-mother appears for some time to have reposed unlimited confidence in the fidelity of Sir Alexander Livingston, whilst the Earl of Douglas, the most powerful man in the state, refused to connect himself with any faction; and, although nominally the

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 32.

lieutenant-general of the kingdom, took little interest in the scene of trouble and intrigue with which the youthful monarch was surrounded. It does not even appear that he presided in a parliament which was assembled at Stirling, probably a very short time after the successful issue of the enterprise of the queen. In this meeting of the three estates, the dreadful condition of the kingdom, and the treasonable conduct of Sir William Crichton, were, as far as we can judge from the mutilated records which have been preserved, the principal subjects for consideration. It was resolved, that there should be two sessions held yearly within the realm, in which the lord-lieutenant and the king's chosen council should sit, the first to begin on the day after the exaltation of Holy Cross; and the second on the first Monday in Lent thereafter following. At the same time, an enactment was passed, with an evident reference to Crichton, by which it was ordained, that where any rebels had taken refuge within their castles or fortalices, and held the same against lawful authority, or wherever there was any "violent presumption of rebellion and destruction of the country," it was the duty of the lieutenant to raise the lieges, to besiege such places, and arrest the offenders, of whatever rank they might be.<sup>1</sup>

The Earl of Douglas, however, either too indolent to engage in an employment which would have required the utmost resolution, or too proud to embroil himself with what he considered the private feuds

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 32.

between Crichton and Livingston, steadily refused to carry the act into execution ; and Livingston, having raised his vassals, laid siege to the castle of Edinburgh in person. The events immediately succeeding, are involved in much obscurity ; so that, in the absence of original authorities, and the errors and contradictions of historians, it is difficult to discover their true causes, or to give any intelligible account of the sudden revolutions which took place. Amid these difficulties, I adopt the narrative which approaches nearest to those fragments of authentic evidence that have survived the common wreck.

When he perceived that he was beleaguered by the forces of Livingston, Crichton, who did not consider himself strong enough to contend singly against the united strength of the queen and the Baron of Callendar, secretly proposed a coalition to the Earl of Douglas, but his advances were received by that powerful chief with infinite scorn. The pride of the haughty potentate could ill brook any suggestion of a division of power with one whom he considered so far beneath him ; and it is said, that in a fit of bitter irony, he declared how much satisfaction it would give him if his refusal should cause two such unprincipled disturbers of the public peace mutually to destroy each other. These rivals, however, although either of them would willingly have risen upon the ruin of the other, were far too crafty to fulfil the wishes of the Earl of Douglas ; and his proud answer, which was soon carried to their ears, seems to have produced in their minds a disposition towards an agreement of their

differences. It was evident, that singly they could have little hope of resisting the lieutenant-general of the kingdom, but Livingston possessed the confidence of the queen-mother, and the custody of the king, her son; and with this weight thrown into the scale, it was not unlikely that a coalition of their factions might enable them to make head against his authority. The result of such mutual feelings was a truce between the rival lords, which ended in a complete reconciliation, and in the delivery of the castle into the hands of Sir William Livingston. The young king, whom he had carried along with him to Edinburgh, was presented by Crichton with the keys of the castle, and supped there on the night when the agreement was concluded: on the morrow, the new friends divided between them the power which had thus fallen into their hands. Cameron, Bishop of Glasgow, who was a partisan of the house of Douglas, and filled the place of chancellor, was deprived of a situation, in which there is strong reason to believe he had behaved with much rapacity.<sup>1</sup> The vacant office was bestowed upon Crichton, whilst Livingston was committed the guardianship of the king's person, and the chief management in the government.<sup>2</sup> With regard to Douglas, it is not easy to ascertain what measures were resolved upon; and it is probable that this great noble, confident in his

<sup>1</sup> Acts of Parliament of Scotland, vol. ii. p. 32.

<sup>2</sup> May 3d, 1439, Cameron is Chancellor. Mag. Sig. iii. 123. June 10, 1439, Crichton is Chancellor. Ibid. ii. 141.

own power, and in the high trust committed to him by the parliament, would have immediately proceeded against the confederate lords, as traitors to the state. But at this important crisis he was suddenly attacked by a malignant fever, and died at Restalrig, on the 26th of June, 1439,<sup>1</sup> leaving an immense and dangerous inheritance of power and pride to his son, a youth of only seventeen years of age.

The coalition might, therefore, for the present, be regarded as completely triumphant; and Livingston and Crichton, possessed of the king's person, and enjoying that unlimited command over the queen-mother, against which an unprotected woman could offer no resistance, were at liberty to reward their friends, to requite their enemies, and to administer the affairs of the government with a power, which, for a while, seemed little short of absolute. The consequences of this state of things were such as might have been anticipated. The administration of the government became venal and disorderly. During the infancy of the king, and the non-appointment of a lieutenant-general, or governor of the realm, in the place of the Duke of Touraine, the nation knew not where to look for that firm controlling authority, which should punish the guilty, and protect the honest and industrious. Those tyrannical and

<sup>1</sup> Gray's MS. Advocates' Library, rr. i. 17. "Obitus Domini Archibaldi Ducis Turonensis Comititis de Douglas ac Domini Galwidæ, apud Restalrig, 26 die mensis Junii, anno 1439, qui jacet apud Douglas." See, for a beautiful engraving of his monument, Blore's Monumental Remains, Part I., No. IV., a work which, it is to be regretted, did not meet with the encouragement it justly merited.

unprincipled barons, with which Scotland at this period abounded in common with the other countries of Europe, began to stir and be busy in the anticipation of a rich harvest of plunder; to entertain and increase their troops of retainers; and, by the numbers and strength of the bodies of armed vassals which they could bring into the field, to render it an object to Livingston and Crichton, and the lords of their party, to attach them to their service as the bulwarks of their successful usurpation.

Meanwhile, in the midst of this general confusion, the right of private war, and the prevalence of deadly feud, those two curses of the feudal system, flourished in increased strength and virulence. Sir Alan Stewart of Dernely, who had held the high office of Constable of the Scottish army in France,<sup>1</sup> was treacherously slain at Polmais thorn, between Falkirk and Linlithgow, by Sir Thomas Boyd of Kilmarnock, for "auld feud which was betwixt them," in revenge of which, Sir Alexander Stewart collected his vassals, and, "in plain battle," to use the expressive words of an old historian, "manfully set upon Sir Thomas Boyd, who was cruelly slain, with many brave men on both sides." The ground where the conflict took place, was at Craignaucht Hill, a romantic spot, near Neilston, in Renfrewshire; and with such determined bravery was it contested, that, it is said, the parties, by mutual consent, retired sundry times to rest and recover breath, after which they recommenced the combat to the sound of the trumpet, till the victory at last declared for the Stewarts. These deadly slaughters and contests

<sup>1</sup> Andrew Stewart's Hist. of the Stewarts, p. 166.

amongst the higher ranks, produced their usual abundant increase of robbery, plunder, burning, and murder, amongst the large body of the friends and vassals who were in the remotest degree connected with the parties; so that, whilst Livingston and Crichton possessed the supreme power, and, with a few of their favourites, flourished upon the outlawries and forfeitures, and kept a firm hold over the person of the youthful monarch, whom they immured along with his mother, the queen, in Stirling castle, the state of the country became so truly deplorable as to call aloud for redress.

It was at this dark period, that the queen-mother, who was in the prime of life, and still a beautiful woman, finding that she was little else than a prisoner in the hands of Livingston, determined to procure protection for herself by marriage. Whether it was an alliance of love or of ambition, is not apparent; but it is certain that Margaret, unknown to the faction by whom she was so strictly guarded, espoused Sir James Stewart, third son of John Stewart, Lord Lorn,<sup>1</sup> and commonly known by the name of the Black Knight of Lorn. This powerful baron was in strict alliance with the House of Douglas.<sup>2</sup> As husband of the queen-mother, to whom, in the first instance, the parliament appear to have committed the custody of the king's person, he might plausibly insist upon a principal share in the education of the youthful prince, as well as in the administration of the go-

<sup>1</sup> Duncan Stewart's *Hist. and Geneal. Account of the Royal Family of Scotland*, p. 171.

<sup>2</sup> Lesley's *History*, p. 14. Bannatyne edition.

vernment ; and a strict coalition between the party of the queen-mother and the Earl of Douglas, might, if managed with prudence and address, have put a speedy termination to the unprincipled tyranny of Livingston.

But this able and crafty baron, who ruled all things around the court at his pleasure, had earlier and more perfect information of these intrigues than the queen and her husband imagined ; and whilst they, confiding in his pretended approval of their marriage, imprudently remained within his power, Sir James was suddenly arrested, with his brother, Sir William Stewart, and cast into a dungeon in Stirling castle, with every circumstance of cruelty and ignominy. An ancient manuscript affirms, that Livingston put “ thaim in pittis and bollit thaim ;”<sup>1</sup> an expression of which the meaning is obscure ; but to whatever atrocity these words allude, it was soon shown that the ambition and audacity of the governor of Stirling was not to be contented with the imprisonment of the Black Knight of Lorn. Almost immediately after this act of violence, the apartments of the queen herself, who then resided in the castle, were violently invaded by Livingston ; and although the servants of her court, headed by Napier,<sup>2</sup> one of her household, made a violent resistance, in which

<sup>1</sup> Auchinleck Chronicle, privately printed by Mr Thomson, Dep. Cl. Reg. of Scotland, p. 34, almost the solitary authentic record of this obscure reign.

<sup>2</sup> Royal Charter by James II., 7th March, 1449-50, to Alexander Napier of the lands of Philde, Mag. Sig. iv. 4.



this gentleman was wounded, his royal mistress was torn from her chamber, and committed to an apartment, where she was placed under a guard, watched with the strictest care, and cut off from all communication with her husband or his party. It is impossible to believe that Livingston would have dared to adopt these treasonable measures, which afterwards cost him his head, unless he had been supported by a powerful faction, and by an armed force which, for the time, was sufficient to overcome all resistance. The extraordinary scene which followed, can only be explained upon this supposition. A general convention of the nobility was held at Stirling, almost immediately after the imprisonment of the queen. It was attended by the Bishops of Glasgow, Murray, Ross, and Dunblane, upon the part of the clergy, and for the nobility, by the Earl of Douglas; Alexander Seton, Lord of Gordon; Sir William Crichton, chancellor; and Walter, Lord of Dirleton; at the same time, that there might at least be an appearance of the presence of the third estate, James of Parcle, commissary of Linlithgow, William Cranston, burgess and commissary of Edinburgh, and Andrew Reid, burgess and commissary of Inverness, were present as representatives of the burghs, and sanctioned, by their seals, the transaction which took place. In this convention, the queen-mother, with advice and consent of this faction, which usurped to themselves the name of the three estates, resigned into the keeping of Sir Alexander Livingston of Callendar, the person of the king, her dearest son, until he had reached his majority; she, at

the same time, surrendered in loan to the same baron her castle of Stirling, as the residence of the youthful monarch ; and for the due maintenance of his household and dignity, conveyed to him her annual allowance of four thousand merks, granted by the parliament upon the death of the king her husband. The same deed which records this unexpected and extraordinary revolution, declares that the queen had remitted to Sir Alexander Livingston and his accomplices, all rancour of mind, which she had erroneously conceived against them, for the imprisonment of her person, being convinced that their conduct had been actuated by none other motives than those of truth, loyalty, and a zealous anxiety for the safety of their sovereign lord the king: It provides also, that the lords and barons, who are to compose the retinue of the queen, shall be approved of by Livingston ; and that the princess shall have access to her son at all times, with the cautious proviso, that such interview must take place in the presence of unsuspected persons ; and it concludes by a stipulation, that in the event of the king's death, the castle shall be re-delivered to the queen, and that the Lord of Livingston and his friends shall not be annoyed or brought " nearer the death" for any part which they may have acted in these important transactions.<sup>1</sup>

It would be ridiculous to imagine, that this pardon and sudden confidence, bestowed with so much apparent cordiality, could be anything else than hollow and

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 54. The act is dated Sept. 4, 1439.

compulsory. That the queen should have received into her intimate councils the traitors who, not a month before, had violently seized and imprisoned her husband, invaded her royal chamber, staining it with blood, and reduced her to a state of captivity, is too absurd to be accounted for even by the mutability of female caprice. The whole transaction exhibits an extraordinary picture of the country, convincing us of the despotic power which, in a few weeks, might be lodged in the hands of a successful and unprincipled faction—of the pitiable weakness of the party of the queen, and the corruption and venality of the great officers of the crown. It was evident to the queen-mother, that Livingston and Crichton divided between them the supreme power; and, in terror for the life of her husband, and dreading her own perpetual imprisonment, she consented to purchase security and freedom at the price of the liberty and independence of the king, her son, then a boy in his ninth year. He was accordingly delivered up to Livingston, who kept him in a sort of honourable captivity at Stirling. A coalition, however, which was at first purely selfish, and depended for its continuance upon the strict division of authority between two ambitious rivals, could not be of any long continuance; and soon after, the chancellor, jealous of the superior power of Livingston, determined to make him sensible on how precarious a basis it was founded. He seized the opportunity of Livingston's absence at Perth, to ride with a strong body of his vassals under cover of night to the royal park of Stirling, in which

the king was accustomed to take the pastime of the chase. Crichton, favoured by the darkness, concealed his followers in the wood, and at sunrise, had the satisfaction to see the royal cavalcade approach the spot where he lay in ambush. In an instant the youthful monarch was surrounded by a multitude which rendered resistance hopeless ; and the chancellor, kneeling, and with an action rather of affectionate submission than of command, taking hold of his bridle rein, besought him to leave that fortress, where he was more a prisoner than a king, and to permit himself to be rescued by his faithful subjects, and restored to his free rights as a sovereign. Saying this, Crichton conducted his willing victim, amid the applauses and loyal protestations of his vassals, to Linlithgow, where he was met by an armed escort, who accompanied him to the castle of Edinburgh.<sup>1</sup>

To the king himself, this transaction brought merely a change of masters ; but to Livingston, its success was pregnant, not only with mortification, but with danger. Although he would have been glad to have availed himself of the power, he distrusted the youth and versatility of the Earl of Douglas. To the queen-mother he had given cause of mortal offence, and there was no other individual in the country whose authority, if united to his own, was weighty enough to counteract the exorbitant power of the chancellor. He had recourse, therefore, to dissimulation ; and coming to Edinburgh, accompanied by a

<sup>1</sup> January, 1439. Lesley's Hist. p. 15.

slender train, he dispatched a flattering message to Crichton, deplored the misunderstanding which had taken place, and expressed his willingness to submit all differences to the judgment of their respective friends, and to have the question regarding the custody of the royal person determined in the same manner. It happened that there were then present in Edinburgh two prelates, whose character for probity and wisdom peculiarly fitted them for the task of reconciling the rival lords. These were Leighton, Bishop of Aberdeen, and Winchester, Bishop of Moray, by whose mediation Crichton and Livingston, unarmed, and slenderly attended, repaired to the church of St Giles, where a solemn reconciliation took place; the charge of the youthful monarch being once more intrusted to Livingston,<sup>1</sup> whilst the chancellor was rewarded by an increase of his individual authority in the management of the state, and the advancement of his personal friends to offices of trust and emolument.<sup>2</sup>

In the midst of these selfish and petty contests for power, the people were afflicted by almost every scourge which could be let loose upon a devoted country; by intestine feuds, by a severe famine, and by a wide-spread and deadly pestilence. The fierce inhabitants of the Western Isles, under the command of Lauchlan Macleod, and Murdoch Gibson, two leaders notorious for their spoliations and murders,

<sup>1</sup> Auchinleck Chronicle, p. 1.

<sup>2</sup> Buchanan erroneously supposes that the custody of the king's person remained with the chancellor Crichton. B. xi. c. 13.

broke in upon the continent; and, not content with the devastation of the coast, pushed forward into the heart of the Lennox, where they slew Colquhoun of Luss in open battle; and reduced the whole district to the state of a blackened and depopulated desert.<sup>1</sup> Soon after this, the famine became so grievous, that multitudes of the poorer classes died of absolute want. It is stated in an ancient contemporary chronicle, that the boll of wheat was then generally sold at forty shillings, and the boll of oatmeal at thirty. We know from the authority of Stow, that the scarcity was also very severely felt in England, where wheat rose from its ordinary price of five shillings and fourpence the quarter, to one pound; and soon after, in the course of the year 1440, to one pound four shillings. The consequences of unwholesome food were soon seen, in a dreadful sickness, of the nature of a dysentery, which broke out amongst the people, and carried away great numbers, so that when the pestilence soon after arrived in Scotland, and its ravages were added to the already widely spread calamity, the unhappy country seemed rapidly advancing to a state of depopulation. This awful scourge, which first showed itself at Dumfries, was emphatically denominated, "the pestilence without mercy," for none were seized with it who did not certainly die within twenty-four hours after the attack.<sup>2</sup>

To these prolific causes of national misery, there

<sup>1</sup> Auchinleck Chronicle, p. 34.

<sup>2</sup> Ibid. p. 34. "Thar tuke it nain that ever recoverit, bot thair deit within twenty-four hours." Fleetwood Chron. Preciosum, p. 83.

was added another in the overgrown power of the house of Douglas, and the evils which were encouraged by the lawless demeanour of its youthful chief. Upon the death of Archibald, Duke of Touraine and fifth Earl of Douglas, we have seen that the immense estates of this family devolved upon his son William, a youth who was then only in his seventeenth year; a period of life, even under the most common circumstances, peculiarly liable to be corrupted by power and adulation. To Douglas, however, the accession brought a complication of trials, which it would have required the maturity of age and of wisdom to have resisted. As Duke of Touraine, he was a peer of France, and possessed one of the richest principalities in that kingdom. In his own country, he inherited estates, or rather provinces, in Galloway, Annandale, Wigton, and other counties, which were covered by warlike vassals, and protected by numerous castles and fortalices; and in ancestry, he could look to a long line of brave progenitors, springing, on the father's side, out of the heroic stock of the Good Sir James, and connected, in the maternal line, with the royal family of Scotland. The effects of all this upon the character of the youthful earl, were not long of making their appearance. He treated every person about him with an unbounded arrogance of demeanour; he affected a magnificence which outshone the splendour of the sovereign, being attended wherever he went with a body guard of a thousand knights; when summoned by the governor in the name of the king, he disdained to attend the council-general,

where he was bound to give suit and service as a vassal of the throne ; and in the reception he gave to the messages which were addressed to him, carried himself more as a supreme and independent prince, than a subject who received the commands of his master. Soon after the death of his father, he dispatched Malcolm Fleming of Biggar, along with Alan Lauder of the Bass, as his ambassadors to carry his oath of allegiance to the French monarch, and receive his investiture in the dukedom of Touraine. The envoys appear to have been warmly welcomed by Charles the Seventh ; and, flattered by the reception which was given them, as well as by his immediate accession to his foreign principality, Douglas increased his train of followers, enlisted into his service multitudes of idle, fierce, and unprincipled wretches, who wore his arms, professing themselves his vassals only to obtain a license for their tyranny, whilst within his own vast territories he openly insulted the authority of the government, and trampled upon the restraints of the laws.

Aug. 2,  
1440. A parliament in the meantime was assembled at Stirling, for the purpose of taking into consideration the disordered state of the country, and some of those remedies were again proposed, which had already been attended with such frequent failure, not so much from any defect in principle, as from the imperfect manner in which they were carried into execution. It was declared that holy church should be maintained in freedom, and the persons and pro-



perty of ecclesiastics universally protected; according to ancient usage, the justiciars on the southern and northern sides of the Frith of Forth, were commanded to hold their courts, or justice ayres, twice in the year, whilst the same duty was to be faithfully performed by the lords of regalities, within their respective jurisdiction, and by the judges and officers of the sovereign upon the royal lands. On the occurrence of any rebellion, slaughter, or robbery, it is ordained that the king shall instantly ride in person to the spot, and, summoning before him the sheriff of the county, see that immediate justice is done upon the offenders, for the more speedy execution of which, the barons are directed to assist with their persons, vassals, and property.<sup>1</sup> It was, in all probability, at this parliament, that those grievous complaints were presented concerning the abuses which then prevailed throughout the country, which are so feelingly and eloquently described by an amusing, though somewhat apocryphal historian, as originating in the overgrown power of the house of Douglas. "Many and innumerable complaints were given in, whereof the like were never seen before. There were so many widows, bairns, and infants, seeking redress for their husbands, kindred, and friends, that were cruelly slain by wicked bloodymurderers, sicklike many for herschip, theft and reif, that there was no man but he would have ruth and pity to hear the same. Shortly, murder, theft, and slaughter, were come in such dalliance among

<sup>1</sup> Acts of Parl. of Scotland, vol. ii. pp. 32, 33.

the people, and the king's acts had fallen into such contempt, that no man wist where to seek refuge, unless he had sworn himself a servant to some common murderer or bloody tyrant, to maintain him contrary to the invasion of others, or else had given largely of his gear to save his life, and afford him peace and rest."<sup>1</sup>

There can be little doubt that this dreadful state of things was to be ascribed, as much to the misgovernment of Livingston, and the lawless dominion of Crichton, as to the evil example and encouragement of licentiousness and tyranny which was afforded by the Earl of Douglas. On the one hand, that proud and youthful potentate, whilst he kept at a distance from court, and haughtily declined all interference with government, excused himself by alleging that the custody of the sovereign, and the management of the state, were in the hands of two ambitious and unprincipled tyrants, who had treasonably possessed themselves of the king's person, and sanctioned by their example the very outrages of which they complained. On the other, Livingston and the chancellor, with equal asperity, and more of the appearance of justice—for, however unwarrantably, they represented the supreme authority—complained that Douglas refused obedience to the summons of his sovereign, that he affected a state and magnificence which was unbecoming and dangerous in a subject, and traversed the country with an army of followers,

<sup>1</sup> Pitscottie's Hist of Scotland, p. 24.

whose excesses created the utmost misery and distress in whatever district he chose to fix his residence. Both series of complaints were true ; and Livingston and Crichton soon became convinced, that, to secure their own authority, they must crush the rising power of the Earl of Douglas. For this purpose they determined to set spies upon his conduct, and either to discover or create some occasion to work his ruin; whilst, unfortunately for himself, the character of Douglas gave them every chance of success. He was still a youth, ambitious, violent, and courageous even to rashness ; his rivals united to a coolness and wariness, which had been acquired in a long course of successful intrigues, an energy of purpose, and a cruelty of heart, which left no hope for a fallen enemy. In a contest between such unequal enemies, the triumph of the chancellor and Livingston might have been easily anticipated ; but, unfortunately, a deep obscurity hangs over the history of their proceedings. In this failure of authentic evidence, a conjecture may be hazarded, that these crafty statesmen, by means of the paid flatterers with whom they surrounded the young earl, prevailed upon him to express doubts as to the legitimacy of the title of James the Second to the throne, and to advocate the pretensions of the children of Euphemia Ross, the second queen of Robert the Second. Nor, considering Douglas's own descent, was it at all unlikely that he should listen to such suggestions.<sup>1</sup> By his mother, Euphemia Graham,

<sup>1</sup> Douglas' Peerage, vol. 1. p. 428. By his father, the Earl of Douglas was a near kinsman of the king, for Douglas's father was

the daughter of Patrick, Earl of Strathern, he was descended from Robert the Second, and his second queen, Euphemia Countess of Ross, whose children, notwithstanding an act of the legislature which declared the contrary, were disposed to consider their title to the crown preferable to any other. It is well known, on the other hand, that the Earl of Carrick, the son of Robert the Second, by his first marriage with Elizabeth Mure, was born to that monarch previous to his marriage with his mother, and that he succeeded to the crown by the title of Robert the Third, in consequence of that legal principle which permits the subsequent marriage of the parties to confer legitimacy upon the issue born out of wedlock. Under these circumstances, it is not difficult to imagine that the Earl of Douglas may have been induced to consider his mother's brother, Malise, Earl of Strathern, as possessed of a more indubitable title to the crown than the present sovereign; and that a conspiracy to employ his immense and overgrown power in reinstating him in his rights, may have been a project which was broached amongst his adherents, and carried to the ready ears of his enemies.<sup>1</sup> This theory proceeds upon the idea that Douglas was inclined to support the issue of Euphe-

cousin-german to James the Second, his mother being a daughter to Robert the Third.

<sup>1</sup> The reader will perhaps remember that the injustice of James the First to this noble youth, in depriving him of the earldom of Strathern, and the determined purpose of vengeance which instantly arose in the bosom of his uncle, Robert Graham, were the causes which led directly to the murder of that monarch.

nia Ross, the queen of Robert the Second, in opposition to those of his first wife, who died before his accession to the throne; whilst, on the other hand, if the earl considered the title of James the First as unquestionable, he, as the grandson of James's eldest sister, Margaret, daughter of Robert the Third, might have persuaded himself that, upon the failure of James the Second without issue, he had a specious claim to the crown. When we take into consideration the fact of Douglas and his brother being tried for high treason, and remember that when the young king interceded for them, Crichton reprimanded him for a desire to gratify his pity at the expense of the security of his throne, it is difficult to resist the inference, that in one or other of these ways the youthful baron had plotted against the crown.<sup>1</sup>

Having obtained sufficient evidence of the guilt of Douglas to constitute against him and his near adherents a charge of treason, the next object of these wary statesmen was to obtain possession of his person. For this purpose the chancellor, Crichton, addressed a letter to him, in which he flattered his youthful vanity, and regretted, in his own name and that of the governor, Livingston, that any misunderstanding should have arisen which deprived the government of his services. He expressed, in the strongest terms, their anxiety that this should be removed, and concluded by inviting him to court, where he might have personal intercourse with his royal kinsman, where he would be received with the

<sup>1</sup> Balfour's Annals, vol. i. p. 170.

distinction and consideration befitting his high rank, and might contribute his advice and assistance in the management of the public affairs, and the suppression of those manifold abuses which then destroyed the peace of the country. By this artful conduct, Crichton succeeded in disarming the resentment, without awakening the suspicions, of his opponent; and Douglas, in the openness of his disposition, fell into the snare which had been laid for him. Accompanied by his only brother, David, his intimate friend and counsellor Sir Malcolm Fleming, and a slender train of attendants, he proceeded towards Edinburgh, at that moment the royal residence, and on his road thither was magnificently entertained by the chancellor at his castle of Crichton.<sup>1</sup> From thence he continued his journey to the capital; but before he entered the town, it was observed by some of the gentlemen who rode in his train, that there appeared to be rather too many private messages passing between the chancellor and the governor; and some of his oldest councillors, taking occasion to remind him of an advice of his father, that in any circumstances of suspected danger, the earl and his brother ought never to proceed together, entreated him that he would either turn back, or at least send forward his brother and remain himself where he then was. Confident, however, in his own opinion, and lulled into security by the magnificent hospitality of Crichton, Douglas rebuked his friends for their suspicions, and, entering the city, rode fearlessly to the castle, where

<sup>1</sup> *Auctarium Scotichronici*, apud Fordun, vol. ii. p. 518. Same vol. p. 490. Ferrerius, p. 362.

he was met at the gates by Livingston with every expression of devotion, and conducted to the presence of his youthful sovereign, by whom he was treated with marked distinction.

The vengeance destined to fall upon the Douglasses does not appear to have been immediate. It was necessary to secure the castle against any sudden attack; to find pretences for separating the earl from his accustomed attendants; and to make preparations for the pageant of a trial. During this interval, he was admitted to an intimate familiarity with the king; and James, who had just completed his tenth year, with the warm and sudden affection of that age, is said to have become fondly attached to him; but all was now ready, and the catastrophe at last was deplorably rapid and sanguinary. Whilst Douglas and his brother sat at dinner with the chancellor and Livingston, after a sumptuous entertainment the courses were removed, and the two youths found themselves accused, in words of rude and sudden violence, as traitors to the state.<sup>1</sup> Aware, when too late, that they were betrayed, they started from table, and attempted to escape from the apartment, but the door was beset by armed men, who, on a signal from Livingston, rushed into the chamber, and seized and pinioned their victims, regardless of their indignation and reproaches. It is said that the youthful monarch clung around Crichton, and pleaded earnestly, and even to tears, for his friends; yet the chancellor not only refused to listen, but sharply commanded him

<sup>1</sup> Lesley's Hist. of Scotland, p. 16. I cannot follow the example of a great writer in retaining the fable of the bull's head, which is contradicted by contemporary history. Appendix, A.

to cease his intercession for traitors who had menaced his throne. A hurried form of trial was now run through, at which the youthful king was compelled to preside in person; and, condemnation having been pronounced, the earl and his brother were hurried to execution, and beheaded in the back court of the castle. What were the precise charges which were brought against them, cannot now be discovered. That they involved some expressions which reflected upon the right of the sovereign, and perhaps embraced a design for the restoration of the children of the second marriage of Robert the Second, from which union Douglas was himself descended, has been already stated as the most probable hypothesis in the absence of all authentic evidence.<sup>1</sup> It is certain, that three days after the execution, Malcolm Fleming of Cumbernauld, their confidential friend and adviser, was brought to trial on a charge of treason, and beheaded on the same ground which was still wet with the blood of his chief.<sup>2</sup>

<sup>1</sup> All the conspiracies against the royal family of Scotland, from the time of Robert Bruce to the execution of the Douglasses, may be accounted for by two great objects: the first, which characterises the conspiracy of David de Brechin against Robert the First, and that of the Earl of Douglas on the accession of Robert the Second, was the restoration of the right of the Baliols in preference to that of the Bruces; in other words, the reinstating the descendants of the eldest daughter of David, Earl of Huntingdon, brother to King William the Lion, in their rights, in contradistinction to the children of the second daughter, whom they regarded as having intruded into them. But in addition to this, a second object arose out of the first and second marriages of Robert the Second, which furnished another handle to discontent and conspiracy. To illustrate this, however, would exceed the limits of a note. See Appendix, B.

<sup>2</sup> Auchinleck Chronicle, p. 35. In the charter-chest of the earl-



It might have been expected that the whole power of the house of Douglas would have been instantly directed against Livingston and the chancellor, to avenge an execution, which, although sanctioned by the formality of a trial, was, from its secrecy and cruelty, little better than a state murder. Judging also from the common course adopted by the government after an execution for treason, we naturally look for the confiscation of the estates, and the division of the family property amongst the adherents of the governor and the chancellor ; but here we are again met by an inexplicable and mysterious circumstance. James, Earl of Avendale, the grand-uncle of the murdered earl, to whom by law the greater part of his immense estates reverted, entered immediately into possession of them, and assumed the title of the Earl of Douglas, without the slightest question or difficulty. That he was a man of fierce and determined character, had been early shown in his slaughter of Sir David Fleming of Cumbernauld, the father of the unfortunate baron who now shared the fate of the Douglasses ;<sup>1</sup> and yet, in an age when revenge was esteemed a sacred obligation, and under circumstances of cruelty and provocation which might have roused remoter blood, we find him not only singularly supine, but, after a short period, united in the strictest bonds of intimacy with those who had destroyed the head of his house. The conjecture, therefore, of an acute

dom of Wigton at Cumbernauld, is preserved the " Instrument of Falsing the Doom of the late Malcolm Fleming of Biggar." See Appendix, C.

<sup>1</sup> See this History, vol. iii. p. 156.

historian, that the trial and execution of the Earl of Douglas was, perhaps, undertaken with the connivance or assistance of the next heir to the earldom, does not seem altogether improbable, whilst it is difficult to admit the easy solution of the problem which is brought forward by other enquirers, who discover that the uncommon obesity of the new successor to this dignity must have extinguished in him all ideas of revenge. The death of the Earl of Douglas had the effect of abridging the overgrown power of the family. His French property and dukedom of Touraine, being a male fief, returned to the crown of France, whilst his large unentailed estates in the counties of Galloway and Wigton, along with the rich domains of Balvenie and Ormond, reverted to his only sister, Margaret, the most beautiful woman of her time, and generally known by the appellation of the Fair Maid of Galloway. The subsequent history of this youthful heiress affords another proof that the crime of Douglas, her brother, was not his overgrown power, but his treasonable designs against the government; for within three years after his death, William, Earl of Douglas, who had succeeded to his father, James the Gross, was permitted to marry his cousin of Galloway, and thus once more to unite in his person the immense estates of the family. Euphemia also, the Duchess of Touraine, and the mother of the murdered earl, soon after the death of her son, acquired a powerful protector, by marrying Sir James Hamilton of Cadzow, afterwards Lord Hamilton.<sup>1</sup>

<sup>1</sup> Andr. Stewart, *Hist. of H. of Stuart*, p. 464.

In the midst of these extraordinary proceedings, which for a time strengthened the authority of Livingston and the chancellor, the foreign relations of the kingdom were fortunately of the most friendly and pacific character. The intercourse with England, during the continuance of the truce, appears to have been maintained without interruption, not only between the subjects of either realm, who resorted from one country to the other for the purposes of commerce, travel, or pleasure, but by various mutual missions and embassies, undertaken apparently with the single design of confirming the good dispositions which subsisted between the two countries. With France the communication was still more cordial and constant; whilst a marriage between the princess Isabella, the sister of the king, and Francis de Montfort, eldest son to the Duke of Bretagne, cemented and increased the friendship between the two kingdoms. An anecdote, preserved by the historian of Brittany, acquaints us with the character of the princess, and the opinions of John, surnamed the Good and Wise, as to the qualifications of a wife. On requiring from his ambassadors, immediately after their return from Scotland, their opinion regarding the lady, he received for answer, that she was beautiful, elegantly formed, and in the bloom and vigour of health; but remarkably silent, not so much, as it appeared to them, from discretion, as from extreme simplicity. "Dear friends," said John the Good and Wise, "return speedily and bring her to me. She is the very woman I have been long in search of. By St Nicholas, a wife seems, to my mind, sufficiently acute,

if she can tell the difference between her husband's shirt and his shirt ruffle."<sup>1</sup>

The general commercial prosperity of the Netherlands, with which Scotland had for many centuries carried on a flourishing and lucrative trade, had been deeply injured at this time by a war with England, and by intestine commotions amongst themselves; but with Scotland their commercial relations do not appear to have experienced any material interruption; and, although the precise object of his mission is not discoverable, Thomas, Bishop of Orkney, in 1441, repaired to Flanders, in all probability for the purpose of confirming the amicable correspondence between the two countries, and congratulating them on the cessation of foreign war and domestic dissension.<sup>2</sup> Whilst such were the favourable dispositions entertained by England, France, and the Netherlands, it appears, from the public records, that the court of Rome was especially anxious at this time to maintain a close and intimate correspondence with Scotland; and there is strong reason for suspecting, that the growth of Lollardism, and the progress of those heretical opinions for which Resby had suffered in 1408, and against which the parliament of James the First directed their censures in 1424, were the causes which led to the frequent missions from the Holy See. In 1437, brother Andrew Meldrum, a knight of St John of Jerusalem, paid a

<sup>1</sup> See Lobineau *Histoire de Bretagne*, pp. 619, 621, for a beautiful portrait of this princess, taken from an original in the cathedral church of Vannes.

<sup>2</sup> *Rotuli Scotiæ*, vol. ii. p. 319.

visit to the Scottish court, on a mission connected with the good of religion. In the following year, Alfonso de Crucifubreis, the papal nuncio, obtained a passport, for the purpose of proceeding through England into Scotland; and, in 1439, William Croyser, a native of that country, but apparently resident at Rome, invested also with the character of nuncio of the apostolic see, and in company with two priests of the names of Turnbull and Lithgow, repaired to Scotland, where he appears to have remained, engaged in ecclesiastical negotiations, for a considerable period. It is unfortunate that there are no public muniments which tend to explain or to illustrate the specific object of the mission.<sup>1</sup>

But although threatened with no dangers from abroad, the accumulated evils which in all feudal kingdoms have attended the minority of the sovereign, continued to afflict the country at home. On the death of his father, James the Gross, the ability, the pride, and the power of the house of Douglas, revived with appalling strength and vigour in William, the eighth Earl of Douglas, his son and successor, inferior in talents and ambition to none who had borne the name before him. By his mother, Lady Beatrix Sinclair, he was descended from a sister of King Robert the Third;<sup>2</sup> by his father, from the Lady Christian Bruce, sister of Robert the First.<sup>3</sup> His extensive estates gave him the command of a more powerful army of

<sup>1</sup> Rotuli Scotiæ, vol. ii. p. 302-315. Ibid. pp. 311, 317.

<sup>2</sup> Douglas's Peerage, vol. ii. p. 338.

<sup>3</sup> Ibid, vol. i. p. 220.

military vassals than any other baron in the kingdom, whilst the situation of these estates made him almost an absolute monarch upon the borders, which, upon any disgust or offence offered him by the government, he could open to the invasion of England, or fortify against the arm and authority of the law. He was supported also by many warlike and potent lords in his own family, and by connexion with some of the most ancient and influential houses in Scotland. His mother, a daughter of the house of Sinclair, Earl of Orkney, gave him the alliance of this northern baron; his brothers were the Earls of Moray and Ormond; by his married sisters, he was in strict friendship with the Hays of Errol, the Flemings, and the Lord of Dalkeith.

The possession of this great influence only stimulated an ambitious man like Douglas to grasp at still higher authority; and two paramount objects presented themselves to his mind, to the prosecution of which he devoted himself with the utmost solicitude, and which afford a strong light to guide us through a portion of the history of the country, hitherto involved in much obscurity. The first of these was to marry the Fair Maid of Galloway, his own cousin, and thus once more unite in his person the whole power of the House of Douglas. The second, by means of this overwhelming influence, to obtain the supreme management of the state, as governor of the kingdom, and to act over again the history of the usurpation of Albany and the captivity of James the First. It must not be forgotten also, that the beautiful heiress

of Galloway was descended, by the father's side, from the eldest sister of James the First, and, by the mother, from David, Earl of Strathern, eldest son of Robert the Second, by his second marriage. It is not therefore impossible, that, in the event of the death of James the Second, some vague idea of asserting a claim to the crown may have suggested itself to the imagination of this ambitious baron. Upon Livingston and the chancellor, on the other hand, the plans of Douglas could not fail to have an important influence. The possession of such overgrown power in the hands of a single subject, necessarily rendered his friendship or his enmity a matter of extreme importance to these crafty statesmen, whose union was that of fear and necessity, not of friendship. Both were well aware that upon the loss of their power, there would be a brief interval between their disgrace and their destruction. Crichton knew that he was liable to a charge of treason for the forcible seizure of the king's person at Stirling; Livingston, that his imprisonment of the queen, and his usurpation of the supreme power, made him equally guilty with the chancellor; and both, that they had to answer for a long catalogue of crimes, confiscations, and illegal imprisonments, which, when the day of reckoning at last arrived, must exclude them from all hope of mercy. To secure the exclusive friendship of Douglas, and to employ his resources in the mutual destruction of each other, was the great object which governed their policy. In the meantime, the youthful monarch, who had not yet completed

his thirteenth year, beheld his kingdom transformed into a stage, on which his nobles contended for the chief power, whilst his subjects were cruelly oppressed, and he himself handed about, a passive puppet, from the failing grasp of one declining faction, into the more iron tutelage of a more successful party in the state. It is scarcely possible to conceive a more miserable picture of a nation, either as it regards the happiness of the king or of the people.

It is not therefore surprising, that, soon after this, the state of the country, abandoned by those who possessed the highest offices of the government only to convert them into instruments of their individual ambition, called imperatively for some immediate interference and redress. Sir Robert Erskine, who claimed the earldom of Mar, and apparently on just grounds, finding himself opposed in his right by the intrigues of the chancellor, took the law into his own hands, and laying siege to the castle of Kildrummie, carried it by storm, upon which the king, or rather his ministers, seized the castle of Alloa, the property of Erskine. This same baron, as Sheriff of the Lennox, was Governor of Dumbarton, one of the strongest fortresses in the kingdom ; but during his absence in the north, Galbraith of Culcreuch, a partisan of the Earl of Douglas, with the connivance of his master, and the secret encouragement of Crichton, ascended the rock with a few followers, and forcing an entrance by Wallace's tower, slew Robert Sempill the captain, and overpowering the garrison, made



themselves masters of the place.<sup>1</sup> In the north, Sir William Ruthven, who was Sheriff of Perth, attempting, in the execution of his office, to conduct a culprit to the gallows, was invaded by John Gorme Stewart of Athole, at the head of a strong party of armed Highlanders, who had determined to rescue their countryman from the ignominious vengeance of the law. Stewart had once before been serviceable to government, in employing the wild catherans whom he commanded, to seize the traitor Graham, who, after the murder of James the First, had buried himself in the fastnesses of Athole; but, under the capriciousness of a feudal government, the arm which one day assisted the execution of the law, might the next be lifted up in open defiance of its authority; and Stewart, no doubt, argued that his securing one traitor entitled him, when it suited his own convenience, to let loose another. Ruthven, however, a brave and determined baron, at the head of his own vassals, resented this interference; and, after a sanguinary conflict upon the North Inch of Perth, both he and his fierce opponent were left dead upon the field.<sup>2</sup>

In the midst of these outrageous proceedings, the Earl of Douglas, in prosecution of his scheme for his marriage with the Fair Maid of Galloway, entered into a strict coalition with Livingston, the king's governor. Livingston's grandson, Sir James Hamilton of Cadzow, had married Euphemia, Dowager Du-

<sup>1</sup> Auchinleck Chronicle, p. 35. Probably the tower in which Wallace was confined after his capture by Menteith.

<sup>2</sup> Auchinleck Chronicle, p. 35.

chess of Touraine, the mother of Douglas's first wife; and it is by no means improbable, that the friends of the Fair Maiden of Galloway, who was to bring with her so noble a dowery, consented to her marriage with the Earl of Douglas, upon a promise of this great noble to unite his influence with the governor, and put down the arrogant domination of the chancellor. The events at least which immediately occurred, demonstrate a coalition of this sort. The Earl of Douglas, arriving suddenly at Stirling castle with a modest train, instead of the army of followers by which he was commonly attended, besought and gained admittance into the royal presence, with the humble purpose, as he declared, of excusing himself from any concern in those scenes of violence which had been lately acted at Perth and Dumbar-ton. The king, as it was reported, not only received his apology with a gracious ear, but was so much pre-possessed by his winning address, and his declarations of devoted loyalty, that he made him a member of his privy council, and appears soon after to have conferred upon him the office of lieutenant-general of the kingdom,<sup>1</sup> which had been enjoyed by his ancestor, the first Duke of Touraine. The consequence of this sudden elevation of Douglas, was the immediate flight of the chancellor, Crichton, to the castle of Edinburgh, where he proceeded to strengthen the fortifications, to lay in provisions, and to recruit his

<sup>1</sup> Auchinleck Chronicle, p. 36. Lesley's Hist. p. 17. Balfour's Annals, vol. i. p. 172. The appointment of Douglas to be lieutenant-general is not founded on certain historical evidence, but inferred from his subsequent conduct.

garrison, as if he contemplated a regular siege. To imagine that this elevation of Douglas was the work of the king, a boy who had not yet completed his thirteenth year, would be ridiculous. It was evidently the procedure of the governor, who held an exclusive power over the king's person ; and it indicated, for the moment, a coalition of parties, which might well make Crichton tremble.

In the meantime, Livingston, pleading his advanced age, transferred to his eldest son, Sir James, the weighty charge of the sovereign's person, and his government of Stirling castle, whilst Douglas, in the active exercise of his new office of lieutenant-general, which entitled him to summon in the king's name, and obtain delivery of any fortress in the kingdom, assembled a large military force; and proceeding, along with the members of the royal household and privy council, to the castle of Barnton, in Mid-Lothian, the property of the chancellor, Crichton, he demanded its delivery in the king's behalf, and exhibited the order which entitled him to make the requisition. To this haughty demand, the governor of the fortress, Sir Andrew Crichton, sent at first a peremptory refusal ; but, after a short interval, the preparations for a siege, and the sight of the king's banner, displayed with great military pomp and solemnity, overcame his resolution, and induced him to capitulate. Encouraged by this success, Douglas levelled the castle with the ground, and summoned the chancellor Crichton, and his adherents, to attend a parliament which was about to be

held at Stirling, to answer before his peers upon a charge of high treason. The reply made to this by the proud baron, was of a strictly feudal nature, and consisted in a raid or predatory expedition, in which the whole military vassals of the house of Crichton broke out with fire and sword upon the lands of the Earl of Douglas, and of his adherent, Sir John Forrester of Corstorphine, and inflicted that sudden and summary vengeance, which gratified the feelings of their chief, and satisfied their own lust for plunder and devastation.<sup>1</sup> Whilst the chancellor thus let loose his vassals upon those who meditated his ruin, his estates were confiscated in the parliament which met at Stirling, his friends and adherents, who disdained or dreaded to appear and plead to the charges brought against them, were outlawed, and declared rebels to the king's authority; and he himself, shut up in the castle of Edinburgh, concentrated his powers of resistance, and pondered over the likeliest method of averting his total destruction.

Douglas, in the meantime, received, through the influence of the Livingstons, the rich reward to which he had so ardently looked forward. A divorce was obtained from his first countess, a dispensation arrived from Rome, permitting the marriage between himself and his cousin; and although still a girl, who had not completed her twelfth year, the Fair Maid of Galloway<sup>2</sup> was united to the Earl of Douglas, and

<sup>1</sup> Auchinleck Chronicle, pp. 36, 37.

<sup>2</sup> In the dispensation obtained afterwards for her marriage with her brother-in-law, it appears, that, at the time of her first marriage,

the immense estates which had fallen asunder upon the execution of William, were once more concentrated in the person of the lieutenant-general of the kingdom. In this manner did Livingston, for the purpose of gratifying his ancient feud with the chancellor, lend his influence to the accumulation of a power, in the hands of a proud and unprincipled subject, which was utterly incompatible with the welfare of the state or the safety of the sovereign.

But although the monarch was thus abandoned by those who ought to have defended his rights, and the happiness of the state shamelessly sacrificed to the gratification of individual revenge, there were still a few honest and upright men to be found, who foresaw the danger, and interposed their authority to prevent it, and of these the principal, equally distinguished by his talents, his integrity, and his high birth, was Kennedy, Bishop of St Andrews, a sister's son of James the First, and by this near connexion with the king, entitled to stand forward as his defender against the ambitious faction who maintained possession of his person. Kennedy's rank, as head of the Scottish church, invested him with an authority, to which, amid the general corruption and licentiousness of the other officers in the state, the people looked with reverence and affection. His mind, which was of the highest order of intellect, had been cultivated

she was "infra nubile annos." Andrew Stewart's Hist. p. 444. The existence of a first countess of Earl William, is shown by the "Great Seal, vii. No. 214, under 13th Oct. 1472; and 248, under 22d Jan. 1472-3."

by a learned and excellent education, enlightened by foreign travel, and exalted by a spirit of unaffected piety. During a residence of four years at Rome, he had risen into esteem with the honester part of the Romish clergy; and, aware of the abuses which had been introduced, during the minority of the sovereign, into the government of the church—of the venality of the presentations—the dilapidation of the ecclesiastical lands—the appointment of the licentious dependents of the feudal barons who had usurped the supreme power—Kennedy, with a resolution which nothing could intimidate, devoted his attention to the reformation of the manners of the clergy, the dissemination of knowledge, and the detection of all abuses connected with the ecclesiastical government. Upon the subsequent disgrace of Crichton, this eminent person was advanced to the important office of chancellor; and in his double capacity, as supreme head of the church, and chancellor of the kingdom, there were few subjects which did not, in one way or other, come within the reach of his conscientious and enquiring spirit.

Upon even a superficial examination of the state of the country, it required little discernment to discover, that out of the union of the two parties of the Livingstons and the Douglasses, had already sprung an infinite multitude of grievances, which weighed heavily upon the people, and that, if not speedily counteracted, the further growth of this coalition might endanger the security of the crown, and threaten the life of the sovereign. The penetrating spirit of Ken-

neddy soon detected an alarming confirmation of these suspicions in the assiduity evinced by Douglas, to draw within the coalition between himself and Livingston, all the proudest and most powerful of the feudal families, as well as in the preference which he manifested for those to whom the severity of the government of James the First had already given cause of offence and dissatisfaction, and who, with the unforgiving spirit of feudal times, transferred to the person of his son their meditated vengeance against the father. Of this there was a striking example in a league or association which Douglas at this time entered into with Alexander, the second Earl of Crawford, who had married Mariot de Dunbar, the sister of that unfortunate Earl of March whom we have seen stripped of his ancient and extensive inheritance by James the First, under circumstances of such severity, and at best of such equivocal justice, as could never be forgotten by the remotest connexions of the sufferer.<sup>1</sup> When Kennedy observed such associations, indicating in Douglas a determined and crafty purpose of concentrating around him, not only the most formidable power, but the most bitter enemies of the ruling dynasty, he at once threw the whole weight of his authority and experience into the scale of the chancellor, and united cordially with Crichton in an endeavour to counteract and defeat the purposes of Douglas. But he was instantly awakened to the dan-

<sup>1</sup> Douglas's Peerage, vol. i. p. 376. History of Scotland, vol. iii. p. 290.

gers of such a proceeding, by the ferocity with which his interference was resented. At the instigation of the lord-lieutenant, the Earl of Crawford, along with Alexander Ogilvy, Livingston, Governor of Stirling castle, Lord Hamilton, and Robert Reach, a wild Highland chief, assembled an overwhelming military force, and, with every circumstance of savage and indiscriminate cruelty, laid waste the lands belonging to the bishop, both in Fife and Angus; leading captive his vassals, destroying his granges and villages with fire, and giving up to wide and indiscriminate havoc, the only estates, perhaps, in the kingdom, which, under the quiet and enlightened rule of this prelate, had been reduced under a system of agricultural improvement. Kennedy, in deep indignation, instantly summoned the Earl of Crawford to repair the ravages which had been committed; and finding that the proud baron disdained to obey the order, he proceeded, with that religious pomp and solemnity which was fitted to inspire awe and terror even in the ferocious bosoms of his adversaries, to excommunicate the earl and his adherents, suspending them from the services and the sacraments of religion, and denouncing, with mitre, staff, book, and candle, against all who presumed to harbour or support them, the extremest curses of the church.<sup>1</sup> It may give

<sup>1</sup> Auchinleck Chronicle, p. 39. Robert Reach, or Swarthy Robert, was the ancestor of the Robertsons of Strowan. He had apprehended the Earl of Athole, one of the murderers of James the First. He is sometimes styled Robert Duncanson. See Hist. vol. iii. p. 312.



us some idea of the danger and the hopelessness of the patriotic task in which the Bishop of St Andrews now consented to labour—that of correcting the manifold abuses of the government—when we remember for a moment that three of the principal parties engaged, themselves, or by their vassals, in these acts of spoliation, were the lieutenant-general of the kingdom, the governor of the royal person, and one of the most confidential members of the king's privy-council.<sup>1</sup>

Douglas, in his character of king's lieutenant, now assembled the vassals of the crown, and at the head of an army laid siege to Edinburgh castle, which Crichton, who had anticipated his movements, was prepared to hold out against him to the last extremity. The investment of the fortress, however, continued only for nine weeks; at the expiration of which period, the chancellor, who, since his coalition with the Bishop of St Andrews and the house of Angus, was discovered by his adversaries to have a stronger party than they were at first willing to believe, surrendered the castle to the king, and entered into a treaty with Livingston and Douglas, by which he was not only ensured of indemnity to himself and his adherents, but restored to no inconsiderable portion of his former power and influence.<sup>2</sup> There can be little doubt that the reconciliation of this powerful statesman with

<sup>1</sup> MS. indenture in the possession of Mr Maule of Panmure, between the king's council, and daily about him, on one part, and Walter Ogilvy of Beaufort, on the other.

<sup>2</sup> Auchinleck Chronicle, p. 37.

the faction of Douglas, was neither cordial nor sincere : it was the evident result of fear and interest, the two great motives which influence the conduct of such men in such times ; but the friendship and support of so pure and patriotic a character as Kennedy, is certainly calculated to prepossess us with a favourable opinion as to the comparative integrity of the chancellor, when compared with the selfish ambition, and lawless conduct of his opponents.

In the midst of these miserable scenes of war and commotion, the queen-mother, who, since her marriage with the Black Knight of Lorn, had gradually fallen into neglect and obscurity, died at the castle of Dunbar. Her fate might have afforded to any moralist a fine lesson upon the instability of human grandeur. A daughter of the noble and talented house of Somerset, she was courted by James the First, during his captivity, with romantic ardour, in the shades of Windsor, and in the bloom of beauty became the queen of this great monarch. After fourteen years of happiness and glory, she was doomed herself to witness the dreadful assassination of her royal consort ; and having narrowly escaped the ferocity which would have involved her in a similar calamity, she enjoyed, after the capture of her husband's murderers, a brief interval of vengeance and of power. Since that period, the tumult of feudal war, and the struggles of aristocratic ambition, closed thickly around her ; and losing her influence with the guardianship of the youthful monarch, the solitary tie which invested her with distinction, she sunk at once into

the wife of a private baron, by whom she appears to have been early neglected, and at last utterly forsaken. The latest events in her history are involved in an obscurity which itself pronounces a melancholy commentary on the depth of the neglect into which she had fallen, and we find her dying in the castle of Dunbar, then in the possession of a noted freebooter and outlaw, Patrick Hepburn of Hailes. Whether this baron had violently seized the queen, or whether she had willingly sought a retreat in the fortress, does not appear; but the castle, soon after her death, was delivered up to the king by Hepburn, who, as a partisan of the house of Douglas, was pardoned his excesses, and restored to favour.<sup>1</sup>

It was a melancholy consequence of the insecurity of persons and of property in those dark times of feudal anarchy, that a widow became the mark, or the victim, of every daring adventurer, and by repeated nuptials, was compelled to defend herself against the immediate attacks of licentiousness and ambition. Upon the death of their mother the queen, the two princesses, her daughters, Jane and

<sup>1</sup> Auchinleck Chronicle, p. 38. Douglas's Peerage, vol. i. p. 224.

Hepburn was ancestor of the Earl of Bothwell, husband of Mary Queen of Scots. Three manuscript letters of James the Second are preserved at Durham, amongst a collection of original papers belonging to the monastery of Coldingham.—Raines's Hist. of North Durham, Appendix, p. 22. One of them, dated 28th April, 1446, mentions the "maist tressonable takyn of our castell of Dunbar, bernyng her schippis, slaughtyr, pressonyng, oppression of our peple, and destruction of our land, and mony other detestabill enormyties and offence done be Patrick of hepburn, sone till Adam hepburn of hailes, Knycht."

Eleanor, were sent to the Court of France, on a visit to their sister the dauphiness, anxious, in all probability, to escape from a country which was at that moment divided by contending factions, and where their exalted rank only exposed them to more certain danger. On their arrival in France, however, they found the court plunged into distress by the death of the dauphiness, who seems to have become the victim of a conspiracy which, by circulating suspicions against her reputation, and estranging the affections of her husband, succeeded at last in bringing her to an early grave. There is the strongest evidence of her innocence in the deep regret with which her death was regarded by Charles the Seventh, and his anxiety that the dauphin should espouse her sister Jane, a marriage for which he in vain solicited a papal dispensation. Her husband, afterwards Lewis the Eleventh, was noted for his craft and his malignity; and there is little doubt, that even before the slanderous attack upon her character by Jamet de Tillay, the neglect and cruelty of the dauphin had nearly broken a heart of extreme tenderness and susceptibility; enfeebled by an over-devotion to poetry and romance, and seeking a refuge from scenes of domestic suffering and unrequited affection in the pleasures of literary composition, and the patronage of men of genius.<sup>1</sup>

<sup>1</sup> Berry, *Hist. de Charles VII.* Duclos III. 20. *Paradin Alliances Genealogiques des Rois et Princes de Gaule*, p. 111. "Marguerite, fille de Jacques, Roy d'Escosse, premier de ce nom, fut premiere femme de ce Louis, lui estant encores dauphin, et décéda, n'ayant

In the meantime, amid a constant series of petty feuds and tumults, which, originating in private ambition, and individual hostility, are undeserving the notice of the historian, one, from the magnitude of the scale on which it was acted, as well as from the illustrations which it affords us of the extraordinary manners of the times, requires a more particular recital. The religious house of Arbroath had appointed Alexander Lindsay, eldest son of the Earl of Crawford, their chief justiciar, a man of the most ferocious habits, but of great ambition and undaunted courage, who, from his fierce aspect, and the extreme length and bushiness of his beard, was afterwards commonly known by the appellation of the "Tiger, or Earl Beardy." The prudent monks, however, soon discovered that the Tiger was too expensive a protector, and having deposed him from his office, they conferred it upon Ogilvy of Innerquharity, an unpardonable offence in the eyes of the Master of Crawford, who instantly collected an army of his vassals, for the double purpose of inflicting vengeance upon the intruder, and violently repossessing himself of the dignity from which he had been ejected. There can be little doubt that the Ogilvies must have sunk under this threatened attack, but accident gave them a powerful ally in Sir Alex-

eu aucuns enfans, l'an 1445, à Chalons, en Champaigne, auquel lieu fut inhume son corps en la grande eglise la, ou demeura jusqu'au regne de Roy Louis, qui le fait lors apporter en l'Abbaie de Saint Laon de Thouars, en Poitou, ou il git." See same work, p. 307.

ander Seton of Gordon, afterwards Earl of Huntly, who, as he returned from court, happened to lodge for the night at the castle of Ogilvy, at the very moment when this baron was mustering his forces against the meditated assault of Crawford. Seton, although in no way personally interested in the quarrel, found himself, it is said, compelled to assist the Ogilvies, by a rude but ancient custom, which bound the guest to take common part with his host in all dangers which might occur so long as the food eaten under his roof remained in his stomach,<sup>1</sup> With the small train of attendants and friends who accompanied him, he instantly joined the forces of Innerquharity, and proceeding to the town of Arbroath, found the opposite party drawn up in great strength on the outside of the gates. The families thus opposed in mortal defiance to each other, could number amongst their adherents many of the bravest and most opulent gentlemen in the country; and the two armies thus composed exhibited a splendid appearance of armed knights, barbed horses, and embroidered banners. As the two lines, however, approached each other, and spears were placing in the rest, the Earl of Crawford, who had received information of the intended combat, being anxious to avert it, suddenly appeared on the field, and galloping up between the two armies, was accidentally slain by a soldier, who was enraged at his interference, and ignorant of his rank. The event naturally

<sup>1</sup> Lesley De Rebus Gestis Scotorum, p. 286. History of Scotland by the same author, p. 18.

increased the bitterness of hostility, and the Crawfords, who were assisted by a large party of the vassals of Douglas, infuriated at the loss of their chief, attacked the Ogilvies with a desperation which soon broke their ranks, and reduced them to irreclaimable disorder. Such, however, was the gallantry of their resistance, that they were almost entirely cut to pieces; and five hundred men, including many noble barons in Forfar and Angus, were left dead upon the field.<sup>1</sup> Seton himself had nearly paid with his life the penalty of his adherence to a barbarous custom; and John Forbes of Pitsligo, one of his followers, was slain; nor was the loss which the Ogilvies sustained in the field their worst misfortune; for Lindsay, with his characteristic ferocity, and protected by the authority of Douglas, let loose his army upon their estates, and the flames of their castles, the slaughter of their vassals, the plunder of their property, and the captivity of their wives and children, instructed the remotest adherents of the justiciar of Arbroath, how terrible was the vengeance which they had provoked. What must have been the state of the government, and how miserable the consequences of those feudal manners and customs, which have been admired by superficial enquirers, where the pacific attempt of a few monks to exercise their undoubted privilege in choosing their own protector, could involve a whole province in bloodshed, and kindle the flames of civil war in the heart

<sup>1</sup> Auchinleck Chronicle, p. 38.

of the country. It does honour to the administration of Kennedy, that, although distracted by such domestic feuds, he found leisure to attend to the foreign commercial relations of the country, and that a violent dissension which had broken out betwixt the Scots and the Bremeners, who had seized a ship freighted from Edinburgh, and threatened further hostilities, was amicably adjusted by envoys dispatched for the express purpose to Flanders.<sup>1</sup>

The consequences of the death of the Earl of Crawford, require particular attention. That ambitious noble had been one of the firmest allies of Douglas; and the lieutenant-general, who was well aware that superior power, and an extensive command of armed vassals, were the sole supports of an authority which he had very grossly abused, immediately entered into a league with the new Earl of Crawford, and Alexander, Earl of Ross and Lord of the Isles, in whose mind the imprisonment and degrading feudal penance inflicted upon him by James the First, had awakened feelings of hatred, and desires of revenge, the deeper and more determined only from their being long repressed. The alliance between these three nobles was on the very face of it an act of treason, as it bore to be a league offensive and defensive against all men, not excepting the sovereign; and it was well known that Crawford, from his near connexion with the forfeited house of March, inherited a dislike and jealousy of the royal family, which, fostered and increased

<sup>1</sup> See Appendix, D.



by his native ferocity and desire of plunder, had silently grown up into a determined resolution to achieve the destruction of the race. The coalition seems to have acquired additional strength, during the succeeding year, by the accession of the Livingstons; so that, with the exception of Crichton and Kennedy, there was scarcely to be found a baron of any power or consequence, who was not compelled by the fear of punishment, or induced by the hopes of plunder, to support the governor of the kingdom in his illegal attempt to sink the authority of the sovereign, and concentrate in his own person the sole and undivided administration of the state.<sup>1</sup>

Against his success in this ambitious and treasonable project, Douglas soon found that his most formidable opponent was the young king himself, who had reached the age of seventeen years, and who, although under every disadvantage of a confined and illiberal education, began to evince a sagacity of judgment, and a determination of character, which gave the fairest promise of excellence. Cautiously abstaining from offering any violent disgust to the governor, he yet attached silently but firmly to his service, the upright and able Kennedy, and the experienced and powerful Crichton, who appears about this time to have been raised to the dignity of a lord in parliament, and soon after reinstated in the important office of chancellor. Aware, even at this early age, of the intellectual superiority of the clergy, he exerted himself to

<sup>1</sup> Balfour's Annals of Scotland, vol. i. p. 173.

secure the services of the most distinguished of this order ; by constant and friendly negotiations with England, he availed himself of the favourable dispositions of Henry the Sixth towards a sovereign with whom he was allied by blood ; and with the courts of France and of Rome, he appears to have been on terms of the utmost confidence and amity. To ascribe the entire merit of these wise and politic measures to the young monarch, would be absurd ; but allowing that they originated with the party of Crichton and of Kennedy, with whom he had connected himself, the praise of the selection of such advisers, and the confidence with which they were treated, belongs exclusively to James. This confidence was soon after evinced upon a very important occasion, when the king granted a commission to the chancellor, Crichton, his secretary, Railston, Bishop of Dunkeld, and Nicholas de Otterburn, Official of Lothian, to repair to France for the purpose of renewing the league which for many centuries had subsisted between the two countries, and with a commission to choose him a bride amongst the princesses of that royal court. The first part of their duty was soon after happily accomplished ; but as the family of the King of France afforded at that moment no equal match for their young sovereign, the Scottish ambassadors, by the advice of Charles the Seventh, proceeded to the court of the Duke of Gueldres, and made their proposals to Mary, sole daughter and heiress of this wealthy potentate, and nearly related to the French king. In the succeeding year, accordingly, the

princess was solemnly affianced as the intended consort of the King of Scotland.<sup>1</sup>

In the midst of these measures, James was especially careful to afford no open cause of suspicion or disgust to the faction of the Livingstons, or to the still more powerful party of the Douglasses and Crawfords. His policy was to disunite them in the first instance, and afterwards to destroy them in detail; and, in furtherance of this project, he appears to have called home from the continent Sir James Stewart, the husband of his late mother, the queen dowager, and Robert Fleming, the son of Sir Malcolm Fleming, who, by the command, or with the connivance of the Livingstons, had been executed in Edinburgh castle along with the Earl of Douglas and his brother. All this, to a deep observer, must have indicated a preparation for the fall of the Livingstons; but, as the king was careful to retain them in his service, and to use their assistance in his negotiations, they appear to have been deceived into a false security, and to have neglected all means of defence, and all opportunity of escape, till it was too late. Douglas, however, was not so easily seduced; but suspecting the designs of the monarch, which were quietly maturing amid the peace and tranquillity with which he was surrounded, determined to divide his strength and defeat his purposes, by involving him in a war with England. Nor was

<sup>1</sup> MS. *Traitez entre les Rois de France et les Rois d'Escoce.* Advocates' Library, Edinburgh.

this a matter of much difficulty, as the truce which subsisted between the two countries was on the point of expiring, and the Borderers had already recommenced their accustomed hostilities. Three parties at present divided England; that of the good Duke of Gloucester, who seems to have been animated by a sincere love for his sovereign, Henry the Sixth, and an enlightened desire to promote the prosperity of the nation by the maintenance of pacific relations with Scotland; that of the queen and the Duke of Suffolk, the determined enemies of Gloucester, and chiefly solicitous for the concentration of the whole power of the state into their own hands; and, lastly, that of the Duke of York, afterwards Edward the Fourth, who, having already formed a design upon the crown, made it his chief business to widen the breach between the two factions of Gloucester and the queen, and to pave the way for his own advancement, by increasing the miseries which the nation suffered under the domination of the house of Lancaster. To this able and ambitious prince, the decay of the English power in France, and the resumption of hostilities upon the Borders, were subjects rather of congratulation than of regret; and when, in this manner, both countries contained, in the persons of Douglas and of the Duke of York, two powerful nobles, equally solicitous for war, it is only matter of surprise that hostilities should not have broken out at a more early period.

On their occurrence, the aggression seems to have first proceeded from the English, who, under the com-

mand of the Earls of Northumberland and Salisbury, wardens of the east and west marches, broke violently, and in two divisions of great force, into Scotland, and left the towns of Dunbar and Dumfries in flames. This, according to the usual course of Border warfare, led to an immediate invasion of Cumberland by James Douglas of Balveny, brother of the Earl of Douglas, in which Alnwick was burnt and plundered, and the whole of that province cruelly wasted and depopulated; whilst, as the spirit of revenge, and the passionate desire of retaliation, spread over a wider surface, the whole armed population of the country flowed in at the call of the wardens, and a force of six thousand English, under the command of the younger Percy, along with Sir John Harrington and Sir John Pennington, crossed the Solway, and encamped upon the banks of the river Sark, where they were soon after totally defeated by the Scots, under the command of Hugh, Earl of Ormond, another brother of the Earl of Douglas. Along with Ormond were Sir John Wallace of Craigie, the Sheriff of Ayr, the Laird of Johnston, and the Master of Somerville, who commanded a force considerably inferior to that which they encountered, being about four thousand strong. They succeeded, however, in completely dispersing the English, of whom fifteen hundred men were left dead upon the field, five hundred drowned in the Sark, and the leaders, Percy, Harrington, and Pennington, taken prisoners; by whose ransom, as well as the plunder of the English camp, the Scottish leaders

were much enriched.<sup>1</sup> The Scots lost only twenty-six soldiers ; but Wallace of Craigie, a leader of great courage and experience, whose conduct had mainly contributed to the victory, soon after died of his wounds.

It would appear, however, that both countries were willing to consider this infringement of the peace rather as an insulated and accidental disturbance of the Borders, than a fixed determination to renew the war. It led to no more serious hostilities ; and whilst, in England, the loss of the French dominions, the rebellion of Ireland, and the intrigues of the Yorkists, spread the utmost dissatisfaction and alarm throughout the country, the King of Scotland, whose character seemed gradually to gain in intelligence and vigour, looked anxiously forward to the arrival of his intended consort, and summoned his parliament at Stirling on the 4th of April, 1449. Unfortunately, with a single and unimportant exception, no record of the transactions of this meeting of the estates has reached our times.<sup>2</sup> We know, however, that the practice of appointing a committee of parliament, composed of the representatives of the bishops, the barons, and the commissaries of the burghs, was continued ; and it may be conjectured, that their remaining deliberations principally regarded the ap-

<sup>1</sup> Auchinleck Chronicle, p. 40. The account of this battle, which Pinkerton, in the total silence of English and Scottish historians, has extracted from the French writers Chartier and Monstrelet, is completely fabulous.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 60.

proaching marriage of the king. Preparations for this joyful event now engrossed the court; and it was determined that the ceremony should be conducted with all due magnificence and solemnity.

On the 18th of June, the fleet which bore the bride anchored in the Forth. It consisted of thirteen large vessels, and had on board a brilliant freight of French and Burgundian chivalry. The Archduke of Austria, the Duke of Brittany,<sup>1</sup> and the Lord of Campvere, all of them brothers-in-law to the King of Scotland, along with the Dukes of Savoy and of Burgundy, with a splendid suite of knights and barons, accompanied the princess and her ladies, whilst a body-guard of three hundred men-at-arms, nobly mounted and clothed, both man and horse, in complete steel, attended her from the shore to the palace of Holyrood, where she was received by her youthful consort.<sup>2</sup> The princess, a lady of great beauty, and, as it was afterwards proved, of masculine talent and, understanding, rode, according to the manners of the times, behind the Lord Campvere, encircled by the nobles of France, Burgundy, and Scotland, and welcomed by the acclamations of an immense

<sup>1</sup> Paradin *Alliances Genealogiques de Rois de France*, p. 571. Francis the First, seventh Duke of Brittany, "fort bon et loyal François, et l'un des fléaux des Anglois, mesmes au recouvrement de Normandie." He died in 1450. He married Isabella, daughter of James the First, sister of James the Second of Scotland, sister to the Dauphiness of France. They had two daughters, Margaret, married to Francis the tenth Duke of Brittany, and Mary, married to the Viscount of Rohan.

<sup>2</sup> Auchinleck Chronicle, p. 41.

concourse of spectators. The portion of the bride amounted to sixty thousand crowns, which was stipulated to be paid within two years by the maternal uncle of the princess, Philip the Good, Duke of Burgundy, one of the wealthiest and most powerful sovereigns in Europe, who now attended her to Scotland. James, on the other hand, settled upon the queen, in the event of his previous decease, a dowry of ten thousand crowns, which was secured upon lands in Strathern, Athole, Methven, and Linlithgow; and he bound himself, in the event of a male heir being born to the Duke of Gueldres, to renounce all claims to which his marriage with the princess might otherwise have entitled him. At the same period, in consideration of the amicable and advantageous commercial intercourse which, from remote ages, had been maintained between the Scottish merchants and the people of Brabant, Flanders, Holland, Zealand, and other territories, all of which were now subject to the Duke of Burgundy, a treaty of perpetual friendship and alliance was concluded between these united states and the kingdom of Scotland, in which their respective sovereigns engaged to compel all aggressors upon their mutual subjects, whether the attack and spoliation was conducted by land or sea, to make the amplest satisfaction and restitution to the injured parties.<sup>1</sup> From the moment of the arrival of the Princess of Gueldres till the solemnization of her marriage and coronation, the time was

<sup>1</sup> MS. Bib. Harl. 4637. vol. iii. p. 183.



occupied by feasting, masks, revelry, and tournaments; amongst which last amusements there occurred a noted combat at outrance, in which three Burgundian champions, famous amongst their contemporaries for an unrivalled skill in their weapons, challenged the bravest of the Scottish knights to an encounter with the lance, battle-axe, sword, and dagger. The challenge of the foreign knights, two of whom belonged to the ancient and noble family of Lalain, whilst the third was the Sieur de Meriadet, Lord of Longueville, was instantly accepted by James Douglas, brother of the earl, another baron of the same name, brother of Douglas of Lochleven, and Sir John Ross of Halket. The lists were erected at Stirling, where the combatants having entered, splendidly appalled, first proceeded to arm themselves in their pavilions. They were then knighted by the king; and, at the sound of the trumpet, engaged in a desperate encounter, in which spears were soon shivered and cast aside to make way for the close combat. At length, one of the Douglasses being felled to the ground by the stroke of a battle-axe, the monarch, anxious to avoid the further effusion of blood, or to stain his nuptial entertainment by the death of such brave knights, threw down his gauntlet, and terminated the contest.<sup>1</sup> It may give us some idea of the immense power possessed at this period by the Earl of Douglas, when we mention, that on this chivalrous occasion, the military suite by

<sup>1</sup> Auchinleck Chronicle, p. 40. De Coucy, p. 567. His Memoirs are published at the end of the History of Jean Chartier.

which he was surrounded, and at the head of which he conducted the Scottish champions to the lists, consisted of a force amounting to five thousand men.

Soon after this the royal marriage was solemnized in the abbey of Holyrood, and the king, guided by the advice and experience of Crichton and Kennedy, resumed his designs for the reestablishment of his own authority, and the destruction of those unprincipled barons who had risen, during his minority, upon its ruins. Against Douglas, however, on account of his exorbitant power, it was as yet impossible to proceed, although an example of his insolent and savage cruelty occurred about this time, in the murder of Colvil of Oxenham and a considerable body of his retainers,<sup>1</sup> which deeply incensed the young monarch. Dissembling his resentment till a more convenient opportunity, the king directed his whole strength against the faction of the Livingstons, and having received secret information of a great convocation which they held at the bridge of Inchbelly, which passes over the Kelvin near Kirkintulloch, he was fortunate enough to surround them by the royal forces, and arrest the leading men of the family, before they could adopt any measures either for resistance or escape. James Livingston, eldest son of the aged and noted Sir Alexander Livingston of Callendar; Robyn of Callendar, Captain of Dumbar-ton; David Livingston of Greenyards; John Livingston, Captain of Doune castle; Robert Livingston

<sup>1</sup> Auchinleck Chronicle, p. 41.

of Lithgow, and, not long after, Sir Alexander himself, were all seized and thrown into prison, while such expedition was used, that within forty days not only their whole property was put under arrest, but every officer who acted under their authority, was extruded violently from his situation, and every castle or fortalice which was held by themselves or their vassals, seized and occupied by the sovereign.<sup>1</sup> The manner in which this bold and sweeping measure was carried into execution, is involved in an obscurity very similar to that which, in a former reign, attended the arrest of the family and faction of Albany by James the First. In both instances the great outlines of the transaction alone remain, and all the minute but not less important causes which led to the weakening the resistance of the victims of royal vengeance, to the strengthening the hands of the executive, and to the surprise and discomfiture of a formidable faction, which had for twelve years controlled and set at defiance the utmost energies of the government, are lost in the silence of contemporary history and the destruction of original records. All that is certainly known, seems to indicate an extraordinary increase in the resources, courage, and ability of the king, and a proportionable diminution in the strength, or a remarkable indifference and lukewarmness in the zeal, of the great families by whom he had been so long retained in a state of ignominious durance.

<sup>1</sup> Auchinleck Chronicle, p. 42.

Immediately after this unexpected display of his power, which excited great astonishment in the country, the king dispatched the Bishop of Brechin and the Abbot of Melrose, his treasurer and confessor, along with the Lords Montgomery and Gray, as his ambassadors, for the purpose of concluding a truce with England;<sup>1</sup> and a meeting having taken place with the commissioners of the English monarch in the cathedral church at Durham, on the 25th of November, a cessation of hostilities for an indefinite period was solemnly agreed on, in which the most ample provisions were included for the encouragement of the commerce of both kingdoms, and which, upon six months' previous warning being given, might be lawfully infringed by the English or the Scottish monarch. A confirmation of the treaty with France, and a ratification of the league with the Duke of Brittany, immediately succeeded to the negotiations in England;<sup>2</sup> and James, having thus wisely secured himself against any disturbance from abroad, summoned his parliament to meet at Edinburgh on the 19th January, and proceeded, with a determined purpose and exemplary severity, to call down the vengeance of the laws upon the manifold offences of the house of Livingston.

Their principal crime, in itself an act of open treason, had been the violent invasion of the queen, and the imprisonment of her person, on the 3d of August, 1439; and with a manifest reference to this subject,

<sup>1</sup> Rymer, vol xi. p. 242.

<sup>2</sup> Mag. Sig. iv. fol. 1.

it was declared; "That if any man should assist, counsel, or maintain those that are arraigned by the sovereign in the present parliament, on account of crimes committed against the king or his late dearest mother, they should be liable to the punishment inflicted on the principal offenders." Sir Alexander Livingston of Callendar, the head of the family, and now a very old man, James Dundas of Dundas, his cousin-german, and Robert Bruce, brother to Bruce of Clackmannan, were forfeited and committed to strict confinement in Dumbarton castle. The vengeance of the law next fell upon Alexander Livingston, a younger son of the Lord of Callendar, along with Robert Livingston, comptroller, who were hanged, and afterwards beheaded, on the Castle-hill at Edinburgh; upon which Archibald Dundas, whose brother had been shut up in Dumbarton, threw himself into the castle of Dundas, which was at that time strongly garrisoned and full of provisions, declaring that he would die upon the walls, or compel the king to admit himself and his adherents to a full and free pardon. Why the father, the eldest son James, and James Dundas, who were all of them personally engaged in the atrocious attack committed on the person of the queen,<sup>1</sup> were permitted to escape with imprisonment,

<sup>1</sup> Mag. Sig. iv. 4. Charter by James II. to Alexander Napar, "Compotorum suorum Rotulatori, pro suo fideli servicio quondam carissimo Matri Regine impenso et in remunerationem et recompensationem lesionis sui corporis, ac gravaminum et dampnorum sibi illatorum tempore proditorie tradicionis et incarcerationis dicte

whilst a mortal punishment was reserved for apparently inferior delinquents, it is impossible to discover.<sup>1</sup>

Another difficulty occurs in the perfectly passive manner in which the Earl of Douglas appears to have regarded the downfall of those with whom he had been long connected in the strictest ties of mutual support and successful ambition. There can be little doubt that the king, who, by this time, had surrounded himself by the ablest and wisest men in the country, whom he chiefly selected from the ranks of the clergy, was well aware of the treasonable league between Douglas, Ross, and Crawford, and already meditated the destruction of this haughty potentate, whose power was incompatible with the security and welfare of the government; and it is extraordinary that the example of the sudden destruction of his companions in intrigue and insubordination, should not have alarmed the earl for his own security. The most probable account seems to be, that, aware of the increasing strength and energy of the party of the sovereign, he found it

*Reginæ, per Alex. de Levingston, militem, et Jac. de Levingston, filium suum, ac suos complices, nequiter perpetrati.*" See also a royal charter to the Earl of Douglas of half of the lands of Dundas, and Echling of Dumany and Queensferry, forfeited by James of Dundas: "*propter proditoriam tradicionem in personam regiam per eundem Jac. commissam.*"

<sup>1</sup> Pinkerton, vol. i. p. 203, misled by Boece and Lindsay, has committed an essential error in placing the destruction of the Livingstons in 1446, and ascribing it to the Earl of Douglas.

expedient to act as an ally rather than an enemy, and in good time to desert, and even to share in the spoils of those, whom he considered it desperate to defend. It is certain, at least, that immediately subsequent to the forfeiture of the Livingstons, the Earl of Douglas repeatedly experienced the favour and generosity of the sovereign. When Dundas castle, after a resolute defence of three months, surrendered to the royal army, the wealth of the garrison, the cannon, provisions, and military stores, were divided between the king, the Earl of Douglas, and Sir William and Sir George Crichton. On the forfeiture of Dundas's lands, a great part of his estate was settled on Douglas; his lordship of Galloway was erected into a special regality, with the power of holding justice and chamberlain ayres, to be held blanch of the sovereign by the tenure of a red rose; he obtained also the lands of Blairmaks in Lanarkshire, forfeited by James of Dundas, and of Coulter and Ogleface, which had been the property of the Livingstons.<sup>1</sup>

In the same parliament which inflicted so signal a vengeance upon this powerful family, the condition of the country, and the remedy of those numerous abuses which had grown up during the minority of the monarch, engaged the serious attention of the legislature; and to some of the resolutions which were passed, as they throw a strong light on the times, it will be necessary to direct our attention.

<sup>1</sup> Mag. Sig. iv. No. 109, 110. Ibid. No. 59.

After the usual declaration of the solemn intention of the sovereign to maintain the freedom of "Haly Kirk," and to employ the arm of the civil power to carry the ecclesiastical sentence into execution against any persons who had fallen under the censures of the church, the parliament provides, that general peace be proclaimed and maintained throughout the realm, and that all persons shall be permitted to travel in security, whether it be for mercantile or other purposes, in every part of the country, without the necessity of "having assurance one of the other," it being understood that the "king's peace shall be sufficient surety to every man," the sovereign professing that he shall employ such officers as can well punish all disturbers of the public peace. In the event of any person being, notwithstanding this enactment, in mortal fear of another, a daily and hourly occurrence in these times of feudal riot and disorder, he is commanded to go to the sheriff, or nearest magistrate, and swear that he dreads him; after which the officer is to take pledges for the keeping of the peace, according to the ancient statutes upon this subject. Those who fill the office of judges are to be just men, who understand the law, and whose character is a warrant that they will administer justice equally to the small as well as to the great; and it is appointed that the justice shall make his progress through the country twice in the year, according to the old law.<sup>1</sup>

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 35.



The attention of the parliament appears to have been next directed to that grave subject, of which the recent history of the country had afforded so many illustrations, rebellion against the king's person and authority, upon which it was first provided, that the crime shall be punished according to the judgment of the three estates, who are to take into consideration "the quality and the quantity of the rebellion." In the next place, when any man openly and "notourly" raises rebellion against the sovereign, or makes war upon the lieges, or gives encouragement or protection to those guilty of such offences, the parliament declares it to be the duty of the sovereign, with assistance of the whole strength of the country, to proceed in person against the offender, and inflict upon him speedy and condign punishment; whilst all persons who may in any way by their advice, consort, or assistance, afford countenance to such as are convicted of rebellion, shall be punishable with equal severity as the principal delinquents.

The next enactment of this parliament is highly interesting, as constituting an important era in the history of the liberty of the subject; and I need make no apology for giving it in all its ancient simplicity:—"It is declared to be ordained for the safety and favour of the poor people who labour the ground, that they, and all others who have taken or shall take lands in any time to come from lords, according to a lease which is to run for a certain term of years, shall remain on the lands protected by their lease till the expiry of the same, paying all

along the same yearly rent, and this notwithstanding the lands should pass by sale, or by alienation, into different hands from those by whom they were first given in lease to the tenant." Under the reign of James the First, we have already pointed out the request which was made by that monarch to the great feudal lords, that they would not summarily and rigorously remove their tenantry from the lands which they possessed on lease, as the earliest step towards the attainment of the important privilege which is contained in the above statute, an act which, in its future consequences on the security of property, the liberty of the great body of the people, and the improvement of the country, is sufficient to confer the highest praise for liberal and enlightened policy upon its author.<sup>1</sup>

For the prevention of those invasions of property, which were at this period so frequent throughout the country, the sheriff is peremptorily enjoined to make immediate enquiry, and compel the offenders to instant restoration; an act easily engrossed in the statute-book, but almost impossible to be carried into execution, so long as the sheriff himself was under the fear and authority of one or other of the great feudal lords, or might perhaps be himself a principal offender. We find it accordingly very anxiously provided, that these officers, along with the justices, chamberlains, coroners, and other magistrates, shall be prevented from collecting around them,

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 35, 36.

in their progresses through the country, that excessive and numerous train of attendants, which have hitherto grievously oppressed the people, and that they content themselves with that moderate number of followers, which is appointed by the ancient laws upon this subject.

The statute which immediately follows, is one of those which, from the strength and simplicity of its language, gives us a singular and primitive picture of the times. It relates to that description of persons, who, disdaining all regular labour, have ever been, in the eyes of the civil magistrate, a perverse and hateful generation, "sornars, outlyars, masterful beggars, fools, bards, and runners about." For the putting away of all such vexatious and rude persons, who travel through the country with their horses, hounds, and other property, all sheriffs, barons, aldermen, and bailies, either without or within burgh, are strictly directed to make enquiry into this matter at every court which they hold; and, in the event of any such individuals being discovered, their horses, hounds, and other property, are to be immediately confiscated to the crown, and they themselves put in prison till such time as the king "have his will of them." And it is also commanded by the parliament, that the same officers, when they hold their courts, shall make enquiry whether there be any persons that follow the profession of "Fools," or such like runners about, who do not belong to the class of bards; and if such be discovered, they are to be put in prison or in irons for such trespass, as long as they have any

goods or substance of their own to live upon. If they have nothing to live upon, it is directed that "their ears are to be nailed to the Tron, or to any other tree, and then cut off, and they themselves banished the country, to which, if they return again, they are upon their first apprehension to be hanged."<sup>1</sup>

With regard to the examination of the acts of parliament, and of general councils, which had been assembled in the time of the present king and of his late father, the three estates appointed a committee of twelve persons, four chosen from the bishops, four from the lords, four from the commissaries of burghs, to whom was committed the task of selecting all such acts as they esteemed wise, and calculated to promote the present advantage of the realm, which were to be revised and presented for approval at the next parliament to be assembled at Perth; and as to the prevention of that grievous calamity, a dearth of provisions in the land, the sheriffs, bailies, and all other officers, both without and within the burghs, are strictly enjoined to discover, arrest, and punish all such persons within their own jurisdiction, who are in the practice of buying victual or corn, and hoarding it up till the occurrence of a dearth; whilst the provisions which they have thus hoarded are directed to be escheated to the king. In addition to these enactments, whilst free permission is granted to all the subjects of the realm to buy and sell victual at their pleasure, either on the north half or south

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 36.

half of the Frith of Forth, yet a strict prohibition is directed against any person having old stacks of corn in his farm-yard later than Christmas ; and it is enjoined in equally positive terms, that neither burgesses nor other persons who buy victual for the purpose of selling it again, shall be allowed, within or without burgh, to lay up a great store of corn, which they keep out of the market till the ripening of the next harvest ; but that, at this late season of the year, they are only to have so much grain in their possession, as is requisite for the support of themselves and their families.<sup>1</sup>

The succeeding statute, upon the punishment of treason, is evidently directed against the repetition of the practices of Livingston, Douglas, and Crichton, which disgraced the minority of this sovereign. It provides that, in the event of any person committing treason against the king's majesty, by rising against him in open war, or laying violent hands upon his person, whether the sovereign be young or old—by giving countenance and reception to those convicted of treason—supplying with military stores and armed men the castles of convicted traitors—holding out such castles against the king's forces, or assailing any fortress in which the king's person may happen to be at the time—he shall be immediately arrested, and openly punished as a traitor. When those who have been guilty of theft or robbery are men of such power and authority, that the justiciar is not in safety

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 36.

to hold his court, or to put down, by the arm of the law, such "great and masterful theft," he is directed instantly to communicate with the king, who, with the assistance of his privy council, shall, with all due speed, provide a remedy; and, in order that such bold and daring offenders be not placed upon their guard as to the legal processes which are in preparation against them, it is ordained that the justice-clerk shall not reveal his action to any person whatever, or alter it in any way from the form in which it was given him, except it be for the king's advantage, or change any names, one for the other, or put out any of the rolls without orders from the king or his council, and this under the penalty of the loss of his office, his honour, and his estate, at the will of the sovereign.<sup>1</sup> How lamentable a picture does it present of the condition of the country when such expressions could be employed; where an acknowledged infringement of the law is permitted, "if it be for the king's advantage!" and in which the right of the subject to be informed of the offence of which he is accused, previous to his trial, appears to be thus unceremoniously sacrificed.

Upon the important subject of the money of the realm, reference is made, in this parliament, to a former act, which is unfortunately lost, by which twenty-four persons were chosen from the three estates to appoint proper regulations as to the importation of bullion by the merchants, the new coinage and its issue, and the circulation of the money which is now

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 37.

current. Strict search is also directed to be made at all seaports, as well as upon the Borders and marches, for the apprehension of those carrying money out of the kingdom ; and all false strikers of gold and silver, all forgers of false groats and pennies, are to be seized wherever they can be found, and brought to the king, to be punished as the law directs. In the same parliament, the monarch, with that affectionate respect for the clergy, which could not fail to be experienced by a prince who had successfully employed their support and advice to escape from the tyranny of his nobles, granted to them some special and important privileges. In a charter, which is dated on the 24th January, 1449, he declares that, “ for the salvation of his own soul, and that of Queen Mary his consort, with consent of his three estates, and in terms of a schedule then presented to him, he confers upon all bishops of cathedral churches in Scotland, the privilege of making their testaments, of levying the fruits of vacant sees, and converting them to their use, the vicars-general of the cathedrals rendering a true account of the same.”<sup>1</sup>

At the time that the king held this parliament, he appears to have entertained the most amicable disposition towards England, wisely considering, that it would require a long interval of peace and tranquillity to reform the condition of his own kingdom, and to rectify the abuses, to the removal of which he was only now beginning to direct his undivided attention. He was well aware that the English government,

<sup>1</sup> Mag. Sig. iv. 5. Jan. 24, 1449.

entirely occupied in a vain effort to retain the provinces which had been conquered in France, and divided and weakened by the selfish and unpopular administration of the queen and her favourite, Suffolk, could have little disposition to engage in a war with Scotland; and he considered the protest of that government, upon the old and exploded claim of homage, as a piece of diplomatic etiquette, which it would be absurd to make a serious ground of offence. He accordingly dispatched John Methven, a doctor of decretals, as his ambassador to the Court of England: he appointed the Bishops of Dunkeld and Brechin, with the Earls of Douglas, Angus, and Crawford, to meet with the commissioners of Henry the Sixth, for the due regulation of the truces, and settlement of the marches: whilst he encouraged, by every method in his power, the commercial and friendly intercourse between the two countries.<sup>1</sup>

At the same time, without absolutely attempting to deprive the Earl of Douglas of the high office of lieutenant-general of the kingdom, a measure which would, at this moment, have probably excited an extreme commotion, he silently withdrew from him his countenance and employment, surrounding himself by the ablest and most energetic counsellors, whom he promoted to the chief offices in the state, rewarding liberally the chancellor, Crichton, "for his faithful services, rendered to the king's father and to the king himself;" and weakening the power

<sup>1</sup> Rotuli Scotiæ, vol. ii. p. 342.



and the usurped authority of the earl and his party, rather by the formidable counterpoise which he raised against it, than by any act of determined hostility or open aggression.<sup>1</sup> The consequences of this line of policy were, in a high degree, favourable to the king. The power and unjust usurpation of Douglas over the measures of government, decreased almost imperceptibly, yet by sure degrees, as the character of the sovereign increased in firmness and energy, and the authority of the ministers and officers by whom he managed the government became more steadily and justly exerted; the terror and awe with which the people had regarded the capricious and tyrannic sway of this imperious noble, began to fade and be dispelled; and the despot himself, aware that his dominion was upon the wane, and conscious that any open insurrection would be premature, and perhaps fatal, determined to leave the country for a season, and repair to Rome on a visit to the pope, making some stay, in his way thither, at the Courts of England and France. His train consisted of six knights, with their own suites and attendants, and fourteen gentlemen of the best families in the country, with their servants, accompanied by a body of eighty horse, or men-at-arms.<sup>2</sup>

Although the only motives assigned for this expedition, were those arising out of superstition and the love of travel, it seems by no means improbable that Douglas had other and more important objects in

<sup>1</sup> Mag. Sig. iv. 34. June 12, 1450.

<sup>2</sup> Rotuli Scotiæ, ii. p. 343.

view. In right of his wife, he possessed a claim to the wealthy Duchy of Touraine; which, although then a male fief, might be altered to heirs-general by the King of France, at the request of so potent a baron. In England also, he could not possibly be ignorant of the intrigues of the Yorkists against the government of Henry the Sixth; and he may have had hopes of strengthening his own power, or diminishing that of his sovereign, by an alliance with a faction whose views were expressly opposed to the pacific policy of the present government of Scotland. In addition to this, although absent in person, and with the apparent intention of remaining some years abroad, he left powerful friends at home, whose motions he directed, and by whose assistance he entertained the hope of once more possessing himself of the supreme power in the state. Upon James Douglas, his brother, Lord of Balveny, he conferred the office of procurator or administrator of his estates during his absence; and there seems the strongest probability, that he secretly renewed that treasonable correspondence with the Earls of Ross and Crawford, which has been already mentioned as embracing an offensive and defensive alliance against all men, not excepting the person of the sovereign.

In the meantime, he and his numerous suite set sail for Flanders, from which they proceeded to Paris. He was here joined by his brother, James Douglas, at this time a student at the university, and intending to enter the church, but afterwards Earl of Douglas.<sup>1</sup>

<sup>1</sup> Buchanan, b. xi. c. 32. Lesley, p. 22.

From the Court of France, where he was received with high distinction, Douglas proceeded to that of the supreme pontiff, during the brilliant season of the jubilee, where his visit appears to have astonished the polite and learned Italians, as much by its foreign novelty as by its barbaric pomp and splendour. His return, however, was hastened by disturbances at home, arising out of the insolence and tyranny of his brother, Douglas of Balveny, to whom he had delegated his authority, and against the abuses of whose government such perpetual complaints were carried to the king, that, according to the provisions of the late act of parliament upon the subject, he found it necessary to conduct in person an armed expedition into the lands of the delinquent. The object of this enterprise was to expel from their strongholds that congregation of powerful and audacious barons, who were retained in the service of this feudal prince, and, under the terror and dignity of his name, invaded the property of the people, and defied the control of the laws.<sup>1</sup> James, however, did not betake himself to this determined measure, until he had in vain attempted to appease the disturbances, and inflict punishment upon the offenders by the arm of the civil power; but having been driven to this last necessity, he made himself master of Lochmaben castle, exterminated from their feudal nests the armed retainers, who were compelled to restore their plunder, and pay a fine for their delinquency, and razed Douglas castle, which had long been the centre of insubordination, to the

<sup>1</sup> Sir J. Balfour's Annals, vol. i. p. 179.

ground. He then returned to court, and, under the idea that they had suffered a sufficient imprisonment, liberated from Dumbarton castle Sir Alexander Livingston and Dundas of Dundas, who had remained in ward since the memorable forfeiture of the Livingstons in the preceding year. Dundas appears immediately to have repaired to Rome,<sup>1</sup> with the design, in all probability, of secretly communicating with Douglas, whilst that formidable potentate, dreading the full concentration of the regal vengeance, which had already partially burst upon him, set out forthwith on his return to Scotland.

In the meantime, his friends and confederates were not idle at home. In 1445, a league, as we have already seen, had been secretly entered into between Douglas and the Earls of Ross and Crawford, and the confederacy now resorted to hostile measures. Ross, who died in 1449, had transmitted to his eldest son, John, his treason along with his title, and the new earl, who was connected by marriage with the Livingstons, broke out into open rebellion, and seized the royal castles of Inverness, Urquhart, and Ruthven in Badenoch. This last place he immediately demolished; Urquhart was committed to Sir James Livingston, who, on the first news of Ross's rebellion, had escaped from the king's court to the Highlands, whilst Inverness castle was supplied with military stores, and strongly garrisoned.<sup>2</sup> Although a rebellion which threatened to involve the whole of the northern part

<sup>1</sup> *Rotuli Scotiæ*, vol. ii. p. 344.

<sup>2</sup> *Auchinleck Chronicle*, p. 44.

of Scotland in war and tumult, must have been intimately known, and even directly instigated by Douglas, it would appear that the king was at this moment ignorant of a circumstance which must have produced, had it been discovered, an irreparable breach between them. Douglas's absence from Scotland, and the secrecy with which the treasonable correspondence had been conducted, may for a while have blinded the eyes of the monarch; and on his return from Rome, having expressed his deep regret for the excesses committed by his vassals during his absence, and his resolution to employ his power rather as an assistance than an obstacle in the management of the government, he was again received into favour, and nominated, along with the Bishops of Dunkeld and Brechin, and the Earls of Angus and Crawford, as a commissioner to treat of the prolongation of the truce with England.<sup>1</sup>

The earl, however, showed himself little worthy of this renewed confidence upon the part of the king. He put his seal, indeed, into the hands of the other commissioners, for the purpose of giving a sanction to the articles of truce, but he remained himself in Scotland; and although the evidence is not of that direct nature which makes his guilt unquestionable, there seems the strongest presumption, that, in concert with the Earls of Ross and Crawford, supported by the faction of the Livingstons and Hamiltons, and in conjunction with the party of the

<sup>1</sup> Rymer, xi. p. 283. *Rotuli Scotiae*, ii. 345.

Yorkists in England, he entered into a conspiracy for the overturning of the government. It is well known, that at this moment the Duke of York, afterwards Edward the Fourth, was busy in exciting a spirit of dissension in England, and anxious to adopt every means in his power to weaken the government of Henry the Sixth, and deprive it alike of its popularity at home, and its security against foreign aggression. Douglas accordingly dispatched his brother, Sir James, who repaired to London, and continued there for a considerable time, caressed by the faction which was inimical to the existing government, whilst the earl soon after obtained a protection for himself, his three brothers, twenty-six gentlemen, and sixty-seven attendants, who proposed to visit the Court of England, and proceed afterwards to the continent.<sup>1</sup> It is remarkable that the persons whose names are included in these letters of safe conduct, are the same who afterwards joined the house of Douglas in their open revolt, and there seems to be no doubt, from this circumstance, that although the conspiracy did not now burst forth in its full strength, it was rapidly gaining ground, and advancing to maturity.

It was impossible, however, to conduct their treasonable designs upon so great a scale, without exposing themselves to the imminent risk of detection; and some suspicions having been excited at this moment, or some secret information transmitted to the ministers of the king, so much of the intrigue at least ap-

<sup>1</sup> Rymer, vol. xi. p. 284.

pears to have been discovered, as rendered it necessary for parliament to interfere, and deprive the Earl of Douglas of his office of lieutenant-general of the kingdom.<sup>1</sup> It will be recollected that the sovereign was now in his twenty-first year; that, attaching to his service the most enlightened of his clergy, and making use of the energetic talents of Crichton, his chancellor, he had already left nothing to Douglas but the name of his great office; and although it is by no means improbable, that his suspicion of the treasonable designs of the earl accelerated this last step, of entirely displacing him from the high dignity which he had so much abused, yet it appears to have been carried into execution without any open rupture; and in order to leave nothing unattempted to conciliate this still formidable noble, he was invested almost immediately after with the office of Warden of the west and middle marches of Scotland. At the same time, an entail was executed, by which the Earldoms of Douglas and Wigton were settled upon him and his descendants for ever; whom failing, to his brothers James, Archibald, Hugh, and John de Douglas in succession.<sup>2</sup>

It was at this crisis of the struggle between the legitimate prerogative of the Scottish sovereign and his ministers, and the overgrown authority of the house of Douglas, that the Duke of York and his party in England artfully availed themselves of the popular discontents, occasioned by the loss of the French provinces, to dispossess the Duke of Somers-

<sup>1</sup> Boece, b. xviii. p. 372.

<sup>2</sup> Mag. Sig. iv. 222. July 7, 1451.

set and the queen from the chief management of the state, and to acquire the principal control over the administration of the government. In consequence of this revolution, a decided change is apparent in the conduct of England towards the sister country, from the principles of a wise and pacific policy to those of an unsettled, ambitious, and sometimes decidedly hostile character, the first appearance of which is discernible in the negotiations regarding the truce which took place at Durham on the 4th of August, 1451, where the amicable correspondence between the two countries was interrupted by a protest regarding the absurd and antiquated claim of homage. Fortunately, however, this did not prevent the treaty of truce from being brought to a conclusion.<sup>1</sup>

In the meantime, Douglas returned to his principality in Annandale, and in the exercise of his authority of warden, commenced anew that series of oppressive and tyrannical measures, which had already brought upon him the just indignation of the government. Harris of Terregles, a gentleman of ancient family, having attempted to defend himself by arms from the violence of his partisans, and to recover from them the property of which he had been plundered, was taken prisoner, and dragged before the earl, who, in contempt of an express mandate of the king, solemnly delivered by a herald, ordered him to be instantly hanged. Soon after this, another audacious transaction occurred, in the murder of Sir John San-

<sup>1</sup> Rymer, vol. xi. pp. 291, 302.



dilands of Calder, a kinsman of the king, by Sir Patrick Thornton, a dependant of the house of Douglas, along with whom were slain two knights, Sir James and Sir Allan Stewart, both of whom enjoyed the near friendship and intimacy of the sovereign.<sup>1</sup>

It appears to have been about this time, that, either from the circumstance of its having been more openly renewed, or less carefully concealed, the treasonable league between Douglas and the Earls of Ross and Crawford was discovered by James, who justly trembled at the formidable and extensive power which he found thus arrayed against the government. On the side of England, however, he was secure, owing to the recent renewal of the truce; upon the friendship of France he could calculate with equal certainty; but as it was impossible at once to destroy a conspiracy which was backed by a force equal to almost one half of the armed population of Scotland, the king was compelled to temporize, and await a season when his own power should be more confirmed, and that of Douglas weakened by the jealousies and dissensions which, after some time, might be naturally expected to break out in a confederacy, which embraced so many men of fierce, capricious, and selfish habits. Douglas, however, who had already taken every means to irritate and insult the monarch to the highest degree, by the murder of Herries and Sandilands, seemed determined not to imitate the calmness and moderation

<sup>1</sup> Auchinleck Chronicle, p. 45. Sir J. Balfour's Annals, vol. i. p. 180.

of the government ; and, whilst the king's chief minister, the Chancellor Crichton, was proceeding with his retinue through the southern suburb of Edinburgh, with the intention of embarking on board a vessel in the Forth, the party was suddenly attacked by an armed band of ruffians hired for the purpose by the earl. Contrary, indeed, to the hopes of this lawless baron, the old chancellor defended himself with much bravery ; and, after being wounded, escaped to Crichton castle, where, with a spirit which forgot the sense of pain in the desire of revenge, he instantly collected his vassals, and making an unexpected attack upon Douglas, expelled him and his adherents from the city.<sup>1</sup>

It affords a melancholy picture of the times, that this outrageous attack, committed upon the person of the chancellor and chief minister in the kingdom, was suffered to pass as an event of which the law did not dare to take cognizance, and that he who had openly defied the royal authority, and trampled upon the regulations so recently passed in the parliament, was not long after employed in some political negotiations with England, in which there seems the strongest reason to believe he acted a part decidedly inimical to the existing government. The explanation of this must be looked for in the fact, that although partially aware of his treason, and determined to leave nothing unattempted to undermine and destroy his power, James was conscious that

<sup>1</sup> Hawthornden, Hist. p. 81.

Douglas was still too strong for him, and dreaded to drive him into a rebellion which might have threatened the security of his throne. It was easy for him, on the other hand, silently to defeat or neutralize the treachery of Douglas, by conjoining with him, in the diplomatic or judicial situations in which he was employed, those tried and steady counsellors upon whom he could implicitly rely ; and, in the meantime, he determined to employ the interval in concentrating that power by means of which he trusted to overwhelm him. An extraordinary outrage of the earl, however, accelerated the royal vengeance.

In the execution of the negotiation intrusted to him, Douglas had continued his traitorous correspondence with the party of the Yorkists in England, who still possessed a great influence in the state, although sometimes controlled and overruled by the opposite faction of Somerset and the queen. It seems to have been in consequence of such malign influence, that a letter was directed at this time by Henry the Sixth to the Scottish government, refusing to deliver up certain French ambassadors, who, on their voyage to Scotland, had been captured by the English ;<sup>1</sup> and this step, which was a virtual declaration of hostility, was intended to be followed by a rising in Scotland, to be conducted by Douglas. On his return, therefore, to that country, the earl repaired to his own estates ; and, in furtherance of his league with the Earls of Ross and Crawford, summoned the whole body of

<sup>1</sup> Rymer Fœdera, xi. 306.

his vassals to assemble their armed retainers, and join in the treasonable association. One of these, however, a gentleman of great spirit and independence, named Maclellan, Tutor of Bomby, a sister's son to Sir Patrick Gray, captain of the king's guard, refused to obey an order which he rightly stigmatized as an act of open treason, and was in consequence seized by the earl, and cast into prison. The speedy and mortal punishment with which Douglas was accustomed to visit such an offence, rendered the arrest of Maclellan a subject of immediate alarm at court ; and as he was beloved by the young king, and the near kinsman of one of his most confidential servants, James dispatched an order under the royal seal, commanding the immediate release of the prisoner ; which, to prevent all mistake, he sent by the hands of Sir Patrick Gray. This baron accordingly rode post to Douglas castle, and was received by its haughty lord with affected courtesy and humility. Well aware, however, of Gray's near relationship to his prisoner, he instantly suspected the object of his errand, and, being determined to defeat it, gave private orders for the immediate execution of Maclellan. He then returned to Gray, and requested him to remain and share his hospitality. " You found me," said he, " just about to sit down to dinner ; if it pleases you, we shall first conclude our repast, and then peruse the letter with which I am honoured by my sovereign." Having concluded the meal, Douglas rose from table, broke the royal seal, and glancing over the contents of the paper, assumed a look of much concern.

“Sorry am I,” said he, “that it is not in my power to give obedience to the commands of my dread and liege sovereign, much as I am beholden to him for so gracious and familiar a letter to one whom he has been pleased of late to regard with somewhat altered favour; but such redress as I can afford thou shalt have speedily.” Douglas then took Gray by the hand, and led him to the castle green, where the bleeding trunk of his poor friend lay beside the block upon which he had been recently beheaded. “Yonder, Sir Patrick,” said he, “lies your sister’s son—unfortunately he wants the head—but you are welcome to do with his body what you please.” It may well be imagined how deep was the impression made by this cold and savage witticism upon the mind of Gray; but he was in the den of the tyrant, and a single incautious word might have stretched him beside his murdered kinsman. Dissembling therefore his grief and indignation, he only replied, that since he had taken the head, the body was of little avail, and calling for his horse, mounted him, with a heavy heart, and rode across the drawbridge, to which the earl accompanied him. Once more, however, without the walls, and secure of his life, he reined up, and shaking his mailed glove, defied Douglas as a coward, and a disgrace to knighthood, whom, if he lived, he would requite according to his merits, and lay as low as the poor gentleman he had destroyed. Yet even this ebullition of natural indignation had nearly cost him dear; for the earl, braved in his own castle, gave orders for an instant pursuit, and the chase was con-

tinued almost to Edinburgh, Gray only escaping by the uncommon fleetness of his horse.<sup>1</sup>

An action like this was fitted to rouse to the highest pitch the indignation of the sovereign, and the reprehension of every lover of freedom and good order. It manifested an utter contempt for the royal authority, a defiance of the laws, and a cruel exultation in the exercise of power, which, at a moment when an attempt had been made by the statutes lately passed in parliament, to put down the insolence of aristocratic tyranny, and to establish the authority of a regular government, was of the most dangerous example. It was evident to the sovereign that some instantaneous step must be taken to reduce the overgrown power which threatened to plunge the country into a civil war, and that the period was arrived when it was to be shown whether he or the Earl of Douglas was henceforth to rule in Scotland. But James, who by this time had become aware of the league with Ross and Crawford, and of the overwhelming force which Douglas was ready to bring into the field, wisely hesitated before he adopted that course to which his determined temper naturally inclined him; with the advice of Crichton and his most prudent counsellors, he determined rather to enter into a personal negotiation with Douglas, and to attempt to convince him of the folly of his ambition, in defying the legitimate authority of the crown, and affecting the state and jurisdiction of an independent prince. He had hopes that, in this manner, he might prevail

<sup>1</sup> Balfour's Annals, vol. i. p. 180. Pitscottie, pp. 62, 63, 64.

upon the earl to plead guilty to the offences which he had committed ; to accept the pardon which was ready to be tendered to him, upon his indemnifying, to the full extent of his ability, the relations of those he had so cruelly injured ; and to take that legitimate and upright share in the administration of the government, to which he was entitled by his high rank, his great estates, and his important official situation.

In furtherance of this design, and suppressing his natural indignation at his late conduct, by considerations of political expediency, James dispatched Sir William Lauder of Hatton, who had attended Douglas in his pilgrimage to Rome, with a message to him, expressive of the desire of the king to enter into a personal conference, promising absolute security for his person, and declaring, that upon an expression of regret for his misdemeanours, the offended majesty of the laws was willing to be appeased, and the pardon of the sovereign ready to be extended in his favour.<sup>1</sup> It is impossible, in the imperfect historical evidence which remains to us of these dark and mysterious transactions, to discover whether this conduct and these promises of the king were perfectly sincere or otherwise.

It is asserted, in a contemporary chronicle, that the nobles who were then about the person of the monarch, meaning the privy counsellors and officers of his household, put their names and seals to a letter of safe conduct, which bore the royal signature, and to which the privy seal was attached. It is added, by the

<sup>1</sup> Rymer *Fœdera*, xi. p. 277. Auchinleck Chronicle, p. 46.

same writer, that many of the nobles had solemnly transmitted a written obligation to the earl, by which they bound themselves, even if the king should show an inclination to break his promise, that they, to the utmost of their power, would compel him to observe it ; and there seems no reason to doubt the accuracy of this account.<sup>1</sup> But, in the lax morality of the times, the most solemn obligations were often little regarded ; and there were many crafty casuists around the king, who might have persuaded him, that with a traitor, who, by repeated acts of open and outrageous rebellion, had thrown himself without the pale of the protection of the laws, no faith ought to be kept ; that to seize such an offender, and to subject him to the just punishment of his crimes, every method was fair, and even fraud became praiseworthy ; and that, having once obtained possession of his person, it would be illegal to permit him to be released, till he had been declared innocent of the crimes of which he was accused by the verdict of a jury. That this was probably the full extent to which James had carried his intentions in entrapping Douglas, is to be inferred from the circumstances in which he was placed, and the partial light of contemporary records. That he meditated the dreadful and unjustifiable vengeance in which the interview concluded, cannot be supposed by any one who considers for a moment the character of the king, the statesmen by whose advice he

<sup>1</sup> MS. Chronicle in the Library of the University of Edinburgh, A.C. c. 26.



was directed, or the particular and dangerous crisis in which the meeting took place.

But to whatever extent the sovereign had carried his design, Douglas, believing himself secure under the royal protection and the oaths of the nobility, came with a small retinue to Stirling, in company with Sir William Lauder of Hatton;<sup>1</sup> and having first taken up his residence in the town, soon after passed to the castle, where he was received by the king with much apparent cordiality, and invited to return on the morrow to dine at the royal table. He accordingly obeyed; and on the following day, not only dined, but supped with the king; whilst nothing appeared to have disturbed in the slightest degree the harmony of the intercourse. After supper, however, which, we learn from the contemporary chronicle was at seven in the evening, the monarch, apparently anxious to have some private conversation with the earl, took him aside from the crowd of courtiers by whom they were surrounded, into an inner chamber, where there were none present but the captain of his body-guard, Sir Patrick Gray, whom he had lately so cruelly injured, along with Sir William Crichton, the Lord Gray, Sir Simon Glendonane, and a few more of his most intimate counsellors.<sup>2</sup> James, then walking apart with Douglas, with as much calmness and command of temper as he could assume, began to remonstrate upon his late violent and treasonable proceedings. In doing so, it was impossible he should not speak of the illegal

<sup>1</sup> Auchinleck Chronicle, p. 46.

<sup>2</sup> Ibid. p. 47.

execution of Herries; the waylaying of Sandilands; and the late atrocious murder of the Tutor of Bomby. The sovereign next informed him, that he had certain intelligence of the treasonable league which he had formed with the Earls of Ross and Crawford: he explained to him that his very admission that such a confederacy existed, made him obnoxious to the punishment of a rebel, and threw him out of the protection of the laws; and he conjured him, as he loved his country, and valued his own safety and welfare, to break the band which bound him to such traitors, and return, as it became a dutiful subject, to his allegiance.<sup>1</sup> But Douglas, unaccustomed to such remonstrances, and perhaps heated by the recent entertainment, listened with impatience, and replied with haughty insolence. He even broke into reproaches; upbraided James with his being deprived of his office of lieutenant-governor of the kingdom; and after a torrent of passionate abuse against the counsellors who had insinuated themselves into the royal confidence, declared that he little regarded the name of treason, with which his proceedings had been branded; that as for his confederacy with Ross and Crawford, he had it not in his power to dissolve it, and, if he had, he would be sorry to break with his best friends to gratify the boyish caprices of his sovereign. Hitherto the king had listened with patience, which was the more remarkable, as he was naturally fiery and impetuous in his temper; but this rude defiance, uttered to his

<sup>1</sup> MS. Chronicle in the University Library, Edinburgh. Hawthornden's Hist. pp. 85, 86.

face by one whom he regarded as an open enemy, who had treated his royal mandate with contempt, under whose nails, to use a strong expression of the times, the blood of his best friends was scarce dry, entirely overcame his self-command. He broke at once, from a state of quiescence, into an ungovernable fury, drew his dagger, and exclaiming, "False traitor, if thou wilt not break the band, this shall!" he stabbed him first in the throat, and instantly after in the lower part of the body. Upon this, Sir Patrick Gray, with a readiness and good-will which was whetted by revenge, at one blow felled him with his poleaxe; and the rest of the nobles who stood near the king, rushing in upon the dying man, meanly gratified their resentment by repeated strokes with their knives and daggers; so that he expired in a moment, without uttering a word, and covered with twenty-six wounds. The window was then thrown open, and the mangled trunk cast into an open court adjoining the royal apartments.<sup>1</sup>

For a murder so atrocious, committed by the hand of the sovereign, and upon the person of a subject for whose safety he had solemnly pledged his royal word, no justification can be pleaded. It offered to the country, at a time when, above all others, it was most important to afford a specimen of respect for the laws, and reverence for the authority of parliament, an example the most pernicious that can be conceived, exhibiting the sovereign in the

<sup>1</sup> Gray's MS. Advocates' Library. Auchinleck Chronicle, p. 47. MS. Chronicle in the University Library, Edinburgh.

disgraceful attitude of trampling upon the rules which it was his duty to respect, and committing with his own hand the crimes for which he had arraigned his subjects. But if James must be condemned, it is impossible to feel any commiseration for Douglas, whose career, from first to last, had been that of a selfish, ambitious, and cruel tyrant, who, at the moment when he was cut off, was all but a convicted traitor, and whose death, if we except the mode by which it was brought about, was to be regarded as a public benefit. These considerations, however, were solely entertained by the friends of peace and good order. By the immediate relatives, and the wide circle of the retainers and vassals of the earl, his assassination was regarded with feelings of bitter and unmingled indignation.

Immediately after the death of his powerful enemy, the king, at the head of an armed force, proceeded to Perth in pursuit of the Earl of Crawford, another party, as we have seen, in the league which had cost his associate so dear. In his absence, the faction of Douglas, led by Sir James Douglas, the brother of the murdered chief, who succeeded to the earldom, along with Hugh, Earl of Ormond, Lord Hamilton, and six hundred barons and gentlemen, followers and supporters of the family, invaded the town of Stirling, and in the first ebullition of their fury and contempt, according to an ancient custom of defiance, blew out upon the king twenty-four horns at once.<sup>1</sup> They then

<sup>1</sup> Auchinleck Chronicle, p. 47. MS. Chronicle in the University Library, Edinburgh.

took the letter of assurance, subscribed by the names and guaranteed by the seals of the Scottish nobles, and, exhibiting it at the Cross, proceeded to nail it, with many "slanderous words," to a board, which they tied to the tail of a sorry horse, and thus dragged it, amid the hooting and execration of their followers, through the streets. The scene of feudal defiance was concluded by their setting fire to the town, and carrying off a great booty.<sup>1</sup>

In the meantime the king proceeded to enrich and reward his servants, by the forfeiture of the lands of those who had shared in the treason of Douglas. He promoted to the office of lieutenant-general of the kingdom the Earl of Huntley, committing to his assured loyalty and experience in war the task of putting down the rebellion of Crawford and Ross, and empowering him to promise to all who came forward to join the royal standard an ample indemnity for past offences, as well as to those who continued firm in their original loyalty the most substantial marks of the favour of the crown. Huntley, in the execution of his new office, instantly raised a large force in the northern counties, and having displayed the royal banner, encountered the Earl of Crawford, surnamed "The Tiger," on a level moor beside the town of Brechin, and gave him a total defeat. The action was fought with determined bravery on both sides, and, although Huntley far outnumbered his opponents, for a long time proved doubtful; but during the warmest part of the struggle, Colossie of

<sup>1</sup> Auchinleck Chronicle, p. 47.

Bonnymoon, who commanded the left wing of the Angus billmen, went over to the enemy, in consequence of some disgust he had conceived the night before in a conference with Crawford, and the effect of his sudden desertion was fatal to his party. His troops, dismayed at this unexpected calamity, and regardless of the furious and almost insane efforts which he made to restore the day, took to flight in all directions. John Lindesay of Brechin, brother to the Tiger, Dundas of Dundas, with sixty other lords and gentlemen who bore coat-armour, were slain upon the field. On the other side, the loss did not exceed five barons and a small number of yeomen, but amongst the slain, Huntley had to mourn his two brothers, Sir William and Sir Henry Seton.<sup>1</sup> During the confusion and flight of Crawford's army, a yeoman of the opposite side, riding eagerly in pursuit, became involved in the crowd, and, fearful of discovery, allowed himself to be hurried along to Finhaven Castle, to which the discomfited baron retreated. Here, amid the tumult and riot consequent upon a defeat, he is said to have overheard with horror the torrent of abuse and blasphemy which burst from the lips of the bearded savage, who, calling for a cup of wine on alighting from his horse, and cursing in the bitterness of his heart the traitor who had betrayed him, declared that he would willingly take seven years' roasting in hell to have the honour of such a victory as had that day fallen to Huntley.<sup>2</sup>

<sup>1</sup> Auchinleck Chronicle, p. 48. Sir James Balfour's Annals, p. 181. Lesley's Hist. p. 23.

<sup>2</sup> Hawthornden's Hist. p. 91.

In the meantime, although the king was thus victorious in the north, the civil war, which was kindled in almost every part of Scotland by the murder of Douglas, raged with pitiless and unabated fury. The Earl of Angus, although bearing the name of Douglas, had refused to join in the late rebellion, in consequence of which his castle of Dalkeith, a place of great strength, was instantly beleaguered by the enemy, who ravaged and burnt the adjacent town, and bound themselves by a great oath not to leave the siege till they had razed it to the ground. The bravery, however, of Patrick Cockburn, the governor, and the good conduct of the garrison, soon compelled them to forego their resolution, and to divert the fury which had been concentrated against Dalkeith upon the villages and granges of the adjacent country. The roads and highways became utterly insecure, the labours of agriculture were intermitted, the pursuits of trade and commerce destroyed or feebly followed, from the terror occasioned by the troops of armed banditti who overspread the country, and nothing but insolent riot and needy boldness was prosperous in the land. In the north, whilst Huntley was engaged with Crawford, the Earl of Moray, brother of the late Earl of Douglas, invaded and cruelly wasted his estates in Strathbogie. Huntley, on the other hand, victorious at Brechin, fell, with a vengeance whetted by private as well as public wrongs, upon the fertile county of Moray, and completely razed to the ground that half of the city of Elgin which belonged to his enemy; whilst Crawford, infuriated

but little weakened by his loss at Brechin, attacked in detail, and "harried" the estates of all those to whose refusal to join his banner he ascribed his defeat, expelling them from their towers and fortalices, giving the empty habitations to the flames, and carrying themselves and their families into captivity.

In addition to the miseries of open war were added the dangers of domestic treason. James, the ninth Earl of Douglas, through the agency of his mother Lady Beatrix, who at this time repaired to England, continued that secret correspondence with the party of the Yorkists, which appears to have been begun by the late earl.<sup>1</sup> Soon after this, in the extremity of his resentment against the murderer of his brother, he agreed to meet the Bishop of Carlisle, with the Earl of Salisbury and Henry Percy, as commissioners from the English government, then entirely under the management of the Yorkists, and not only to enter into a treaty of mutual alliance and support, but to swear homage to the monarch of England, as his lawful sovereign.<sup>2</sup> Such a miserable state of things calling loudly for redress, the king summoned the three estates to assemble at Edinburgh, on the 12th of June, 1452. During the night, however, previous to the meeting, a placard, signed with the names of James, Earl of Douglas, his three brothers, and Lord Hamilton, their near connexion, was fixed to the door of the house of parliament, renouncing their allegiance to James of Scotland, as a perjured prince and mer-

<sup>1</sup> Lesley's Hist. pp. 23, 24.

<sup>2</sup> Rymer, vol. xi. p. 310.



ciless murderer, who had trampled on the laws, broken his word and oath, and violated the most sacred bond of hospitality ; declaring, that henceforth they held no lands from him, and never would give obedience to any citation or mandate which bore the name and style which he had disgraced and dishonoured.<sup>1</sup> It may be imagined that a defiance of this gross nature was little calculated to soften or dilute the bitterness of feudal resentment, and from the mutilated and imperfect records which remain to us of the proceedings of this parliament, the leaders and followers of the house of Douglas appear to have been treated with deserved severity.

It was first of all declared in a solemn deed, which met with the unanimous approval of the parliament, that the late Earl of Douglas having, at the time of his death, avowed himself an enemy to the king, and acknowledged a treasonable league as then existing between him and the Earls of Crawford and Ross, was in a state of open rebellion, and that, in such circumstances, it was lawful for the king to put him summarily to death.<sup>2</sup> Sir James Crichton, the eldest son of the lord chancellor, was created Earl of Moray, in the place of Archibald Douglas, late Earl of Moray, who was forfeited. Others of the loyal barons, who had come forward at this dangerous crisis in support of the crown, were rewarded with lands and dignities. Lord Hay, Constable of Scotland, and head of an ancient house, whose bravery and at-

<sup>1</sup> Auchinleck Chronicle, p. 48.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 73.

tachment to the crown had been transmitted through a long line of ancestry, was created Earl of Errol. Sir George Crichton of Cairnes was rewarded with the earldom of Caithness, and the Barons of Derneley, Hepburn of Hailes, Boyd, Fleming, Borthwick, Lyle, and Cathcart, were invested with the dignity of lords of parliament. Lands, partly belonging to the crown, partly consisting of estates which had been forfeited by the Douglasses and their adherents, were bestowed upon Lord Campbell, and his son, Sir Colin Campbell, Sir David Hume, Sir Alexander Home, Sir James Keir, and others ; but as the appropriation of these estates was an act of the secret council, carried through without the sanction and during the sitting of parliament, it was believed to be unconstitutional, and liable to legal challenge.<sup>1</sup> In the meantime, however, these events, combined with the increasing energy and ability of the sovereign, and the joyful occurrence of the birth of a prince, afterwards James the Third,<sup>2</sup> had the effect of weakening in a material degree the once formidable power of Douglas. The loss of its chief, the defeat of Crawford, the forfeiture of Moray, the sight of those strong and powerful vassals, who, either from the love of their prince, or the hope of the rewards which were profusely distributed, flocked daily to court with their troops of armed retainers, all combined to render the allies of this rebellious house not a little doubtful of the ultimate success of the struggle in which they were engaged ;

<sup>1</sup> Auchinleck Chronicle, p. 49.

<sup>2</sup> Born, June 1, 1452.

and when, immediately after the conclusion of the parliament, the royal summonses were issued for the assembling of an army on the moor of Pentland, near Edinburgh, the monarch in a short time found himself at the head of a force of thirty thousand men, excellently armed and equipped, and animated by one sentiment of loyalty and affection.<sup>1</sup>

With this army, the king proceeded in person against the Earl of Douglas, directing his march through the districts of Peebles-shire, Selkirk forest, Dumfries, and Galloway, in which quarters lay the principal estates of this great rebel, who did not dare to make any resistance against the invasion. To prevent the destruction of the crops, which, as it was now the middle of autumn, were almost fully ripe, was impossible ; and an ancient chronicle complains that the royal army “destroyit the country right fellounly, baith in cornes, meadows, and victuals,” whilst many barons and gentlemen, who held lands under the Douglasses, but dreading the vengeance of the sovereign, had joined the expedition, endured the mortification of seeing their own estates utterly ravaged and laid waste, by the very friends whose power they had increased, and whose protection they anticipated.<sup>2</sup> Notwithstanding these misfortunes, which it is probable the sovereign, by the utmost exertion of his prerogative, could not prevent, the army continued united and attached to the royal cause, so that, on its appearance before the castle of Douglas, that haughty chief, who had lately so contumeliously

<sup>1</sup> Auchinleck Chronicle, p. 49.

<sup>2</sup> Ibid.

renounced his allegiance, and who still maintained a secret correspondence with England, found himself compelled to lay down his arms, and to implore, with expressions of deep humility and contrition, that he might be once more restored to favour. The consequence of this was a negotiation, in which James, conscious, perhaps, of the provocation which he had given, and anxious to restore tranquillity to his dominions, consented to extend his pardon to the Earl of Douglas and his adherents, upon certain conditions, which are enumerated in a written bond, or "appointment," as it is denominated, the original of which is still preserved.

In this interesting document, James, Earl of Douglas, in the first place, engages to abstain from every attempt to possess himself of the lands of the earldom of Wigton, or of the lordship of Stewarton, which had been forfeited by the last earl, and since that time destined by the sovereign as a gift to his consort the queen, unless with the express consent of that princess, certified by her letter and seal. He next promises in his own name, and in that of his brother, as well as the Lord Hamilton, fully and for ever to forgive all manner of rancour of heart, feud, malice, and envy, which they had entertained in time past, or might conceive in time to come, against any of the king's liege subjects, and more especially against all those who were art and part in the slaughter of the late William, Earl of Douglas; and he solemnly stipulates, for himself and his friends, to obey the wishes of his sovereign, by taking such persons once more heartily

into his friendship. The next provision does honour to the humanity of the king, and evinces an enlightened anxiety for the welfare of the lower classes of his people. By it, the earl obliges himself, that the whole body of his tenants and rentallers, wherever they may be settled upon his estates, shall remain unmolested in their farms, and protected by their tacks or leases till "Whitsunday come a year;" except those tenants that occupied the granges and farm "steadings" which were in the hands of the late earl at the time of his decease, for his own proper use. Even these, however, are not to be immediately dispossessed, but are to be permitted to remain upon their farms till the ensuing Whitsunday, so that the corns be duly gathered in, and neither the proprietor nor the cultivator endamaged by the sudden desertion of the ground. Douglas next engaged to dissolve and revoke all illegal bands or confederations into which he had already entered, and to make no more treasonable agreements in all time to come: he promised to make no claim against the king for any rents which he might have levied, or which the queen might have distrained in Douglasdale or Galloway, previous to this agreement: he bound himself, in the execution of his office of warden, to maintain and defend the Borders, and keep the truce between the kingdoms to the best of his skill and power, and to pay to his sovereign lord, the king, all honour and worship, "he having such surety as was reasonable for safety of his life." Lastly, he solemnly engaged to restore all goods which had been seized from persons who

enjoyed letters of protection, and to make compensation for all injuries which they had sustained ; and to this agreement he not only put his own hand and seal, but, for the greater solemnity, interposed his bodily oath, with his hand upon the holy gospels.<sup>1</sup>

That the king was actuated by a sound policy, in his desire to convert the Earl of Douglas from a discontented and dangerous opponent of the government into a loyal and peaceable subject, cannot be doubted. But although the principle was good, the practical measures for the accomplishment of the end in view, were injudicious. Instead of effectually abridging the power of Douglas, leaving him just so much as should prevent him from being driven to despair, and yet diminishing it so completely as to render all future opposition to the royal authority perfectly vain, James, either following his own opinion, or misled by the advice of Crichton and Kennedy, who at this time acted as his chief counsellors, not only promised to put him into possession of the earldom of Wigton and the lands of Stewarton, but engaged in a negotiation with the court of Rome, the object of which was to prevail upon the pope to grant a dispensation for the marriage of the earl with the Countess Margaret, the youthful widow of his deceased brother. The dispensation having accordingly been procured, the marriage took place, although the unnatural and apparently incestuous alliance was forced upon the heiress of Galloway, contrary to her

<sup>1</sup> MS. Collections, called Sir Lewis Stewart's Collections. Advocates' Library, Edin. a. 4, 7, p. 19. It is dated 28th August, 1452. See Appendix E.

most earnest tears and entreaties.<sup>1</sup> It is difficult to understand, from the imperfect records of those times which remain to us, how such sagacious politicians as Crichton and Kennedy should have given their countenance to a measure so pregnant with mischief, which, by once more uniting in the person of the Earl of Douglas the immense entailed and unentailed estates of the family, and, should he have children, by reviving the disputed claims between the descendants of Euphemia Ross and Elizabeth More, might induce that ambitious noble to re-enact his brother's treason.<sup>2</sup> There is reason to believe, indeed, that perhaps at the very moment when Douglas was thus experiencing the distinguished but misdirected favour of his sovereign, and undoubtedly within a very short period thereafter, he had engaged in a secret correspondence with Malise, Earl of Men-teath, then a prisoner in Pontefract castle, and the English ministers, the object of which was to overturn the existing government, and to put an end to the dynasty then on the throne, by means of a civil insurrection, which was to be seconded by the arms and the money of the Yorkists, whilst the confidence with which he was treated enabled him to mature his designs in the very sunshine of the royal favour.<sup>3</sup>

In the meantime, the king, apparently unsuspecting of any such intentions, undertook an expedition to

<sup>1</sup> Andrew Stuart's Hist. p. 444.

<sup>2</sup> Duncan Stewart's Hist. and Geneal. Account of the Royal Family of Scotland, p. 57.

<sup>3</sup> Rotuli Scotiae, vol. ii. p. 368. 17th June, 1453.

the north, accompanied by his privy council and a select body of troops, consisting, in all probability, of that personal guard, which, in imitation of the French monarchs, appears for the first time during this reign in Scotland. The Earl of Huntley, by his zeal and activity in the execution of his office of lieutenant-general, had succeeded in restoring the northern counties to a state of comparative quiet and security; and in his progress through Angus a singular scene took place. The Earl of Crawford, lately notorious for his violent and rebellious career, and the dread of Scotland under his appellation of the Tiger, suddenly presented himself before the royal procession, clothed in beggarly apparel, his feet and his head bare, exposed to the inclemency of the season, and followed by a few miserable looking servants in the same torn and ragged weeds. In this dejected state, he threw himself on his knees before the king, and, with many tears, implored his forgiveness for his repeated treasons. Huntley, with whom he had already made his peace, along with Crichton and Kennedy, by whose advice this pageant of feudal contrition had been prepared, now earnestly interceded in his behalf; and the king, moved by the penitence, not only of the principal offender, but of the miserable troop by whom he was accompanied, extended his hand to Crawford, and assuring him that he was far more anxious to gain the hearts and the friendship of his nobles, than desirous of their lands, which, by repeated treasons, had been forfeited to the crown, bade him and his companions be of good cheer, as he was ready freely



to forgive them all that had past, and to trust that their future loyalty would atone for their former rebellion. The fierce chief was accordingly restored to his honours and estates ; and the king appears to have had no reason to repent his clemency, for Crawford, at the head of a strong body of the barons and gentlemen of Angus, accompanied the monarch in his future progress.<sup>1</sup> On his return, he entertained him with great magnificence at his castle or palace of Finhaven ; and, from this time till the period of his death, he remained a faithful supporter of the government. It was unfortunate, indeed, that a burning fever, which cut him off six months after his restoration to the royal favour, left him only this brief interval of loyalty to atone for a life of rebellion.<sup>2</sup>

It is pleasing to be compelled for a few moments to intermit the narrative of domestic war and civil confusion, by the occurrence of events which indicate a desire at least to soften the ferocity of feudal manners, by the introduction of schools of learning. In the month of January 1450, Pope Nicholas, at the request of William Turnbull, Bishop of St Andrews, granted his rescript for the foundation of a university at Glasgow ; and in the month of June, in the subsequent year, the papal bull was proclaimed at the Cross with great solemnity. Yet at first the infant university was sparingly endowed ; and such was the iniquity of the times, and the unfavourable disposition

<sup>1</sup> Balfour's Annals, vol. i. p. 182. Lesley's Hist. p. 27. Boece, p. 375.

<sup>2</sup> Auchinleck MS. p. 51.

towards learning, that, so late as the year 1521, we are informed by Mair, in his *History of Scotland*, it was attended by a very small number of students.<sup>1</sup> The transactions which occupy the years immediately succeeding the death of the Earl of Crawford, are involved in an obscurity which is the more to be lamented, as the consequences which resulted from such events were highly important, and ultimately led to the total destruction of the House of Douglas. The only contemporary chronicle which remains is unfortunately too brief to afford us any satisfactory insight into the great springs of a rebellion which shook the security of the throne, and the light which is reflected on those dark and troubled times by the few original records which remain, is of so feeble and uncertain a nature, that it operates rather as a distraction than an assistance to the historian. In such circumstances, abstaining from theory and conjecture, the greater outlines are all that it is possible to trace; yet even these present us with a scene of deep and varied interest.

During the year 1454, the Earl of Douglas entered deeply into a treasonable correspondence with the powerful party of the Yorkists in England, who, at this time, having succeeded in completely undermining the influence of the Duke of Somerset, had obtained the supreme management of the state.<sup>2</sup> The great prin-

<sup>1</sup> Major, *De Gestis Scotorum*, p. 19. Auchinleck Chronicle, p. 45.

<sup>2</sup> Rymer, vol. xi. p. 349. *Acts of the Parliament of Scotland*, vol. ii. p. 75, 76. *Processus Forisfacture Jacobi Douglas, olim Comitis de Douglas*. Carte's *Hist. of England*, vol. ii. p. 745.

ciples which regulated the foreign policy of the party of York, were enmity to France, and, consequently, to Scotland, the ancient and faithful ally of that kingdom, and this naturally led to a secret negotiation with the Earl of Douglas. His ambition, his power, his former rebellion, his injuries and grievances, were all intimately known at the English court, and it was not difficult for a skilful intriguer like the Duke of York, by artfully addressing to him such arguments as were best adapted to his design, to inflame his mind with the prospect of supreme authority, and rouse his passions with the hope of revenge. Douglas, however, had miscalculated the strength of the king, which was far greater than he supposed, and he had reckoned too certainly on the support of some powerful fellow-conspirators, who, bound to him, not by the ties of affection, but of interest, fell away the moment they obtained a clear view of the desperate nature of the enterprise in which he was engaged. In the end of the year 1454, Lord Crichton, late chancellor of the kingdom, and a statesman of veteran experience, died at the castle of Dunbar. If we except his early struggles with his rival Livingston, for the custody of the person of the infant king, his life, compared with that of most of his fellow-nobles, was one of upright and consistent loyalty; and since his coalition with Kennedy, he had so endeared himself to his sovereign, that the most intimate of the royal counsellors dreaded to impart to him an event which they knew would be so deeply affecting.<sup>1</sup>

<sup>1</sup> Auchinleck Chronicle, p. 52.

In the meantime, Douglas dispatched the Lord Hamilton into England, where, in a meeting with the Yorkists, an immediate supply of money and of troops was promised,<sup>1</sup> upon the condition that the conspirators should give a pledge of the sincerity of their intentions, by taking the oath of homage to the English crown,—a piece of treachery to which Hamilton would not consent, although there is reason to believe it met with few scruples in the convenient conscience of Douglas. Before, however, this test had been taken, the royal vengeance burst upon the principal conspirator with a violence and a rapidity for which he appears to have been little prepared. James, at the head of a force which defied all resistance, attacked and stormed his castle of Inveravon, and, after having razed it to the ground, pressed forward without an instant's check, to Glasgow, where he collected the whole strength of the western counties, and a large force of the Highlanders and Islesmen. With this army he marched to Lanark, invaded Douglasdale and Avondale, which he wasted with all the fury of military execution; and, after delivering up to fire and sword the estates belonging to Lord Hamilton, passed on to Edinburgh; from thence, without delay, at the head of a new force, chiefly of Lowlanders, he invaded the forests of Selkirk and Ettrick, and compelled all the barons and landed gentlemen of whom he entertained any suspicion, to renew their allegiance, and join the royal banner, under the penalty of having their castles levelled with the ground, and their estates

<sup>1</sup> Auchinleck Chronicle, p. 53.

unmercifully laid waste and depopulated.<sup>1</sup> He next besieged the castle of Abercorn, which, from the great strength of its walls, and the facilities for defence afforded by its situation, defied for a month the utmost attempts of the royal army.<sup>2</sup> Battered and broken up at last, by the force of the immense machines which were brought to bear upon the towers, and exposed to the shot of a great gun, which was charged and directed with unerring aim by a French engineer, the place was taken by escalade, and the principal persons who had conducted the defence instantly hanged. The walls were then dismantled, and the great body of the garrison dismissed with their lives. During the siege, a desperate but ineffectual attempt to disperse the royal army was made by Douglas, who concentrated his forces at Lanark,<sup>3</sup> and, along with his kinsman, Lord Hamilton, advanced to the neighbourhood of Abercorn, where, however, such was the terror of the royal name, and the success of the secret negotiation which Bishop Kennedy contrived to institute with the leaders in the rebel army, that in one night they deserted the banner of their chief, and left him a fugitive. Exposed to the unmitigated rigour of the regal vengeance, Hamilton, whose treachery to Douglas had principally occasioned this calamity, was immediately committed to close confinement, whilst Douglas, hurled in a moment from the pinnacle of pride and power to a state of terror

<sup>1</sup> Auchinleck Chronicle, pp. 53, 54.

<sup>2</sup> Original letter from James the Second to Charles the Seventh of France. Pinkerton's Hist. vol. i. p. 486.

<sup>3</sup> Acts of the Parliament of Scotland, vol. ii. p. 76.

and destitution, fled from his late encampment, under cover of night, and, for some time, so effectually eluded pursuit, that none knew for certain in what part of Scotland he was concealed.<sup>1</sup>

In the meantime, the success of the king was attended with the happiest effects throughout the country, not only in affording encouragement to the friends of peace and social order, who dreaded the re-establishment of a power in the House of Douglas, which repeated experience had shown to be incompatible with the security of the realm, but in bringing over to the royal party those fierce feudal barons, who, either from terror, or the love of change and of plunder, had entered into bands or associations with the House of Douglas, and now found it their interest to abandon a falling cause. In consequence of this universal panic and desertion, the castles, which, in the commencement of this great rebellion, had been filled with military stores, and fortified against the government, were gradually abandoned, and taken possession of by the friends of the crown. Douglas castle, with the strong fortresses of Thrieve in Galloway, Strathaven, Lochindorb, and Tarnaway, fell successively into the hands of the king; and the Earl of Douglas, having once more reappeared in Annandale at the head of a tumultuous assemblage of outlaws, who had been drawn together by the exertions of his brothers, the Earls of Moray and Ormond, was encountered at Arkinholme,<sup>2</sup> and totally defeated

<sup>1</sup> Auchinleck Chronicle, pp. 53, 54.

<sup>2</sup> Arkinholme, on the River Esk, opposite Wauchop Kirk.

by the king's troops, under the command of the Earl of Angus. The battle was fought, on the part of Douglas, with that desperate and reckless courage which arose out of the conviction that it must be amongst his last struggles for existence ; but the powerful and warlike families of the Borderers, the Maxwells, Scotts, and Johnstons, inured to daily conflict, had joined the standard of the king, and the undisciplined rabble which composed the rebel army were unable to stand against them.<sup>1</sup> Ormond was taken prisoner, and instantly executed ; his brother, the Earl of Moray, fell in the action ; and after a total dispersion of his army, the arch-rebel, along with his only remaining brother, Sir John Douglas of Balveny, made his escape into the wilds of Argyleshire, where he was received by the Earl of Ross, the only friend who now remained to him, of all the great connexions upon whose fidelity and assistance he had so confidently reckoned in his rebellion against his sovereign. These important events took place during the continuance of the siege of Abercorn, and the first intimation of them received by the king was the arrival of a soldier from the field of Arkinholme, who laid the bleeding and mangled head of the Earl of Moray at the feet of his prince. "The king," says an ancient chronicle, "commended the bravery of the man who brought him this ghastly

<sup>1</sup> Sir Walter Scott of Kirkurd, the male ancestor of the Buccleuch family, on 22d February, 1458-9, got a charter of lands in the barony of Crawfordjohn, "pro eo quod interfuit conflictu de Arkinholme, in occisione et captione rebellium quondam Archib. et Hugonis de Douglas, olim Comitum Moraviæ et Ormond." Mag. Sigill. v. 46.

present, although he knew not at the first look to whom the head belonged.”<sup>1</sup>

Having brought his affairs to this successful conclusion, James assembled his parliament at Edinburgh, on the 9th of June, 1455, and proceeded to let loose the offended vengeance of the laws against the rebels who had appeared in arms against the government. James, late Earl of Douglas, having failed to appear and answer to the charges brought against him, after having been duly summoned at his castles of Douglas and Strathaven, was solemnly declared a traitor; his mother, Beatrice, Countess of Douglas, in consequence of the support and assistance lent by her to the cause of her son, his brother Archibald, late Earl of Moray, who had fallen at Arkinholme, and Sir John Douglas of Balveny, who had fortified the castle of Abercorn, and leagued himself with the king's enemies of England, were involved in the same condemnation; and the prelates and clergy who sat in the parliament, having retired, David Dempster of Caraldstone pronounced it to be the judgment of the three estates, that these persons had forfeited their lives, and that their whole movable and unmovable property, their estates, chattels, superiorities, and offices, had escheated in the hands of the crown. To give the utmost strength and solemnity to this just sentence, the instrument of forfeiture, which is still preserved, was corroborated by the seals

<sup>1</sup> MS. Chronicle of this reign in the University of Edinburgh. A. C. c. 26. Letter of James the Second to Charles the Seventh. See Appendix F.



of the Bishops of St Andrews, Dunblane, Ross, Dunkeld, and Lismore ; by those of the Earls of Athole, Angus, Menteach, Errol, and Huntley, those of the Lords Lorne, Erskine, Campbell, Grahame, Somerville, Montgomery, Maxwell, Leslie, Glamis, Hamilton, Gray, Boyd, and Borthwick, whilst the sanction of the whole body of the commissioners of the burghs, who were not provided at the moment with the seals of their respective communities, is declared, in the body of the deed, to be fully given by appending to it the single seal of the burgh of Haddington.<sup>1</sup>

Whilst such events were passing in the low country, the Earl of Douglas, formidable even in his last struggle, had entered into a strict alliance with John, Earl of Ross and Lord of the Isles, to whom he had fled immediately after the disastrous issue of the battle of Arkinholme. This powerful ocean prince immediately assembled his vassals, and having collected a fleet of a hundred galleys, which received on board a force of five thousand men, he intrusted the chief command to his near relation, Donald Balloch, Lord of Isla, and a chief of formidable power not only in Scotland, but in the north of Ireland.<sup>2</sup> Animated by hereditary hatred against the Scottish throne, Donald conducted a naval "raid," or predatory expedition, along the western coast of Scot-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 42—75.

<sup>2</sup> This Donald Balloch was son of John of Isla, brother to Donald, Earl of Ross, and inherited, through his mother, the territory of the Glens, in the county of Antrim.

land, commencing hostilities at Innerkip, and thence holding his progress to Bute, the Cumrays, and the fertile island of Arran. Yet, owing to the able measures of defence adopted by the king, the enterprise met with little success; and the loss to the government, in lives and in property, was singularly disproportionate to the formidable maritime force which was engaged. "There was slain," says a contemporary chronicle, whose homely recital there is no reason to suspect of infidelity, "of good men fifteen, of women two or three, of children three or four. The plunder included five or six hundred horse, ten thousand oxen and kine, and more than a thousand sheep and goats. At the same time, they burnt down several mansions in Innerkip, around the church, harried all Arran, stormed and levelled with the ground the castle of Brodick, and wasted with fire and sword the islands of the Cumrays. They also levied tribute upon Bute, carrying away a hundred bolls of meal, a hundred bolls of malt, a hundred marts, and a hundred marks of silver."<sup>1</sup> The expedition appears to have been concluded by an attack upon Lauder, Bishop of Lismore, a prelate who had made himself obnoxious to the party of Douglas, by affixing his seal to the instrument of their forfeiture. This dignitary, a son of the ancient family of Lauder of Balcomy in Fife, had been promoted by James the First to the bishopric of Argyle; but, ignorant of the manners and the language of the rude inhabitants of his diocese, he became early unpopular, and his attempts to

<sup>1</sup> Auchinleck Chronicle, p. 55.

extinguish the disorders with which he was surrounded, by the firm authority of ecclesiastical law, were received with deep execration, and almost universal resistance. Three years previous to the expedition of Donald Balloch, on the occurrence of some misunderstanding between a parson or vicar of the bishop, whom he had appointed to one of his churches, and some of the Celtic officials attached to the administration of the diocese, Sir Gilbert Maclachlan, and Sir Morice Macfadyan, who filled the offices of chancellor and treasurer of the cathedral, having assembled the whole force of the Clanlachlane, violently assaulted the prelate during the course of a peaceful procession to his own cathedral church. They scornfully addressed him in the Gaelic tongue, dragged from their horses and bound the hands of the clerks and ministers of the church which composed his train, stripped them of their rich cloaks, hoods, velvet caps, bulls, and parchments, and compelled the bishop, under terror of his life, to promise that he would never prosecute the men who had thus shamefully abused him. Such were the miserable scenes of havoc and violence which fell to the lot of the prelates who were bold enough to undertake the charge of those remote and savage dioceses; and we now, only three years after this cruel assault, find the same unfortunate dignitary attacked by the fierce admiral of the Isles, and after the slaughter of the greater part of his attendants, driven into a sanctuary which seems scarcely to have protected him from the fury of his enemies.<sup>1</sup>

<sup>1</sup> Auchinleck Chronicle, p. 50, 51.

Whilst Douglas thus succeeded in directing against the king the vengeance of the Isles, he himself had retired to England, where he was not only received with distinction by his ally the Duke of York, at this time possessed of the supreme power in the government, but repaid for his service by an annual pension of five hundred pounds, "to be continued to him until he should be restored to his possessions, or to the greater part of them, by the person who then called himself King of Scots."<sup>1</sup> It was impossible that this open and unprovoked indignity, offered by a faction which had all along encouraged a rebellion in Scotland as one of the chief instruments in promoting their own intrigues, should not have excited the utmost resentment in the bosom of the Scottish monarch, and it was evident that a perseverance in such policy must inevitably hurry the two nations into war. James, however, whose kingdom was scarce recovered from the lamentable effects of the late rebellion, with a wisdom and magnanimity which was willing to overlook the injury thus offered, in his anxiety to secure to his people the blessing of peace, dispatched a conciliatory embassy to the English court. At the same time, he directed a letter to Henry the Sixth, complaining of the encouragement held out to a convicted traitor like Douglas, warning him of the fatal consequences which must result to himself in England, as well as to the kingdom which had been committed by God to his charge, if rebellion in a

<sup>1</sup> Rymer Fœdera, vol. xi. p. 367.

subject was thus applauded and fostered by a Christian prince, and declaring that, however unwilling to involve his subjects in war, he would never so far forget his kingly office as to permit his own dignity to be insulted, and the prosperity of his people endangered, with impunity, by any power whatever.<sup>1</sup>

This spirited remonstrance appears to have been followed by preparations for immediate hostilities, which, it may be easily believed, were not rendered less urgent by the following extraordinary epistle, which was soon after transmitted to the Scottish monarch :—“The king, to an illustrious prince, James, calling himself King of Scotland, sends greeting : We presume that it is notorious to all men, and universally acknowledged as a fact, that the supreme and direct dominion over the kingdom of Scotland appertains by law to the King of England, as monarch of Britain. We presume it to be equally acknowledged and notorious, that fealty and homage are due by the King of Scots to the King of England, upon the principle that it becomes a vassal to pay such homage to his superior and overlord ; and that from times of so remote antiquity that they exceed the memory of man, even to the present day, we and our progenitors, Kings of England, have possessed such rights, and you and your ancestors have acknowledged such a dependence. Wherefore, such being the case, whence comes it that the subject hath not scrupled insolently to erect his neck against his master ? and what think ye ought to be his punishment, when he spurns the

<sup>1</sup> Rymer *Fœdera*, vol. iii. p. 383.

condition and endeavours to compass the destruction of his person? With what sentence is treason generally visited—or have you lived so ignorant of all things as not to be aware of the penalties which await the rebel, and him who is so hardy as to deny his homage to his liege superior? If so, we would exhort you speedily to inform yourself upon the matter, lest the lesson should be communicated by the experience of your own person, rather than by the information of others. To the letters which have been presented to us by a certain person, calling himself your lion-herald and king-at-arms, and which are replete with all manner of folly, insolence, and boasting, we make this brief reply: It hath ever been the custom of those who fight rather by deceit than with open arms, to commit an outrageous attack, in the first instance, and then to declare war; to affect innocence, and shift their own guilt upon their neighbour; to cover themselves with the shadow of peace and the protection of truces, whilst beneath this veil they are fraudulently plotting the ruin of those they call their friends. To such persons, whose machinations we cordially despise, it seems to us best to reply by actions. The repeated breaches of faith, therefore, which we have suffered at your hands, the injury, rapine, robbery, and insolence, which have been inflicted upon us, contrary to the rights of nations, and in defiance of the faith of treaties, shall be passed over in silence rather than committed to writing, for we esteem it unworthy of our dignity to attempt to reply to you in your own fashion byslanders and reproaches.

We would desire, however, that, in the mean season, you should not be ignorant that, instead of its having the intended effect of inspiring us with terror, we do most cordially despise this vain confidence and insolent boasting, in which we have observed the weakest and most pusillanimous persons are generally the greatest adepts; and that you should be aware that it is our firm purpose, with the assistance of the Almighty, to put down and severely chastise all such insolent rebellions, and arrogant attempts, which it hath been your practice contumeliously to direct against us. Wishing, nevertheless, with that charity which becomes a Christian prince, that it may please our Lord Jesus Christ to reclaim you from error into the paths of justice and truth, and to inspire you for the future with a spirit of more enlightened judgment and counsel, we bid you farewell.”<sup>1</sup>

It does not appear that the king took any notice of this singular specimen of diplomatic insolence, in which, with an amusing inconsistency, the writer condemns the very error into which he falls himself; but it is evident, from the preparations appointed to be made by the parliament, which assembled at Edinburgh, during the course of the same year, on the 4th of August, and afterwards on the 13th October, that it had been preceded, and it was certainly followed, by serious hostilities upon the Borders. The particulars of these conflicts on the marches do not, however, appear in the historians of the times, or in the pages of the contemporary chronicles, and,

<sup>1</sup> Rymer Federa, vol. xi. p. 383.

although carried on with all the desolating fury and unmitigated national hostility which distinguished the warfare of the marches, they led to no important results,<sup>1</sup> and were soon after intermitted by the partial recovery of health by Henry the Sixth; a circumstance which removed the Duke of York from the high office of protector, and for a while deprived him of the supreme power in the state. The Earl of Douglas, however, continued still an emigrant in England, animated by the bitterest resentment against James, and exerting every effort to organize a force sufficiently strong to enable him to invade the kingdom from which he had been so justly expelled. His success in this treasonable object, although ultimately of so alarming a nature as once more to threaten the tranquillity of the kingdom, was counteracted for the present by the revival of the influence of the Duke of Somerset, which had ever been favourable to Scotland; and the measures adopted by the parliament, for strengthening the authority of the crown, and increasing the defensive force of the kingdom, were excellently calculated to render abortive the utmost attempts of its enemies.

With regard to the first of these objects, it would be difficult to explain the intentions of the legislature in a clearer or more forcible manner than is accomplished in the words of the statute itself. It declares, that "since the poverty of the crown is oftentimes the cause of the poverty of the realm, and of many other inconveniences which it would be tedious to enume-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 42.



rate, it had been ordained, by the advice of the full council of the parliament, that there should be, from this time, appointed certain lordships and castles in every part of the realm, where, at different periods of the year, the sovereign may be likely to take up his residence, which are to belong in perpetuity to the crown, never to be settled or bestowed either in fee or franc tenure upon any person whatever, however high his rank or estate, except by the solemn advice and decree of the whole parliament, and under circumstances which affect the welfare and prosperity of the kingdom." For the additional security of the crown lands, it was further declared, "that even if the present monarch, or any of his successors, should alienate or convey away to any person the lordships and castles which were the property of the crown, such a transaction being contrary to the will of parliament, should not stand good in law; but that it should be permitted to the king, for the time being, to resume these lands into his own hands without the solemnity of any intervening process of law; and not only to resume them, but to insist that those who had unjustly occupied these royal estates should refund the whole rents and profits which they had received, till the period of their resumption by the crown." It was lastly enacted, "that the present king and his successors should be obliged to take a solemn oath, that they shall keep this statute and duly observe it in every particular."<sup>1</sup> There follows this enactment, a particular enumeration of the crown

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 42, 43.

lands and revenue. In the light which it throws on the history of the constitution, at a period when the crown was struggling for existence against the growing power of the aristocracy, it is too interesting to be passed over.

The first article in this enumeration is, the sum accruing from the whole customs of Scotland which were in the hands of James the First on the day of his death ; deducting, however, the pensions and fees given out of them, probably to the various officers employed in their collection. After this, follows the specific enumeration of the crown lands, beginning with the lordship of Ettrick forest, and the whole lordship or principality of Galloway, along with the castle of Thrieve. These two great accessions of territory, which were now annexed to the crown, had long formed one of the richest and most populous portions of the forfeited estates of the house of Douglas. Next, we find the castle of Edinburgh, with the lands of Ballincreif and Gosforde, together with all other estates pertaining to the king within the sheriffdom of Lothian. Also, the castle of Stirling, with all the crown lands around it ; the castle of Dumbarton, with the lands of Cardross ; Roseneath, and the pension from Cadzow ; the whole earldom of Fife, with the palace of Falkland ; the earldom of Strathern, with the rights belonging to it ; the house and lordship of Brechin, with the services and superiority of Cortachy ; the castles and lordships of Inverness and Urquhart, with the water-mails or rents due for the fishings of Inverness ; the lordship of Abernethy, and the several baronies of Urquhart, Glen-

orchane, Bonnechen, Bonochar, Annache, Edderdail, otherwise called Ardmanache, Pecty, Brachly, and Strathern ; and, lastly, the Redcastle, with the lordships in the county of Ross which are attached to it. It is also particularly provided, that all regalities, which at present belong to the king, be thenceforth indissolubly annexed to the crown lands, and that in time to come, no erection of regalities shall take place without the advice of the parliament.<sup>1</sup>

Other measures of the same parliament have an evident reference to the increasing the authority of the crown. It was ordained, that, for the future, the Wardenry of the Borders, an office of the utmost power and responsibility, should cease to be hereditary ; that the wardens should have no jurisdiction in cases of treason, except where such cases immediately arise out of an infraction of the truce ; and that no actions or pleas in law should be brought into the court of the warden, but ought to be prosecuted before the justice ayre. The situation of warden had long been esteemed the inalienable property of the house of Douglas, and its abolition as a hereditary dignity necessarily arose out of the late rebellion. But the able ministers who at this time directed the king's councils, were not satisfied with cutting down the exorbitant power of the warden. The blow was wisely aimed against the principle which made any office whatever a hereditary fee ; and it was declared that, in all time to come, " no office is to be given in fee or heritage, whilst such as have been so disposed of since the death of the late king, are revoked

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 42.

and abolished, due care being taken that where any price or consideration has been advanced for such office by the incumbent, this shall be restored, taking into account, however, the profits which may have been reaped in the mean season." From the operation of this excellent statute, an exception is made in favour of the wardenry of the march, which the king had bestowed on his son Alexander, Earl of March and Lord of Annandale.<sup>1</sup> A few other statutes, enacted in this same parliament, are worthy of attention. He who arrests any false coiner, and brings him to the king, is to have ten pounds for his labour, and the escheat of the offender. Sorners<sup>2</sup> are to be punished as severely as thieves or robbers; and for the determination of those inferior disputes which were perpetually occurring between the subjects of the burghs of the realm, it is provided, that the privy council select eight or twelve persons, according to the size of the town, to whose decision all causes, not exceeding the sum of five pounds, are to be intrusted.

There follows a curious statute on the subject of dress, which is interesting, from its minuteness. It declares, that with regard to the dresses to be worn by earls, lords of parliament, commissaries of boroughs, and advocates, at all parliaments and general councils, the earls shall take care to use mantles of "brown granyt," open in the front, furred with ermine, and lined before with the same, surmounted by

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 43.

<sup>2</sup> An expressive Scottish word, meaning a stout armed vagrant, who insists on taking up his quarters for an indefinite period, at the various houses he visits.

little hoods of the same cloth, which are to be used upon the shoulders. The other lords of parliament are directed to have a mantle of red cloth, open in front, and lined with silk, or furred with "Cristy gray, grece, or purray, with a hood furred in the same manner, and composed of the same cloth;" whilst all commissaries of boroughs are commanded to have a pair of cloaks,—such is the phrase made use of,—of blue cloth, made to open on the right shoulder, to be trimmed with fur, and having hoods of the same colour. If any earl, lord of parliament, or commissary, appears in parliament, or at the general council, without this dress, he is to pay a fine of ten pounds to the king. All men of law who are employed and paid as "forespeakers," are to wear a dress of green cloth, made after the fashion of a "tunycill," or tunic, with the sleeves open like a tabard, under a penalty of five pounds to the king, if they appear either in parliament or at general councils without it; and in every borough where parliament or general councils are to be held, it is directed that there be constructed "where the bar uses to stand," a platform, consisting of three lines of seats, each line higher than the other, upon which the commissaries of the boroughs are to take their places.<sup>1</sup>

At a prorogued meeting of the same parliament, which was held at Stirling on the 13th of October, regulations were made for the defence of the kingdom against any sudden invasion of the English, which explain the system of transmitting information

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 43.

by beacons adopted in those early times, in a very satisfactory manner. At the different fords or passages of the Tweed between Roxburgh and Berwick, where it was customary for the English forces to cross the river, certain watchmen were stationed, whose duty it was to light a bale-fire, or beacon, the moment they received word of the approach of an enemy, and which was to be so placed as to be seen at Hume castle, to which stations the watchmen were instantly to repair. The beacon fires were to be regulated in the following manner : One fire was to be understood to signify that an enemy was approaching, —two fires, that they were coming in considerable force,—four fires, lighted up at once, and each beside another, like four “candellis, and all at ayns,” to use the homely language of the statute, was to be understood as betokening certain knowledge that the invading army was one of great strength and power. The moment that the watchmen stationed at Eggerhop (now Edgerton) castle, descried the beacon at Hume, they were commanded to light up their bale-fire ; and the moment the men stationed at Soltra Edge descried the Eggerhop fire, they were to answer it by a corresponding beacon on their battlements ; and thus, fire answering to fire, from Dunbar, Haddington, Dalkeith, all Lothian was to be roused as far as Edinburgh castle. At Edinburgh, four beacons were instantly to be lighted to warn the inhabitants of Fife, Stirling, and the eastern part of Lothian. Beacons were also directed to be kindled on North Berwick Law, and Dumpender Law, to warn the

coast side of the sea ; it being understood that all the fighting men on the west side of Edinburgh should assemble in that city, and all to the east of it, at Haddington, whilst all merchants and burghers were directed to join the host as it passed through their respective communities. By another statute of the same parliament, two hundred spearmen and two hundred bowmen were appointed to be maintained, at the expense of the Border lords, upon the east and middle marches ; whilst, upon the west marches, there was to be maintained a force of one hundred bows and one hundred spears ; the Border lords and barons being strictly enjoined to have their castles in good repair, well garrisoned, and amply provided with military stores, whilst they themselves were to be ready, having assembled their vassals at their chief places of residence, to join the warden, and pass forward with the host wherever he pleased to lead them.<sup>1</sup>

Some other statutes are worthy of notice, as illustrating the state of the Borders, and the manners of the times. It was directed, that when a warden raid takes place, meaning an invasion of England by the lord warden in person, or when any other chieftain leads his host against the enemy, no man is to be permitted, under pain of death, and forfeiture of his whole goods, to abstract any part of the general booty, until, according to the ancient custom of the marches, it has been divided into three parts, in presence of the chief leader of the expedition ; any theft of the plunder or the prisoners belonging to the leaders or their men—any supplies furnished to the English garrisons of Rox-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 44, 45.

burgh or Berwick—any warning given to the English of a meditated invasion by the Scots—any private journey into England, without the king's or the warden's safe-conduct, is to be punished as treason, with the loss of life and estate; and it is strictly enjoined upon the principal leaders of any raids into England, that they cause these directions of the parliament to be communicated to their host previous to the expedition, so that none may allege ignorance of the law as an excuse of its violation.<sup>1</sup>

Amid these wise endeavours to strengthen the power of the crown, and to provide for the security of the kingdom, James's attention was arrested by the arrival at his court of two noble ladies, who threw themselves upon his protection. These were the Countess of Douglas, known before her marriage by the name of the Fair Maid of Galloway, and the Countess of Ross, a daughter of the once powerful house of Livingston.<sup>2</sup> The first had been miserable in her marriage with that Earl of Douglas who had fallen by the king's hand in Stirling castle, and equally wretched in her subsequent unnatural union with his brother, who was now a rebel in England. Profiting by his absence, she now fled to the court of the king, representing the cruelty with which she had been treated both by the one and the other. She was not only welcomed with the utmost kindness and courtesy, but immediately provided with a third husband, in his uterine brother, Sir John Stewart, son of his mother by her second husband, the Black Knight of

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 44.

<sup>2</sup> Boece, p. 378.



Lorn.<sup>1</sup> In what manner her marriage with Douglas was dissolved does not appear ; but it is singular that she had no children by either of her former husbands. Her third lord, to whom she bore two daughters, was soon afterwards created Earl of Athole, and enriched by the gift of the forfeited barony of Balveny. To the Countess of Ross, the wife of the rebel earl of that name, and to whom her husband's treason appears to have been equally distasteful as to the consort of the Earl of Douglas, James, with equal readiness, extended the royal favour, and assigned her a maintenance suited to her rank ;<sup>2</sup> whilst not long after, a third noble female, his sister, the Princess Annabella, arrived from the court of the Duke of Savoy. She had been espoused to Louis, the second son of the Duke of Savoy, but, at the request of the King of France, and on payment of the sum of twenty-five thousand crowns, James consented to a dissolution of the intended marriage, and, on her return to Scotland, she became the wife of the first Earl of Huntley.<sup>3</sup>

Disengaged from these minor cares, the king found himself soon after involved in a negotiation requiring greater delicacy in its management, and which, if abortive, might have been productive of consequences eminently prejudicial to the kingdom. It arose out of a complaint transmitted to the Scottish court by

<sup>1</sup> She had no children by her two first husbands ; but by her third marriage she had two daughters : Lady Janet, married to Alexander, Earl of Huntley ; and Lady Catherine, to John, sixth Lord Forbes.

<sup>2</sup> Mag. Sig. vii. 371. 8th February, 1475.

<sup>3</sup> Mag. Sig. v. 91. 1st March, 1459.

Christian, King of Norway, upon the subject of the money due by the King of Scotland for the Western Isles and the kingdom of Man, in virtue of the treaty between James the First and Eric, King of Norway, which had been concluded in 1426. This treaty itself was only a confirmation of the original agreement, by which, nearly two hundred years before, Alexander the Third had purchased these islands from Magnus, then King of Norway, and Christian now remonstrated, not merely on the ground that a large proportion of arrears were due, but that one of his subjects, Biorn, son of Thorleif, the Lieutenant of Iceland, having been driven by a storm into a harbour in the Orkneys, had been seized by the Scottish authorities, contrary to the faith of treaties, and cast, with his wife and his attendants, into prison.<sup>1</sup> Happily, after some correspondence upon these points, instead of an appeal to arms, both parties wisely adopted the expedient of referring all differences to the decision of Charles the Seventh, their mutual friend and ally, who, after various protracted delays, pronounced his final decision at a convention of the commissioners of both kingdoms, which was not held till four years after this period, in 1460.

In the meantime, in consequence of the re-establishment of the influence of the house of Lancaster, by the restoration of Henry the Sixth, and the queen, a woman of masculine spirit, to the supreme authority, affairs began to assume a more favourable aspect on the side of England; and the King of Scotland having dispatched the Abbot of Melrose, Lord

<sup>1</sup> Torfæus, p. 184.

Graham, Vans, Dean of Glasgow, and Mr George Fala, burgess of Edinburgh, as his commissioners to the English government, a truce between the two countries was concluded, which was to last till the 6th of July, 1459.<sup>1</sup> This change, however, in the administration of affairs in England, did not prevent the Earl of Douglas, who, during the continuance of the power of the Yorkists, had acquired a considerable influence in that country, from making the strongest efforts to regain the immense estates of which he had been deprived, and to avenge himself on the sovereign whose allegiance he had forsworn. He accordingly assembled a force in conjunction with the Earl of Northumberland, and breaking across the Border, wasted the fertile district of the Merse in Berwickshire, with the merciless fury of a renegade. After a course of plunder and devastation, which, without securing the confidence of his new friends, made him detested by his countrymen, he was met, and totally defeated, by the Earl of Angus, at the head of a division of the royal army; nearly a thousand of the English were slain, seven hundred taken prisoners, and Douglas, once more driven a fugitive into England, found himself so effectually shorn of his power, and limited in his resources, that he remained perfectly inoffensive during the remainder of this reign.<sup>2</sup>

The lordship of Douglas, and the wide domains pertaining to this dignity, were now, in consequence

<sup>1</sup> Rymer *Fœdera*, vol. xi. pp. 389—399.

<sup>2</sup> The MS. Chronicle in the Library of the University of Edinburgh dates this conflict, 23d October, 1458.

of his important public services, conferred upon the Earl of Angus, a nobleman of great talents and ambition, connected by his mother, who was a daughter of Robert the Third, with the royal family, and inheriting by his father, George, first Earl of Angus, a son of the first Earl of Douglas, the same claim to the crown through the blood of Baliol, which we have already seen producing a temporary embarrassment and opposition upon the accession of Robert the Second, in the year 1370.<sup>1</sup> Upon the acquisition by Angus of the forfeited estates of Douglas, the numerous and powerful vassals of that house immediately attached themselves to the fortunes of this rising favourite, whom the liberality of the king had already raised to a height of power almost as giddy and as dangerous as that from which his predecessor had been precipitated. Apparent, however, as were the dangerous consequences which might be anticipated from this policy, we must blame rather that miserable feudal constitution, under which he lived, than censure the monarch who was compelled to accommodate himself to its principles. The only weapons by which a feudal sovereign could overwhelm a noble whose strength menaced the crown, were to be found in the hands of his brethren of the aristocracy, and the only mode by which he could ensure their co-operation in a struggle, which, as it involved in some degree an attack upon their own rights, must have excited their jealousy, was to permit them to share in the spoils of his forfeiture.

<sup>1</sup> See Vol. III. of this History, p. 2.—Duncan Stewart's Account of the Royal Family of Scotland, p. 62.

Some time previous to this conclusive defeat of Douglas, the parliament had again assembled at Edinburgh; when, at the desire of the king, they took into consideration the great subjects of the defence of the country, the regulations of the value of the current coin, the administration of justice, and the establishment of a certain set of rules, which are quaintly entitled, "concerning the governance of the pestilence;" a dreadful scourge, which now, for the fifth time, began to commit its ravages in the kingdom. Upon the first head, it was provided, that all subjects of the realm who were possessed of lands or goods, should be ready mounted and armed, according to the value of their lands and goods, to ride for the defence of the country, the moment they received warning, either by the sound of the trumpet or the lighting of the beacon; that all manner of men, between the ages of sixteen and sixty, should bounce them to join the muster, on the first intelligence of the approach of an English host, except they be in such extreme poverty as to be unable to furnish themselves with weapons. Every yeoman, however, who was worth twenty marks, was to be compelled to furnish himself at the least with a jack and sleeves down to the wrist, or, if not thus equipt, with a pair of splents, a *sellat*,<sup>1</sup> a prikit hat, a sword and buckler, with a bow and a sheaf of arrows. If unskilled in archery, he was to have an axe and a targe, made either of leather, or of fir, with two straps in the inside.

<sup>1</sup> Saddle.

Warning was directed to be given by the proper officers, to the inhabitants of every county, that they provide themselves with these weapons; and attend the weapon-schawing before the sheriffs, bailies, or stewards of regalities, on the morrow after the "lawe days after Christmas." The king, it is next declared, ought to make it a special request to some of the richest and most powerful barons, "that they make carts of war; and in each cart place two guns, each of which was to have two chambers, to be supplied with the proper warlike tackling, and to be furnished also with a cunning man to shoot them. And if," it is quaintly added, "they have no skill in the art of shooting with them, at the time of passing the act, it is hoped that they will make themselves master of it before they are required to take the field against the enemy."<sup>1</sup>

With regard to the provisions to be adopted for defence of the realm upon the Borders during the summer season, the three estates declared it to be their opinion, that the Borderers do not require the same supplies which were thought necessary when the matter was first referred to the king, seeing that this year they were more able to defend themselves than in any former season; first, because they were better, and their enemies worse provided than before; secondly, they were certain of peace, at least on two Borders, till Candlemas. On the West Borders, it is observed, that the winter is seldom a

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 45.

time of distress, and the clergy presume that the English will be as readily persuaded to agree to a special truce from Candlemas till “Wedderdais,” as they now did till Candlemas; considering also, that during this last summer, the English have experienced great losses, costs, and labour in the war, and, as it is hoped, will have the same in summer, which is approaching. All things, indeed, considered, the enemy, it is remarked, have had far more labour and expense, and have suffered far greater losses in the war this last summer than the Scottish Borderers, and therefore it is the opinion of the three estates, that the Borderers should, for the present, be contented without overburdening the government by their demands; and if any great invasion was likely to come upon them, the parliament recommended that the midland barons should be ready to offer them immediate supplies and assistance.<sup>1</sup>

Upon the subject of the pestilence, the great object of the parliament seems to have been to prevent contagion, by shutting up the inhabitants both of town and country, for a certain season, within their own houses. The clergy, to whom the consideration of the most difficult matters of state policy appears to have been at this period invariably committed, were of opinion, in the words of the statute, “that no person, either dwelling in burgh, or in the upland districts, who has provision enough to maintain himself and his followers or servants, should be extruded out of his own

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 45.

house, unless he will either not remain in it," or may not be shut up in the same. And should he disobey his neighbours, and refuse to keep himself within his residence, he is to be compelled to remove from the town. Where, however, there were any poor people, neither rich enough to maintain themselves nor transport their families forth of the town, the citizens were directed to support them at their own expense, so that they do not wander away from the spot where they ought to remain, and carry infection through the kingdom, or "fyle the cuntre about thame." "And if any sick folk," it is observed, "who have been put forth from the town, were caught stealing away from the station where they have been shut up," the citizens are commanded to follow and bring them back again, punishing them for such conduct, and compelling them to remain where they were placed. It was directed by the same statute, that no man should burn his neighbour's house, meaning the mansions which have been deserted as infected, or in which the whole inhabitants have died, unless it can be done without injury to the adjoining healthy tenements; and the prelates were commanded to make general processions throughout their dioceses twice in the week, for the stanching of the pestilence, and "to grant pardon" (by which word possibly is meant indulgences) to the priests who exposed themselves by walking in these processions.<sup>1</sup>

With regard to the important subject of the money

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 46.



and coinage of the realm, it will be necessary to look back, for a moment, to the provisions of the parliament held at Stirling a few years before this period, which were then purposely omitted, that the state of the coinage, under this reign, and the principles by which it was regulated, might be brought under the eye in a connected series.

We find it first declared in a public paper, entitled, *The Advisement of the Deputes of the Three Estates, touching the Matter of the Money*, that, on many accounts, it was considered expedient there should be an issue of a new coinage, conforming in weight to the money of England. Out of the ounce of burnt or refined silver, or bullion, eight groats were to be coined, and the smaller coins of half groats, pennies, halfpennies, and farthings, of the same proportionate weight and fineness. The new groat was to have course for eightpence, the half groat for fourpence, the penny for twopence, the halfpenny for one penny, and the farthing for a halfpenny. It was also directed that the English groat, of which eight groats contained one ounce of silver, should be reckoned of the value of eightpence the piece; that the English half groat, conforming in weight to the same, should be taken for fourpence, and that the English penny should only be received for such value as the receiver chooses to affix to it. From the time that this new groat was struck, and a day appointed for its issue, the groat now current was to descend in its value to fourpence, and the half groat to twopence, till which time they were to retain the value of the new

money. It was next directed by the parliament, that there should be struck a new penny of gold, to be called "a lion," with the figure of a lion on the one side, and on the reverse, the image of St Andrew, clothed in a side-coat, reaching to his feet, which piece was to be of an equal weight with the English noble, otherwise it should not be received in exchange by any person,—the value of which lion, from the time it was received into currency, was to be six shillings and eightpence of the new coinage, and the half lion three shillings and fourpence. After the issue of the new coinage, the piece called the demy, which, it was declared, had now a current value of nine shillings, was to be received only for six shillings and eightpence, and the half demy for three shillings and fourpence.<sup>1</sup>

The master of the mint was made responsible for all gold and silver struck under his authority, until the warden had taken assay of it, and put it in his store; nor was any man to be obliged to receive this money should it be reduced by clipping; the

<sup>1</sup> The exact value of the foreign coins then current in Scotland was appointed at the same time; the French real being fixed at six shillings and eightpence; the salute, which is of the same weight as the new lion, at the same rate of six shillings and eightpence; the French crown now current in France, having on each side of the shield a crowned fleur-de-lys, the dauphin's crown, and the Flemish ridar, are, in like manner, to be estimated at the same value as the new lion. The English noble was fixed at thirteen shillings and fourpence; the half noble at six shillings and eightpence; the Flemish noble at twelve shillings and eightpence; and all the other kind of gold not included in the established currency was to have its value according to the agreement of the buyer and seller.

same master having full power to select, and to punish for any misdemeanour, the coiners and strikers who worked under him, and who were by no means to be goldsmiths by profession, if any others could be procured.<sup>1</sup>

Such were the regulations regarding the current money of Scotland, which were passed by the Scottish parliament in 1451 ; but it appears that, in the interval between this period and the present year 1456, the value affixed to the various coins above mentioned, including those of foreign countries as well as the new issue of lions, groats, and half-groats, had been found to be too low ; so that the merchants and traders discovering that there was actually more bullion in the money than the statutory value fixed by parliament, kept it up and transported it out of the country, making it an article of export. That such was the case, appears very evident from the expressions used by the parliament of 1456 with regard to the pieces called demys, the value of which we have seen fixed in 1451 at six shillings and eightpence. "And to the intent," it was remarked, "that the demys which are kept in hand should 'come out,' and have course through the realm, and remain within it instead of being carried out of it, the parliament judged it expedient that the demy be cried to ten shillings." Upon the same principle, and to prevent the same occurrence, which was evidently viewed with alarm by the financialists of this period,

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 39, 40.

a corresponding increase of the value of the other current coins, both of foreign countries and of home coinage, above that which was fixed for them in 1451, was appointed to take place by the parliament of 1456. Thus, the Henry English noble was fixed at twenty-two shillings; the French crown, dauphin's crown, salute, and Flemish ridars, which had been fixed at six shillings and eightpence, were raised, in 1456, to eleven shillings; the new lion, from its first value of six shillings and eightpence, was raised to ten shillings; the new groat from eightpence to twelpence; the half-groat from fourpence to sixpence. In conclusion, the lords and auditors of the exchequer were directed by the same parliament to examine with the utmost care, and make trial of the purity of the gold and silver, which was presented by the warden of the mint.<sup>1</sup>

For the removal of a grievance which had been made the subject of complaint by the whole of the burghs and the poor commons of the realm, the king's sheriffs, constables, and other officers, were to be prevented in time of fairs and public markets from taking distress, or levying any tax, upon the goods and wares of so small a value and bulk as to be carried to the fair either on men's backs, in their arms, or on barrows and sledges. On the other hand, where the merchandise was of such value and quantity, that it might be exposed for sale in great stalls, or in covered "cramys" or booths, which

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 46.

occupied room in the fair, upon the proprietors of these a tax or a distress was levied, which, however, was directed to be restored to the merchant at the court of the fair, provided he had committed no trespass, nor excited any disturbance during its continuance.<sup>1</sup> The enactments of this parliament upon the subject of the administration of justice, were so completely altered or modified in a subsequent meeting of the estates, that at present it seems unnecessary to advert to them.

In the meanwhile, the condition of the kingdom evidently improved, fostered by the care of the sovereign, whose talents, of no inferior order, were daily advancing into the strength and maturity of manhood. Awake to the infinite superiority of intellect in the clergy over the warlike but rude and uninformed body of his nobles, it was the wise policy of James to select from them his chief ministers, and to employ them in his foreign negotiations and the internal administration of the kingdom, as far as it was possible to do so without exciting a dangerous jealousy or resentment in the great class of his feudal barons. It was the consequence of this system, that a happy understanding, and a feeling of mutual affection and support, existed between the monarch and this numerous and influential class, so that, whilst the king maintained them in their independence, they supported him in his prerogative. Thus, at a provincial council which was convoked at Perth, where Thomas, Bishop of Aber-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 47.

deen, presided as *conservator statutorum*, it was declared, in opposition to the doctrine so strenuously insisted on by the holy see, that the king had an undoubted right, by the ancient law and custom of Scotland, to the ecclesiastical patronage of the kingdom, by which it belonged to him to present to all benefices during the vacancy of the see. Whilst James, however, was thus firm in the assertion of those rights which he believed to be the unalienable property of the crown, he was careful to profess the greatest reverence in all spiritual matters for the authority of the holy see; and, on the accession of Pius the Second, the celebrated Æneas Sylvius, to the papal crown, he expressly appointed commissioners to proceed to Rome, and perform his usual homage to the sovereign pontiff.<sup>1</sup>

It was about this same time that the crown received a valuable addition to its political strength, in the annexation of the earldom of Mar to the royal domains. Since the period of the failure of the heir male in 1435, in the person of Alexander Stewart, natural son of the Earl of Buchan, brother of Robert the Third, this wide and wealthy earldom had been made the subject of litigation, being claimed by the crown, as *ultimus hæres*, by Robert Lord Erskine, the descendant of Lady Ellen Mar, sister of Donald, twelfth Earl of Mar, and by Sir Robert Lyle of Duchal, who asserted his descent from a co-heiress. There can be no doubt that the claim of

<sup>1</sup> Mag. Sig. v. 82.

Erskine was perfectly just and legal. So completely, indeed, had this been established, that, in 1438, he had been served heir to Isabel, Countess of Mar, before the Sheriff of Aberdeen; and in the due course of law, he assumed the title of Earl of Mar, and exercised the rights attached to this dignity. In consequence, however, of the act of the legislature already alluded to, which declared that no lands belonging to the king should be disposed of previous to his majority, without consent of the three estates, the earl was prevented from attaining the peaceable possession of his undoubted right; and now, that no such plea could be maintained, an assize of error was assembled in presence of the king, and, by a verdict, which appears flagrantly unjust, and founded upon perversions of the facts and misconstructions of the ancient law of the country, the service of the jury was reduced, and the earldom being wrested from the hands of its hereditary lord, was declared to have devolved upon the king. The transaction, in which the rights of a private individual were sacrificed to the desire of aggrandizing the crown, casts a severe reflection upon the character of the king and his ministers, and reminds us too strongly of his father's conduct in appropriating the earldom of March. It was fortunate, however, for the monarch, that the house of Erskine was distinguished as much by private virtue as by hereditary loyalty; and that, although not insensible to the injustice with which they had been treated, they submitted to the wrong rather than endanger the country by redressing it. In the

meantime, James, apparently unvisited by any compunction, settled the noble territory which he had thus acquired upon his third son, John, whom he created Earl of Mar.<sup>1</sup>

Soon after this, the clemency of the monarch was earnestly implored by one who, from the course of his former life, could scarcely expect that it should be exerted in his favour. John, Lord of the Isles and Earl of Ross, a baron from his early years familiar with rebellion, and whose coalition with the Earls of Crawford and Douglas had, on a former occasion, almost shook the throne, weakened by the death of Crawford, and the utter defeat of Douglas, became alarmed for the fate which might soon overtake him, and, by a submissive message, intreated the royal forgiveness, and offered, as far as it was still left to him, to repair the wrongs he had inflicted. To this communication, the offended monarch at first refused to listen; because the suppliant, like Crawford, had not in person submitted himself unconditionally to his kingly clemency; but after a short time, James relented from the sternness of his resolution, and consented to extend to the humbled chief a period of probation, within which, if he should evince the reality of his repentance by some notable exploit, he was to be absolved from all the consequences of his rebellion, and reinstated in the royal favour. What notable service was performed by Ross history has not recorded; but his presence, three years subsequent to this, at the siege

<sup>1</sup> Sutherland Case, by Lord Hailes, c. v. p. 50.



of Roxburgh, and his quiescence during the interval, entitle us to presume that he was restored to the royal favour.

The aspect of affairs in England was now favourable to peace, and Henry the Sixth, with whom the Scottish monarch had ever cultivated a friendly intercourse, having proposed a prolongation of the truce, by letters transmitted under the privy seal, James immediately acceded to his wishes. A desire for the tranquillity of his own kingdom, an earnest wish to be united in the bonds of charity and love with all Christian princes, and a reverent obedience to the admonitions of the pope exhorting to peace with all the faithful followers of Christ, and to a strict union against the Turks and infidels, who were the enemies of the Catholic faith, are enumerated by the king as the motives by which he is actuated to extend the truce with England for the further space of four years,<sup>1</sup> from the 6th of July, 1459, when the present truce terminated. Having thus provided for his security, for a considerable period, upon the side of England, James devoted his attention to the foreign political relations of his kingdom. An advantageous treaty was concluded by his ambassadors with John, King of Castile and Leon. The same statesmen to whom this negotiation was intrusted were empowered to proceed to Denmark, and adjust the differences between Scotland and the northern potentate, upon the subject of the arrears due for the Western Isles

<sup>1</sup> Rymer's *Fœdera*, vol. xi. p. 407.

and the kingdom of Man, whilst a representation was made, at the same time, to Charles the Seventh of France, the faithful ally of Scotland, that the period was now long past when the Scottish king ought to have received delivery of the earldom of Xaintonge and lordship of Rochfort, which were stipulated to be conveyed to him in the marriage treaty between the Princess Margaret, daughter of James the First, and Lewis the Dauphin of France. It appears by a subsequent record of a parliament of James the Third, that the French monarch had agreed to the demand, and put James in possession of the earldom.<sup>1</sup>

It is impossible to understand the causes, or to trace clearly the consequences, of the events which at this period occurred in Scotland, without a careful attention to the political condition of the sister country, then torn by the commencement of the fatal contest between the rival houses of York and Lancaster. In the year 1459, a struggle had taken place between these fierce competitors for the possession of supreme power, which terminated in favour of Henry the Sixth, who expelled from the kingdom his enemy, the Duke of York, with whom the Earl of Douglas, on his first flight from Scotland, had entered into the strictest friendship. Previous to this, however, the Scottish renegade baron, ever versatile and selfish, observing the sinking fortunes of York, had entered the service of the house of Lancaster, and actually obtained a renewal of his English pen-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 104.

sion, as a reward from Henry for his assistance against his late ally of York. James, at the same time, and prior to the flight of York to Ireland, had dispatched an embassy to Henry, for the purpose of conferring with him upon certain "secret matters," which, of course, it is vain to look for in the instructions delivered to the ambassadors, but Lesley, a historian of respectable authority, informs us that, at a mutual conference between the English and Scottish commissioners, a treaty was concluded, by which Henry, in return for the assistance to be given him by the Scottish king, agreed to make over to him the county of Northumberland, along with Durham and some neighbouring districts, which in former times, it is well known, had been the property of the Scottish crown.<sup>1</sup> We are not to be astonished that the English ambassadors, the Bishop of Durham, and Beaumont, Great Chamberlain of England, should have been required to keep those stipulations secret, which, had they transpired, must have rendered Henry's government so highly unpopular; and it may be remarked that this secret treaty, which arose naturally out of the prior political connexions between James and Henry, explains, in a very satisfactory manner, the causes of the rupture of the truce, and the subsequent invasion of England by the Scottish monarch, an event which, as it appears in the narrative of our popular historians, is involved in extreme obscurity.

<sup>1</sup> Lesley, *De Rebus Gestis Scotorum*, p. 297.

In consequence of this secret agreement, and irritated by the disturbances which the Duke of York and his adherents, in contempt of the existing truce, perpetually excited upon the Scottish Borders, James, in the month of August 1459, assembled a formidable army, which, including camp followers and attendants, composing nearly one half of the whole, mustered sixty thousand strong. With this force he broke into England, and in the short space of a week, won and destroyed seventeen towns and castles, ravaging Northumberland with fire and sword, pushing forward to Durham, and wasting the neighbouring territories with that indiscriminate havoc, which, making little distinction between Yorkists or Lancastrians, threatened to injure, rather than to assist, the government of his ally the English king.<sup>1</sup> Alarmed, accordingly, at this desolating progress, Henry dispatched a messenger to the Scottish camp, who, in an interview with the monarch, explained to him that the disturbances which had excited his resentment originated solely in the insolence of the Yorkists, but that he trusted to be able to put down his enemies within a short period, without calling upon his faithful ally for that assistance, which, if his affairs were less prosperous, he would willingly receive. In the meantime he besought him to cease from that invasion of his dominions, in which, however unwillingly, his friends as well as his foes were exposed to plunder, and to draw back his army once more into his

<sup>1</sup> Auchinleck Chronicle, p. 57.

own kingdom. To this demand James readily assented, and after a brief stay in England, recrossed the Borders, and brought his expedition to a conclusion.<sup>1</sup>

Immediately after his retreat, an English army, of which the principal leaders were the Duke of York and the Earl of Salisbury, and which included various barons of both factions, approached the Scottish marches; but the meditated invasion was interrupted by the dissensions amongst the leaders, and a host, which was nobly armed and equipped, and consisted of more than forty thousand men, fell to pieces, and dispersed without performing any thing of consequence.<sup>2</sup> To account for so singular an occurrence, it must be recollected that at this moment a deceitful and hollow agreement had been concluded between the Lancastrians and the Yorkists, in which, under the outward appearance of amity, the causes of mortal dissension were working as deeply as before,<sup>3</sup> so that, whilst it was natural to find the two factions attempting to coalesce for the purpose of inflicting vengeance upon the Scots, it was equally to be expected that the king and the Lancastrians, who now possessed the supreme power, should be little inclined to carry matters to extremities. A few months, however, once more saw England involved in the misery of civil war; and although Henry was totally defeated by the Earl of Salisbury, who commanded the Yorkists, in the

<sup>1</sup> Extracta ex MS. *Chronicis Scotiæ*, fol. 389, r.

<sup>2</sup> Auchinleck MS. p. 57.

<sup>3</sup> Carte, *Hist. of England*, vol. ii. pp. 750, 751.

battle of Bloreheath, yet his fortunes seemed again to revive upon the total desertion of the Duke of York by his army at Ludford Field; and James, rejoicing in the success of his ally, immediately dispatched his ambassadors, the Bishops of Glasgow and Aberdeen, with the Abbots of Holyrood, Melrose, and Dumfermline, and the Lords Livingston and Avendale, to meet with the commissioners of England, confirm the truces between the kingdoms, and congratulate the English monarch on his successes against his enemies.

But short was the triumph of the unfortunate Henry; and within the course of a single month the decisive victory gained by the Duke of York and the Earl of Warwick at Northampton, at once destroyed the hopes of his party, reduced himself to the state of a captive in the hands of his implacable enemies, and saw his queen and the prince his son compelled to seek a retreat in Scotland. It was now time for James seriously to exert himself in favour of his ally, and the assistance which, under a more favourable aspect of his fortunes, had been deprecated instead of welcomed, was now anxiously implored. Nor was the Scottish monarch insensible to the entreaty, or slow to answer the call. He received the fugitive queen and the youthful prince with much courtesy and affection, assigned them a residence and allowance suitable to their rank, and, having issued his writs for the assembly of his vassals, and commanded the Earl of Huntley, his lieutenant-general, to superintend the organizing of the troops, he determined

upon an immediate invasion of England. Previous, however, to this great expedition, which ended so fatally for the king, there had been a solemn meeting of the three estates, which lasted for a considerable period, and from whose united wisdom and experience proceeded a series of regulations which relate almost to every branch of the civil government of the country. To these, which, even in the short sketch to which the historian must confine himself, present an interesting picture of Scotland in the fifteenth century, we now, for a few moments, direct our attention.

The first subject which came before parliament is entitled, concerning the "article of the session," and related to the formation of committees of parliament for the administration of justice. It was directed that the Lords of the Session should sit three times in the year, for forty days at a time, in Edinburgh, Perth, and Aberdeen, and that the court or committee which is to sit should be composed of nine judges, who were to have votes in the decision of causes, three being chosen from each estate, along with the clerk of the register. Their first sitting was directed to begin at Aberdeen on the fifteenth of June, and continue thenceforward for forty days; the second session was to commence at Perth on the fifteenth of October, and the third at Edinburgh on the thirteenth of February. The names of the persons to be selected from the clergy, the barons, and the burghers, as the different members of the session, were then particularly enumerated for the three several periods, and the sheriff was directed to be ready, along with a macer or

inferior officer of court, to receive them on their entry into the town, and undergo such trouble or charges as may be found necessary. By a succeeding statute, however, it was provided that, in the matter of the expenses incurred by the Lords of the Session, it is the opinion of the three estates that, considering the shortness of the period for which they sit, and the probability that they will not be called upon to undertake such a duty more than once every seven years, they ought, out of their benevolence, to pay their own costs, and upon the conclusion of the three yearly sessions, the king and his council shall select other lords from the three estates, who are to sit in the same manner as the first, at such places as seem most convenient.<sup>1</sup>

The next subject to which the parliament directed their attention, regarded the defence of the country and the arming of the lieges. "Wapinschawings," or armed musters, in which the whole disposable force of a district assembles for their exercise in arms, and the inspection of their weapons, were directed to be held by the lords and barons, spiritual as well as temporal, four times in the year. The games of the football and the golf were to be utterly cried down and abolished. The bow-makers were to take care that adjoining to each parish-church a pair of butts should be made, where shooting was to be practised every Sunday; every man was to shoot six shots at the least; and if any person refused to attend, he was to be found liable in a fine of twopence, to be

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 47.



given to the bow-makers for drink-money. This mode of instruction was to be used from Pasch to Allhallowmas; so that by the next midsummer it was expected that all persons would be ready, thus instructed and accoutred, without fail. In every head town of the shire, there were to be a good bow-maker, and "a flesher," or arrow-maker. These tradesmen were to be furnished by the town with the materials for their trade, according as they might require them; and if the parish was large, according to its size, there were to be three or four or five bow-makers; so that every man within the parish, who was within fifty, and past twelve years of age, should be furnished with his weapons, and practise shooting; whilst those men above this age, or past threescore, were directed to amuse themselves with such honest games<sup>1</sup> as were best adapted to their time of life, provided always that the golf and football were abolished.

There follows a minute and interesting sumptuary-law, relative to the impoverishment of the realm by the sumptuous apparel of men and women; which, as presenting a vivid picture of the dresses of the times, I shall give as nearly as possible in the quaint words of the original. It will perhaps be recollected, that in a parliament of James the First, held in the year 1429,<sup>2</sup> the same subject had attracted the attention of the legislature; and the present necessity of a revision of the laws against immoderate costliness in apparel, indicates an increasing wealth and prosperity in the country. "Seeing," it declares, "that

<sup>1</sup> Vol. iii. of this Hist. p. 215.

<sup>2</sup> Ibid. p. 272.

each estate has been greatly impoverished through the sumptuous clothing of men and women, especially within the burghs, and amongst the commonalty 'to landwart,' the lords think it speedful that restriction of such vanity should be made in this manner. First, no man within burgh that lives by merchandise, except he be a person of dignity, as one of the aldermen or bailies, or other good worthy men that are of the council of the town, shall either himself wear, or allow his wife to wear, clothes of silk, or costly scarlet gowns, or furring of mertricks ;” and they are directed to take especial care “to make their wives and daughters to be habited in a manner correspondent to their estate ; that is to say, on their heads short curches, with little hoods, such as are used in Flanders, England, and other countries ; and as to the gowns, no woman should wear mertricks or letvis, or tails of unbefitting length, nor trimmed with furs, except on holydays.”<sup>1</sup> In like manner, it was ordered, “that poor gentlemen living in the country, whose property was within forty pounds, of old extent, should regulate their dress according to the same standard ; whilst amongst the lower classes, no labourers or husbandmen were to wear, on their work days, any other stuff than grey or white cloth, and on holydays, light blue, green, or red—their wives dressing correspondently, and using curches of their own making. And the stuff they wore was not to exceed the price of forty pence the ell. No

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 49. The word *letvis* is obscure.

woman was to come to the kirk or market with her face 'mussalit,' or covered, so that she might not be known, under the penalty of forfeiting the curch. And as to the clerks, no one was to wear gowns of scarlet, or furring of mertricks, unless he were a dignified officer in a cathedral or college-church, or a nobleman or doctor, or a person having an income of two hundred marks. And these orders touching the dresses of the community, were to be immediately published throughout the country, and carried into peremptory and rigorous execution."<sup>1</sup>

Other regulations of the same parliament are particularly worthy of notice ; some of them evincing a slight approach towards liberty, in an attention to the interests of the middle and lower classes of the people, and a desire to get loose of the grievous shackles imposed by the feudal system upon many of the most important branches of national prosperity ; others, on the contrary, imposing restrictions upon the trade and manufactures of the country, in that spirit of legislative interference which, for many ages after this, retarded its commercial progress, and formed a blot upon the statute book of this, as well as of the sister country. With regard to "few-farms," and their leases, it was thought expedient by the parliament that the king should begin and set the example to the rest of his barons, so that if any estate be in "ward," in the hands of the crown, upon which leases have been granted, the tenants in such farms should not be removed, but remain upon the land, paying to the

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 49.

king the rent which had been stipulated during the currency of the lease ; and in like manner, where any prelate, baron, or freeholder, can either set the whole or a part of his own land in "few-farm," the king was to be obliged to ratify such "assedations," or leases. With regard to "regalities," and the privileges connected with them, a grievance essentially arising out of the feudal system, it was declared that all rights and freedoms belonging to them should be interpreted by the strictest law, and preserved, according to the letter of their founding charter ; and that any lord of regality who abused his privileges, to the breaking of the king's laws and the injury of the country, should be rigorously punished.<sup>1</sup>

In the same parliament, it is made a subject of earnest request to the king, that he would take into consideration the great miseries which are inflicted upon men of every condition, but especially upon his poor commons, by the manner of holding his itinerant chamberlain courts ; and that, with the advice of his three estates now assembled, he provide some speedy remedy. Another heavy grievance removed at this time, was the practice which prevailed during the sitting of parliament, and of the session, by which the king's constables, deputies, and other officers, were permitted to levy a tax upon the merchants, victuallers, and tradesmen, who then brought their goods to market, encouraged by the greater demand for their commodities. This practice was declared nenceforth illegal, unless the right of exaction be-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 49.

longs to the constable "of fee," for which he must show his charter at the next parliament.<sup>1</sup> An attempt was made in the same parliament to abolish that custom of entering into "bands or leagues," of which we have seen so many pernicious consequences in the course of this history. It is declared, that "within the burghs throughout the realm, no bands or leagues were to be permitted, and no rising or commotion amongst the commons, with the object of hindering the execution of the common law of the realm, unless at the express commandment of their head officers;" and that no persons who dwelt within burghs, should either enter into "man-rent," or ride, or "rout," in warlike apparel, with any leader, except the king, or his officers, or the lord of the burgh within which they dwelt, under the penalty of forfeiting their lives, and having their goods confiscated to the king.<sup>1</sup>

With regard to those lawless and desperate, or, as they are termed in the act, "masterful persons, who do not scruple to seize other men's lands by force of arms, and detain them from their owners," application was directed to be instantly made to the sheriff, who, under pain of being dismissed from his office, was to proceed to the spot and expel such occupants from the ground, or, on their refusal, commit them to the king's ward; a service easily prescribed by the wisdom of the three estates, but, as they were probably well aware, not to be carried into execution, except at the peril of the life of the officer to whom it was intrusted. All persons, of every degree, barons, lords

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 50.

spiritual, or simple freeholders, were enjoined when they attended the justice ayres, or sheriff courts, to come in sober and quiet manner, with no more attendants than composed their daily household, and taking care, that on entering their inn or lodging, they laid their harness and warlike weapons aside, using for the time nothing but their knives; and where any persons at deadly feud should happen to meet at such assemblies, the sheriff was directed to take pledges from both, binding them to keep the peace; whilst, for the better regulation of the country at the period when justice ayres were held, and in consequence of the great and mixed multitude which was then collected together, the king's justice was commanded to search for and apprehend all masterful beggars, all idle sorners, all itinerant bards and feigned fools, and either to banish them from the country, or commit them to the common prison. Lint was directed to be "cried up," meaning probably to be raised in price, and used as it was wont to be in former times; that is to say, "no lintstar" or draper was to be permitted either to buy foreign cloth or to sell it, under the penalty of forfeiting the commodity; whilst regarding the estate of merchandise, and for the purpose of restricting the multitude of "sailors," it was the unanimous opinion of the clergy, the barons, and the king, that no persons should be allowed to sail or trade in ships, but such as were of good reputation and ability; that they should have at the least three serplarths of their own goods, or the same intrusted to them; and that those who traded by sea in mer-

chandise, ought to be freemen and indwellers within burghs.<sup>1</sup>

In the same parliament, some striking regulations are met with regarding the encouragement extended to agriculture, and the state of the woods and forests throughout the country. Every man possessed of a plough and of eight oxen, was commanded to sow, at the least, each year, a firlot of wheat, half a firlot of peas, and forty beans, under the penalty of ten shillings to the baron of the land where he dwells, as often as he be found in fault; and if the baron sowed not the same proportions of grain, peas, and beans in his own domains, he was to pay ten shillings to the king for his own offence, and forty shillings if he neglected to levy the statutory penalty against his husbandmen. The disappearance of the wood of Scotland under the reign of James the First, and the attention of the legislature to this subject, have already been noticed.<sup>2</sup> It appears from one of the provisions of this parliament, held by his successor, that some anxiety upon this subject was still entertained by the legislature; for it is declared that, “regarding the plantation of woods and hedges, and the sowing of broom, the lords think it advisable that the king enjoin all his freeholders, both spiritual and temporal, to make it a provision in their Whitsunday’s lease, that all tenants plant woods and trees, make hedges, and sow broom, in places best adapted, according to the nature of the farm, under a penalty

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 49.

<sup>2</sup> Vol. iii. of this History, p. 228.

to be affixed by the proprietor ; and that care is to be taken that the enclosures and hedges are not constructed of dry stakes driven into the ground, and wattled, or of dry worked or planed boards, but of living trees, which may grow and be plentiful in the land.”<sup>1</sup>

With regard to the preservation of such birds and wild fowls as “ are gainful for the sustentation of man,” namely, partridge, plover, wild-ducks, and such like, it was specially declared, that no one should destroy their nests or their eggs, or slay themselves in moulting time when unable to fly ; and that, on the contrary, all manner of persons should be encouraged, by every method that could be devised, utterly to extirpate all “ fowls of reiff,” such as erns, buzzards, gledes, mytalls, rooks, crows, wherever they may be found to build and harbour ; “ for,” say the three estates, “ the slaughter of these will cause the multiplication of great multitudes of divers kinds of wild fowls for man’s sustentation.” In the same spirit, red-fish, meaning salmon and grilse, were forbidden to be taken in close time, under a fine of forty pounds ; and no manner of vessel, creel, or other contrivance, was to be used for the purpose of intercepting the spawn or smelt in their passage to the sea, under the like penalty.

Touching the destruction of the wolf, it was enjoined by the same parliament, that where such animals were known to haunt, the sheriff, or the bailies of the district, should assemble the population three

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 51.



times in the year, between St Michaelmas day and Lammas, which is the time of the whelps; and whoever refused to attend the muster should be fined a wedder, as is contained in the old act of James the First on this subject. He who slew a wolf was to be entitled to a penny from every household in the parish where it was killed, upon bringing the head to the sheriff, bailie, or baron of the district, who was to be his debtor for that sum; and if he brought the head of a fox, he was to receive sixpence from the same officers. The well-known enactment passed in the reign of James the First, against leasing-making, or the crime of disseminating false reports, by which discord is created between the king and his subjects, was confirmed in its full extent; and the statutes of the same prince regarding the non-attendance of freeholders in parliament whose holding is under forty pounds; the use of one invariable and established "measure" throughout the realm; the restriction of "moor burning" after the month of March, till the corn has been cut down; and the publication of the acts of the legislature, by copies given to the sheriffs and commissaries of boroughs, to be openly proclaimed and read throughout their counties and communities, were repeated, and declared to be maintained in full force.

The enactments of the parliament were concluded by an affectionate exhortation and prayer, which it would injure to give in any words but its own: "Since," it declared, "God of his grace had sent our sovereign lord such progress and prosperity, that all his rebels and breakers of justice were removed out

of his realm, and no potent or masterful party remained there to cause any disturbance, provided his highness was inclined himself to promote the peace and common profit of the realm, and to see equal justice distributed amongst his subjects; his three estates, with all humility, exhorted and required his highness so diligently to devote himself to the execution of these acts and statutes above written, that God may be pleased with him, and that all his subjects may address their prayers for him to God, and give thanks to their heavenly Father, for his goodness in sending them such a prince to be their governor and defender.”<sup>1</sup> Such was the solemn conclusion of the last parliament of James of which any material record has been preserved; for, although we have certain evidence of three meetings of the great council of the nation subsequent to this, the fact is only established by insulated charters, which convey no information of the particular proceedings of the legislature. The peroration is affectionate, but marked, also, with a tone of honest freedom approaching to remonstrance, which might almost lead us to suspect that James’s late unjustifiable proceedings, regarding the earldom of Mar, had occasioned some unquiet surmisings in the minds of his nobility, that he possibly intended to use the excuse afforded him by the reiterated rebellion of the Douglasses to imitate the designs of his father, and to attempt to complete the scheme for the suppression of the aristocracy of the kingdom, which had cost that monarch his life.

In the meantime, however, the king assembled his

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 52.

army. An acute historian has pronounced it difficult to discover the pretences or causes which induced James to infringe the truce ;<sup>1</sup> but we have only to look to the captivity of Henry the Sixth, the triumph of the Yorkists in the battle of Northampton, and the subsequent flight of the Queen of England to the Scottish court, to account very satisfactorily for the invasion. James was bound, both by his personal friendship and connexion with Henry, by a secret treaty, already alluded to, and by his political relations with France, the ally of the house of Lancaster, to exert himself for its restoration to the throne ; and it has already been shown that, by the articles of the treaty, his assistance was not to go unrewarded. As long, however, as Henry and his energetic queen had the prospect of reducing the opposition of the house of York, and, by their unassisted efforts, securing a triumph over their enemies, the invasion of the Scottish monarch would have detracted from the popularity of their party, and thrown an air of odium even over their success ; but now that the king was a captive in the hands of his enemies, and his queen a fugitive in a foreign land, the assistance of James, and the fulfilment of the stipulations of the treaty, were anxiously and imperiously required. The only key to the complicated understanding of the transactions of Scotland during the wars of the Two Roses, is to recollect that the hostilities of James were directed, not against England, but against the successes of the house of York.

<sup>1</sup> Pinkerton, *Hist. of Scotland*, vol. i. p. 242.

Since the calamitous battle of Durham, and the captivity of David the Second, a period embracing upwards of a hundred years, the important frontier fortress of Roxburgh had been in the possession of England. It was now commanded by Nevil, Lord Fauconberg,<sup>1</sup> a connexion of the Earl of Warwick, the principal supporter of the cause of the Yorkists, and James determined to commence his campaign by besieging it in person. On being joined, accordingly, by the Earl of Huntley, his lieutenant-general, and the Earl of Angus, who had risen into great estimation with his sovereign, from the cordial assistance which he had given in the suppression of the rebellion of Douglas, the king proceeded across the Borders, at the head of an army which was probably superior in numbers to that which he had lately conducted against England. He was joined also by the Earl of Ross, to whom we have seen that he had extended a conditional pardon, and who, eager to prove himself worthy of an entire restoration to the royal favour, came to the camp with a powerful body of his fierce and warlike catherans.<sup>2</sup> The siege was now opened, but it was destined to receive a sudden and melancholy interruption. The king, who had carried along with the army some of those rude pieces of ordnance which began now to be commonly employed in Scottish war,<sup>3</sup>

<sup>1</sup> Ayloffe's Calendar of Ancient Charters, p. 281.

<sup>2</sup> The Auchinleck Chronicle, p. 57, says, "The yer of God, 1460, the third Sunday in August, King James the Second, 'with ane gret oiste,' was at the sege of Roxburgh."

<sup>3</sup> Barbour, p. 392, informs us, that at the skirmish on the Were,

proceeded, in company with the Earl of Angus, and others of his nobility, to examine a battery which had begun to play upon the town. Of the cannon which composed it, one was a great gun of Flemish manufacture, which had been purchased by James the First, but little employed during his pacific reign. It was constructed of longitudinal bars of iron, fixed with iron hoops, which were made tight in a very rude manner, by strong oaken wedges. This piece, from the ignorance of the engineer, had been overcharged, and as the king stood near, intently observing the direction of the guns, it unfortunately exploded, and struck the monarch with one of its massy wooden wedges in the body. The blow was followed by instant death,<sup>1</sup> having fallen upon the mortal region of the groin, and broken the thigh; whilst the Earl of Angus, who stood near, was severely wounded by the same fragment.<sup>2</sup>

in 1327, (see vol. i. of this History, p. 393,) the Scots observed two marvellous things in the English army, which were entirely new to them :

Tymmeris for helmys war the tane,  
The tothyr crakys were of weir.

These "crakys of weir" were in all probability the first attempts to use cannon; but although Froissart asserts that, in Scotland, guns were used at the siege of Stirling, in 1339, the fact is exceedingly doubtful.

<sup>1</sup> MS. Extracta ex Chronicis Scotiæ, f. 289. "Caus iste de morte regis si dici potest, longo ante, ut fertur, preostensa est regi, per quendam Johannem Tempelman, qui fuit pater Domini Willmi Tempelman, Superioris Monasterii de Cambuskenneth, qui dum gregem in Montibus Ochillis." Here the manuscript abruptly breaks off without concluding the tale of wonder.

<sup>2</sup> Lesley, Hist. p. 31.

An event so lamentable, which cut off their prince in the sight of his army, whilst he was yet in the flower of his strength and the very entrance of manhood, was accompanied by universal regret and sorrow ; and, perhaps, there is no more decisive proof of the affection with which the nobility were disposed to regard the monarch, thus untimely snatched from them, than the first step which they adopted, in dispatching a message to the court, requiring the immediate attendance of the queen, with a strict injunction to bring her eldest son, the prince, now king, along with her.<sup>1</sup> Nor was the queen-mother, although overpowered by the intelligence of her husband's death, of a character which, in the over indulgence of feminine sorrow, was likely to forget the great duties which she owed to her son. Attended by a small suite, in which were some of the prelates who formed the wisest counsellors of the deceased monarch, she travelled night and day to Roxburgh, and soon presented herself in the midst of the army, clothed in her weeds, and holding in her hand the little prince, then only a boy of eight years of age, whom, with tears, she introduced to them as their king. The sight was well calculated to awaken in a high degree the feelings of loyalty and devotedness ; and availing herself of the enthusiasm of the moment, she, with a magnanimity and vigour which did her honour, besought the nobles to continue the siege, and earnestly deprecated the idea of breaking up the leaguer, or disbanding the army, before they had made themselves

<sup>1</sup> Auchinleck Chronicle, p. 57.

master of a fortress, the possession of which was of the first importance to Scotland. Heart-broken as she was with the loss of her beloved lord, she would rather celebrate his obsequies, she said, by the accomplishment of a victory which he had so much at heart, than waste the time in vain regrets and empty lamentations. And such was the effect of her appeal, that the leaders of the army, and the soldiers themselves, catching the ardour with which she was animated, instantly recommenced the attack, and, pressing the assault with the most determined fury, carried the castle by storm, on the very day of her arrival in the camp.<sup>1</sup>

It must be recollected that James had not completed his thirtieth year when he met his death in this untimely manner ; and of course the greater portion of his life and reign was occupied by a minority, during which the nation was in that state of internal tumult and disorganization so constantly the concomitants of such an event under a strictly feudal government. Taking this into consideration, we shall not hesitate to pronounce him a prince of unusual vigour and capacity ; and perhaps the eulogium of Buchanan, no obsequious granter of praise to kings, is one of the strongest proofs of this assertion. His wisdom in the internal administration of his kingdom, was conspicuously marked by the frequency with which he assembled his parliament ; and by a series of zealous and anxious, if not always the most

<sup>1</sup> Lesley, Hist. p. 32.

enlightened, laws for the regulation of the commerce, and the encouragement of the agriculture of the country, for the organization of the judicial departments, and the protection of the middling and lower classes of his subjects, whether farmers, artisans, or merchants. His genius in war was not exhibited in any great military triumphs, for he was cut off in the very outset of his career ; but the success with which he put down, by force of arms, the repeated rebellions of some of the most powerful of his nobility ; the extreme attention which he paid to the arming of his subjects, and the encouragement of warlike exercises amongst the people ; the directions to his higher nobles to devote themselves to the study of artillery, and the construction of cannon ; and the ardour with which he appears to have engaged in his first war with England, although it does not justify the hyperbolical panegyric of Abercromby and Johnson, entitles us undoubtedly to believe, that in a military contest with England, the national honour would not have been sullied in his hands. It is not improbable, however, that, had he lived a little longer, his maturer wisdom and experience would have considered even a successful war, which was not undertaken for the purposes of national defence, a severe calamity, rather than a subject of glory or congratulation.

His policy of employing the most able and enlightened amongst the clergy as his chief ministers, to whom he intrusted his foreign negotiations, as well as the most responsible offices in the judicial and financial departments of the government, was borrowed from



the example of his father, but improved upon, and more exclusively followed, by the wisdom of the son ; whilst his discrimination in selecting for the military enterprises in which he was engaged, such able commanders as Huntley and Angus, and that judicious union of firmness and lenity by which he ultimately disarmed of their enmity, and attached to his interest, such fierce spirits as the Earl of Crawford and the Lord of the Isles, do equal honour to the soundness and steadiness of his judgment, and to the kindly feelings of his heart. That he was naturally of a violent and ungovernable temper, the unfortunate and unjustifiable assassination of Douglas too lamentably demonstrated ; but the catastrophe appears to have made the deepest impression upon a youthful mind, which, though keen, was of that affectionate temperament that was fitted to feel deeply the revulsion of remorse ; and the future lenity of a reign, fertile in rebellion, is to be traced perhaps to the consequences of his crime, and the lessons taught him by his repentance.

In estimating the character of this monarch, another subject for praise is to be found in the skill with which he divided into separate factions an aristocracy which, under any general or permanent combination, would have been far too powerful for the crown ; in the art by which he held out to them the prospect of rising upon the ruins of their associates in rebellion, and by a judicious distribution of the estates and the dignities which are set afloat by treason, induced them to destroy, or at least to weaken and neutralize,

the strength of each other. This policy, under the management of such able ministers as Kennedy and Crichton, was his chief instrument in carrying to a successful conclusion one of his most prominent enterprises, the destruction of the immense and overgrown power of the house of Douglas, an event which is in itself sufficient to mark his reign as an important era in the history of the country.

The person of this prince was robust, and well adapted for those warlike and knightly exercises in which he is said to have excelled. His countenance was mild and intelligent, but deformed by a large red mark on the cheek, which has given him, amongst contemporary chronicles, the surname of "James with the fiery face." By his queen he left three sons—James, his successor, Alexander, Duke of Albany, and John, Earl of Mar ; and two daughters—Mary, who took to her first husband Lord Boyd, and afterwards Lord Hamilton, and Margaret, who married Sir William Crichton, son of the chancellor. From a charter, which is quoted by Sir James Balfour, it would appear that he had another son, named David, created Earl of Moray, who, along with a daughter, died in early infancy.<sup>1</sup>

<sup>1</sup> Sir Lewis Stewart's MS. Collections, Ad. Library, and Extracta ex Chronicis Scotiæ, MS. Ad. Library, f. 288.

## CHAP. II.

## JAMES THE THIRD.

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 CONTEMPORARY PRINCES.

*Kings of England.*  
 Henry VI.  
 Edward IV.  
 Edward V.  
 Richard III.  
 Henry VII.

*Kings of France.*  
 Charles VII.  
 Lewis XI.

*Popes.*  
 Pius II.  
 Sixtus IV.  
 Innocent VIII.

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SCOTLAND, once more exposed to the danger and the woe pronounced upon the nation whose king is a child, was yet entitled to expect a pacific commencement of the minority, from the wisdom and experience of the queen-mother, the apparent union amongst the nobility, and the sage counsels of the chief ministers of the late king, who, from attachment to the father, were likely to unite for the support of the son. Immediately after the surrender of the fortress of Roxburgh, which was dismantled, and the demolition of Wark castle, which had been stormed by another division of the army, the further prosecution of the war was intermitted, and the nobility conducted their monarch, then only eight years old, to the monastery of Kelso, where he was

crowned with the accustomed pomp and solemnity, a hundred knights being made, to commemorate the simultaneous entrance of the prince into the state of chivalry, and his assumption of his royal and hereditary dignity.<sup>1</sup> The court then removed to Edinburgh, where the remains of the late king were committed to the sepulchre in the venerable abbey of Holyrood.<sup>2</sup>

We have already seen, that at this moment the neighbouring nation of England was torn and distracted by the wars of York and Lancaster, and the captivity of Henry the VI., the ally of Scotland, with the escape of his queen, and her son, the prince, into that country, are events belonging to the last reign. Immediately after the royal funeral, intelligence was brought, that this fugitive princess, whose flight had lain through Wales, was arrived at Dumfries, where she had been received with honour, and had taken up her residence in the monastery of Lincluden. To this place, the queen-mother of Scotland, with the king and the royal suite, proceeded, and a conference took place relative to the public affairs of both kingdoms, of which, unfortunately, we have no particular account, except that it lasted for twelve days. A marriage was talked of between the English prince and the sister of the King of Scotland, but the energetic consort of the feeble Henry required more prompt and warlike support than was to be

<sup>1</sup> Auchipleck Chronicle, p. 58.

<sup>2</sup> Extracta ex Chronicis Scotiæ, fol. 289. "Medium circiter choram."

derived from a distant matrimonial alliance, and, encouraged by the promise of a cordial co-operation upon the part of Scotland, she returned with haste to York, and there, in a council of her friends, formed the resolution of attacking London, and attempting the rescue of her captive husband. The complete triumph of this princess at Wakefield, where she totally routed the army of the Duke of York, once more, though for a brief period, confirmed the ascendancy of the House of Lancaster; and Scotland, in the re-establishment of her ally upon the throne, anticipated a breathing time of peace and tranquillity.<sup>1</sup>

But the elements of civil commotion existed in the habits of the people, and the constitution of the country. In the north, the fertile region of all confusion and rapine, Allan of Lorn of the Wood, a sister's son of Donald Balloch, had seized his elder brother, Ker of Lorn, and confined him in a dungeon in the island of Kerweray. Allan's object was to starve his victim to death, and succeed to the estate; but the Earl of Argyle, who was nearly related to the unfortunate baron, determined to rescue him; and arriving suddenly with a fleet of warlike galleys, entirely defeated this fierce chief, burnt his fleet, slew the greater part of his men, and restored the elder brother to his rightful inheritance. This, although apparently an act of justice, had the usual effect of rousing the whole body of the Island lords, and dividing them into various parties, animated with a

<sup>1</sup> Auchinleck Chronicle, p. 58. Carte, Hist. of England, vol. ii. p. 757.

mortal hostility against each other, and these issued from their ocean-retreats to plunder the islands, to make descents upon the continent, and to destroy and murder the unhappy persons who refused to join their banner, or engage in such atrocities.<sup>1</sup>

In the meantime, it was thought expedient that writs should be issued, in the royal name, for the meeting of the parliament, which assembled at Edinburgh on the 24th of February, 1460. It was fully attended, not only by the whole body of the prelates, to whose wisdom and experience the people anxiously looked for protection, and by the great southern barons, but by the Earl of Ross, the Lord of the Isles, and a multitude of haughty and independent Highland chiefs, whose hands were scarce dry from the blood which they had lately shed in their domestic broils, and who came, not so much from feelings of affection to the crown, as with the desire of profiting by the changes and the insecurity which they knew to be the invariable attendants upon a minority. Unfortunately no records remain of the transactions of this first parliament of James the Third. It is certain, however, that the debates and divisions of the aristocracy were carried on with a virulence which augured ill for the kingdom, and rendered abortive, in a great measure, the deliberations of the friends of order and good government. These, however, so far succeeded as to procure the appointment of sessions for the distribution of justice, to

<sup>1</sup> Auchinleck Chronicle, pp. 58, 59.

be held at Aberdeen, Perth, and Edinburgh. The keeping of the king's person, and the government of the kingdom, was committed, for the present, to the queen-mother; and this prudent princess, distrusting the higher nobles, who commanded some of the principal fortresses, removed the governors of Edinburgh, Stirling, and Dunbar, and replaced them by those amongst her own servants, upon whose fidelity she could confidently rely.<sup>1</sup> It was impossible that such decided measures should not excite dissatisfaction amongst a large proportion of the aristocracy, "who," in the words of a contemporary chronicle, "loudly complained against those persons, whether of the temporal or spiritual estate, who committed to a woman the government of a powerful kingdom." In other words, they murmured that the plunder and peculation which they had eagerly anticipated as the ministers of a minor sovereign, were not likely to be permitted under the energetic government of the queen.

In the absence of authentic evidence, it is difficult to ascertain the exact measures which were adopted in the constitution of the new government immediately subsequent to the death of the king. According to Lesley, a council of regency was formed, under the direction or control of the queen-mother. By another, and, as it seems, a more probable supposition, the chief management of affairs was intrusted to Kennedy, Bishop of St Andrews; and it is certain

<sup>1</sup> Auchinleck Chronicle, p. 59. Lesley, Hist. p. 33.

that the choice could not have fallen upon one more fitted, from his exemplary probity, and his eminent talents and experience, to guide the state amid the difficulties with which it was surrounded. This his conduct in office during the late reign had sufficiently demonstrated, and his present appointment to be the principal minister of the crown, was a pledge given by the queen that, however thwarted and opposed by the selfish spirit of the great body of the nobles, it was at least her wish that the government should be administered with justice and impartiality. The office of chancellor was, about the same time, conferred on Lord Evandale, a nobleman of considerable ability, who had enjoyed the advantage of a more learned education than generally fell to the lot of the rude barons of his age, and who had experienced the confidence and friendship of the late king. The high situation of Justiciar of Scotland was committed to Robert, Lord Boyd; the care of the privy seal intrusted to James Lindsay, Provost of Lincluden, who was said to be admitted into the most secret councils of the queen; James, Lord Livingston, was promoted to the lucrative and responsible dignity of chamberlain, whilst Liddele, Rector of Forres, was made secretary to the king, David Guthrie of Kincaldrum, treasurer, and Sir John Colquhoun of Luss, comptroller of the household.<sup>1</sup>

<sup>1</sup> Crawford's *Officers of State*, p. 37. *Ibid.* p. 313. Rymer, *Fœdera*, vol. xi. p. 476.



It was about this time that the King of France, who had been chosen arbitrator in the dispute between the crowns of Norway and Scotland, delivered his final judgment upon the subject. It has been already explained that this serious difference, which threatened to involve the two kingdoms in war, originated in a claim made by the Norwegian monarch for the arrears of the "annual of Norway," the sum payable by Scotland to that kingdom for the possession of the Western Isles and Man. By the original treaty between Magnus, King of Norway, and Alexander the Third, which was concluded in 1286, a certain penalty had been imposed, upon failure on the part of Scotland to pay the yearly quit-rent, and the Norwegian commissioners insisted that the original autograph of this treaty should be produced by the Scottish ambassadors, Patrick Fokart, captain of the King of France's guard, and William de Monipenny, Lord of Concessault, alleging that they would prove, from the terms in which it was drawn up, that an arrear of forty-four thousand marks was due from the Scottish government to the King of Norway. This demand the Scottish envoys eluded. They alleged that the original deed was in the hands of Kennedy, the Provost of St Andrews, who was then sick in Flanders, at a great distance from the spot where the convention was held, and insinuated that the treaty had rather been neglected than infringed; that no demands having been, for a long period, proffered by Norway, Scotland was almost justified in considering the claim as having been cut down

by desuetude. Unable, from the want of the original document, to decide this point, and anxious to avoid the prolongation of the conference, Charles the Seventh proposed that the disputes should be brought to an amicable termination by a marriage between the eldest son of James the Second, and Margaret, the daughter of the King of Norway. Upon this subject the plenipotentiaries of either power, although they intimated that they had no authority to come to a final agreement, declared their willingness to confer with their governments. It was stated by the Scottish ambassadors that the terms which they should be inclined to propose, would be the renunciation by Norway of all claim for arrears, the cession to Scotland of the islands of Shetland and the Orkneys, and the payment of the sum of a hundred thousand crowns for the feminine decorations, or, in more familiar phrase, the pin-money, of the noble virgin ; whilst, upon their part, they engaged that their royal master should settle upon the princess a dowery suitable to her rank. At this moment, and apparently before the Norwegian commissioners had returned any answer to the proposal, accounts of the death of James the Second before Roxburgh reached Bourges, where the convention was held, and the negotiations were brought to an abrupt conclusion ; but a foundation had been laid for a treaty highly advantageous to Scotland ; and the advice of the royal umpire, Charles the Seventh, that the two countries should be careful to continue in the Christian fellowship of peace till the youthful parties had

reached a marriageable age, and the intended union could be completed, appears to have been wisely followed by the ministers of both kingdoms.<sup>1</sup>

In the meantime, events of the most interesting and extraordinary nature occurred in England. The battle of Wakefield had replaced the sceptre in the hands of the feeble Henry, and the bleeding head of the Duke of York, laid at the feet of his masculine antagonist, the queen, was received by her as a pledge that her misfortunes were to be buried in the grave of this determined enemy of her house. Yet, within little more than two months, the star of York once more assumed the ascendant, and the total and sanguinary defeat of the Lancasterians in the decisive battle of Tooton, again drove Henry and his consort into exile in Scotland. So complete had been the dispersion and slaughter of their army, and so immediate and rapid the flight, that their suite, when they arrived, consisted only of six persons.<sup>2</sup> They were received, however, with the utmost distinction; the warmest sympathy was expressed for their misfortunes; and the queen-mother, with the counsellors of the youthful monarch, held various conferences on the most prudent measures to be adopted for the restoration of their unfortunate ally to his hereditary throne. The difficulties, indeed, which presented themselves in the prosecution of such a design, were by no means of a trifling description, and required

<sup>1</sup> Torfæus, pp. 185, 186.

<sup>2</sup> Hall, 256. Paston Letters, i. 219, 229.

very serious consideration. It was evident to the good sense and mature experience of Kennedy, who held the chief place in the councils of the Scottish queen, that, upon the accession of a minor sovereign, the first object of his ministers ought to be to secure the integrity of his dominions and the popularity of his government at home. Yet this, at the present moment, was no easy task. On the side of the Highlands and the Isles, Edward the Fourth had already commenced his intrigues with two of the most potent and warlike chiefs of those districts, whose fleets and armies had repeatedly broken the tranquillity of the kingdom, John, Earl of Ross, and Donald Balloch. To meet these two barons, or their ambassadors, for they affected the state of independent princes, the English monarch dispatched the banished Earl of Douglas and his brother, John Douglas of Balveny, who had sunk into English subjects, and were animated by a mortal antipathy against the house of James the Second.<sup>1</sup> On the side of Norway, the differences regarding the claims of that government, although they had assumed, under the mediation of the French monarch, a more friendly aspect, were still unsettled, and a war with England, unless undertaken on the necessary ground of repelling an unjust attack upon the kingdom, appeared to be a measure which might lead to serious misfortune, and even, if crowned with success, could bring little permanent advantage. Yet to desert an ally in misfortune, to

<sup>1</sup> Rymer, vol. xi. p. 474. Rotuli Scotiæ, vol. ii. p. 402.

whom he was bound by the faith of repeated treaties, would have been justly accounted ungenerous, and Henry, or rather his queen, without affecting to be blind to the sacrifice which must be made if Scotland then declared war, offered to indemnify that country by the immediate delivery of the two important frontier towns of Berwick and Carlisle.<sup>1</sup> The prize which was thus offered was too alluring to be refused; and although Edward had previously shown a disposition to remain on friendly terms, the occupation of so important a town was considered as an open declaration of hostility, and called for immediate exertion.

Personally engrossed, however, by the unsettled state of his own kingdom, he determined to invade Scotland, and, if possible, expel the reigning family by means of those powerful and rebellious chiefs which it held within its own bosom, assisted by the banished Douglasses, who, as before mentioned, had now become English subjects. We find, accordingly, that in a council of their vassals and dependants, held at Astornish, on the 19th of October, the Earl of Ross, along with Donald Balloch, and his son, John de Isle, dispatched their ambassadors to meet with the English envoys, who, in a negotiation at Westminster, concluded a treaty with Edward IV., which embraced some extraordinary conditions. Its basis was nothing less than the contemplated conquest of Scotland by the

<sup>1</sup> Parliamentary Rolls, p. 478.

army of the island lord and the auxiliaries to be furnished by Edward. The Lord of the Isles, upon payment of a stipulated sum of money to himself, his son, and his ally, agreed to become for ever the sworn vassal of England, along with the whole body of his subjects, and to assist him in the wars in Ireland, as well as elsewhere. In the event of the entire subjugation of Scotland by the Earls of Ross and Douglas, the whole of the kingdom to the north of the Scottish sea, or Frith of Forth, was to be divided equally between Douglas, Ross, and Donald Balloch, whilst Douglas was to be restored to the possession of those estates between the Scottish sea and the borders of England, from which he was now excluded ; and upon such partition and restoration being carried into effect, the salaries payable by England to Ross and his associates, as the wages of their defection, were to cease. This remarkable treaty is dated at London, on the 13th of February, 1462.<sup>1</sup>

Whilst these important transactions were taking place in England, Henry, the exheridated monarch, in his asylum at the Scottish court, engaged the Earl of Angus, one of the most powerful subjects in Scotland, by the promise of an English dukedom, to grant him his assistance in the recovery of his dominions ;<sup>2</sup>

<sup>1</sup> *Rotuli Scotiæ*, vol. ii. p. 407.

<sup>2</sup> Hume of Godscroft, vol. ii. pp. 21, 22, quotes from the original treaty, which he had seen : “ And so the treaty was sealed and subscribed with a Henry as long as the whole sheet of parchment ; the worst shapen letters, and the worst put together, that I ever saw.”

but before any regular plan could be organized, the Earl of Ross, faithful to his promises to Edward, broke into a rebellion, which was accompanied with all those circumstances of atrocity and sacrilege which disgraced the hostilities of these island princes. Having approached the castle of Inverness, at the head of a small party, for the purpose of concealing his ultimate design, he was readily admitted by the governor, who believed him faithful to the king; and found, when it was too late, that all resistance must be hopeless.<sup>1</sup> Ross immediately assembled his army, and proclaimed himself King of the Hebrides. He then invaded the country of Athole, published a proclamation, that no one should dare to obey the officers of King James—commanded all taxes to be henceforth paid to him—and, after a cruel and wasteful progress, concluded the expedition by storming the castle of Blair, and dragging the Earl and Countess of Athole from the chapel and sanctuary of St Bridget, to a distant prison in Isla. Thrice did he attempt, if we may believe the Catholic historian, to fire the holy pile which he had plundered—thrice the destructive element refused its office—and a storm of thunder and lightning, in which the greater part of his war-galleys were sunk, and the rich booty with which they were loaded consigned to the deep, was universally ascribed to the wrath of Heaven, which had armed the elements against the abettor of sacrilege and murder. It is certain, at least, that this idea

<sup>1</sup> Ferrerius, p. 383.

had fixed itself with all the strength of remorse and superstition in the mind of the bold and savage leader himself; and such was the strength of the feeling, that he became moody and almost distracted. Commanding his principal leaders and soldiers to strip themselves to their shirt and drawers, and assuming himself the same ignominious garb, he collected the relics of his plunder, and, proceeding with bare feet, and a dejected and haggard aspect, to the chapel which he had so lately stained with blood, he and his attendants performed before the altar an ignominious penance. The Earl and Countess of Athole were immediately set free from their prison—and Ross, abandoned as it was supposed by Heaven, was not long after assassinated in the castle of Inverness, by an Irish harper, whose resentment he had provoked.<sup>1</sup>

It does not appear that any simultaneous effort of the banished Earl of Douglas, who at this time received from England a yearly pension of five hundred pounds, co-operated with the rebellion of Ross; so that this formidable league, which threatened nothing less than the conquest and dismemberment of Scotland, expired in a short and insulated expedition, and fell to pieces before the breath of superstitious terror. Meanwhile the masculine and able consort of Henry the Sixth was indefatigable in her efforts to regain the power which she had lost. With a convoy of four Scottish ships she sailed from Kirkcudbright to Bretagne, and there prevailed upon the duke, who recei-

<sup>1</sup> Ferrerius, p. 383. Lesley de Rebus Gestis Scotorum, p. 300.



ved her with much distinction, to advance the sum of twelve thousand crowns. From Bretagne she passed to her father, the King of Sicily, at this time resident at Anjou, and thence proceeded to the court of France, where her promise to surrender Calais, the moment she was resealed on her throne in England, induced Lewis the Eleventh to assist her with a force of two thousand men, under the command of Breze, the Seneschal of Normandy, and a sum of twenty thousand livres.<sup>1</sup> With this little army, the English queen disembarked near Bamburgh, under the confident expectation that the popularity of the house of Lancaster, and the prompt assistance of the Scots, would soon recruit the ranks of her army, and enable her to triumph over the power of the usurper. But she was cruelly disappointed. On her first landing, indeed, the fortresses of Alnwick and Dunstanburgh immediately surrendered, and were occupied by the troops of the Lancasterians; but before the Scottish auxiliaries, under the command of Angus, could march into England, Edward the Fourth, in person, along with the Earl of Warwick, advanced, by rapid marches, at the head of a numerous army, and compelled the queen and her foreign ally to fly to their ships. The Seneschal of Normandy, however, left his son in command of Alnwick, at the head of the French auxiliaries, whilst Bamburgh castle was committed to the Duke of Somerset and the Earl of

<sup>1</sup> Wyrecestre, p. 492. Carte, Hist. of England, vol. ii. p. 566.

Pembroke ; but it was impossible for the Queen of England to struggle against the adverse accidents which pursued her. A storm attacked and dispersed her fleet ; and it was with infinite difficulty and danger that she succeeded in putting into Berwick.<sup>1</sup> Breze, the seneschal, after witnessing the wreck of his best ships, and the capture of his troops by Ogle and Manners, two of Edward's officers, was glad to escape in a fishing-boat from Holy Island ; and although the Earl of Angus, at the head of a considerable Scottish force, gallantly brought relief to the French auxiliaries who were shut up in Alnwick, and carried off the garrison in safety, in the presence of the English army, the expedition concluded with Edward becoming master of the castles of Bamburgh, Dunstanburgh, and Alnwick, whilst Margaret once more fled to the continent, and sought an asylum at her father's court.

In the midst of these calamities which befell her sister-queen and ally, it appears that the Queen-Dowager of Scotland had consented to a personal interview with the Earl of Warwick, as the accredited ambassador of Edward the Fourth. The object of the negotiation was an artful proposal of this handsome and victorious prince, for a marriage between himself and the widowed queen, who was then in the bloom of her years, and possessed of many personal charms. Although this negotiation ultimately

<sup>1</sup> W. Wyrecestre, p. 495. Leland Coll. vol. i. part ii. p. 499.

came to nothing, and indeed the notoriety of the queen's intrigue with the Duke of Somerset,<sup>1</sup> and the suspicions previously breathed against her character, rendered it difficult to believe that Edward was in earnest, still the agitation of such an alliance had the effect of neutralizing the party against England, and diminishing the interest of Henry the Sixth at the Scottish court. The death also of his powerful ally, the Earl of Angus, which appears to have taken place about this time, greatly weakened his party; and this ill-fated prince, after having testified his gratitude for the honourable reception and great humanity which he had experienced from the provost and citizens of Edinburgh, by granting to them the same freedom of trade to all English ports which was enjoyed by the citizens of London,<sup>2</sup> once more repaired to England, there to make a last effort for the recovery of his kingdom.

The nobles of Scotland, at this moment, were divided into two parties, known by the name of the young and the old lords;<sup>3</sup> the first, supported by the powerful countenance of the queen-mother and Bishop Kennedy, anxious for lasting peace with England, and eager to promote it by the sacrifice of the cause of Henry, which was justly considered desperate; the second, led by the Earl of Angus, and after his death, headed, in all probability, by his son and successor, or rather by the tutors and pro-

<sup>1</sup> Wyrecestre, p. 495.

<sup>2</sup> Maitland's History of Edinburgh, p. 8.

<sup>3</sup> Paston, Letters, i. p. 370.

tectors of this youthful chief. The sudden death of the queen-mother, Mary of Gueldres, in the prime of her years and her beauty, which took place on the 16th of November, 1463,<sup>1</sup> does not appear to have weakened the interest of Edward, or thrown any additional weight into the hands of the partisans of Henry; on the contrary, the event was followed by immediate and active negotiations for peace, and soon after the battle of Hexam, a defeat which gave the death-blow to the Lancastrian faction in England, a solemn convention was held between the commissioners of both countries. It was attended, on the part of England, by the Earls of Warwick and Northumberland; and on that of Scotland, by the Bishop of Glasgow, and the Earl of Argyle, with the Lords Livingston, Boyd, and Hamilton, and it concluded in a fifteen years' truce, embracing, as one of its principal conditions, that "the King of Scotland should give no assistance to Henry, calling himself King of England, to Margaret, his wife, Edward, his son, or any of his friends or supporters."<sup>2</sup>

Amidst these transactions there gradually arose in Scotland another powerful family, which was destined to act a prominent part in the public affairs of the kingdom, and to exhibit the frequently repeated spectacle of office and authority abused for the lowest and most selfish ends. I allude to the exaltation

<sup>1</sup> Lesley de Rebus Gestis Scotorum, p. 302.

<sup>2</sup> Rymer, vol. xi. p. 510. Rotuli Scotiae, vol. ii. p. 412. Abercromby, vol. ii. p. 390.

of the Boyds, whose rapid rise to the possession of the supreme power in the state, and the custody of the king's person, is involved in considerable obscurity. The power of the imperious house of Douglas was now extinguished ; it had been succeeded by the domination of the Earl of Angus, which was checked by the influence of the queen-mother, and had lately sunk into a temporary weakness by the minority of the young earl. In these circumstances, an opening seems to have been left for the intrusion of any able, powerful, and unscrupulous adventurer, who should unite in his own favour the broken and scattered families of the aristocracy, and, imitating the audacious policy of the Livingstons in the earlier part of the reign of James the Second, obtain exclusive possession of the king's person, and administer at his will the affairs of the government. Such a leader arose in the person of Robert, Lord Boyd, whose ancestor had done good service to the country under the reign of Bruce, and who himself, probably through the influence of Bishop Kennedy, had been created a peer in an early part of the present reign. The brother of this nobleman, Sir Alexander Boyd, is celebrated, in the popular histories of this reign, as a mirror of chivalry in all noble and knightly accomplishments, and upon this ground he was selected by the queen-mother and Kennedy as the tutor of the youthful prince in his martial exercises.<sup>1</sup> To acquire an influence over the affections of a boy of thirteen, and to

<sup>1</sup> Paston Letters, i. p. 270.

transfer that influence to his brother, Lord Boyd, who was much about the royal person, was no difficult task for so polished and able a courtier as Sir Alexander, but it appears singular that the selfishness and ambition of his character, as well as that of his brother, should have escaped the acute discernment of Kennedy; and yet it is certain that some months previous to the death of this excellent prelate, the Boyds had formed a strong party in the state, the object of which was nothing less than the usurpation of the whole power in the government, and the exclusive possession of the king's person.

This appears from a remarkable indenture, dated at Stirling, on the 10th of February, 1465, the contents of which not only disclose to us the ambition of this family, and the numerous friends and adherents whom they had already enlisted in their service, but throw a strong light upon the unworthy methods by which such lawless confederacies were maintained amongst the members of the Scottish aristocracy. The agreement bears to have been entered into betwixt honourable and worshipful lords, Robert, Lord Fleming, on the one side, and Gilbert, Lord Kennedy, elder brother of the bishop, and Sir Alexander Boyd of Duchol, knight, upon the other; and it declares that these persons have solemnly bound themselves, their kin, friends, and vassals, to stand each to the other, in "afald kindness, supply, and defence," in all their causes and quarrels in which they are either already engaged, or may happen to be hereafter engaged, during the whole continuance

of their lives. Lord Fleming, however, it would seem, had entered into a similar covenant with the Lords Livingston and Hamilton, and these two peers are specially excepted from that clause by which he binds himself to support Kennedy and Boyd against all manner of persons who live or die. In the same manner, these last-mentioned potentates except from the sweeping clause, which obliges them to consider as their enemies every opponent of Fleming, a long list of friends, to whom they had bound themselves in a similar indenture ; and it is this part of the deed which admits us into the secret of the early coalition between the house of Boyd and some of the most ancient and influential families in Scotland. The Earl of Crawford, Lord Montgomery, Lord Maxwell, Lord Livingston, Lord Hamilton, and Lord Cathcart, along with a reverend prelate, Patrick Graham, Bishop of St Andrews, are specially enumerated as the covenanted friends of Boyd and Kennedy. It is next declared that Lord Fleming shall be retained as a member of the king's special council as long as the Lord Kennedy and Sir Alexander Boyd are themselves continued in the same office and service, and provided he solemnly obliges himself, in no possible manner, either by active measures, or by consent and advice, to remove the king's person from the keeping of Kennedy and Boyd, or out of the hands of any persons to whom they may have committed the royal charge. By a subsequent part of the indenture it appears, that to Fleming was attributed a considerable influence over the mind of the

youthful monarch ; for he is made to promise that he will employ his sincere and hearty endeavours to incline the king to entertain a sincere and affectionate attachment to Lord Kennedy and Sir Alexander Boyd, with their children, friends, and vassals. The inducement by which Lord Fleming was persuaded to give his cordial support to the Boyds is next included in the agreement, and it affords, it must be allowed, a melancholy picture of the venality and corruption of the aristocracy. It is declared, that if any office happen to fall vacant in the king's gift, which is a reasonable and proper thing for the Lord Fleming's service, he shall be promoted thereto for his reward ; and it continues, " if there happens a large thing to fall, such as ward, relief, marriage, or other perquisite, as is meet for the Lord Fleming's service, he shall have it, for a reasonable composition, before any other." It is finally concluded between the contracting parties, that two of Lord Fleming's special friends and retainers, Tom of Somerville, and Wat of Tweedy, shall be received by Kennedy and Boyd amongst the number of their adherents, and maintained in all their causes and quarrels, and the deed is solemnly sealed and ratified by their oaths taken upon the holy gospels.<sup>1</sup>

Such is a specimen of the mode in which the prosperity of the kingdom was sacrificed to the private

<sup>1</sup> This valuable original document was communicated to me by James Maidment, Esq., through whose kind permission it is printed in the Appendix, Letter G.



ambition of the nobles ; and it is evident that this band or indenture, by which Lord Fleming was irrevocably tied to support the faction of the Boyds, was merely one of many other similar instruments which shackled in the same manner, and rewarded by the same prospects of peculation, the rest of the Scottish nobles.

These intrigues appear to have been carried on during the mortal illness of Bishop Kennedy, and in contemplation of his death. This event, which was truly, in the circumstances in which it occurred, a national calamity, took place on the 10th of May, 1466.<sup>1</sup> In him the country lost the only statesman who possessed sufficient firmness, ability, and integrity, to direct the councils of government. He was, indeed, in every respect a remarkable man ; a pious and conscientious churchman, whose charity was munificent, active, and discriminating ; and whose religion was perhaps as little tinged with bigotry and superstition as the times in which he lived would allow. His zeal for the true interests of literature and science was another prominent and admirable feature in his character, of which he left a noble monument in St Salvator's college at St Andrews, which was founded by him in 1456, and richly endowed out of his ecclesiastical revenues. Kennedy was nearly connected with the royal family, his mother being the Lady Mary, Countess of Angus, a daughter of Robert the Third. It appears that he

<sup>1</sup> Keith's Catalogue of the Bishops, p. 19.

had early devoted his attention to a correction of the manifold abuses which were daily increasing in the church ; for which laudable purpose he twice visited Italy, and, notwithstanding his zeal in reformation, experienced the favour of the pope. Although in his public works, in his endowments of churches, and in every thing connected with the pomp and ceremonial of the Catholic faith, he was unusually magnificent, yet in his own person, and the expenditure of his private household, he exhibited a rare union of purity, decorum, and frugality ; nor could the sternest judges breathe a single aspersion against either his integrity as a minister of state, or his private character as a minister of religion. Buchanan, whose prepossessions were strongly against that ancient church, of which Kennedy was the head in Scotland, has yet spoken of his virtues in the highest terms of panegyric :— “ His death,” he says, “ was so deeply deplored by all good men, that the country seemed to weep for him as for a public parent.”<sup>1</sup>

Upon the decease of this virtuous prelate, the strength of the coalition which had been formed by the Boyds, and the want of that firm and decided hand which had hitherto guided the government, and restrained the enterprises and intrigues of private ambition, were soon felt in a lamentable manner by the country. To get complete possession of the king's person was the first object of the faction, and this they accomplished in a very summary and audacious manner. Whilst the king, who had now

<sup>1</sup> Buchanan *Hist. Rerum Scotic.* b. xii. c. 23.

completed his fourteenth year, sat in his Exchequer Court, which was then held in the palace of Linlithgow, Lord Boyd, accompanied by Lord Somerville, Adam Hepburn, Master of Hailes, and Andrew Ker of Cessford, violently invaded the Court, which was kept by the officers and attendants of the chamberlain, Lord Livingston, and laying hands upon the king, compelled him to mount on horseback behind one of the Exchequer deputies, and to accompany them to Edinburgh. Lord Kennedy, who was a principal party in the conspiracy, with the object of exculpating himself from the public odium which attached to such an outrage, threw himself in the way of the cavalcade, and, seizing the bridle of the horse which the king rode, attempted, with well-dissembled violence, to lead him back to the palace. A blow from the hunting-staff of Sir Alexander Boyd put an end to this interference, and the party were suffered to proceed with their royal prize to the capital.<sup>1</sup> The reader need hardly be reminded, that Lord Livingston, the chamberlain, without whose connivance this enterprise could not have succeeded, was one of the parties to that remarkable bond between Lord Fleming and the Boyds, which has been already quoted, and that Tom of Somerville, or, in less familiar language, Thomas Somerville of Plane, the

<sup>1</sup> R. Mag. Sig. vii. 45. 13th October, 1466. Buchanan, b. xii. c. 21, is the authority for this pretended interposition of Kennedy. The rest of the story given by him is inaccurate. See an extract from the Trial of the Boyds in 1469, in Crawford's *Officers of State*, p. 316.

brother of Lord Somerville, who accompanied and assisted Lord Boyd in his treasonable invasion of the royal person, was another. Fleming himself, indeed, does not appear, and the other powerful friends of the Boyds, the Earl of Crawford, with the Lords Montgomery, Maxwell, Hamilton, and Cathcart, are not mentioned as having personally taken any share in the enterprise ; but it is impossible to doubt that all of them gave it their countenance and support ; and that the Lord Boyd and his associates would not have risked the commission of an act of treason, unless they had been well assured that the strength and influence of their party would enable them to defy, for the present, every effort which might be made against them.

This is strikingly corroborated by what followed. During the sitting of a parliament, which was soon after held at Edinburgh, an extraordinary scene took place. In the midst of the proceedings, Lord Boyd, suddenly entering the council-room, threw himself at the king's feet, and, embracing his knees, earnestly besought him to declare before the three estates there assembled, whether he had incurred his displeasure for any part which he had taken in the late removal of his majesty from Linlithgow to Edinburgh ; upon which the royal boy, previously well instructed in his lesson, publicly declared, that instead of being forcibly carried off in the month of July last from Linlithgow, as had been by some persons erroneously asserted, he had attended Lord Boyd, and the other knights and gentlemen

who accompanied him, of his own free-will and pleasure. In case, however, this assertion of a minor sovereign, under the influence of a powerful faction, should not be considered sufficiently conclusive, an instrument under the great seal was drawn up, in which Boyd and his accomplices were pardoned ;<sup>1</sup> and to crown this parliamentary farce, the three estates immediately appointed the same baron to the office of governor of the king's person, and of his royal brothers. They selected, at the same time, a committee of certain peers, to whom, during the interval between the dissolution of this present parliament and the meeting of the next, full parliamentary powers were intrusted. It is impossible not to pity the miserable condition of a country, in which such abuses could be tolerated, in which the rights of the sovereign, the constitution of the great national council, and the authority of the laws, were not only despised and outraged with the most perfect impunity, but, with a shameless ingenuity, were made parties to their own destruction. In the same parliament, the ambassadors who were then in England, amongst whom we find the prelates of Glasgow and Aberdeen, the Earls of Crawford and Argyle, with Lord Livingston, the chamberlain, were directed to treat of the marriage of the king, as well as of his royal brothers, the Lords of Albany and Mar, and, upon their return to Scotland, to come to a final deter-

<sup>1</sup> *Litera approbationis in favorem Dom. Rob. Boyd.* Appendix to Crawford's Officers of State, p. 473.

mination upon the subject with that committee of lords to whom the powers of parliament were intrusted.

It is evident, however, that although their names and their numbers are studiously concealed, there was a party in the kingdom inimical to the designs of the Boyds, who absented themselves from the meeting of the estates, and, shut up within their feudal castles, despised the simulated summons of the king, and defied the authority of those who had possessed themselves of his person. The parliamentary committee were accordingly empowered to sit and judge all those who held their castles against the king or my Lord of Albany;<sup>1</sup> to summon them to immediate surrender, and, in the event of their refusal, to reduce them by arms. At the same time, it was determined that the dowery of the future queen should be a third of the king's rents. Some wise regulations were enacted against the purchase of benefices *in commendam*; and an endeavour was made to put a stop to the alarming prevalence of crime and oppression, by inflicting severe fines upon the borrows or pledges of those persons who had become security to the state that they would keep the peace, and abstain from offering violence to the person or invading the property of their neighbours. "If borrows be broken," to use the language of the act, "upon any bishop, prelate, earl, or lord of parliament, the party who had impledged himself for his security, was to be fined a hundred pounds; if upon barons, knights,

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 85.

squires, or beneficed clerks, fifty pounds ; if upon burgesses, yeomen, or priests, thirty pounds." In the same parliament, the act of King Robert Bruce, by which Englishmen were forbid to hold benefices in Scotland, was revived ; and the statutes, so often renewed and so perpetually infringed, against the exportation of money out of the realm, excepting so much as is necessary for the traveller's personal expenses, were once more repeated. On the other hand, to encourage the importation of money into the kingdom, a provision was made that every merchant who exports hides or woolfels, should, for each sack which he sells in the foreign market, bring to the master-coiner of the king's mint two ounces of " burnt silver," for which he was to receive nine shillings and twopence ; whilst, for the ease and sustentation of the king's lieges, and to encourage alms-deeds to be done to the poor, it was enacted that a coinage of copper money should be issued, four pieces or farthings to the penny, with the device of St Andrew's cross on the one side, and a royal crown, with the letters James R., on the reverse. The other gold and silver money of the realm was to be current at the same value as before.<sup>1</sup>

A restriction was made upon foreign trade, by which none but free burgesses, resident within burgh, or their factors and servants, were permitted to sell or traffic in merchandise out of the realm, always understanding, that it is lawful for prelates, barons,

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 86.

and clerks, to send their own property, the produce of their own lands, out of the country by the hands of their servants, and to purchase in return such things as are needful for their personal use. Other regulations follow, which enable us to form some idea of the commercial condition of the country; even burgesses, it would appear, had not an unlimited permission to trade, unless the trader was a famous and worshipful man, having, of his own property, half a "last" of goods, or so much at least, under his own power and management; no handicraftsman or artisan was to be permitted to trade, unless he first, without colour or dissimulation, renounced his craft; and none of the king's lieges was to be permitted, in all time coming, to freight a ship, either within the realm, or from a foreign port, without there being a formal agreement or charter-party drawn up, containing certain conditions which were to be fulfilled by the shipmaster. By such conditions, the shipmaster was obliged to find a steersman, and timberman, (tymmerman,) and a crew sufficient to navigate the vessel. The merchantmen who sailed with him, were to be provided with fire, water, and salt, at his free cost. If any quarrel arose between the shipmaster and his merchant passengers, its decision was to be referred to the court of the burgh to which the vessel was freighted, whilst care was to be taken that no goods should be damaged or destroyed, shorn or staved in, by ignorant or careless stowage, under the penalty of forfeiting the freight-money, and making good the loss to the merchant. No master was to be



allowed to sail his vessel during the winter months, from the feast of St Simon and Jude, to Candlemas; and in consequence, probably, of some misunderstanding with the Flemings, of which there is no trace in the history of the times, all merchants were interdicted from trading to the ports of the Swyn, the Sluse, the Dam, or Bruges, and ordered to pass with their ships and cargoes to the town of Middleburg. They were not, however, to establish their trade in that city, as a staple, as it was declared to be the intention of the government to send commissioners to the continent, for the purpose of negotiating for them the privileges and freedom of trade, and to fix the staple in that port which offers the most liberal terms.<sup>1</sup> In the meantime, it was permitted to all merchants, to trade to Rochelle, Bordeaux, and the ports of France and Norway, as before. In England, during the same year, we find the parliament of Edward the Fourth imposing the same restrictions upon the trade and manufactures of the kingdom, enforcing an unattainable uniformity of fabric and quantity in the worsted manufactures, and prohibiting the exportation of woollen yarn and unfulled cloth, by which the king lost his customs, and the people their employment. The truth seems to have been, that, owing to the decided inferiority of the English wool, the foreign cloths had completely undersold the English broadcloth, and the parliament interfered, to prevent the manufacturers from diverting their labour

<sup>1</sup> Acts of Parliament, vol. ii. p. 87.

and their capital into that only channel in which they appear to have been profitably employed for themselves and for the country.<sup>1</sup>

In the midst of these parliamentary labours, the power of the family of the Boyds, fostered by a prepossession which the youthful monarch seems to have entertained for their society, and increased by the use which they made of their interest in the government to reward their friends, and overwhelm their opponents, was steadily on the increase. The Princess Mary, eldest sister to the king, had been affianced to the son of Henry the Sixth, but the hand of this royal lady was not deemed too high a reward for Sir Thomas Boyd, the eldest son of Lord Boyd. The island of Arran was, immediately after the marriage, erected into an earldom, in favour of the bridegroom, and his power and ambition were gratified by the grant of ample estates in the counties of Ayr, Bute, Forfar, Perth, and Lanark.<sup>2</sup> Soon after this accession of dignity, Lord Boyd, who already enjoyed the office of governor to the king and his brothers, and high justiciar of the kingdom, was promoted to the lucrative and important trust of lord chamberlain ; so that, armed in this triple authority, he may be said to have ruled supreme over the person of the sovereign, the administration of justice, and the management of the revenues. The power of this family, however, which had shot up, within a short period, to such wonderful and dangerous strength, seems to have reached,

<sup>1</sup> Statutes of the Realm, vol. ii. p. 418.

<sup>2</sup> Douglas's Peerage, vol. ii. p. 32.

at this moment, its highest exaltation ; and the fall, when it did arrive, was destined to be proportionably rapid and severe.

An event which soon after occurred in Orkney, had the effect of renewing the intercourse between the courts of Scotland and Denmark, although the auspices under which it was resumed, were at first rather hostile than friendly. Tulloch, Bishop of Orkney, a Scotsman, and a prelate of high accomplishments and great suavity of manners, enjoyed the friendship and esteem of Christiern, King of Denmark and Norway ; and appears to have been intrusted by this northern potentate with a considerable share in the government of these islands, at that time the property of the crown of Norway. In some contention and consequent feud between the Bishop and the Earl of Orkney, a baron of a violent and ambitious character, and of great power, the prelate had been seized and shut up in prison, by a son of Orkney, who showed no disposition to interfere for his liberation. Upon this, Christiern directed letters to the King of Scotland, in which, whilst he professed his earnest wishes that the two kingdoms should continue to preserve the most friendly relations to each other, he remonstrated against the treatment of the bishop, requested the king's interference to procure his immediate liberation, and intimated his resolution not to permit the Earl of Orkney to oppress the liege subjects of Norway.<sup>1</sup> So intent was the

<sup>1</sup> Torfæus, p. 187.

northern potentate upon this subject, that additional letters were soon after transmitted to the Scottish king, in which, with the design of expediting his deliberations, a demand was made for the payment of all arrears due by Scotland to Norway, and reiterating his request not only for the liberation of the bishop, but for the restoration to the royal favour of a noble Scottish knight, Sir John Ross of Halket, the same who had distinguished himself in the famous combat, held before James the Second, between three warriors of Burgundy and three champions of Scotland.

These representations had the desired effect. The king had now completed his sixteenth year ; it was not expedient longer to delay his marriage ; and, in looking around for a suitable consort, the daughter of Christiern was thought of amongst other noble virgins. The consequence of this was, an amicable answer to the requests of the Norwegian monarch, and a promise upon the part of James, that an embassy should immediately be dispatched, by which it was hoped all claims between the two crowns might be adjusted. The Bishop of Orkney appears to have been liberated from his durance, Ross was recalled from his banishment, and restored to favour, and a parliament assembled at Edinburgh, for the purpose of taking into immediate consideration the affair of the king's marriage.

In this meeting of the estates of the realm, a commission was drawn up, empowering the Bishops of Glasgow and Orkney, the Chancellor Evandale, the

Earl of Arran, and Mr Martin Vans, grand almoner and confessor to the king, to proceed as ambassadors to the court of Denmark, for the purpose of negotiating a marriage between the youthful sovereign of Scotland and Margaret, Princess of Denmark; whilst, in the event of any failure in the overtures made regarding this northern alliance, the embassy received a sort of roving commission to extend their matrimonial researches through the courts of England, France, Spain, Burgundy, Brittany, and Savoy. Three thousand pounds were cheerfully contributed by the parliament for the purpose of defraying the expenses of the embassy, not, as it is stated in the act, by way of tax, or contribution, but of their own free-will, and without prejudice to follow to them in any time to come. Of this sum, a thousand was to be given by the clergy, a thousand by the barons, and a thousand by the burgesses of the realm.<sup>1</sup>

The Scottish ambassadors accordingly proceeded to Copenhagen, and their negotiations appear to have been conducted with singular prudence and discretion. Their great object was to obtain a cession from Norway of the important islands of Orkney and Shetland, which, as long as they continued the property of a foreign crown, were likely, from their proximity to Scotland, and in the event of a war with the northern powers, to become exceedingly troublesome neighbours to that kingdom. Since the ninth century, the superiority in these islands had belonged to the Nor-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 90.

wegian kings. For a considerable period, they had been governed by a line of Norwegian jarls, or earls ; but these having failed about the middle of the fourteenth century, the earldom passed, by marriage, into the ancient and noble house of St Clair, who received their investiture from the monarchs of Norway, and took their oath of allegiance to that crown. Nay, the sovereigns of Norway were in the practice of occasionally appointing viceroys or governors in these islands ; and on the failure of heirs in the line of Scottish earls, on the refusal of allegiance, or in the event of rebellion, the islands were liable to be reclaimed by these foreign potentates, and at once separated from all connexion with Scotland. In such circumstances, the acquisition of the Orkneys, and the completing the integrity of the dominions of the Scottish crown, was evidently an object of the greatest national importance. At a remote period of Scottish history, in 1266, the kingdom of Man, and of the Western Islands, were purchased from Norway by Alexander the Third. The stipulated annual payment of a hundred marks, from its trifling value, had not been very regularly exacted. Under the reign of James the Second, when the arrears appear to have accumulated for a period of twenty-six years, Christian, King of Denmark, remonstrated, and not only claimed the arrears, but the penalties incurred by the failure. In these circumstances, the case was submitted to the arbitration of Charles the Seventh of France, the mutual friend of the parties, who, as already stated, recommended a marriage between the

Prince of Scotland and the daughter of the King of Denmark, as the happiest and wisest mode of terminating the differences.

It was fortunate for the ambassadors of James that Christiern was disposed, at this period, to preserve the most friendly relations with Scotland. It had been the policy of this prince, more than that of any of his predecessors, to strengthen his influence by foreign alliances, and to support France against the aggressions of England, so that a matrimonial alliance with a kingdom which had long been the enemy of that country, was likely to meet with his cordial concurrence. Under so favourable an aspect, the negotiation was soon concluded. The Norwegian monarch, however, hesitated about giving an immediate cession of the islands to Scotland, but the articles of the marriage treaty amounted, in their consequences, to almost the same thing. Christiern consented to bestow his daughter in marriage upon King James, with a portion of sixty thousand florins, and a full discharge of the whole arrears of the annual, the name given to the yearly tribute due for the Western Isles, and of the penalties incurred by non-payment. Of the stipulated sum he agreed to pay down ten thousand florins before his daughter's departure for Scotland, and to give a mortgage of the sovereignty of the Orkney Islands, which were to remain the property of the kingdom of Scotland till the remaining fifty thousand florins of the marriage portion should be paid. Upon the part of James, it was agreed that his consort, Margaret of

Denmark, should, in the event of his death, be confirmed in the possession of the palace of Linlithgow and the castle of Doun, in Menteath, with their territories; and, besides this, that she should enjoy a revenue amounting to one-third of the royal lands.<sup>1</sup> The exchequer of the Danish monarch had, at this time, been drained by continued civil commotions in his kingdom of Sweden, and, owing to the delay in the stipulated payment of the dowry, the residence of the Scottish ambassadors at the northern court was protracted for several months. During this interval, Boyd, Earl of Arran, returned to Scotland, with the object of laying before James the terms of the treaty, and receiving his further instructions regarding the transportation of the bride.

Upon his departure from Copenhagen, it seems probable that Christiern became acquainted, from his brother ambassadors who remained, with the overgrown power of the family of Arran, and the thralldom in which he and his faction held the youthful king, and that in justice to his daughter, James's affianced bride and future queen, he had determined to undermine his influence. The proud and imperious manners of such a spoilt favourite of fortune as Arran, were likely to prove infinitely disagreeable to the majesty of Denmark, and even amongst his brother ambassadors there were probably some who, having suffered under the rod of his power, would not be indisposed to share in the spoils of his for-

<sup>1</sup> *Torfæi Orcades*, p. 15.



feiture, and to lend themselves instruments to compass his ruin. Whilst such schemes for the destruction of the exclusive and despotic power of the family of Boyd were ripening in Denmark, the Scottish nobles, during his absence on the embassy, had entered into an equally formidable coalition against him ; and the eyes of the king, no longer a boy, became opened to the ignominious tutelage in which he had been kept, and the disgraceful plurality of the highest offices in the state, which were enjoyed by the high chamberlain and the Earl of Arran. All this, however, was kept concealed for the present ; and as winter was now at hand, and the frequent storms in these northern latitudes were naturally formidable to the ambassadors and their timid bride, it was resolved to delay the voyage till spring.<sup>1</sup> At that period, Arran again proceeded with great pomp to the Danish court, and, on his arrival, it was found that Christiern, whose pecuniary difficulties continued, instead of ten thousand, could only pay two thousand florins of his daughter's dowery. Such being the case, he proposed a further mortgage of the islands of Shetland, till he should advance the remaining eight thousand florins, and, as may be easily supposed, the Scottish ambassadors were not slow to embrace his offer. The money was never paid, and, since this period, the islands of Orkney and Shetland have remained attached to the Scottish crown.

Having brought these matters to a conclusion, in

<sup>1</sup> Ferrerius, p. 388. Lesley, *De Rebus Gestis Scotorum*, p. 303.

a manner honourable to themselves, and highly beneficial to the country, the Scottish ambassadors, bearing with them their youthful bride, a princess of great beauty and accomplishments, and attended by a brilliant train of Danish nobles, set sail for Scotland, and landed at Leith in the month of July, amidst the rejoicings of an immense assembly of her future subjects. She was now in her sixteenth year, and the youthful monarch, who had not yet completed his eighteenth, received her with that gallantry and ardour which was incident to his age. Soon after her arrival, the marriage ceremony was completed with much pomp and solemnity in the abbey church of Holyrood, and was succeeded by a variety and splendour in the pageants and entertainments, and a perseverance in the feasting and revelry, which were long afterwards remembered with applause.<sup>1</sup>

The next great public event which succeeded the king's marriage, was the fall of the proud and powerful house of Boyd ; and so very similar are the circumstances which attended their ruin to those by which the destruction of the Livingston family was accompanied, under the reign of James the Second, that, in describing the fate of the one, we seem to be repeating the catastrophe of the other. The reflection which necessarily forces itself upon the mind is, that the constitution of Scotland, at this period, invariably encouraged some powerful family in the aristocracy to monopolize the supreme power in the

<sup>1</sup> Lesley's History of Scotland, p. 38.

state ; and, as the manner by which they effected this purpose was the same in all cases, by a band or coalition, with the most powerful and influential persons in the country, so the mode adopted by their enemies for their ruin and discomfiture was equally uniform—a counter coalition, headed by the sovereign whom they had oppressed, and held together by the hopes of sharing in the spoils which they had amassed during their career of successful ambition. Whilst the Danish fleet, which brought the youthful bride and the Scottish ambassadors, was yet in the Forth, the king's sister, who was the wife of Arran, had become acquainted with the designs which were then in agitation ; and, alarmed for the safety of her husband, against whom she perceived that her royal brother had conceived the deepest animosity, she secretly left the court, procured a conveyance on board the fleet, and informed him of his danger. It happened, unfortunately for his family, that this proud noble, overwhelmed with intelligence for which he was so little prepared, adopted the step most calculated to irritate the king's mind against him. It might have been possible for Arran to have awakened an old attachment, or at least to have diluted the bitterness of indignation, by a personal appeal to the generosity of the monarch ; but instead of this, without landing with his brother ambassadors, he secretly got on board a vessel, and taking his wife along with him, whose presence he perhaps believed would be a pledge for his security, escaped to Denmark, a country scarcely less inimical to him than Scotland.

On being informed of his flight, the king was deeply incensed, and immediately after the conclusion of the rejoicings for his marriage, a parliament assembled at Edinburgh, in which the destruction of this great family was completed in a very summary manner. Lord Boyd, his brother, Sir Alexander Boyd of Drumcol, and his son, the Earl of Arran, were summoned to appear and answer the charges which should be brought against them. Boyd, the lord justiciar and chamberlain, now a very old man, made a vain show of resistance; and trusting perhaps to those bands and covenants by which many of the most powerful families in the country had bound themselves to follow his banner and espouse his quarrel, he assembled his vassals, and advanced to Edinburgh with a force intended to overawe the parliament and intimidate his judges; but he had overrated his influence. At the display of the royal standard, his troops of friends dispersed; even his own immediate dependants became fearful of the consequences, and dropt away by degrees, so that the old lord, in despair for his safety, fled across the Borders into Northumberland, where, overwhelmed by age and misfortune, he soon after died.

The Earl of Arran, as we have seen, had avoided the royal wrath, by a precipitate flight to Denmark; but it is difficult to account for the stern and inexorable measures which were adopted against Sir Alexander Boyd, his uncle, whose pleasing manners, and excellence in all the chivalrous accomplishments of the age, had raised him to the office of the king's

military tutor or governor, and to whom, in his boyish years, James is said to have been so warmly attached. It is evident that the young king, with a capriciousness incident to his period of life, had suffered his mind to be totally alienated from his early friend ; and having consented to his trial for treason, and the confiscation of the large estates which had been accumulated by the family, it is by no means impossible that, contrary to his own wishes, he may have been hurried into the execution of a vengeance which was the work rather of the nobles than of the sovereign. However this may be, Sir Alexander Boyd, whose sickness had prevented him from making his escape, was brought to trial before the parliament, for his violent abduction of the king's person from Linlithgow, on the 9th of July, 1466, an act of manifest treason ; which being completely proved, he was found guilty and condemned to death. Lord Boyd, and his son, the Earl of Arran, had eluded the pursuit of their enemies. They were arraigned, nevertheless, in their absence, on the same charges as those brought against Sir Alexander Boyd ; and being tried by a jury, which included the Earls of Crawford and Morton, and the Lords Seton, Gordon, Abernethy, Glamis, Lorne, and Haliburton, were also pronounced guilty of treason. It was in vain pleaded for these unfortunate persons, that the crime of removing the king from Linlithgow had not only been remitted by a subsequent act of the High Parliament of Scotland, but, upon the same

great authority, had been declared good service. It was replied, and the truth of the answer could not be disputed, that this legislative act was of no avail, having been extorted by the Boyds when they possessed the supreme power, and held the person of the sovereign under a shameful durance, which constituted an essential part of their guilt. Sentence of death was accordingly pronounced upon the 22d of November, 1469, and the same day, Sir Alexander Boyd, the only victim then in the power of the ruling faction, was executed on the Castle-hill of Edinburgh.<sup>1</sup>

Upon the forfeiture of the estates of Lord Boyd, and his son, the Earl of Arran, it was judged expedient to make an annexation to the crown of the estates and castles which had been engrossed by this powerful family; and this was done, it was declared, for behoof of the eldest sons of the Kings of Scotland. Amongst these, we find the lordship of Bute and castle of Rothsay, the lordship of Cowal and the castle of Dunoon, the earldom of Carrick, the lands and castle of Dundonald, the barony of Renfrew, with the lordship and castle of Kilmarnock, the lordships of Stewarton and Dalry; the lands of Niddisdail, Kilbride, Nairnston, Caverton, Farinzean, Drumcoll, Teling, with the annualrent of Brechin, and fortalice of Trabach. When we consider the extent of the possessions which thus became the prize of the crown, it may account for the readiness with which the party of the young

<sup>1</sup> Crawford's *Officers of State*, p. 316, quoting the original trial in Sir Lewis Stewart's MS. Collections, Advocates' Library.

queen, who was naturally jealous of the influence which the Boyds had usurped over her husband, embraced the earliest opportunity of accomplishing their downfall; and a conjecture may be hazarded, that their chief enemies were the Chancellor Evandale and the Lord Hamilton, although the particular details of the conspiracy, and the names of the other powerful and ambitious persons whom it included in its ranks, have been unfortunately lost to history. It is certain that the house of Hamilton, which, previously to the reign of James the Second, had never possessed any very formidable power, rose into high distinction upon the ruins of the family of Boyd. At the command of the king, the Princess Mary, who was the wife of the banished Earl of Arran, was compelled to leave her husband, with whom she had fled to the continent, and return to the Scottish court. A divorce was then obtained, and the Countess of Arran gave her hand to Lord Hamilton, to whom it had been promised in 1454, in reward for the good services performed to the king's father in the grand rebellion of the Earl of Douglas.<sup>1</sup> It is well known that by this marriage, the family of Hamilton, under the reign of Mary, became the nearest heirs to the Scottish crown. Undismayed by the miserable fate of his family, the Earl of Arran, whose talents as a statesman and a warrior were superior to most of the nobles by whom he had been deserted, soon after entered the service of Charles the Bold, Duke of Burgundy, in which he rose to high distinction, and

<sup>1</sup> Abercromby, vol. ii. p. 397.

became employed in negotiations with the court of England.<sup>1</sup>

The king had now reached that age when a fair prognostication might be made of his future character. He had completed his eighteenth year. He had married a princess, who although considerably his junior, was endowed, if we may trust the concurrent testimony of all historians, with a rare union of wisdom and sweetness; and it was evident, that in any endeavour to extricate himself from the difficulties with which he was surrounded, much, almost all of its success depended upon his own personal qualities and endowments. The power of the Scottish aristocracy, which had greatly increased during his own and his father's minority, required a firm hand to check its dangerous growth; and it happened unfortunately, that the temporary triumph which had attended the intrigues of the Livingstons, under James the Second, and more lately the duration in which the king himself was kept by the ambitious usurpation of the house of Boyd, had diminished in the eyes of the nobles, and even of the people, the respect entertained for the royal person and authority, and accustomed them to look upon the sovereign as a prize to be played for and won by the most bold and fortunate faction in the state. To counteract this, the possession of a steady judgment, and the exertion of a zealous attention to the cares of government, were required from the king; and in both qualities James was deficient. That he was so

<sup>1</sup> Paston Letters, vol. i. p. 269.



weak and even wicked a monarch as he is described by a certain class of historians, contrary to the evidence of facts, and of contemporaries, there is no ground to believe; but his education, which, after the death of the excellent Kennedy, had been intrusted to the Boyds, was ill calculated to produce a sovereign fitted to govern a country under the circumstances in which Scotland was then placed. It was the interest of this family, the more easily to overrule every thing according to their own wishes, to give their youthful charge a distaste for public business, to indulge him to an unlimited extent in his pleasures and amusements, to humour every little foible in his character, to keep him ignorant of the state of the country, and to avoid the slightest approach to that wholesome severity, and early discipline of the heart and the understanding, without which nothing that is excellent or useful in after life can be expected. The effects of this base system pursued by his governors, were apparent in the future misfortunes of the king, whose natural disposition was good, and whose tastes and endowments were in some respects superior to his age. The defects in his character were mainly to be attributed to an ill-directed education; but from the political circumstances by which he was surrounded, they were unfortunately of a nature calculated to produce the most calamitous consequences to himself as well as to the country.

He had indeed fallen on evil days; and whether we look to the state of the continent or to the

internal condition of Scotland, the task committed to the supreme governor of that country was one of no easy execution. In England, Edward the Fourth was engrossed by his ambitious schemes against France, although scarcely secure upon the throne which he had mounted amid the tumult and confusion of a civil war; and it was his policy, fearful of any renewal of the war with Scotland, to encourage discontent, and sow the seeds of rebellion in that country, which, under an ambitious and a popular prince, might, by uniting its strength to his adversary of France, have occasioned him infinite annoyance and loss. It was, on the other hand, the object of his sagacious and unprincipled rival, Louis the Eleventh, to engage James by every possible means in a war with England, whilst Charles the Bold, Duke of Burgundy, who had married the sister of Edward, and whose possession of the Netherlands gave him ample means of inflicting serious injury upon the commerce of Scotland, was equally anxious to interrupt the amicable relations between that country and France, and to preserve inviolate the truce between James and Edward. The aspect of affairs in England and on the continent, in relation to Scotland, was therefore one of considerable complication and difficulty, whilst the internal state of the country was equally dark and discouraging.

In the meantime, the same parliament which had destroyed the power of the Boyds, continued its deliberations, and passed some important acts relative to the administration of justice, the tenures

of landed property, the privileges of sanctuary, the constitution of the courts of parliament and justice ayres, and the liability of the property of the tenants who laboured the ground, for the debts of their lord.<sup>1</sup> Of these enactments, the last was the most important, as it affected the rights and the condition of so large and meritorious a class of the community, over whom the tyranny exercised by the higher orders appears to have been of a grievous and intolerable description. Previous to this, when a nobleman fell into debt, his creditor, who sued out a brief of distress, and obtained a judgment against the debtor for a certain sum, was in the practice of having immediate recourse against the tenant of the lordly debtor's lands, seizing his whole property, to his utter loss and ruin. To remedy this, an act was passed, by which it was declared, that, "to prevent the great impoverishment and destruction of the king's commons and rentallers, and of the inhabitants of the estates of the nobles, which is occasioned by the brief of distress," the poor tenants should not be distrained for their landlord's debts, further than the sum which they were due to him in rent, so that if the sum in the brief of distress exceeded the rent due, the creditor was bound to have recourse against the other goods and property of the debtor. If he had no other property except his land, it was provided, that the land should be sold, and the debt paid, so that the poor tenants and labourers be not distressed, whilst the debtor was to enjoy the privilege of re-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 95.

claiming his land from the purchaser, if, at any time within seven years, he should pay down the price for which it had been sold, a legislative provision which breathes a more liberal and enlightened consideration for the labouring classes, than at this period we might have been prepared to expect.<sup>1</sup> In the same parliament, the three estates, after having concluded their deliberations, elected a committee of prelates, barons, and commissaries of the burghs, to whom they delegated full powers to advise upon certain important matters, and report their opinion to the next parliament. Amongst the subjects recommended for their peculiar consideration, are the "In-bringing or importation of bullion into the realm, the keeping the current money within the kingdom, and the reduction of the king's laws, comprehending the *Regiam Majestatem*, the acts, statutes, and other books, into one code or volume;" whilst the rest, meaning, probably, those which had fallen into desuetude, or had been abrogated by posterior enactment, were unscrupulously directed to be destroyed.

The course of public events in England now became deeply interesting, exhibiting those sudden changes of fortune which seated the unfortunate Henry upon the throne, only to hurl him from it within a few months to a prison and a grave. In October 1470, the successful invasion of that country by the Earl of Warwick, and the desertion of Edward by the greater part of his army, compelled the monarch of the Yorkists to make a sudden and

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 96.

hurried escape to Flanders. Within five months he again landed in England, at the head of two thousand men, and such was the astonishing progress of his intrigues and of his arms, that in little more than a month, the city of London was delivered up, and the sanguinary and decisive battle of Tewkesbury completely and for ever annihilated the hopes of the House of Lancaster. Henry, as is well known, immediately fell a victim to assassination in the Tower, and his queen, after a captivity of five years, was permitted to retire to Anjou, where she died. Soon after this important event, a negotiation appears to have been opened with Scotland, and commissioners were appointed to treat of a truce, which was apparently to be cemented by some matrimonial alliance, of which the particulars do not appear.<sup>1</sup>

We have seen that the excellent Kennedy, who had filled the see of St Andrews with so much credit to himself and benefit to the nation, died in the commencement of the year 1466. Patrick Graham, his uterine brother, then Bishop of Brechin, a prelate of singular and primitive virtue, was chosen to succeed him, and as his promotion was obnoxious to the powerful faction of the Boyds, who then ruled every thing at court, the bishop-elect secretly left the country for Rome, and on his arrival, without difficulty, procured his confirmation from Pope Paul the Second. Fearing, however, that his enemies were too strong for him, he delayed his return, and the controversy regarding the claim

<sup>1</sup> Rymer Fœdera, vol. ii. p. 719.

of the see of York to the supremacy of the Scottish church, having been revived by Archbishop Nevill, during his stay in Italy, Graham so earnestly and successfully exerted himself for the independence of his own church, that Sixtus the Fourth, Pope Paul's successor, became convinced by his arguments that the claim of York was completely unfounded. The result was a measure which forms an era in the history of the national church. The see of St Andrews was erected into an archbishopric, by a bull of Sixtus the Fourth, and the twelve bishops of Scotland solemnly enjoined to be subject to that see in all future time.<sup>1</sup> In addition to this high privilege which he had gained for his own church, Graham, who felt deeply the abuses which had deformed it for so long a period, induced the pope to confer upon him the office of legate, for the space of three years, purposing, on his return to Scotland, to make a determined effort for their removal.

But little did this good man foresee the storm which there awaited him, the persecution which a nobility who had fattened on the sale of church livings, a dissolute priesthood, and a weak and capricious monarch, were prepared to raise against him. His bulls of primacy and legation, which had been published before his arrival, seemed only to awaken the jealousy of the bishops, who accused him to the king of intruding himself into the legation, and carrying on a private negotiation with the Roman court, without having first procured the royal license. The moment he set his foot

<sup>1</sup> Spottiswood's History of the Church of Scotland, pp. 58, 59, 60.

in Scotland, he was cited to answer these complaints, and inhibited from assuming his title as archbishop, or exercising his legatine functions. In vain did he remonstrate against the sentence—in vain appeal to the bulls which he spread before the court—in vain assert what was conspicuously true, that he had been the instrument of placing the Scottish church on a proud equality with that of the sister kingdom, and that his efforts were conscientiously directed to her good. The royal mind was poisoned, his judges were corrupted by money, which the prelates and ecclesiastics, who were his enemies, did not scruple to expend on this base conspiracy. Accusations were forged against him, by Schevez, an able but profligate man, who, from his skill in the then fashionable studies of judicial astrology, had risen into favour at court; agents were employed at Rome, who raked up imputations of heresy; his bankers and creditors in that city, to whom he was indebted for large sums expended in procuring the bull for the archbishopric, insisted on premature payment; and the rector of his own university forging a quarrel, for the purpose of persecution, dragged him into his court, and boldly pronounced against him the sentence of excommunication. Despising the jurisdiction of his inferior, and confident in his own rectitude, Graham refused obedience, and bore himself with spirit against his enemies; but the unworthy conduct of the king, who corroborated the sentence, entirely broke his heart, and threw him into a state of distraction, from which he never completely recovered. He was committed

to the charge of Schevez, his mortal enemy, who succeeded him in the primacy, and, unappeased in his enmity, even by success, continued to persecute his victim, removing him from prison to prison, till he died at last, overcome with age and misfortune, in the castle of Lochleven.<sup>1</sup>

Amidst these ecclesiastical intrigues, the attention of the privy council and the parliament was directed to France, with the design of attempting a reconciliation between the French king and the Duke of Burgundy, both of them the old and faithful allies of Scotland. The Earl of Arran, along with his wife, the sister of the Scottish king, had fled, we have seen, after his disgrace in Scotland, to the court of Burgundy, and his talents and intrigues were successfully employed in exciting the animosity of the duke against France and Scotland. The same banished noble had also sought a refuge in England, probably with the same design which had been pursued under similar circumstances by the Douglasses, that of persuading Edward the Fourth to assist him in the recovery of his forfeited estates by an invasion of the country. To counteract these intrigues, it was resolved immediately to dispatch ambassadors to these powers, whose instructions were unfortunately not communicated in open parliament, but discussed secretly amongst the lords of the privy council, owing to which precaution it is impossible to discover the nature of the political relations which then subsisted between Scotland and the continent.

<sup>1</sup> Spottiswood's History of the Church of Scotland, p. 59.



To the same ambassadors was committed the task of choosing a proper matrimonial alliance for the king's sister, a sum of three thousand pounds being contributed in equal portions by the three estates to meet their expenses.

About the same time, Louis the Eleventh dispatched the Sieur Concessault to the court of James, with the object of persuading that monarch to attack and make himself master of the county of Brittany, which he promised to assign in perpetuity to the Scottish crown ; and it appears he had so far succeeded, that orders were given for a levy of six thousand men-at-arms, which the king had determined to conduct in person, whilst the three estates engaged to contribute six thousand pounds for the expenses of the expedition. Against this extraordinary project of deserting his dominions, at a period when the state of the country so imperiously demanded his presence, the wiser and more patriotic portion of the nobility steadily remonstrated.<sup>1</sup> They represented that it must be attended with infinite peril to the realm, if the sovereign, in his tender age, and as yet without a successor, should leave the country, torn as it then was by civil faction, by the dread of threatened war, and by ecclesiastical dissension and intrigue. They exposed to him the duplicity of the conduct of Louis, who had delayed to put him in possession of the county of Xaintonge, his undoubted right, and now attempted to divert him from insisting on the fulfilment of his stipulations, by an enterprise equally hazardous and extra-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 102.

vagant. The prelates, in particular, drew up the strongest remonstrance upon the subject; imploring him, by the tender love which they bore to his person, not to leave his dominions open to the incursions of his old enemies of England; to recall the letters already written to the King of France; and to content himself with an earnest endeavour, by the negotiations of his ambassadors, to make up the differences between Louis the Eleventh and the Duke of Burgundy.<sup>1</sup> They advised him to use every method to discover the real intentions and disposition of the French monarch; and if they found him obstinate in his refusal to deliver up the county of Xaintonge, it was recommended that the ambassadors at the court of Burgundy should arraign the injustice of such conduct to the duke, and prevail upon that prince to assist the Scottish monarch in his attempt to recover his rights, as well as to get possession of the rich duchy of Gueldres, which, they contended, had become the property of the crown of Scotland, in consequence of the imprisonment of the old Duke of Gueldres by his son.<sup>2</sup> Burgundy, however, had himself cast the eyes of affection upon this prize; and, with the design of uniting it to his own territory, and erecting the whole into a separate sovereignty, under the title of the kingdom of Burgundy, soon after prevailed upon the imprisoned potentate to declare him his heir, and took forcible possession of the duchy.<sup>3</sup>

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 102, 104.

<sup>2</sup> Ibid. vol. ii. p. 104.

<sup>3</sup> Henault, Hist. of France, vol. i. p. 318. Harœi Annal. Ducum Brabantiae, p. 498.

Whilst engaged in these complicated negotiations with the continent, the pacific relations with England were renewed ; and the repeated consultations between the commissioners of the two countries, on the subject of those infractions of the existing truce, which were confined to the Borders, evinced an anxiety upon the part of both to remain on a friendly footing with each other.<sup>1</sup> Edward, indeed, since his decisive victory at Tewkesbury, was necessarily engaged in consolidating his yet unstable authority ; and after having accomplished this task, he engaged in a league with the Duke of Burgundy against France, with the determination of humbling the pride of Louis, and reviving in that country the glory of Edward the Third and Henry the Fifth. Under such circumstances, a war with Scotland would have been fatal to the concentration of his forces.

On the other hand, James and his ministers had full occupation at home, and wisely shunned all subjects of altercation which might lead to war. The tumults in the northern parts of Scotland, which had arisen in consequence of a feud between the Earls of Ross and Huntley, whose dominions and vassalry embraced almost the whole of the Highlands, rendered it absolutely requisite that immediate measures should be adopted for the “ stanching the slaughters and depredations” committed by their dependants, and attempting to reduce the unlicensed manners of these districts under the control of justice and civil polity.\*

<sup>1</sup> *Rotuli Scotiæ*, vol. ii. pp. 430, 439, inclusive.

<sup>2</sup> MS. extracts from the Books of the Lord High Treasurer, March 21, 1473.

An injurious practice of selling the royal pardon for the most outrageous crimes, had lately been carried to a mischievous frequency ; and the lords of the articles, in the late parliament, exhorted and intreated his highness that “ he would close his hands for a certain time coming against all remissions and respites for murder, and, in the meantime, previous to any personal interference in the affairs of the continent,” take part of the labour upon himself, and travel through his realm, that his fame might pass into other countries, and that he might obtain for himself the reputation of a virtuous prince, who gave an example to other sovereigns in the establishment of justice, policy, and peace throughout his dominions.<sup>1</sup>

The plan for the amendment of the laws recommended in a late statute, appears to have made but little progress, if we may judge by a pathetic complaint, in which the lords and barons beseech the sovereign to select from each estate two persons of wisdom, conscience, and knowledge, who were to labour diligently towards the “ clearing up of divers obscure matters which exist in the books of the law, and create a constant and daily perplexity.” These persons are recommended, in their wisdom, to “ find good inventions which shall accord to law and conscience, for the decision of the daily pleas which are brought before the king’s highness, and concerning which there is as yet no law which seems proper to regulate their decision.” This singular enactment proceeds to state, that after such persons in their

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 104.

wisdom have fixed upon such rules of law, the collection which they have made should be shown at the next parliament to the king's highness and his three estates; and upon being ratified and approved, that a book should then be written, containing all the laws of the realm, which was to be kept at a place where "the lafe" may have a copy;<sup>1</sup> and that none other books of the law be permitted thenceforth to be quoted, but those which are copies from this great original, under a threatened penalty of personal punishment and perpetual silence to be inflicted upon all who practised in the laws and infringed these injunctions.<sup>2</sup> A few other regulations of this meeting of the estates, regarding the manufacture of artillery, or, as they are termed, "carts of war," the regulation of the coin, the importation of bullion, the examination of goldsmiths' work, and the prohibition of English cloth as an article of import, do not require any more extended notice.<sup>3</sup>

On the 17th of March, 1472, the birth of a prince, afterwards James the Fourth, had been welcomed with great enthusiasm by the people; and the king, to whom, in the present discontented and troubled state of the aristocracy, the event must have been especially grateful, was happily induced to listen to the advice

<sup>1</sup> The "lafe" probably means the body of the inferior judges of the realm.

<sup>2</sup> *Acts of the Parliament of Scotland*, vol. ii. p. 105.

<sup>3</sup> A parliament was held at Edinburgh, 6th October, 1474, of which nothing is known but its existence. *Acts of the Parliament of Scotland*, vol. ii. p. 108.

of his clergy, and to renounce for the present all intentions of a personal expedition to the continent. He suffered himself also to be guided by the wisdom of the same counsellors in his resolution to respect the truce with England; and on a proposal being made by Edward the Fourth, that a lasting peace should be negotiated between the two nations, on the basis of a marriage between the Prince Royal of Scotland and one of his own daughters, James dispatched an embassy for the purpose of entering into a negotiation with the English commissioners upon this important subject.<sup>1</sup>

The lady, or rather the infant, fixed on, for she was then only in her fourth year, was Edward's youngest daughter, the Princess Cæcilia; and the Bishop of Aberdeen, Sir John Colquhoun of Luss, and the chamberlain, James Shaw, having repaired to England, and concluded their deliberations, Edward directed the Bishop of Durham, along with Russel, the keeper of his privy seal, and John, Lord Scrope, to proceed to Edinburgh, and there conclude a final treaty of marriage and alliance, which they happily accomplished.<sup>2</sup>

A curious illustration of the formality of feudal manners is presented by the ceremony of the betrothment. On the 26th of October, David Lindsay, Earl of Crawford, John, Lord Scrope, knight of the garter, along with the Chancellor Avendale, the Earl of Argyle, and various English commissioners and gentlemen, assembled in the Low Greyfriars' church

<sup>1</sup> Rymer *Fœdera*, vol. xi. p. 814.

<sup>2</sup> *Ibid.* vol. xi. p. 821.

at Edinburgh. The Earl of Lindsay then came forward, and declaring to the meeting that he appeared as procurator for an illustrious prince, the Lord James, by the grace of God King of Scots, demanded that the notorial letters, which gave him full powers in that character to contract the espousals between Prince James, first born son of the said king, and heir to the throne, and the Princess Cæcilia, daughter to an excellent prince, Lord Edward, King of England, should be read aloud to the meeting. On the other side, Lord Scrope made the same declaration and demand; and these preliminaries being concluded, the Earl of Crawford, taking Lord Scrope by the right hand, solemnly, and in presence of the assembled parties, plighted his faith that his dread lord, the King of Scotland, and father of Prince James, would bestow his son in marriage upon the Princess Cæcilia of England, when both the parties had arrived at the proper age. Lord Scrope, having then taken the Scottish earl by the right hand, engaged, and, in the same solemn terms, plighted his faith for his master, King Edward of England. After which, the conditions of the treaty upon which the espousals took place, were arranged by the respective commissioners of the two countries, with an enlightened anxiety for their mutual welfare.

It was first declared, that for the better maintenance of peace and prosperity in the "noble isle called Britain," some measures ought to be adopted by the Kings of Scotland and England, which should promote a spirit of mutual love between the subjects

of both realms more effectually than the common method of a truce, which was scarcely sufficient to heal the calamities inflicted by protracted jealousies and dissensions, followed as they had been by an obstinate and mortal war. A more likely method for the settlement of a lasting peace was then declared to be the intended marriage between Prince James and the Lady Cæcilia; and the conditions upon which it had been concluded were enumerated. The truce between the kingdoms, agreed upon first at York in 1464, and afterwards prolonged to 1519, was appointed to be strictly observed by both countries. As the prince was yet only two years old, and the princess four, the two monarchs were to give their solemn word to use every effort to complete the marriage whenever the parties had completed the lawful age. During the life of King James, the prince and princess were to possess in dowery and joint feoffment the whole lands and rents which belonged to the old heritage of the prince apparent of Scotland during the lifetime of his father, namely, the duchy of Rothesay, the earldom of Carrick, and the lordship of the Stewarts' lands of Scotland. With his daughter, the King of England was to give a dower of twenty thousand marks of English money; and it was lastly agreed, that, in the event of the death of the prince or princess, the heir apparent of Scotland for the time, should, upon the same terms, marry a princess of England.<sup>1</sup> Such were the principal stipulations of a treaty, which, had it

<sup>1</sup> Rymer Fœdera, vol. xi. p. 821.



been faithfully fulfilled by the two countries, might have guaranteed to both the blessings of peace, and promoted the growth of the principal branches of their national prosperity. At first, too, the English monarch appears to have been extremely solicitous to fulfil the agreement. Two thousand five hundred marks of the dowery of the princess were punctually advanced; and in reply to some remonstrances of the Scottish king regarding the *St Salvator*, a vessel belonging to the see of *St Andrews*, which had been wrecked off *Bamburgh*, and plundered by the English, with another ship, the property of the king himself, which had been captured by a privateer of the Duke of Gloucester, Edward dispatched his envoy to the Scottish court, with instructions to meet the admiral of Scotland, and afford complete redress upon the subject. This mission acquaints us with the singular circumstance that the nobility, and even the monarch, continued to occupy themselves in private commercial speculations, and were in the habit of freighting vessels, which not only engaged in trade, but, in falling in with other ships similarly employed, did not scruple to attack and make prize of them.<sup>1</sup>

The state of the northern districts, and the continued rebellion of the Earl of Ross, now demanded the interference of the government, and a parliament was assembled at *Edinburgh*, in which this fierce and insurgent noble was declared a traitor, and his estates confiscated to the crown. His intimate league with *Edward the Fourth*,—his association with the rebel-

<sup>1</sup> Rymer *Fœdera*, vol. xi. pp. 820, 850.

lions Douglasses, and his outrageous conduct in "burning, slaying, and working the destruction of the lands and liege subjects of the king," completely justified the severity of the sentence; but as the mountain chief continued refractory, a force was levied, and the Earls of Crawford and Athole directed to proceed against him.

The extent of these preparations, which comprehended a formidable fleet, as well as a land army, intimidated Ross, and induced him, through the mediation of Huntley, to petition for pardon. Assured of the favourable disposition of the monarch, he soon after appeared in person at Edinburgh, and with much humility, and many expressions of contrition, surrendered himself to the royal mercy. The earldom of Ross, with the lands of Knapdale and Kintyre, and the office of hereditary Sheriff of Inverness and Nairn, were resigned by the repentant rebel into the hands of the king, and unalienably annexed to the crown, whilst Ross himself was relieved from the sentence of forfeiture, and created a peer of parliament, under the title of John de Isla, Lord of the Isles.<sup>1</sup> The king had now attained his full majority of twenty-five years, and, according to a usual form, he solemnly revoked all alienations in any way prejudicial to the crown, which had been made during his minority, and especially all conveyances of the custody of the royal castles, resuming the power of dismissing or continuing in office the persons to

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 113. "Baronem Banrentum et Dominum Dominum Parliamenti." Ferrerius, p. 393.

whom they had been committed, as he judged most expedient for the good of the realm, and his own security. He at the same time intrusted the keeping and government of his son, Prince James, to his wife and consort, Margaret, Queen of Scotland, for the space of five years; and for this purpose delivered to her the castle of Edinburgh, with an annual pension, and full power to appoint her own constable and inferior officers.<sup>1</sup> With the desire of cementing more strongly the friendship with England, a double alliance was proposed. His sister, the Princess Margaret, was to marry the Duke of Clarence, and his brother, the Duke of Albany, the Dowager Duchess of Burgundy, sister to Edward the Fourth. This monarch, however, appears to have courteously waved the proposal,<sup>2</sup> although he seized the opportunity of an intended visit of James to the shrine of St John of Amiens, to request, in very pressing terms, a personal interview with this monarch. But the Scottish king was induced to delay his pilgrimage, and in obedience to the superstitious practice of the age, caused a large medal of gold to be struck, as a decoration for the shrine of the saint.<sup>3</sup>

Hitherto the reign of this prince had been in no usual degree prosperous, and his administration signalized by various acquisitions, which added strength, security, and opulence to the kingdom. The possession of the Orkneys and Shetland,—the occupation

<sup>1</sup> Mag. Sig. viii. 80. Feb. 7, 1477.

<sup>2</sup> Letter of Edward IV. to Dr Legh his envoy. *Vespasian*, c. xvi. f. 121. Pinkerton's History, vol. i. p. 287.

<sup>3</sup> Rymer *Fœdera*, vol. xii. p. 53.

of Berwick and Roxburgh, the annexation of the earldom of Ross to the crown,—the establishment of the independence and liberty of the Scottish church, by the erection of St Andrews into an archbishopric,—the wise and honourable marriage treaty with England, were all events, not only fortunate, but glorious. They had taken place, it is true, under the minority of the monarch; they were to be attributed principally to the counsellors who then conducted the affairs of the government, and the history of the country, from the period when the monarch attained his full majority, presents a melancholy contrast to this early portion of his reign. It is difficult, however, to detect the causes which led to this rapid change, and it would be unjust to ascribe them wholly to the character of the king. It must be recollected, that for a considerable time previous to this period, the feudal nobility of Europe had been in a state of extraordinary commotion and tumult, and that events had occurred which, exhibiting the deposition and imprisonment of hereditary sovereigns, diminished in the eyes of the aristocracy, and of the people, the inviolable character of the throne. At this time rebellion had become frequent in almost every corner of Europe; and the removal of the hereditary prince, to make way for some warlike usurper, or successful invader of royalty, was no uncommon occurrence; men's minds were induced to regard the crime with feelings of infinitely greater lenity than had hitherto been extended to it, whilst the aristocracy, who were the instruments of such revo-

lutions, and shared in the spoils and forfeitures which they occasioned, began to be animated by a consciousness of their own power, and a determination to stretch it to the utmost bounds of illegal aggression and kingly endurance. The revolution in England, which placed Henry the Fourth upon the throne,—the subsequent history of that kingdom during the contest between the houses of York and Lancaster,—the political struggles of France under Louis the Eleventh,—the relative condition of the greater nobles in Germany, and of the rights of the imperial crown under the Emperor Sigismund,—the dissensions which divided the Netherlands,—and the civil factions and repeated conspiracies amongst the higher nobles, which agitated the government of Spain, all combine to establish the truth of this remark; and if we remember that the communication between Scotland and the continent was then extremely frequent and widely spread over the kingdom, the powerful and contagious influence of such a state of things may be readily imagined.

In addition to such causes of incipient discontent and disorganization, there were other circumstances in the character and habits of the Scottish nobility, as contrasted with the individual pursuits and disposition of the king, which no doubt precipitated the commotions which conducted him to his ruin. The nobles were haughty and warlike, but rude, ignorant, and illiterate; when not immediately occupied in foreign hostilities, they were indulging in the havoc, plunder, and sanguinary contests which sprung out of private

feuds, and they regarded with contempt every pursuit which did not increase their warlike skill, or exalt their knightly character. At their head were the king's two brothers, the Duke of Albany and the Earl of Mar, men of bold and stirring spirits, and fitted by their personal qualities to be the favourites of the aristocracy. Their noble and athletic figures, and delight in martial exercises,—their taste for feudal pomp, for fine horses, and tall and handsome attendants,—their passion for the chase, and the splendid and generous hospitality of their establishment, united to the courtesy and gracefulness of their manners, caused them to be universally admired and beloved, whilst Albany concealed under such popular endowments an ambition, which, there is reason to believe, did not scruple, even at an early period, to entertain some aspirations towards the throne.

To that of his brothers, the disposition of the king presented a remarkable contrast. It has been the fashion of some historians to represent James as a compound of indolence, caprice, and imbecility; but the assertion is equally rash and unfounded. His character was different from the age in which he lived, for it was unwarlike, but in some respects it was far beyond his own times. A love of repose and seclusion, in the midst of which he might devote himself to pursuits which, though enervating, were intellectual, and bespoke an elegant and cultivated mind, rendered him unpopular amongst a nobility who treated such studies with contempt. A passion for mathematics

and the study of judicial astrology, a taste for architecture and the erection of noble and splendid buildings, an addiction to the science and the practice of music, and a general disposition to patronise the professors of literature and philosophy, rather than to surround himself with a crowd of fierce retainers ; such were the features in the character of this unfortunate prince, which have drawn upon him the reprobation of most of the contemporary historians, but which he possessed in common with some of the most illustrious monarchs who have figured in history.<sup>1</sup> This turn of mind, however in itself, when duly regulated, rather praiseworthy than the contrary, led to consequences which were less excusable. Aware of the impossibility of finding men of congenial tastes amongst his nobles, James had the weakness, not only to patronise, but to exalt to the rank of favourites and companions, the professors of his favourite studies. Architects, musicians, painters, and astrologers, were treated with distinction, and admitted to the familiar converse of the sovereign, whilst the highest nobles of the land found a cold and distant reception at court, or retired with a positive denial of access. Cochrane, an architect, or, as he is indignantly termed by our feudal historians, a mason ; Rogers, a professor of music ; Ireland, a man of literary and scientific acquirements, who had been educated in France, were warmly favoured and encouraged ; whilst, even upon such low proficientes as tailors, smiths, and fencing-masters, the treasures, the smiles and en-

<sup>1</sup> Ferrerius, p. 391.

couragement of the monarch were profusely lavished. Disgusted at such conduct in the sovereign, the whole body of the aristocracy looked up to the brothers, Albany and Mar, as the chief supports of the state; and as long as the king continued on good terms with these popular and energetic noblemen, the tide of aristocratic discontent and incipient revolution was checked at least, though far from extinguished. But in the ambitious contests for power, and in the sanguinary collisions of jurisdiction, which were of frequent occurrence in a feudal government, it was to be dreaded that some event might take place which should have the effect of transforming Albany from a friend into an enemy, and it was not long before these fears were realized.

The government of Berwick, and the wardenship of the eastern marches, had been committed to this warlike prince by his father, James the Second, from whom he had also inherited the important earldom of March, with the key of the eastern Border, the castle of Dunbar.<sup>1</sup> In the exercise of these extensive offices, a rivalry had sprung up between Albany and the proud and powerful family of the Humes, with their fierce allies the Hepburns, and their resistance to his authority was so indignantly resented by the warden, that his enemies, to save themselves from his vengeance, attached Cochrane, the king's favourite, to their party, and, by his advice and assistance, devised a scheme for his ruin. At this period, a belief in astrology and divination, and a blind de-

<sup>1</sup> Pitscottie, Hist. p. 115.



votion to such dark and mischievous studies, was a characteristic feature of the age. James himself was passionately addicted to them ; and Schevez, the Archbishop of St Andrews, who had received his education at Louvaine, under Spernicus, a famous astrologer of the time, had not scrupled to employ them in gaining an influence over the royal mind, and in furthering those ambitious schemes by which he intruded himself into the primacy. Aware of this, Cochrane, who well knew the weakness of his sovereign, insinuated to his new allies, the Humes, that they could adopt no surer instrument of working upon the royal mind than witchcraft. One Andrews, a Flemish astrologer, whom James had prevailed upon to reside at his court, was induced to prophesy that a lion would soon be devoured by his whelps ; whilst a prophetess, who used to haunt about the palace, and pretended to have an intercourse with a familiar spirit, brought the information, that Mar had been employing magical arts against the king's life,<sup>1</sup> and that her familiar had informed her, the monarch was destined to fall by the hands of his nearest kindred. The warm affection which James entertained for his brothers at first resisted these dark machinations ; but the result showed that Cochrane's estimate of his sovereign's weakness was too true. His belief in the occult sciences gave a force to the insinuation ; his mind brooded over the prophecy ; he became moody and pensive ; shut himself up amidst his books and

<sup>1</sup> Ferrerius, p. 398. Lesley's History of Scotland, p. 43. Buchanan, b. xii. c. 37.

instruments of divination ; and, admitting into his privacy only his favourite adepts and astrologers, attempted to arrive at a clearer delineation of the threatened danger. To Cochrane and his brother conspirators, such conduct only afforded a stronger hold over the distempered fancy of the monarch, whilst the proud and independent character of Albany, and his violent attack upon the Humes, were represented by his enemies as a prelude to that conspiracy against his royal brother, which was to end in his deposition and death. That Albany at this moment entertained serious designs against the crown, cannot be made out by any strong evidence ; but that his conduct in the exercise of his office of warden of the marches was completely illegal and unjustifiable, is proved by authentic records. Instead of employing his high authority to establish the peace of the Borders, he had broken the truce with England by perpetual slaughters and plundering expeditions ; whilst within his own country he had assaulted and murdered John of Scougal, and surrounded himself by a band of desperate retainers, who fearlessly executed whatever lawless commission was intrusted to them. Such conduct, combined with the dark suspicions under which he laboured, effectually roused the king, and Albany, too confident in his power and his popularity, was suddenly seized and committed to strict confinement in the castle of Edinburgh.<sup>1</sup>

Immediately after this decided measure, a parlia-

<sup>1</sup> Lesley's History of Scotland, p. 43. Buchanan, b. xii. c. 39.

ment assembled, in which the three estates, with the laudable design of strengthening the amity with England, granted to the king a subsidy of twenty thousand marks, for the purpose of bringing to a conclusion the intended marriage between the Princess Margaret, his sister, and Lord Rivers, brother-in-law to Edward. The divided and distracted state of the country is strikingly depicted by the simple enumeration of the matters to which the lords of the articles were commanded to direct their attention. They were to labour for the removal of the grievous feuds and commotions, which in Angus had broken out between the Earls of Angus and Errol, the Master of Crawford and Lord Glamis; they were to attempt to put down the rebellion in Ross, Caithness and Sutherland; to persuade to an amicable understanding the Lairds of Carlaverock and Drumlanrig, who were at deadly feud in Annandale; to bring within the bonds of friendship the Turnbulls and the Rutherfords of Teviotdale; and to promote a reconciliation between the sheriff of this district and the Lord Cranston.<sup>1</sup> The subject of coinage, the state of the commerce of the country, and the expediency of a renewal of the negotiations with the court of Burgundy, were likewise recommended for their consideration; but in the midst of their deliberations, Albany found means to elude the vigilance of his guards, and to escape from the castle of Edinburgh, an event which threatened to plunge the kingdom into a civil war.<sup>2</sup> The duke immediately retreated

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 122.

<sup>2</sup> Lesley's History of Scotland, p. 43.

to his fortress of Dunbar, where he concentrated his force, appointed Elden of Butterden his constable, and by increasing his military stores, and enlisting in his service some of the fiercest and most warlike of the Border chieftains, seemed determined to hold out to the last extremity. The power of the king, however, soon after shook his resolution, and he took a rapid journey to France, with the design of procuring assistance from Louis the Eleventh, and returning to Scotland at the head of a band of foreign auxiliaries. In this, however, he was unsuccessful. He was received, indeed, by the French monarch with high distinction ; but Louis steadily refused to adopt any part against his brother and ally of Scotland, or to assist Albany in his unnatural rebellion.<sup>1</sup>

In his conduct at this moment, James exhibited a decision and an energy which vindicates his character from the charge of indolence or imbecility, so commonly brought against him. He dispatched the Chancellor Evandale at the head of a strong force to lay siege to Dunbar, which, after a spirited defence of some months, was delivered up to the royal arms. A train of rude artillery accompanied the army upon this occasion. The construction of cannon, and the proper method of pointing and discharging them, appear, from contemporary records, to have been one of the subjects to which not only the king himself directed particular attention, but which he anxiously encouraged in his nobility, and even amongst his clergy. Artillerymen and skilful artisans were

<sup>1</sup> Duclos. *Hist. de Louis XI.* vol. ii. p. 308.

procured from the continent, and some of the principal entries in the treasurer's books at this period relate to the experiments made in the practice of gunnery, an art still in its infancy in Scotland. In the present siege of Dunbar, the uncommon strength of the walls withstood for some months the artillery of the besiegers ; but, on the opposite side, the cannon mounted on the ramparts of the castle appear to have been well served and pointed—a single ball at one moment striking dead three of the bravest knights in the army, Sir John Colquhoun of Luss, Sir Adam Wallace of Craigie, and Sir James Schaw of Sauchie.<sup>1</sup> When at last Evandale made himself master of the castle, he found that the governor and the greater part of the garrison, availing themselves of its communication with the sea, had escaped in boats, and taken refuge in England from the fury of their enemies. It was not so easy for them, however, to escape the severe process of the law, and a parliament was summoned to carry it into immediate execution. Albany, who was still in France, was solemnly cited at the market-cross of Edinburgh and North Berwick, and before the gates of his castle of Dunbar, to appear and answer to a charge of treason ; whilst many of his boldest friends and retainers, Elden of Butterden, Patrick Home of Polwart, John Blackbeird, Pait Dickson the laird, and Tom of the Tower, were summoned at the same time, and upon a similar accusation.<sup>2</sup>

Previous to the meeting of the three estates, how-

<sup>1</sup> Lesley de Rebus Gestis Scotorum, p. 307.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 128.

ever, an embassy arrived from Louis the Eleventh, the object of which was to persuade the Scottish monarch to pardon his brother, and to assist the French king in the war which Edward the Fourth meditated against him, by the usual method of infringing the truce, and producing a hostile diversion on the side of the English borders. The ambassador on this occasion was Dr Ireland, a Scottish ecclesiastic of great literary acquirements, who had been educated in France, and in whose conversation the king took so much delight, that he had anxiously endeavoured to fix him at his own court. Personally disposed, however, as he was to be pleased with the envoy, the circumstances in which the king was then placed rendered it extremely difficult to break with England. The marriage treaty which had been concluded between the Princess Cæcilia, Edward's daughter, and the heir-apparent to the Scottish throne, had been solemnly sanctioned and ratified by the payment of three instalments of the dowery.<sup>1</sup> Another royal marriage also, that of the Princess Margaret of Scotland to the Earl of Rivers, was on the eve of being concluded, and Edward had lately granted passports not only to this noble lady, but to James himself, who, with a suite of a thousand persons, contemplated a pilgrimage to the shrine of St John of Amiens. These were powerful obstacles in the way of any rupture of the truces, and with the greater part of the nobility the renewal of a war with England was equally unpopular and unpolitic; but the attachment of the king to the ancient league with France prevailed; and although there is undoubtedly

<sup>1</sup> Rymer's *Fœdera*, vol. xii. pp. 40, 41.

no evidence of the fact, a conjecture may be hazarded, that James had detected, at an earlier period than is generally supposed, the existence of certain intrigues between Edward the Fourth and the Duke of Albany, which are proved by authentic documents to have taken place in the succeeding year.

It does not appear that the conduct of the Scottish monarch at this trying conjuncture is deserving of the reprobation with which it has been visited by some historians. To Albany, who had been guilty of treason, it was almost generous. He did not indeed agree to the request of Louis in granting him an unconditional pardon, but he adjourned the process of forfeiture from time to time, in the hopes that he might in the interval return to his allegiance, and render himself deserving of the royal clemency; and the same lenient measure was adopted in the case of his offending vassals and retainers. Against Mar, indeed, his younger brother, who was accused of using magical arts for the purpose of causing the king's death, the royal vengeance broke out with rapid and overwhelming violence; but much obscurity involves the death of this accomplished and unfortunate prince. It is asserted by Lesley and Buchanan, that he was suddenly seized by the king's order and hurried to Craigmillar, and that at the same time many witches and wizards, whom he had been in the habit of consulting upon the surest means of shortening the existence of the monarch, were condemned to the flames.<sup>1</sup> The evidence

<sup>1</sup> Old Chronicle at the end of Winton. Pinkerton's Hist. vol. i. p. 503. Lesley's Hist. pp. 43, 44.

derived from these unhappy wretches, left no doubt of the guilt of the prince ; and the choice of his death being given him, he is said to have preferred that of Petronius, directing his veins to be opened in a warm bath. In opposition to this tale of our popular historians, a more probable account is given by Drummond of Hawthornden, derived, as he affirms, from the papers of a contemporary of high character. According to this version of the story, before James had fixed on any definite plan of punishment, Mar, from the violence of his own temperament, and the agitation attendant upon his seizure, was attacked by a fever, which soon led to delirium. In this alarming state, he was removed, by the king's command, from Craigmillar to a house in the Canongate at Edinburgh, where he was carefully attended by the royal physicians, who, to reduce the frenzy, opened a vein in his arm and in his temple. This, however, proved the cause of his death ; for the patient, when in the warm bath, was attacked by an accession of his disorder, and furiously tearing off the bandages, expired from weakness and exhaustion before any styptic could be applied. The silence of the faction of the nobles which afterwards deposed the king, upon the subject of Mar's death, at a moment when they were eager to seize every method to blacken the conduct of their sovereign, seems to me to be corroborative of the truth of this story.<sup>1</sup>

But although innocent of his death, James consi-

<sup>1</sup> Drummond's History of the Jameses, p. 137. The contemporary whom he quotes, by the letters B. W. E. is evidently Bishop William Elphinston.



dered the treason of his brother as undeserving the leniency which he still extended to Albany, and the rich earldom of Mar was forfeited and seized by the crown. In the midst of these transactions, Edward the Fourth, who for some time had forgotten his wonted energy in a devotion to his pleasures, began to rouse himself from his voluptuous lethargy, and to complain of the duplicity of Louis and the treachery of James, with a violence which formed a striking contrast to the quietude of his late conduct.

Nor can we be surprised at this burst of indignation, and the sudden resolution for war which accompanied it. He found that Louis, who had amused him with a promise of marriage between the Dauphin of France and his daughter, the Princess Elizabeth, had no serious intention of either accepting this alliance, or fulfilling the treaty upon which it proceeded; he discovered that this crafty and sagacious prince had not only proved false to his own agreement, but had corrupted the faith of his Scottish ally. Unnecessary and suspicious delays had occurred to prevent the intended marriage between James's sister and her affianced husband the Earl of Rivers; and the same monarch, who had already received three payments of the dowry of the princess Cæcilia, Edward's daughter, in contemplation of the marriage between this lady and his eldest son, instead of exhibiting a friendly and pacific disposition, had begun to make preparations for war, and to exhibit very unequivocal intentions of violating the truce, and invading his dominions.<sup>1</sup>

<sup>1</sup> Rymer, vol. xii. p. 41, 115.

Upon the part of the Scottish king, this conduct was unwise and impolitic ; and it is easy to see, that in his present resolution to engage in a war with England, James allowed himself to be the dupe of the French monarch, and shut his eyes to the best interests of his kingdom. He was unpopular with the great body of his nobility ; they despised his studious and secluded habits ; they regarded with the eyes of envy and hatred the favourites with whom he had surrounded himself, and the pacific and elegant pursuits to which he was addicted. In its internal state the country was full of private war and feudal disorder ; the church had been lately wounded by schism, and the manners of the higher clergy, under the loose superintendence of Schevez, who, on the death of the unfortunate and virtuous Graham, had succeeded to the primacy, were corrupt and abandoned. Nothing could be more injurious to a kingdom thus situated, than to add to its internal distresses the misery of foreign war ; and indeed if there was one cheering circumstance in the aspect of public affairs, it was in the prospect of peace with England. The happy effects of a long interval of amity between the two kingdoms were beginning to be apparent in the diminution of that spirit of national animosity which had been created by protracted war ; and now that the nation was no longer threatened with any designs against its independence, it must have been the earnest wish of every true lover of his country, that it should remain at peace. So much indeed was this the conviction of one of James's most faithful counsellors, Thomas Spence, Bishop of Aberdeen, that

after presenting the strongest protestations against the war, after explaining that a continuance of peace could alone give stability to the government, and secure the improvement and the happiness of the country, he was so overpowered with grief when he found his remonstrances neglected, that he fell into a profound melancholy, from which he never recovered.<sup>1</sup>

Both countries having thus resolved on hostilities, Edward appointed his brother the Duke of Gloucester, afterwards known as Richard the Third, to the office of lieutenant-general of the north, with ample powers to levy an army, and conduct the war against Scotland. Meanwhile, before Gloucester could organize his force, the Earl of Angus broke across the marches, at the head of a small army of Borderers. To these men, war was the only element in which they enjoyed existence; and, with the celerity and cruelty which uniformly marked their military operations, they ravaged Northumberland for three days, burnt Bamborough, plundered the villages and farm granges, and drove before them their troops of prisoners and cattle without any check or impediment.<sup>2</sup> Roused by this insult, and by the intelligence that the King of Scotland was about to invade his dominions in person, Edward accelerated his preparations; issued orders for the equipment of a fleet against Scotland; entered into a negotiation with the Lord of the Isles and Donald

<sup>1</sup> Lesley's History of Scotland, p. 44.

<sup>2</sup> Chronicle at the end of Winton. Pinkerton, Hist. vol. i. p. 503. Rymer, vol. xii. p. 117.

Gorm, whose allegiance was never steady except in the immediate prospect of death and confiscation ; and aware of the desperate condition of Albany, who was still in France, the English monarch, by private messages, in which he held out to him the prospect of dethroning his brother, and seizing the crown for himself, attached this ambitious prince to his service, and prevailed upon him to sacrifice his own allegiance, and the independence of his country, to his ambition and his vengeance.<sup>1</sup>

Nothing could be more ungrateful than such conduct of Albany. The process of treason and forfeiture which had been raised against him in the Scottish Parliament, had, with singular leniency and generosity upon the part of the king, been continued from diet to diet, till it was at last suffered to expire, and an opportunity thus afforded for his return to his former power and station in the government. Having divorced his first wife, a daughter of the potent house of Orkney, he had married in France the Lady Anne de la Tour, daughter of the Count d'Auvergne, and there can be little doubt that the friendship of the French monarch had a principal effect in prevailing on his ally James to suspend the vengeance of the law, and hold out to the penitent offender the hope of pardon. But Albany, actuated by pride and ambition, disdained to sue for mercy ; and without hesitation, entering into the proposed negotiation, threw himself into the arms of England.

In the meantime the Scottish monarch deemed it necessary to assemble his parliament, and to prepare

<sup>1</sup> Rymer Fœdera, vol. xii. p. 140.

for vigorous measures. The wardenry of the east marches was committed to the Earl of Angus, that of the west to Lord Cathcart; the fortresses of Dunbar and Lochmaben were strongly garrisoned and provisioned; the Border barons, or those whose estates lay near the sea, were commanded to repair and put into a posture of defence their castles of St Andrews, Aberdeen, Tantallon, Hailes, Dunglass, Hume, Ederington, and the Hermitage; the whole body of the lieges were warned to be ready, on eight days' notice, to assemble under the royal banner, in their best array, with bows, spears, axes, and other warlike gear, and to bring with them provision for twenty days. A penalty was imposed on any soldier whose spear was shorter than five ells and a half; every axe-man who had neither spear nor bow was commanded to provide himself with a targe made of wood or leather, according to a pattern to be sent to the sheriff of the county;<sup>1</sup> and all former statutes concerning the regular military musters, or "weapon-schawings," were enjoined to be most rigidly observed. A tax of seven thousand marks was at the same time ordered to be levied for the victualing and defence of the town of Berwick, which was threatened with a siege by England.

Having finished these preparations, James dispatched an envoy to the English monarch, with a request that he would abstain from granting aid to the Duke of Burgundy, otherwise he should esteem it his duty to send assistance to the King of France.

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 132, 133.

He at the same time commissioned a herald to deliver a remonstrance to Edward in a personal interview, but this prince treated the messenger with haughty neglect, detained him long, and at last dismissed him without an answer. Indignant at such conduct, James assembled his army, and advanced in great strength to the frontiers. A singular and unexpected event, however, interrupted the expedition. Before the Scottish monarch had crossed the Borders, a nuncio from the cardinal legate, who then resided in England, arrived in the camp, and exhibiting the papal bull, commanded the king, under pain of excommunication, to abstain from war, and to beware of the violation of that peace which the holy see had enjoined to be observed by all Christian princes, that they might unite their strength against the Turks and the enemies of Christendom. To this remonstrance, the Scottish king found himself obliged to pay obedience, and the army, which was numerous and well appointed, was immediately disbanded. The king, to use the words of the parliamentary record, dispersed his great host which had been gathered for the resistance and invasion of his enemies of England, at the request and monition of the papal bulls shown him at the time, in the hope and trust that his enemies would have been equally submissive to the command of their holy father.<sup>1</sup> In this expectation, however, he was disappointed. To the papal bulls, or the remonstrances for the preservation of the peace of Christendom, Edward paid no regard. Ber-

<sup>1</sup> Rotuli Scotiæ, vol. ii. p. 458.

wick was vigorously, though ineffectually, attacked, and the English army broke across the Borders, carrying fire, bloodshed, and devastation into the country; whilst a squadron of English ships appeared in the Forth, but were gallantly repulsed by Andrew Wood of Leith, whose maritime skill and courage raised him afterwards to the highest celebrity as a naval commander.<sup>1</sup>

But these open attacks were not so dangerous as the intrigues by which Edward contrived to seduce from the cause of their sovereign the wavering affections of some of the most powerful of the Scottish nobility. The banished Duke of Albany had, it may be believed, many friends at court; and Edward, having recalled him from France, determined to carry into immediate execution his project for the dethronement of the present King of Scotland, and the substitution of his brother in his stead. These designs, in which the English monarch was supported by the banished Earl of Douglas, the Lord of the Isles, Donald Gorm, and, not long after, by many others of the Scottish nobility, led to an extraordinary treaty between Albany and Edward, which was concluded at Fotheringay castle.<sup>2</sup> In this the Scottish prince at once assumed the title of Alexander, King of Scotland, by the gift of Edward the Fourth, King of England. He then obliged himself and his heirs to assist that monarch in all his quarrels against all earthly princes or persons; he solemnly engaged to swear fealty and perform homage to Edward within

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 138, 139.

<sup>2</sup> On 10th June, 1482. Rymer *Fœdera*, vol. xii. pp. 154, 156.

six months after he was put in possession of the crown and the greater portion of the kingdom of Scotland ; to break the confederations and alliance which had hitherto existed between Scotland and the realm of France ; to deliver into the hands of England the town and castle of Berwick, the castle of Lochmaben, and the counties of Liddesdale, Eskdale, and Annandale ; whilst, in the last place, he promised, if, according to the laws of the Christian church, he could make himself " clear of other women," that within a year he should marry the Lady Cæcilia, King Edward's daughter ; the same princess who was already espoused to the heir apparent of Scotland, Prince James. In the event, however, of its being found impossible to carry into execution this contemplated alliance, he stipulated that he would not marry his son and heir, " if any such there be," without the consent of King Edward.'

In return for these obligations, by which Albany basely consented to sacrifice the independence of his country, the English monarch engaged to assist the duke in his designs for the occupation of the realm and crown of Scotland ; and both these remarkable papers, which are yet preserved in the Tower, bear the signature Alexander R., (Rex,) evincing that Albany lost no time in assuming that royal name and dignity to which he so confidently aspired. But these were not the only dangers to which the King of Scotland was exposed. There was treachery at work amongst his nobles, and in his army. The Earl of Angus, one of the most powerful men in the country, Lord Gray, and Sir James Liddal of Halkerston, appear to have

<sup>1</sup> Rymer *Fœdera*, vol. xii. p. 156.



been nominated by Albany, as his commissioners, to complete those negotiations with the English monarch, of which only the rude outline was drawn up in Fotheringay castle.

Angus was warden of the eastern marches, and, as such, possessed on that side the keys of the kingdom. To the common feudal qualities of courage and cruelty, this chief united a haughty pride of birth, and a contempt for those intellectual studies to which his sovereign was too deeply devoted. His high offices, his opulence, and his magnificent establishment, made him popular; and, by what means it is now difficult to discover, he succeeded in organizing a conspiracy in conjunction with Edward and Albany, which included within its ranks the most powerful persons amongst the Scottish aristocracy, and had for its object the delivery of the monarch into the hands of his enemies. The Earls of Huntley, Lennox, Crawford, and Buchan; the Lords Gray, Hailes, Hume, and Drummond, with certain bishops whose names are not recorded, assembled their forces at the command of the king, but with the secret determination to desert him. It happened unfortunately for the prince, who was thus marked out for destruction, that he had at this moment lavished upon his favourite Cochrane the principal revenues of the earldom of Mar, and had imprudently raised this low-born, but able individual, to an influence in the government, which made him an object of envy and hatred. These feelings were aggravated by Cochrane's conduct. At a season of great dearth, he is said to have persuaded the king to imitate the injurious device practised by other Eu-

ropean princes, of debasing the current coin by an issue of "black money," or copper pieces, mixed with a small quantity of silver, which increased the public distress, and raised the price of all the necessaries of life.<sup>1</sup> To the people, therefore, he was peculiarly obnoxious—and to the barons not less so. Possessing a noble figure, and combining great personal strength, and skill in the use of his weapons, with undaunted bravery, he fearlessly returned the feudal chiefs the scorn with which they regarded him. In the splendour of his apparel and establishment he eclipsed his enemies; and it is not improbable, that the king was weak and shortsighted enough to enjoy the mortification of his nobility, little aware of the dark designs which at that moment were in agitation against him.

Angus and the rest of the conspirators determined to disguise their real design for the dethronement of their sovereign, under the specious cloak of a zeal for reforming the government, and dismissing from the royal councils such unworthy persons as Cochrane and his companions. Having matured their plans, the English monarch commanded his brother, the Duke of Gloucester, to assemble his army; and this able leader, along with Albany and Douglas, advanced, at the head of a great force, which was splendid in its equipment, and accompanied by a park of artillery, to the siege of Berwick. Being informed of this procedure, James commanded a muster of the whole force of his dominions in the Borough Muir, an extensive common to the west of

<sup>1</sup> Chronicle at the end of Winton. Pinkerton's History, vol. i. p. 503. Ruddiman's Preface to Anderson's Diplomata, pp. 66, 67.

Edinburgh ; and, without the slightest suspicion of the base designs of the conspirators, proceeded with his army, which amounted to fifty thousand men, first to Soutra, and from thence to Lauder. Cochrane, who, either in derision, or from his own presumption, was known by the title of Earl of Mar, commanded the artillery, and by the unusual splendour of his camp furniture, provoked still further the envy of the nobles.<sup>1</sup> His tent or pavilion was of silk ; the fastening chains were richly gilt ; he was accompanied by a body-guard of three hundred stout retainers, in sumptuous liveries, and armed with light battle-axes ; a helmet of exquisitely polished steel, and richly inlaid with gold, was borne before him ; and, when not armed for the field, he wore a riding suit of black velvet, with a massive gold chain round his neck, and a hunting horn, tipped with gold, and adorned with precious stones, slung across his shoulder.

On reaching Lauder, the Scottish army encamped between the church and the village ; and the principal leaders, next morning, having secretly convoked a council, which was communicated neither to the sovereign nor to Cochrane, proceeded to deliberate upon the most effectual method of betraying their master, and fulfilling their promises to Edward and Albany. In the course of this debate, all were agreed that it would be expedient to rid themselves, without delay, of the hated Cochrane. His well-known courage,—his attachment to the king,—and the formidable force which he commanded, rendered this absolutely necessary ; they hesitated, however, as to the best mode for his seizure ; and, amid the gene-

<sup>1</sup> Ferrerius, pp. 394, 395.

ral embarrassment and uncertainty, Lord Gray introduced the well-known apologue of the mice having agreed, for the common safety, that a bell should be suspended round the neck of their tyrannic enemy the cat; but, being thrown into great perplexity when it came to the selection of one bold enough to undertake the office, "Delay not as to that," cried Angus, with his characteristic audacity. "Leave me to bell the cat," a speech which has procured for him, from the Scottish historians, the homely appellation of Archibald Bell-the-Cat. It happened, by a singular coincidence, that at this critical moment Cochrane himself arrived at the porch of the church, where the leaders were assembled, under the idea, probably, that it was a council of war in which they were engaged, and fatally ignorant of the subject of their deliberations. He knocked loudly, and Douglas of Lochleven, who kept the door, enquired who it was that so rudely demanded admittance. "It is I," said he, "the Earl of Mar."—"The victim has been beforehand with us," cried Angus, and stepping forward, bade Douglas unbar the gate to Cochrane, who entered carelessly, carrying a riding-whip in his hand, and in his usual splendid apparel. "It becomes not thee to wear this collar," said Angus, forcibly wrenching from his neck the golden chain which he wore; "a rope would suit thee better."—"And the horn too," added Douglas, pulling it from his side, "he has been so long a hunter of mischief that he needs must bear this splendid bauble at his breast." Amidst such indignities, Cochrane, a man of intrepidity, and not easily alarmed, was for a moment doubtful whether the fierce barons who

now crowded round him were not indulging in some rude pastime. "My lords," said he, "is it jest or earnest?" a question which he had scarcely put when his immediate seizure effectually opened his eyes to the truth. His hands were tied; his person placed under a guard, which rendered escape impossible, and a party was instantly dispatched to the royal tent. They broke in upon the monarch, seized Rogers, his master of music, and others of his favourites, with whom he was surrounded, before a sword could be drawn in their defence; and James, who appears to have been unaccountably ignorant of the plots which had been so long in preparation against him, found himself, in the course of a few moments, a prisoner in the hands of his subjects, and beheld his friends hurried from his presence, with a brutality and violence which convinced him that their lives would be instantly sacrificed.<sup>1</sup> Nor was it long before his anticipations were realized. The moment the royal person was secured, the conspirators dragged Cochrane to the bridge of Lauder. It is said that this unfortunate minion besought his butchers not to put him to death like a dog, with a common rope, but at least to gratify him by using one of the silk cords of his tent equipage; but even this was denied, and he was hanged by a halter over the parapet of the bridge. At the same moment, Dr Rogers, a musician of great eminence, whose pupils were famous in Scotland at the time that Ferrerius composed his history,<sup>2</sup> shared a similar fate; and along with them, Hommil, Tor-

<sup>1</sup> Lesley's History of Scotland, p. 48. Appendix H.

<sup>2</sup> Ferrerius, p. 395.

phichen, Leonard, Preston, and some others, whose single fault seems to have been their low birth, and the favour with which the king regarded their talents, were put to death with the like cruel and thoughtless precipitation. When they had concluded this disgraceful transaction, the nobles disbanded the army, leaving their country exposed to the advance of the English under Gloucester and Albany; and having conveyed their sovereign to the capital, they shut him up in the castle of Edinburgh.<sup>1</sup>

The consequences of this base conduct were, for the time, fatal to the kingdom. Berwick, whose trade formed one of the richest sources of the Scottish revenue, fell into the hands of the English, and Gloucester advanced to the capital through a country where there was no army to resist him. The Duke of Albany now deemed himself secure of the crown; and the Earl of Angus, possessed of the person of the king, awaited only a full deliberation with the English commander, to complete the revolution by the dethronement of his sovereign. But although the whole body of the Scottish nobility had united willingly with Angus, and had even lent themselves as assistants to Albany and Edward to the extent of completing the destruction of Cochrane and the king's favourites, Angus had hitherto prudently concealed from them the darker portion of the plot; and when hints were thrown out as to his real intentions—when it was obscurely proposed that the Duke of Albany should be placed upon the throne, and their rightful sovereign deposed—he immediately discovered that

<sup>1</sup> Chronicle at the end of Winton. Pinkerton's History, vol. i. p. 503. July 1482.

he had reckoned too surely upon the assistance of the nobles in his ultimate designs. The very idea seems to have caused an immediate separation of parties; and the friends of the government and of the sovereign, suspicious of the ulterior intentions of a leader who began to speculate on treason, withdrew themselves from Angus, and collected an army near Haddington, with which they determined to keep in check the further proceedings of Albany and Gloucester.<sup>1</sup>

It was fortunate for these barons that the full extent of their baseness—the convention at Fotheringay, the assumption of the title of king, the sacrifice of the superiority and independence of the country—were not then revealed; and that, having been convinced that a coalition with the royal party was absolutely necessary, they had not so far betrayed themselves as to render it impossible. A negotiation was accordingly opened, in which Schevez, Archbishop of St Andrews, and Levingston, Bishop of Dunkeld, along with Evandale, the chancellor, and the Earl of Argyle, undertook the hazardous and difficult task of promoting a union between the two parties, and effecting a reconciliation between Albany and his royal brother.<sup>2</sup> It was impossible for these leaders to act under a commission from the king; for since the disastrous execution of his favourites at Lauder, this unfortunate prince had been straitly imprisoned in the castle of Edinburgh, under the care of his two uncles, the Earls of Athole and Buchan. They engaged, therefore, on their own authority, to pro-

<sup>1</sup> Lesley's History of Scotland, p. 49.

<sup>2</sup> Rymer Fœdera, vol. xii. p. 160.

cure a pardon for Albany, and a restoration to his estates and dignities, provided he should return to his allegiance to his lawful sovereign, King James, assisting him in the good government of his realm, and the maintenance of justice. The friends of the duke, with the exception of those whose names had already been marked in the act of parliament, were to be included in the indemnity ; and to these conditions they engaged, by the same deed, to procure the consent of the king, and the confirmation of the three estates.<sup>1</sup>

To such an agreement, it may readily be believed that Albany was not loath to accede. It extricated him, indeed, from a situation which was sufficiently perilous : for he found himself unpopular amongst the nobles, and trembled lest circumstances might reveal the full extent of his baseness ; whilst Gloucester, discovering that the schemes of the duke for the dethronement of his brother, and the sacrifice of the independence of the country, had excited an odium for which he was not prepared, determined to withdraw his army, and to be satisfied with the surrender of Berwick as the fruit of the campaign.<sup>2</sup> There was no difficulty, therefore, in effecting a full reconciliation between Albany and the king's party, which was headed by the Chancellor Evandale, and the prelates of St Andrews and Dunkeld. But it was found a less easy task to reduce to obedience the Earls of Athole and Buchan, who commanded the castle of Edinburgh, and retained possession of the person of the sovereign. These chiefs were the sons of Sir

<sup>1</sup> Rymer *Fœdera*, vol. xii. p. 161.

<sup>2</sup> *Ibid*, p. 162.



James Stewart, the black knight of Lorn, by Joan, queen-dowager of James the First; and if we are to believe the assertions of the king himself, they not only kept the most jealous watch over the person of the sovereign, but would actually have slain him, had he not been protected by Lord Derneley and other barons, who voluntarily remained beside him, and refused either by night or day to quit his apartment.<sup>1</sup> It may be doubted, however, whether the documents in which these facts appear present us with the whole truth; and it seems highly probable, that, amid the dark and complicated intrigues which were carried on at this moment amongst the Scottish nobles, the faction of Athole and Buchan, instead of having a separate interest with Albany, were only branches of the same party, and kept possession of the king's person, that the duke, by the eclat of delivering his sovereign from imprisonment, might regain in the hearts of the well-disposed in the country somewhat of the popularity which he had lost. It is certain, at least, that Albany, upon his restoration to his former high offices of warden of the east and west marches, and lord high admiral, immediately collected an army, and laid siege to Edinburgh castle. The English army<sup>2</sup> at the same time commenced its retreat to England; and the burgesses of Edinburgh, anxious to re-establish a good understanding between the two countries, agreed to repay to Edward the full sum which had been advanced as the dower of the Lady Cæcilia, his

<sup>1</sup> Mag. Sig. x. 44. Oct. 19, 1482.

<sup>2</sup> Lesley's Hist. of Scot., p. 49.

daughter, provided he should think it expedient to draw back from the proposed marriage between this princess and the heir apparent of the Scottish throne.<sup>1</sup> In reply to this, Edward intimated his resolution that the intended alliance should not take place; and, in terms of their obligation, the full amount of the dowery already paid was re-transmitted by the citizens to England. In the meantime, after a decent interval of hostilities, the Earls of Athole and Buchan thought proper to capitulate; and the castle of Edinburgh, with its royal prisoner, was delivered into the hands of the Duke of Albany, who now became the custodian of the sovereign, and, in concert with an overwhelming party of the nobility, assumed the complete direction of the government.<sup>2</sup>

The unhappy king, thus transferred from one prison only to fall under a durance still more intolerable, had yet left to him a few friends in the Archbishop of St Andrews, the Chancellor Evandale, and the Earl of Argyle; but, for the present, it was impossible for them to make any effectual stand against the power of Albany, and they fled precipitately to their estates. Evandale was in consequence deprived of the chancellorship, which was conferred upon Laing, Bishop of Glasgow; whilst Andrew Stewart, an ecclesiastic, and brother to the Earls of Athole and Buchan, was presented to the bishopric of Moray, and promoted to the office of keeper of the privy seal.

A parliament now assembled at Edinburgh, and all was conducted under the control of the Duke of

<sup>1</sup> Rymer, vol. xii. p. 161.

<sup>2</sup> Lesley's Hist. of Scotland, p. 50.

Albany. The sovereign was treated with the greatest harshness ; at times, being actually in fear of his life, he found himself compelled to affix his signature and authority to papers which gave the falsest views of the real state of affairs ; and it is curious to trace how completely the voice of the records was prostituted to eulogize the conduct of Albany and his friends. The monarch was made to thank him in the warmest terms for his delivery from imprisonment ; and the abettors of the duke in his treasonable assumption of the supreme power, were rewarded, under the pretence of having hazarded their lives for the protection of the king.<sup>1</sup>

At the request of the three estates, the king, upon the plea of its being improper for him to expose his person to continual danger in defence of his realm against its enemies, was recommended to intreat the Duke of Albany to accept the office of lieutenant-general of the kingdom, with a suitable provision to meet the great expenses which he must incur in the execution of its important duties. By conferring this high office upon his brother, the sovereign was in reality compelled to be the instrument of superseding his own authority, and declaring himself unworthy of the

<sup>1</sup> It is evident, indeed, that the whole of the acts of this parliament, 2d December, 1482, the charters which passed the great seal, and the various deeds and muniments which proceeded from the great officers of the crown, ought to be viewed with the utmost suspicion by the historian. They are not only the depositions of parties in their own favour, but they are the very instruments by which they sacrificed the public good, and the liberty of the lieges, and the property of the crown, to their own aggrandisement ; and amid such a mass of intentional misrepresentation and error, it would be vain to look for the truth.

crown. But this was not all. The extensive earldom of Mar and Garioch was deemed a proper remuneration for the services of the lieutenant-general in freeing his sovereign from imprisonment, and the principal offices in the government appear to have been filled by his supporters and dependants.<sup>1</sup> Nor did he neglect the most likely methods of courting popularity. Privileges were conferred on the provost and magistrates of the capital; the burgesses of the city were lauded for their fidelity in delivering the king from imprisonment; the office of heritable sheriff within the town was conferred upon their chief magistrate; and his rights in exacting customs, and calling out the trained bands and armed citizens beneath a banner presented to them on this occasion in token of their services, and denominated the Blue Blanket, were considerably extended.<sup>2</sup>

Sensible of the strong spirit of national hostility which still existed between the two countries, and the jealousy with which many regarded his intimacy with Edward the Fourth, the lieutenant-general issued his orders to the lieges to make ready their warlike accoutrements, and prepare for hostilities. But nothing was farther from his real intentions than war. He meant only to strengthen his popularity by the enthusiasm with which he knew such a measure

<sup>1</sup> Acts of the Parliament of Scotland, p. 143. Mag. Sig. x. 32. December 2, 1482. The expressions employed in the royal charter are evidently dictated by Albany himself. It is granted to him "for the faith, loyalty, love, benevolence, brotherly tenderness, piety, cordial service, and virtuous attention," manifested in freeing the king's person from imprisonment.

<sup>2</sup> Inventory to the City Chartulary, i. 33.

would be received by a large proportion of the country, whilst, at the same time, he privately renewed his treasonable intrigues with the English monarch. A secret treaty was negotiated between the commissioners of Edward and the Earl of Angus, Lord Gray, and Sir James Liddal, the friends and envoys of the duke, by which it was agreed that, from this day forth, there should be good amity, love, and favour, between the King of England, and a high mighty prince, Alexander, Duke of Albany, and between the subjects of either prince dwelling within the one realm and the other. By another article in the same treaty, the King of England and the Scottish ambassadors engaged to Albany, that they would not only preserve inviolate the truce between the two kingdoms, but, if need be, would assist him in the conquest of the crown of Scotland "to his proper use," so that he in his turn, and the nobles of Scotland, might do the King of England great service against his enemy the King of France. Another stipulation provided, that, upon the assumption of the crown of Scotland by the duke, he should instantly and for ever annul the league between that country and France; that he should never in all time coming pretend any right or title to the town and castle of Berwick; that he should restore to his lands and dignity in Scotland the banished Earl of Douglas; and after he is king, and at freedom as to marriage, proceed to espouse one of the daughters of King Edward. In the event of Albany dying without heirs, Angus, Gray, and Liddal, the three ambassadors, engaged for themselves, and their friends

and adherents, to keep their castles, houses, and strengths, from James, now King of Scots, "and to live under the sole allegiance of their good and gracious prince, the King of England." In return for this treasonable sacrifice of his country, Edward, on his part, undertook to further the views of Albany in his conquest of the crown of Scotland, by sending his brother, the Duke of Gloucester, and his cousin, the Earl of Northumberland, with such aid of archers and men-at-arms as was thought necessary for the emergency. For the present, three thousand archers were to be furnished, paid and provisioned for six weeks; and, in case there should happen "a great day of rescue," or any other immediate danger, Edward promised that the Duke of Albany should be helped by an army, through God's grace, sufficient for his protection.<sup>1</sup>

The contradiction and errors of our popular historians, and the deficiency of authentic records, have left the period immediately succeeding this convention between Edward and Albany in much obscurity. Its consequences seem to have been much the same as those which followed the intrigues of Angus;<sup>2</sup> and it is evident, that although the duke, in his endeavours to possess himself of the crown, was assisted by Athole, Buchan, Gray, Crichton, and others of the most powerful nobility in Scotland, another and a still stronger party had ranged themselves on the side of the king, incited to this more by their detestation of the schemes of Albany, by which the integrity and independence of their country as a separate kingdom

<sup>1</sup> Rymer *Fœdera*, vol. xii. pp. 173, 174, 175.    <sup>2</sup> *Supra*, p. 274.

were wantonly sacrificed, than by any strong affection for the person of their sovereign. The measures, too, of the duke appear to have been rash and precipitate. He accused the sovereign of countenancing a conspiracy to take him off by poison, and he retaliated by a violent but abortive attempt to seize the king, which greatly weakened his faction, and united in still stronger opposition to his unprincipled designs the friends of order and good government.<sup>1</sup> By their assistance, the monarch, if he did not regain his popularity, was at least enabled to make a temporary stand against the ambition of his brother, who, convinced of the ruin which was on the eve of overwhelming him, besought and obtained a timely reconciliation.

In a parliament which was assembled at Edinburgh in the conclusion of the eventful year 1482, Albany was compelled to acknowledge his manifold treasons, and to lay down his office of lieutenant-governor of the realm.<sup>2</sup> He was, however, with singular weakness and inconsistency upon the part of the government, permitted to retain his wardenship of the marches; and whilst he and his adherents, the Bishop of Moray, with the Earls of Athole, Buchan, and Angus, were discharged from approaching within six miles of the royal person, he was presented by the sovereign and the parliament with a full pardon for

<sup>1</sup> Lesley de Rebus Gestis Scotorum, p. 313. Original Letter James III. to Arbuthnot. Caledonia, vol. ii. p. 602.

<sup>2</sup> Indentura inter Jacobum Tertium et Ducem Albanie Alexandrum ejus fratrem. 16th March, 1482. MS. Gen. Register House, Edinburgh.

all former offences, and permitted to retain his dignity and his estates unfettered and unimpaired. At the same time the duke delivered a public declaration, authenticated under his hand and seal, in which he pronounced it to be a false slander that the king had ever meditated his death by poison ; he promised from thenceforth to discontinue his connexion with Angus, Athole, Buchan, and the rest of his faction, “ not holding them in dayly household in time to come ;” and he engaged to give his letters of manrent and allegiance to the sovereign under his seal and subscription, and to endure for the full term of his life. By the same agreement, the most powerful of his supporters were deprived of the dignities and offices which they had abused to the purposes of conspiracy and rebellion. The Earl of Buchan was degraded from his place as great chamberlain, which was bestowed upon the Earl of Crawford, deprived of his command of deputy-warden of the middle marches, and, along with Lord Crichton and Sir James Liddal, who appear to have been considered the most dangerous of the conspirators with England, was banished from the realm for the space of three years. Angus was compelled to remove from his office of great justiciar on the south half of the water of Forth, to lose his stewardry of Kirkcudbright, his sheriffdom of Lanark, and his command of the castle of Trief ;<sup>1</sup> whilst John of Douglas, another steady associate of Albany, was superseded in his sheriffdom of Edinburgh. The whole conspiracy, by which no-

<sup>1</sup> MS. Indenture, as quoted above.



thing less was intended than the seizure of the crown, and the destruction of the independence of the country, was acknowledged with an indifference and effrontery which adds a deeper shade of baseness to its authors, and punished by the government with a leniency which could only have proceeded from a want of confidence between the sovereign and the great body of his nobility. The causes of all this seem to have been a weakness in the party opposed to Albany, and a dread in the king's friends lest, if driven to despair, this ambitious and unprincipled man might yet be able to withstand or even to overcome them. But the result of so wavering a line of policy, was the same here as in other cases where half measures are adopted. It discouraged for the time the patriotic party, which, having the power in their own hands, did not dare to employ it in the punishment of the most flagrant acts of treason which had occurred since the time of Edward Baliol; and, by convincing Albany of the indecision of the government, and the manifest unpopularity of the king, it encouraged him to renew his intercourse with England, and to repeat his attempt upon the crown.

Accordingly, soon after the dissolution of the parliament, he removed to his castle of Dunbar, which he garrisoned for immediate resistance; he provisioned his other castles; summoned around him his most powerful friends and retainers, and dispatched into England Sir James Liddal, whose society he had so lately and so solemnly forsworn, for the purpose of renewing his league with Edward, and requesting his assistance against his enemies. In

consequence of these proceedings, an English envoy, or herald, named Blue Mantle, was commissioned to renew the negotiations with Albany; and this indefatigable intriguer soon after repaired to England.<sup>1</sup> At his desire, an English force invaded the Border, and advancing to Dunbar, was admitted into that important fortress by Gifford of Sheriffhall, to whom it had been committed, for the purpose of being delivered into the hands of his ally, King Edward. The duke himself remained in England, busy in concerting his measures with Douglas and his adherents for a more formidable expedition; and his friend Lord Crichton, one of the most powerful and warlike of the Scottish barons, engaged with the utmost ardour in concentrating his party in Scotland, and fortifying their castles for a determined resistance against the sovereign.<sup>2</sup>

At this critical moment happened the death of Edward the Fourth; an event which materially weakened the party of the duke, and contributed eventually to his total discomfiture. Its effects, however, were not immediately fatal; and Richard the Third, who usurped the throne, and with whom, when Duke of Gloucester, we have seen Albany preserving an intimate correspondence, received the renegade at court with much courtesy and distinction. In the meantime, his repeated conspiracies excited, as was to be expected, a very general indignation in Scotland. A parliament assembled, in which

<sup>1</sup> Processus Foris facture Ducis Albanie. Acts of the Parliament of Scotland, vol. ii. p. 147.

<sup>2</sup> Processus Foris facture Domini de Crechtoun. Ibid, pp. 154, 164.

he was again summoned to answer to a charge of treason; and upon non-compearance, the proof of the fact being clear and notorious to the whole country, the three estates found him guilty of the crime laid to his charge, declaring that his life, lands, offices, and all other possessions, were forfeited to the king. Lord Crichton, Sir James Liddal, Gifford of Sheriffhall, and a long list of their adherents, experienced a similar fate;<sup>1</sup> whilst the monarch of England, surrounded by difficulties, and threatened with daily plots in his own kingdom, evinced an anxiety to cultivate the most amicable relations with Scotland, and granted safe-conducts to Elphinston, Bishop of Aberdeen, and the Earl of Crawford, as ambassadors from James,<sup>2</sup> with the object of renewing the truces, and arranging the best measures for the maintenance of peace upon the Borders.

At the same time there arrived at court, as ambassador from Charles the Eighth of France, who had lately succeeded to the throne of that kingdom, Bernard Stewart, Lord Aubigny. This eminent person, whose Scottish descent made him peculiarly acceptable to the king, was received with high distinction, and the ancient league between France and Scotland was renewed by the Scottish monarch with all possible solemnity.<sup>3</sup> Soon after, an embassy, which consisted of the Earl of Argyle, and Schévez, Archbishop of St Andrews, with the Lords Evandale, Fleming, and Glammis, proceeded to France,

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 152, 154, 164.

<sup>2</sup> Rymer, vol. xii. p. 207. Appendix I.

<sup>3</sup> Crawford's Officers of State, p. 45.

and in their presence, Charles the Eighth, then only in his fourteenth year, by his royal signature and oath, confirmed and ratified the league, and consented to grant the most prompt assistance to his ally for the expulsion of the English from the kingdom, and the reduction of his rebellious subjects.<sup>1</sup>

So far the treasonable conspiracy of Albany had been completely defeated by the energy of the king, and the co-operation of his nobility; and James, shaking off that indolent devotion to literature and the fine arts, which he was now convinced had too much intruded upon his severer duties as a sovereign, collected an army, and laid siege to the castle of Dunbar, which had been delivered by Albany to the enemy, and strongly garrisoned with English soldiers.<sup>2</sup> Meanwhile, Albany and Douglas, although courteously received by the English king, soon discovered that it was his determination to remain at peace with Scotland; and, with the desperate resolution of making a last struggle for the recovery of their influence, they invaded Scotland, at the head of a small force of five hundred horse, and pushed forward to Lochmaben, under the fallacious idea that they would be joined by some of their late brothers in conspiracy, and by their own tenantry and vassals, who were numerous and powerful in this district. It was St Magdalene's day,<sup>3</sup> upon which an annual fair was held in the town, and a numerous concourse of neighbouring gentry, along with a still greater assemblage of merchants, hawkers, and la-

<sup>1</sup> Lesley de Rebus *Gestis Scotorum*, p. 311.

<sup>2</sup> Ferrerius, p. 397.

<sup>3</sup> 22d July.

bourers, were met together, all of whom, according to the fashion of the times, carried arms. On the approach of Albany and Douglas at the head of a body of English cavalry, it naturally occurred to the multitude, whose booths and shops were full of their goods and merchandise, that the object of the invaders was plunder; and with a resolution whetted by the love of property, they threw themselves upon the enemy. The conflict, however, was unequal, and on the point of terminating fatally for the brave burghers and peasantry, when a body of the king's troops, of which the chief leaders were Charteris of Amisfield, Crichton of Sanquhar, and Kirkpatrick of Kirkmichael, along with the Laird of Johnston, and Murray of Cockpule, advanced rapidly to the rescue of their countrymen, and attacked the English with a fury which broke their ranks, and decided the contest.<sup>1</sup> After a grievous slaughter and complete dispersion of their force, the Duke of Albany escaped from the field by the fleetness of his horse; but Douglas, more aged, and oppressed by the weight of his armour, was overtaken and made prisoner by Kirkpatrick, who, proud of his prize, carried him instantly to the king.<sup>2</sup> His career had, as we have seen, been such as to claim little sympathy. It was that of a selfish and versatile politician, ever ready to sacrifice his country to his personal ambition. But his noble

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 173. Mag. Sigill' xi. 77. Aug. 10, 1484.

<sup>2</sup> Acta Domin. Concilii, 19th Jan., 1484. Mag. Sigill. xi. 72, July 9, 1484.

figure, his venerable aspect and grey hairs, moved the compassion of the king; and he whose treason had banished him from Scotland, who for nearly thirty years had subsisted upon the pay of its enemies, and united himself to every conspiracy against its independence, was permitted to escape with a punishment whose leniency reflects honour on the humanity of the sovereign. He was confined to the monastery of Lindores, where, after a few years of tranquil seclusion, he died, —the last branch of an ancient and illustrious race, whose power, employed in the days of their early greatness in securing the liberty of the country against foreign aggression, had latterly risen into a fatal and treasonable rivalry with the crown. It is said, that, when brought into the royal presence, Douglas, either from shame or pride, turned his back upon his sovereign, and on hearing his sentence, muttered with a bitter smile, “He who may be no better, must needs turn monk.”<sup>1</sup> His associate, Albany, first took refuge in England, and from thence passed over to France, where, after a few years, he was accidentally slain in a tournament.<sup>2</sup>

Two powerful enemies of the king were thus removed; and instead of a monarch who, like Edward the Fourth, encouraged rebellion amongst his subjects by intrigue and invasion, the Scottish king found in Richard the Third, that calm and conciliatory disposition, which naturally arose out of his terror for the occurrence of foreign war, before he had consolidated

<sup>1</sup> Hawthornden, Hist. p. 150. Hume's Douglas and Angus, p. 381.

<sup>2</sup> Anselme, Histoire Genealogique, iv. p. 529.

his newly-acquired power. To him, tranquillity, and popularity with the great body of his nobility and of his people, were as necessary as to James ; and had the Scottish aristocracy permitted their developement, the government of either country would have been conducted upon the principles of mutual friendship and unfettered intercourse. An embassy, consisting of the Earl of Argyle, the chancellor, Lord Evandale, Whitelaw, the secretary to the king, and the Lord Lyle, were received with great state by Richard at Nottingham ; and having conferred with the English commissioners, the Archbishop of York, the Chancellor of England, and the Duke of Norfolk, they determined upon a truce for three years, which was to be cemented by a marriage between the heir of the Scottish crown, James, Duke of Rothsay, now a boy in his fourteenth year, and Lady Anne, niece of the King of England, and daughter to the Duke of Suffolk.<sup>1</sup> By one of the articles of this truce, the castle of Dunbar, then in the possession of the English, having been delivered to them by Albany, and for recovery of which the King of Scotland had made great preparations, was to enjoy the benefit of the cessation of hostilities for six months ; after the expiration of which period, James was to be permitted to recover it, if he was able, by force of arms.

At the same time that this public embassy took place, the purport of which was openly declared, and appears in the public records, much secret intercourse was carried on between Richard the Third and the

<sup>1</sup> Rymer Fœdera, vol. xii. pp. 236, 244, 250.

Scottish nobility and clergy, in which the names occur of several barons who took a prominent part against the king in the subsequent rebellion. From the brief and cautious manner in which the passports for such persons are worded, it is impossible to point out the subjects of their private negotiation, but there seems strong ground to presume that the aristocratic faction, which had been for a long time opposed to the king, and which gave him its lukewarm support solely for the purpose of crushing the desperate treasons of Albany, had now begun to intrigue with England.

From the time of the rising at Lauder, the execution of the favourites, and the subsequent imprisonment of the sovereign, many of the Scottish nobles must have been sensible that they had subjected themselves to a charge of treason, and that the monarch only waited for the opportunity of returning power to employ it in their destruction. The blood of his favourites, shed with a wantonness and inhumanity which nothing could justify, called aloud for vengeance; and however devoted to the indolent cultivation of the fine arts, or enervated by the pursuit of pleasure and the society of the female sex, the character of James partook somewhat of the firmness and tenacity of revenge which distinguished his grandfather James the First; and it was evident that his return to liberty, and the free exercise of his prerogative, would bring a fearful day of reckoning to the conspirators at Lauder. The instances of the Douglases, the Livingstons, and the Boyds, some of whom, previous to their trial and execution, had stood in far



more favourable circumstances than most of the present nobles, must to them have been full of warning and instruction, and it was natural for those who felt the treacherous and unstable ground on which they stood, to endeavour to strengthen their faction by a secret negotiation with England. To what extent Richard listened to such advances, does not appear ; but there seems to be little doubt that, on the meeting of parliament in the commencement of the year 1485, a large proportion of the Scottish aristocracy had persuaded themselves that the security of their lives and their property was incompatible with the resumption of his royal authority by the monarch whom they had insulted and imprisoned : on the other hand, it is very evident, that by whatever various motives they were actuated, a more numerous party, consisting both of the clergy and of the barons, had attached themselves to the interests of the sovereign ; and whilst many must be supposed to have been influenced by the selfish hope of sharing in the plunder and confiscation which invariably accompanied the destruction of a feudal faction, a few perhaps were animated by a patriotic desire to support the authority of the crown, and give strength and energy to the feeble government of the country. Such appear to have been the relative situations of the two great factions in the state on the opening of the parliament in the commencement of the year 1485 ; and most of its acts seem to have been wisely calculated for the good of the community.

It was resolved to dispatch an embassy to the court

of England, for the purpose of concluding the marriage between the Duke of Rothsay and the niece of Richard. Provisions were adopted for the maintenance of tranquillity throughout the realm, by holding justice ayres twice in the year ; the king's highness was advised to call a part of the lords and head men of his kingdom, who were to bring to trial and execution all notorious trespassers and offenders, without remission or respite ; and Schevez, the Archbishop of St Andrews, was to be dispatched on an embassy to the court of Rome, having instructions to procure the papal confirmation of the alliances which had been concluded between Scotland and the kingdoms of France and Denmark. Other matters of importance, affecting mutually the rights claimed by the crown, and the authority maintained by the see of Rome, were intrusted to the same diplomatist. It was to be reverently submitted to the holy father, that the king, having nominated his " tender clerk and counsellor," Alexander Inglis, to the bishopric of Dunkeld, requested the papal confirmation of his promotion as speedily as possible ; and the ambassador was to declare determinately, that his sovereign would not suffer any other person, who had presumed to procure his promotion to this bishopric contrary to the royal will, to enter into possession. An earnest remonstrance was directed to be presented to the pope, requesting, that on the decease of any prelate or beneficed clergyman, his holiness would be pleased to delay the disposition to such dignities for six months, in consequence of the distance of the realm of Scotland

from the holy see, within which time the king's letter of supplication for the promotion to the vacant benefice of such persons as are agreeable to him, may reach the pontiff,—a privilege which, it was remarked, the sovereign considered himself entitled to insist upon, since the prelates of his realm had the first vote in his parliament, and were members of his secret council. In the same parliament, an act of James the Second, which made it treason for any clerks to purchase benefices in the court of Rome, the presentation to which belonged to the crown, was directed to be rigidly carried into execution; and all persons who maintained or supported any ecclesiastics who had thus intruded themselves into vacant sees, were ordered to be punished by the same penalties of proscription and rebellion as the principal offenders. Some homely provisions regarding the extortion of ferrymen, who were in the habit of taking double and treble freight, and a regulation concerning the coinage, concluded the subjects which upon this occasion occupied the wisdom of parliament.<sup>1</sup>

It was within four months after this, that Richard the Third was cut off in the midst of his unprincipled, but daring and energetic career, by a revolution, which placed Henry, Earl of Richmond, upon the throne of England, under the title of Henry the Seventh. That a faction in Scotland supported the Earl of Richmond, we have the authority of his rival Richard for believing;<sup>2</sup> but who were the individuals

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 171.

<sup>2</sup> Fenn's Letters, vol. ii. p. 326.

to whom the king alluded, and to what extent their intrigues had been carried on, there are no authentic documents to determine. The plot of Richmond, as it is well known, was fostered in the court of France, and Bernard Stewart, Lord Aubigny, commanded the body of French soldiers which accompanied Henry to England. Aubigny was, as we have seen, of Scottish extraction, and nearly related to the Earl of Lennox.<sup>1</sup> He had been ambassador to the Scottish court in the year 1484; and it is by no means improbable, that, to further the plot for the invasion of England by the Earl of Richmond, Aubigny, an able politician, as well as an eminent military leader, had induced that party of the Scottish lords, who were already disaffected to the king, to make a diversion by invading England, and breaking the truce between the kingdoms. The impetuosity of Richard, however, hurried on a battle before any symptoms of open hostility had broken out, and when the death of the usurper, on the field of Bosworth, had placed the crown upon the head of Henry, this monarch became naturally as desirous of cultivating peace as he had formerly been anxious to promote a war. Yet with this change of policy, the connexion of the English monarch with the faction

<sup>1</sup> Bernard Stewart, Lord Aubigny, and John Stewart of Derneley, first Earl of Lennox, were brothers' children, Mathew, Earl of Lennox, to whom Aubigny left his fortune, was the son of the first earl. By his sisters, the Ladies Elizabeth, Marion, Janet, and Margaret Stewart, the Earl of Lennox was connected by marriage with the Earl of Argyle, Lord Crichton of Sanquhar, Lord Ross of Halkhead, and Sir John Colquhoun of Luss. Douglas, vol. ii. p. 95, 96.

of the Scottish barons which were opposed to the government of James, and had embraced the quarrel of the Earl of Richmond against Richard, remained as entire and intimate as before ; and when many of the same nobles, who had conspired with France against Richard, began to form plots for the destruction of their own sovereign, it is by no means improbable that they looked for support to their friend and ally the King of England. The extraordinary caution with which Henry carried on his diplomatic negotiations, has rendered it exceedingly difficult for succeeding historians to detect his political intrigues, but there are some circumstances which go far to create a presumption that the designs of James's enemies were neither unknown nor unacceptable to him.

In the meantime, however, the accession of Henry seemed, at first, to bring only a continuance of the most friendly dispositions between the two kingdoms. Within a month after the death of Richard, the English monarch made overtures for the establishment of peace between the two kingdoms, and appointed the Earl of Northumberland, who was warden of the marches, to open a negotiation with such envoys as James might select.<sup>1</sup> Accordingly, Elphinston, Bishop of Aberdeen, Whitelaw, the king's secretary, with the Lords Bothwell and Kennedy, and the Abbot of Holyrood, were dispatched as ambassadors ; and after various conferences, a three years' truce was agreed on, preparatory to a final pacification,

<sup>1</sup> Rymer, vol. xii. p. 285—316.

whilst the Earl of Angus and the Lord Maxwell were appointed wardens of the middle and western marches. Upon the part of England, the Earl of Northumberland and Lord Dacres were nominated to the same office on the eastern and western Borders, whilst overtures were made for a marriage between James, Marquis of Ormond, James's second son, and the Lady Katherine, daughter of Edward the Fourth, and sister-in-law to King Henry.

Soon after this, James was deprived, by death, of his queen, the Lady Margaret, daughter to Christiern, King of Denmark, a princess whose virtues were of that modest and unobtrusive character which make little figure in history, and to whom, if we may believe the report of his enemies, the king was not warmly attached.<sup>1</sup> The aspersions, indeed, which were so unsparingly poured upon the memory of this monarch by the faction which dethroned and destroyed him, and the certain falsehood of some of their most confident accusations, render the stories of his alienation from his queen, and his attachment to other women, at best extremely doubtful. It is certain, however, that before a year of grief had expired, the royal widower began to think of another marriage, which should connect him more intimately in

<sup>1</sup> The period of her death, Pinkerton, vol. i. p. 324, complains, has not been mentioned by the Scottish historians. We are enabled, however, to approximate very nearly to the exact time, by the expression used in a charter in the Morton Chartulary, dated 16th October, 1486, which mentions her as at that time "nuper defuncta."

the bonds of peace and affectionate intercourse with England. The princess upon whom he had fixed his affections, was the Queen-Dowager of England, the widow of Edward the Fourth, and the mother-in-law of Henry the Seventh ; but before this union could be effected, a conspiracy broke out, the materials of which had been long collecting strength and virulence, and of which the effects were as fatal as the history is obscure and complicated.

We have already had occasion to remark, that since the period of the conspiracy at the bridge of Lauder, in which a great body of the Scottish nobles rose against the sovereign, imprisoned his person, usurped the administration of the government, and, without trial or conviction, inflicted the punishment of death upon his principal favourites and counsellors, the barons engaged in that enterprise had never been cordially reconciled to the king, and were well aware that they lived with a charge of treason hanging over their heads—that they held their estates, and even their lives, only so long as their party continued in power. Nearly five years had now elapsed since the execution of Cochrane, and in that interval some changes had occurred, which were quite sufficient to alarm them. Since that period, the character of the king had undergone a material change ; he had attached to his interest some of the wisest of the clergy, and not a few of the most powerful of his nobility ; he had preserved peace with England,—had completely triumphed over the traitorous designs of his brother Albany and the Earl of Douglas,—had

maintained his alliance with France, Flanders, and the northern courts of Europe, unbroken,—had supported with great firmness and dignity, his royal prerogative against the encroachments of the see of Rome,—and had made repeated endeavours to enforce the authority of the laws, to improve the administration of justice, and restrain the independent and ruinous power of the feudal nobility, by the enactments of his parliament, and the increasing energy and attention with which he devoted himself to the cares of government. It has indeed been the fashion of some of our popular historians to represent the character of this unfortunate prince as a base admixture of wickedness and weakness, but nothing can be more untrue than such a picture. The facts of his reign, and the measures of his government, demonstrate its infidelity to the original, and convince us that such calumnies proceeded from the voice of a faction desirous to blacken the memory of a monarch whom they had deserted and betrayed. But, even admitting that the full merit of the wise and active administration of the government which had lately taken place, did not belong to the king, it was evident to his enemies that their power was on the decline, and that their danger was becoming imminent. The character of the monarch, indeed, was far from relentless or unforgiving; and the mildness of the punishment of Albany, and the benevolence of the sentence against Douglas, might have inspired them with hope, and promoted a reconciliation, but they knew also that there were many about the royal



person who would advise a different course, and to whom the forfeiture, and the expectation of sharing in their estates, would present an inviting prospect.

On consulting together, they appear to have come to the resolution to muster their whole strength at the ensuing parliament, to sound the disposition of the king and his party towards accepting their submission, and encouraging a coalition ; and when they had warily estimated the comparative strength of their own faction, and that of the monarch, to form their plan, either of adherence to the government, and submission to the king, or of a determined rebellion against both. In the meantime, however, the death of the queen, and the treachery of those to whom the keeping and education of the heir apparent was intrusted, enabled them to usurp an influence over his mind, which they artfully turned to their own advantage.

To gain the prince to favour their designs against his father, and to allure him to join their party, by the prospect of an early possession of the sovereign power, was a project which had been so frequently and successfully repeated in the tumultuous transactions of Scotland, and other feudal kingdoms, that it naturally suggested itself to the discontented nobles ; and it was no difficult task for such crafty and unscrupulous intriguers to work upon the youthful ambition of his character. James, Duke of Rothsay, was now in his fifteenth year ; his disposition was aspiring and impetuous, and, although still a boy, his mind seems to have been far beyond his

years. It was easy for them to inflame his boyish feelings against his father, by the same false and unfounded tales with which they afterwards polluted the popular mind, and excused their own attacks upon the government; and previous to the meeting of the parliament, it is evident that they had succeeded in estranging the affections of the son from the father, and producing in his mind a readiness to unite himself to their party. Whilst such had been the conduct of the faction which opposed itself to the government, the king, shaking off the love of indolent retirement which he had too long encouraged, mustered his friends around him, consulted with his most confidential officers, and resolved that the proceedings of the ensuing parliament should be conducted with an energy and a wisdom which should convince his enemies that they had mistaken his character.

Such appears to have been the relative position of the monarch, and the faction of the discontented nobles, at the period of the meeting of parliament, on the 13th of October, 1487.<sup>1</sup> On that day, a more numerous assemblage of the nobles attended than for many years had been seen in the Scottish parliament; and, although the barons who were inimical to the king, were pleased to find that they mustered in very formidable strength, it was thought expedient to make overtures to the sovereign for an amicable adjustment of all disputes and grievances which had existed

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 176.

between them, upon condition that a full pardon and remission should be granted for their past offences, to all such barons, as had made themselves obnoxious to the laws, by treason, rapine, or other offences. To such a proposition, however, the party of the sovereign, too confident in their own power, gave an absolute denial. They brought in an act of parliament, which declared, that for the purpose of re-establishing justice and tranquillity throughout the realm, which, in consequence of the delay of inflicting "sharp execution upon traitors and murderers, had been greatly broken and distressed, the king's highness had acceded to the request of his three estates, and was determined to refuse all applications for remission or pardon of such crimes, or of any similar offences, for seven years to come." In return for the readiness with which the king had obeyed the wishes and counsel of his three estates, the lords spiritual and temporal, with the barons and freeholders, gave their faithful promise, that, in all time coming, they should cease to maintain, countenance, or stand at the bar with traitors, men-slayers, thieves, or robbers, always excepting that they must not be prevented from taking part in "sober wise," with their kin and friends, in the defence of their honest actions. They engaged also to assist the king and his justices to bring all such offenders to justice, that they might "underly" the law; and when, in consequence of the strength of the party accused, the coroner was unable to make his arrestment, they promised to co-operate with him, with their armed vassals and household, in apprehending the delinquent.

Other acts were passed at the same time, to which it is unnecessary to refer; but the proceedings were amply sufficient to convince the barons, whose rebellion against the sovereign had made them liable to a charge of treason—that extreme measures were meditated against them. The parliament was then continued to the 29th of January; and it was intimated by the sovereign, that a full attendance of the whole body of the prelates, barons, and freeholders, would be imperiously insisted on, it having been resolved, that all absent members should not only be punished by the infliction of the usual fine, but in such other method as the king was wont to adopt to those who disobeyed his orders, and incurred his high displeasure.

In the interval, an important negotiation took place between the Bishops of Exeter and Aberdeen, who met at Edinburgh, and agreed that the present truce subsisting between the kingdoms, should be prolonged to the 1st of September, 1489. It was determined also, that the proposed marriage between the King of Scots and the Princess Elizabeth, widow of Edward the Fourth, should take place as soon as the preliminaries could be settled, in a diet to be held at Edinburgh, whilst the peace between the two countries should be further cemented by the marriage of James's second son, the Marquis of Ormond, to the Lady Catherine, third daughter of Edward the Fourth, and of James, Prince of Scotland and Duke of Rothsay, to another daughter of the same royal line.<sup>1</sup> These royal alliances were interrupted by a

<sup>1</sup> Rymer Fœdera, vol. xii. p. 329.

demand of the Scottish monarch. As a preliminary, he insisted upon the surrender of the town of Berwick, which for so long a period had been the property of Scotland, and the rich emporium of its trade. To this last condition, Henry would by no means consent.<sup>1</sup> He was well aware of the extreme importance of this Border fortress, as commanding a frontier against the Scots; and so high a value did he set upon its continuing in the possession of England, that, from the moment that James had pertinaciously required its restoration, all serious thoughts of the proposed alliances were at an end; and the politics of the English monarch, instead of being animated by the desire of a friendly union with the king, became infected with a partiality for the faction of his discontented nobles.

Nor had these barons, during this interval, been idle. They had consolidated their own strength; appointed various points of rendezvous for their armed vassals and retainers, and put their castles into a posture of defence. They had prevailed on some of the prelates and dignified clergy to join their party, whose affections the king had alienated by his severe reprobation of their proceedings, in purchasing the nomination to vacant benefices at the papal court. They had completely corrupted the principles of the king's eldest son, the Duke of Rothsay, and prevailed upon him to lend his name and his presence to their treasonable attack upon the government; and although it cannot be asserted upon conclusive historical evi-

<sup>1</sup> 10th Feb. 1487. *Rotuli Scot.*, vol. ii. p. 483.

dence, there is some reason to believe that the conspiracy was countenanced at least, if not fostered and supported, at the court of Henry the Seventh.

In the meantime, the parliament, which had been prorogued to the month of January, again assembled,<sup>1</sup> and was attended in great force by both factions. Aware of the intrigues which were in agitation against him, and incensed at the conduct of his enemies in working upon the ambition, and alienating from him the affections, of his son and successor, James proceeded to adopt very decided measures. He brought forward his second son, created him Duke of Ross, Marquis of Ormond, Earl of Edirsdale, and Lord of Brechin and Novar, and by accumulating upon him these high titles, appeared to point him out as his intended successor in the throne. He strengthened his own party by raising the Barons of Drummond, Crichton of Sanquhar, Hay, and Ruthven, to the dignity and privileges of lords of parliament; he procured the consent of the three estates to the immediate departure of an embassy to the court of England, for the purpose of making a final agreement regarding his own marriage and that of the prince his son; with instructions to the ambassadors that they should insist either on the delivery of the castle and the city of Berwick into the hands of the Scots, or upon its being cast down and destroyed. He appointed the Earls of Crawford and Huntley to be justices on the north half beyond the Forth; and from the Lords Bothwell, Glamis, Lyle,

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 180.

and Drummond, directed the parliament to select two justices for the southern division of the kingdom. With regard to the rights, which he contended belonged to the crown, in disposing of vacant benefices,—rights which interfered with those ecclesiastical privileges claimed by the court of Rome as part of its inalienable prerogative, the conduct of the monarch was to a high degree spirited and consistent. He had united the priory of Coldingham to the royal chapel at Stirling, a measure which the potent Border family of the Humes affected to consider as an interference with their patronage, but upon what ground is not apparent. They made it a pretext, however, for joining the ranks of the discontented nobles; opposed the annexation in a violent and outrageous manner, and attempted to overturn the act of the king by an appeal to the court of Rome.<sup>1</sup> The monarch, in the first instance, interdicted all persons from presenting or countenancing such appeals, under penalty of the forfeiture of life, lands, and goods; and finding this warning insufficient, he directed summonses to be issued against the offenders, ordaining them to stand their trial before a committee of the parliament, and abide the sentence of the law.<sup>2</sup> Aware also that there would be some attempt at interference on the part of the court of Rome, it was declared by the parliament, that the king was bound to preserve that ancient privilege which had been conferred upon his progenitors by a

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 179.

<sup>2</sup> Ibid, p. 182.

special bull, and by which the Scottish monarchs were not obliged to receive any legate or messenger of the court of Rome within their realm, unless a direct communication were first made to the king and his council as to the object of their journey, and the nature of the message with which they were intrusted, so that it might be perfectly understood, before they were permitted to enter the kingdom, that they brought no communication contrary to the will of the sovereign or the common prosperity of his realm. If, therefore, it was said, any such legate happened to be now on his journey, or hereafter arrived, the parliament recommended that messengers should be immediately sent to the Borders to prohibit him from setting his foot within the kingdom, until he first explained to his highness the cause of his coming.<sup>1</sup> In the same parliament, and with a like resolute spirit, the king obtained an act to be passed, which insisted on his right to nominate to vacant benefices as an inalienable prerogative of his crown, and in which his determination was declared, to keep his clerk, Mr David Abercromby, unvexed and untroubled in the enjoyment of the deanery of Aberdeen, notwithstanding any attempt to the contrary by persons who founded their title of interference upon a purchase or impetration of this ecclesiastical preferment at the court of Rome.

The parliament was then adjourned to the fifth of May, and the members dispersed ; but the quiet was of short continuance, and the materials of civil com-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 183.



motion, which had been so long pent up in the bosom of the country, in consequence of the strong and determined measures adopted by the king, at length took fire, and blazed forth into open rebellion. In the severity of the late acts of Parliament, the Earls of Argyll and Angus, the Lords Lyle, Drummond, and Hailes, Blacater, Bishop of Glasgow, and many other powerful barons who had joined their party, saw clearly the measures which were intended for their destruction, and determined, ere it was too late, to convince their enemies, that their power was more formidable than they anticipated. They accordingly concentrated their forces. The young prince, already estranged from his father, and flattered with the adulation of a party which addressed him as king, issued from Stirling castle,<sup>1</sup> the governor of which, James Shaw of Sauchie, had early joined the conspiracy, and placed himself at the head of the insurgent army, whilst James, who had unfortunately permitted his most powerful friends and supporters to return to their estates after the dissolution of the parliament, found himself almost alone amidst a thickening tumult of revolt and violence, which it was impossible to resist. Cut to the heart also, by seeing his own son at the head of his enemies, the king formed the sudden resolution of retiring from the southern provinces of his kingdom, which were occupied chiefly by his enemies, to those northern districts, where he could still rely on the loyalty of his subjects, and the support of a large body of his nobility. Previous to this,

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 211, 223.

however, he dispatched the Earl of Buchan, along with Lord Bothwell and the Bishop of Murray, on an embassy to Henry the Seventh, to solicit the assistance of that monarch, and procure the presence of a body of English troops to overawe his rebellious subjects, and defend him against the imminent dangers with which he was surrounded.<sup>1</sup> He at the same time deprived Argyle of the office of chancellor, and conferred that dignity upon Elphinston, Bishop of Aberdeen, one of the ablest and most faithful of his counsellors ; and anxious to detach his son from the party of the rebels, and to save him from incurring the penalties of treason, he sent proposals to the misguided youth, in which the severity of the king and the affection of the father were kindly and judiciously blended. But all was in vain. From the moment of his leaving Stirling, and placing himself at the head of their party, the rebels boldly declared, that James the Third, having forfeited the affections of his people, oppressed his nobility, and brought in the English to subdue the nation, had forfeited the crown, and ceased to reign. They then proclaimed his son as his successor, under the title of James the Fourth, and in his name proceeded to carry on the government. The Earl of Argyle was reinstated in his office of chancellor ;<sup>2</sup> a negotiation was opened with the court of England ; and Henry, who had looked coldly on the father, in consequence of his insisting upon the restoration of Berwick, did

<sup>1</sup> Rymer *Fœdera*, vol. xii. p. 334.

<sup>2</sup> *Mag. Sigill.* x. 122. Feb. 18, 1487.

not scruple to treat with the son as King of Scots, and to grant passports for his ambassadors, the Bishops of Glasgow and Dunkeld, the Earl of Argyle, the Lords Lyle and Hailes, with the Master of Hume.<sup>1</sup>

The alarm of the king at the boldness and success of such measures was very great. He was surrounded on all sides by his enemies, and in daily risk of being made a captive by his son. It was absolutely necessary, therefore, to hasten his retreat to the north ; but before his preparations were completed, the rebels advanced upon Edinburgh, his baggage and money were seized at Leith, and the monarch had scarcely time to throw himself into a ship belonging to Sir Andrew Wood, and pass over to Fife, when he heard that the whole southern provinces were in arms.<sup>2</sup> The disaffection, however, had reached no farther, and James, as he proceeded towards Aberdeen, and issued orders for the array of Strathern and Angus, had the gratification to find himself within a short time at the head of a numerous and formidable army. His uncle, Athole, with the Earls of Huntley and Crawford, and a proud assemblage of northern barons, joined his standard. Lord Lindsay of the Byres, a veteran commander of great talent and devoted loyalty, who had served in the French wars, assembled a body of three thousand footmen and a thousand horse. The old baron, who led this force in person, was mounted on a grey courser of great size and spirit. On meeting the king, he dis-

<sup>1</sup> Rymer *Fœdera*, vol. xii. p. 340.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 202.

mounted, and placing the reins in the hand of his sovereign, begged him to accept of the best war-horse in Scotland. "Only sit well," said the blunt old soldier, "please your grace, and his speed will outdo all I have ever seen either to flee or follow." The present was highly valued by the monarch, but it was thought ominous at the time, and led to fatal results. Soon after this the king was met by Lord Ruthven at the head of a thousand gentlemen well mounted and clothed in complete armour, a thousand archers, and a thousand infantry with half long swords and habergeons.<sup>1</sup> As he advanced, his forces daily increased. The Earls of Buchan and Errol, the Lords Glamis, Forbes, and Kilmaurs; his standard-bearer, Sir William Turnbull; the Barons of Tullibardin and Pourie; Innes of Innes, Coless of Balnamoon, Somer of Balyard, and many other loyalists, incensed at the unnatural rebellion, and commiserating the condition of the country, warmly espoused his cause, so that he soon found himself at the head of a well-appointed army of thirty thousand men, with which he instantly advanced against the rebel lords.<sup>2</sup>

He found them stationed with the prince his son, at Blackness, near Linlithgow; but the sight of his subjects arrayed in mortal conflict against each other, and commanded by the heir to his throne, affected the benevolent heart of the monarch, and induced him to listen to the advice of the Earls of Huntley and Errol, who earnestly besought permission to

<sup>1</sup> Pitscottie, History, p. 140. Ferrerius, p. 400.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 202.

attempt an accommodation. A negotiation was accordingly opened, and certain articles of agreement were drawn up and corroborated by the royal signature, which, if we may believe the suspicious evidence of the conspirators themselves, were violated by the king, who suffered himself to be overruled by the stern councils of the Earl of Buchan.<sup>1</sup> Irritated at such undue influence, the Earl Marshal, along with Huntley, Errol, and Lord Glamis, deserted the royal camp, and retired to their respective estates; whilst Buchan, who perhaps wisely dreaded to lose an opportunity of extinguishing the rebellion which might never again occur, attacked the prince's army, and gained an advantage, which, although magnified into a victory, appears to have been little else than a severe skirmish, too undecided to deter the prince and his associates from keeping the field in the face of the royal army.<sup>2</sup> The odious sight of civil bloodshed, however, created in both armies an indisposition to push the battle to extremities, and the monarch, whose heart sickened at the prospect of protracted rebellion, again, by the mediation of his uncle, the Earl of Athole, made proposals for an amicable adjustment of the grievances for the redress of which his opponents were in arms. Commissioners were accordingly appointed, and a pacification agreed on, remarkable for the leniency of its stipulations, and the tenderness with which the royal parent demeaned himself towards his son. It will be remembered that James was at the head of an army flushed

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 202, 210.

<sup>2</sup> Ibid. vol. ii. p. 204.

with recent success,—that he had been grossly calumniated by the rebellious subjects whom he was now willing to admit to pardon,—that his son, a youth in his sixteenth year, had usurped his name and authority of king,—that they had filled his kingdom with confusion and bloodshed ; under such circumstances, the conditions agreed on contradict in the strongest manner the representations of the popular historians regarding the character of this unfortunate prince. It was stipulated, that the royal estate and authority of the sovereign should be maintained, so that the king might exercise his prerogatives, and administer justice to his lieges, throughout every part of his realm ; that his noble person should at all times be in honour and security ; and that such prelates, earls, lords, and barons, as were most noted for wisdom, prudence, and fidelity, should be kept around him. All those persons whom the prince had hitherto admitted to his confidence, and whose evil councils had done displeasure to the king, were to make honourable amends to the monarch, by adopting a wise and discreet line of conduct, under the condition that full security was to be given them for their lives, honours, and estates. The king engaged to maintain the household of the heir apparent, and support the lords and officers of his establishment in befitting dignity, provided they were honourable and faithful persons, distinguished for wisdom and fidelity, under whose directions my lord the prince might become obedient to his royal father, and increase in that dutiful love and tenderness which ought ever to be preserved

between them. On these conditions, the king declared his readiness to forgive and admit to his grace and favour all the prince's friends and servants against whom he had conceived any displeasure, whilst his highness the prince intimated his willingness to dismiss from his mind all rancorous feelings against the lords spiritual and temporal who had adhered to the service of their sovereign in this time of trouble. In conclusion, it was agreed by both parties, that all feuds or dissensions which at that moment existed between various great lords and barons, and more especially between the Earl of Buchan and the Lord Lyle, should be composed and concluded ; so that our sovereign lord and his lieges might once more live in peace, justice, and concord, and tranquillity be re-established throughout the realm.<sup>1</sup>

Whatever causes led to this pacification, it is evident that the terms offered to the prince and his rebellious party were far too favourable, and that the humanity which dictated so feeble and insecure a compromise was little else than weakness. The king was then in circumstances, which, if properly turned to advantage, must, in all probability, have given him a complete triumph over a conspiracy, whose ramifications had spread throughout the kingdom. Under the pretence of the redress of grievances partly ideal, partly true, but principally of their own creation, a faction of his prelates and nobles had withdrawn their allegiance from their sovereign, seduced the affections of the prince, and attempted to overturn

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 210.

the government of the country by force of arms. To have entered into terms with such offenders upon any other basis than a full and unconditional surrender, was the extremity of folly ; but instead of this, James, in his anxiety to avoid a mortal contest, which, after the advantage at Blackness, the insurgent lords would scarcely have hazarded, permitted the son who had usurped his kingly name and prerogative, and the subjects who had defied the authority of the crown and the laws of the realm, to negotiate, with arms in their hands, on a footing of equality. No petition for forgiveness, no expression of penitence, was suffered to escape ; the prince spoke throughout, not as a son conscious that he had offended, but as a sovereign transacting a treaty with his equal. The pacification of Blackness was, in truth, a triumph to the faction of the discontented nobles ; and it required little penetration to foresee, that the tranquillity which was established on such a foundation, could not be of any long duration : it was a confession of weakness, pronounced at a time when firmness at least, if not severity, were the only guides to the permanent settlement of the convulsions which now agitated the kingdom.

Unconscious, however, of the dangers which surrounded him, and trusting too implicitly to the promises of the insurgents, James retired to Edinburgh, dismissed his army, and permitted the northern lords, upon whose fidelity he had the greatest dependence, to return to their estates. He then proceeded to reward the barons to whose zeal he had been chiefly



indebted, and who had distinguished themselves in the conflict at Blackness. The Earl of Crawford was created Duke of Montrose ; Lord Kilmaurs was raised to the rank of Earl of Glencairn ; Sir Thomas Turnbull, his standard-bearer, Sir Andrew Wood, the Lairds of Balnamoon, Lag, Balyard, and others of his adherents, received grants of lands ; and the king weakly and fondly imagined, that if any bitter feelings were yet cherished in the bosoms of his son and his nobles, the mediation of the French monarch, to whom he had lately dispatched ambassadors, and the interference of the holy see, to which a mission had been also directed, might effectually remove them.<sup>1</sup> Nothing, however, could be more vain than such anticipations. The monarch had scarcely time to reorganize his court, and take up his residence within his castle of Edinburgh, when he was informed that his son, and the same fierce and ambitious faction, had resumed their schemes of insurrection, and assembled in more formidable numbers than before. It may be doubted, indeed, whether they had ever dispersed ; and it is difficult to account for the infatuation of the monarch, and those by whose advice he acted, when we find them consenting to the dismissal of the royal army at the very moment the rebels continued to retain their arms.

The king, however, had a few powerful friends around him, and these urged him, ere it was too late, to reassemble his army without a moment's delay. The Duke of Montrose, the Earls of Menteith and Glencairn, the Lords Erskine, Graham, Ruthven,

<sup>1</sup> Mag. Sigill. x. 69. May 18, 1488. Ibid. ix. 77, same date. Ibid. xii. 365. June 25, 1492.

and Lord Lyndsay of the Byres, immediately collected their followers ; and such was the popularity of the royal cause, that within a short time the royal army mustered in sufficient strength to take the field against the insurgents. Summonses were rapidly forwarded to the northern lords, and it was at first determined that, till these reinforcements joined the army, the sovereign should remain at Edinburgh, and avoid the risk of a battle. But this resolution, undoubtedly the wisest that could be adopted, was abandoned. It was suggested that Stirling would be a more convenient rendezvous for the northern chiefs and clans ; and, abandoning his strong castle of Edinburgh, the monarch advanced to this town, and attacking the prince his son, who was encamped in the neighbourhood, drove him across the Forth, and after dispersing this portion of the rebels, demanded admittance into his castle of Stirling.<sup>1</sup> This, however, was peremptorily refused him by Shaw of Sauchie, the governor, who had joined the prince ; and before time was given him to decide whether it would be expedient to lay siege to the fortress, intelligence was brought that his enemies had pressed on from Falkirk, and occupied the high level plain above the bridge of the Torwood.<sup>2</sup> Upon hearing this, James immediately advanced against them, and encountered the insurgent army on a track of ground known at the present day by the name of Little Cangler, which is situated upon the east side of a small brook called Sauchie Burn, about two miles from Stirling, and one mile

<sup>1</sup> Mag. Sigill. xii. 64. 9th January, 1488.

<sup>2</sup> Pitscottie, History, p. 141.

from the celebrated field of Bannockburn, where Bruce had defeated Edward. Although inexperienced in war, James was not deficient in courage. By the advice of Lord Lyndsay, with other veteran soldiers, the royal army, much inferior in numbers to the insurgents, was drawn up in three divisions. The first, consisting of such of the northern clans as had arrived before the battle, was commanded by the Earls of Athole and Huntley, forming an advance of Highlandmen armed with bows, long daggers, swords, and targets; in the rear division were the westland and Stirlingshire men, commanded by the Earl of Menteith, with the Lords Erskine and Graham; whilst the king himself led the main battle, composed of the burghers and commons.<sup>1</sup> He was splendidly armed, and rode the tall grey horse which had lately been presented to him by Lord Lyndsay. On his right this veteran soldier, with the Earl of Crawford, commanded a noble body of cavalry, consisting of the chivalry of Fife and Angus; whilst Lord Ruthven, with the men of Strathern and Stormont, formed his left wing, with a body of nearly five thousand spearmen. Against this array, the rebel lords, advancing rapidly from the Torwood, formed themselves in three battles. The first division, which was led by the Lord Hailes and the Master of Hume, was composed of the hardy spearmen of East Lothian and the Merse.<sup>2</sup> Lord Gray commanded the second line, which was formed of the fierce Galwegians, and the more disciplined and

<sup>1</sup> Nimmo's Stirlingshire, p. 226. Lesley's Hist. p. 57.

<sup>2</sup> Ferrerius, p. 400. Buch. b. xii. c. 61. Pitscottie, Hist. p. 142.

hardy Borderers of Liddesdale and Annandale, men trained from their infancy to arms, and happy only in a state of war. In the main battle was the principal body of the lords who had conspired against the king, and at their head the young prince himself, whose mind, torn between ambition and remorse, is said to have sought for comfort in issuing an order, that no one should dare, in the ensuing conflict, to lay violent hands upon his father.<sup>1</sup>

The battle commenced by showers of arrows, which did little execution, as the bow, although lately more encouraged amongst the Highland troops, was never a favourite or formidable weapon with the nation. In the charge with the spear, however, the royalists drove back the enemy's first line and gained a decided advantage, but it lasted only till the advance of the Borderers, who attacked with such steady and determined valour, that they not only recovered the ground which had been lost, but made a dreadful slaughter, and at last compelled the Earls of Huntley and Menteith to retreat in confusion upon the main battle, commanded by the king. The conflict, however, was continued for some time with great obstinacy, and James's forces, although inferior in number to the insurgents, made a desperate stand. They at last, however, began to waver, and the tumult and slaughter approached the spot where the king had stationed himself. The lords who surrounded his per-

<sup>1</sup> Pinkerton, i. p. 234, has represented the conflict which followed these dispositions as a brief skirmish, hurried to a conclusion by the timidity and flight of the king. Of this, however, there is no evidence.

son, implored him not to run the risk of death or captivity, which must bring ruin upon their cause, but to leave the field whilst there was yet a chance of safety. To this advice James consented, not unreluctantly, if we may believe his enemies; and whilst his nobles obstinately protracted the battle, the monarch spurred his horse, and fled at full speed through the village of Bannockburn. The precaution, however, which was intended to secure his safety, only hastened his destruction. On crossing the little river Bannock, at a hamlet called Milltoun, he came suddenly upon a woman drawing water, who, alarmed at the apparition of an armed horseman, threw down her pitcher, and fled into the house.<sup>1</sup> At this noise the horse, taking fright, swerved in the midst of his career, and the king, losing his seat and falling heavily, was so much bruised by the concussion and the weight of his armour, that he swooned away. He was instantly carried into a miller's cottage hard by, whose inmates, ignorant of the rank of the sufferer, but compassionating his distress, treated him with great humanity. He was placed on a bed; cordials, such as their poverty could bestow, were administered, and the unhappy monarch at length opened his eyes, and earnestly required the presence of a priest, to whom he might confess before his death. On being questioned regarding his name and rank, he incautiously answered, "Alas! I was your sovereign this morning;" upon which the poor woman

<sup>1</sup> The cottage called Beaton's Mill, where the king was murdered, is still pointed out to the traveller; and the great antiquity and thickness of the walls corroborates the tradition.

rushed out of the cottage, wringing her hands, and calling aloud for a priest to come and confess the king. By this time a party of the straggling soldiers of the prince's army had reached the spot, and one whose name is not certainly known, but whom some historians assert to have been an ecclesiastic named Borthwick, in Lord Gray's service, hearing the woman's lamentation, announced himself as a priest, and was admitted into the cottage. He found the monarch lying on a flock-bed, with a coarse cloth thrown over him, in an obscure corner of the room, and kneeling down, enquired with apparent tenderness and anxiety how it fared with him, and whether with medical assistance he might yet recover. The king assured him that there was hope, but in the meanwhile besought him to receive his confession, upon which the ruffian bent over him, under pretence of proceeding to discharge his holy office, and drawing his dagger, stabbed his unresisting victim to the heart, repeating his strokes till he perceived life to be completely extinct. The atrocity of the deed seems to have had the effect of throwing over it a studied obscurity, so that, although it is asserted that the murderer carried off with him the body of his sovereign, his movements were never certainly traced, and his name and person are to this day undiscovered. A body, however, ascertained to be that of James, was afterwards found in the neighbourhood, and interred with royal honours, beside his queen, in the Abbey of Cambuskenneth.<sup>1</sup>

<sup>1</sup> Ferrerius, p. 400. Lesley's History, p. 57. Mag. Sigill. xiii. 251. 6th April, 1496.

After the flight of the king, the battle was neither long nor obstinately contested. Anxious to save their army, and dispirited by a vague rumour of the death of their master, the royalist leaders retired upon Stirling, and were not hotly pursued by the prince, who is said to have been seized with sudden and overwhelming remorse on being informed of the melancholy fate of his father. Dazzled, however, by his accession to the throne, and flattered by the professions of devotedness and affection of his party, these repentant feelings for the present were evanescent, although they afterwards broke out with a strength which occasionally embittered his existence. In the battle the loss was on neither side very great, although the Earls of Glencairn and Bothwell, with the Lords Erskine, Semple, and Ruthven, were amongst the slain in the royalist party. The army of the insurgent nobles passed the night upon the field, and next day fell back upon Linlithgow, when the lords permitted their vassals to disperse, and began anxiously to consult regarding the measures which it was necessary to adopt for the immediate administration of the government.<sup>1</sup>

Thus perished in the prime of life, and the victim of a conspiracy headed by his own son, James the Third of Scotland; a prince whose character appears to have been misrepresented and mistaken by writers of two very different parties, and whose real disposition is to be sought for neither in the mistaken

<sup>1</sup> Ferrerius, p. 400.

aspersions of Buchanan, nor in the vague and indiscriminate panegyric of some later authors. Buchanan, misled by the attacks of a faction, whose interest it was to paint the monarch whom they had deposed and murdered, as weak, unjust, and abandoned to low pleasures, has exaggerated the picture by his own prejudices and antipathies; other writers, amongst whom Abercromby is the most conspicuous, have, with an equal aberration from the truth, represented him as almost faultless. That James had any design, similar to that of his able and energetic grandfather, of raising the kingly power upon the ruins of the nobility, is an assertion not only unsupported by any authentic testimony, but contradicted by the facts which are already before the reader. That he was cruel or tyrannical is an unfounded aspersion, ungraciously proceeding from those who had experienced his repeated lenity, and who, in the last fatal scenes of his life, abused his ready forgiveness to compass his ruin. That he murdered his brother is an untruth, emanating from the same source, contradicted by the highest contemporary evidence, and abandoned by his worst enemies as too ridiculous to be stated at a time when they were anxiously collecting every possible accusation against him. Yet it figures in the classical pages of Buchanan; a very convincing proof of the slight examination which that great man was accustomed to bestow upon any story which coincided with his preconceived opinions, and flattered his prejudices against monarchy. Equally unfounded was that imputation, so strongly



urged against this prince by his insurgent nobles, that he had attempted to accomplish the perpetual subjection of the realm to England. His brother Albany had truly done so ; and the original records of his negotiations, and of his homage sworn to Edward, remain to this day, although we in vain look for an account of this extraordinary intrigue in the pages of the popular historians. In this attempt to destroy the independence of the kingdom, it is equally certain that Albany was supported by a great proportion of the nobility, who now rose against the king, and whose names appear in the contemporary muniments of the period ; but we in vain look in the pages of the *Fœdera*, or in the rolls of Westminster and the Tower, for an atom of evidence to show that James, in his natural anxiety for assistance against a rebellion of his own subjects, had ceased for a moment to treat with Henry the Seventh as an independent sovereign. So far, indeed, from this being the case, we know that, at a time when conciliation was necessary, he refused to benefit himself by sacrificing any portion of his kingdom, and insisted on the re-delivery of Berwick with an obstinacy which in all probability disgusted the English monarch, and rendered him lukewarm in his support.

James's misfortunes, in truth, are to be attributed more to the extraordinary circumstances of the times in which he lived, than to any very marked defects in the character or conduct of the monarch himself, although both were certainly far from blameless. At this period, in almost every kingdom in Europe with

which Scotland was connected, the power of the great feudal nobles and that of the sovereign had been arrayed in jealous and mortal hostility against each other. The time appeared to have arrived in which both parties seemed convinced that they were on the very confines of a great change, and that the sovereignty of the throne must either sink under the superior strength of the greater nobles, or the tyranny and independence of these feudal tyrants receive a blow from which it would not be easy for them to recover. In this struggle another remarkable feature is to be discerned. The nobles, anxious for a leader, and eager to procure some counterpoise to the weight of the king's name and authority, generally attempted to seduce the heir apparent, or some one of the royal family, to favour their designs, bribing him to dethrone his parent or relation by the promise of placing him immediately upon the vacant throne. The principles of loyalty, and the respect for hereditary succession, as established by the laws of the country, were thus diluted in their strength, and weakened in their conservative effects ; and from the constant intercourse, both commercial and political, which existed between Scotland and the other countries of Europe, the examples of kings resisted or deposed by their nobles, and monarchs imprisoned by their children, were not lost upon the fervid and restless genius of the Scottish aristocracy. In France, indeed, the struggle had terminated under Louis the Eleventh in favour of the crown ; but the lesson to be derived from it was not

the less instructive to the Scottish nobility. In Flanders and the states of Holland, they had before them the spectacle of an independent prince deposed and imprisoned by his son ; and in Germany, the reign of Frederic the Third, which was contemporaneous with our James the Third, presented one constant scene of struggle and discontent between the emperor and his nobility, in which this weak and capricious potentate was uniformly defeated.<sup>1</sup>

In the struggle in Scotland, which ended by the death of the unfortunate monarch, it is important to observe, that although the pretext used by the barons was the resistance to royal oppression and the establishment of liberty, the middle classes and the great body of the people took no share. They did not side with the nobles, whose efforts on this occasion were entirely selfish and exclusive. On the contrary, so far as they were represented by the commissaries of the burghs who sat in Parliament, they joined the party of the king and the clergy, by whom very frequent efforts were made to introduce a more effectual administration of justice, and a more constant respect for the rights of individuals, and the protection of property. With this object laws were promulgated, and

<sup>1</sup> "Although," says Eneas Sylvius, in his address to the electoral princes, "we acknowledge Frederic to be our emperor and king, his title to such an appellation seems to be in no little degree precarious ; for where is his power ? You give him just as much obedience as you choose, and you choose to give him very little." "*Tantum ei parietis quantum vultis, vultis enim minimum.*" A sentence which might be applied with equal if not greater force to Scotland.

alternate threats and exhortations upon these subjects are to be found in the record of each successive parliament; but the offenders continued refractory, and these offenders, it was notorious to the whole country, were the nobility and their dependants. The very men whose important offices ought, if conscientiously administered, to have secured the rights of the great body of the people—the justiciars, chancellors, chamberlains, sheriffs, and others—were often their worst oppressors; partial and venal in their administration of justice; severe in their exactions of obedience; and decided in their opposition to every right which interfered with their own power. Their interest and their privileges, as feudal nobles, came into collision with their duties as servants and officers of the government; and the consequence was apparent in the remarkable fact, that, in the struggle between the crown and the aristocracy, wherever the greater offices were in the hands of the clergy, they generally supported the sovereign; but wherever they were intrusted to the nobility, they almost uniformly combined against him.

When we find the popular historians departing so widely from the truth in the false and partial colouring which they have thrown over the history of this reign, we may be permitted to receive their personal character of the monarch with considerable suspicion. James's great fault seems to have been a devotion to studies and accomplishments which, in this rude and warlike age, were deemed unworthy of his rank and dignity. He was an enthusiast in music, and took

great delight in architecture, and the construction of splendid and noble palaces and buildings; he was fond of rich and gorgeous dresses, and ready to spend large sums in the encouragement of the most skilful and curious workers in gold and steel; and the productions of these artists, their inlaid armour, massive gold chains, and jewelled-hilted daggers, were purchased by him at high prices, whilst they themselves were admitted, if we believe the same writers, to an intimacy and friendship with the sovereign which disgusted the nobility. The true account of this was probably, that James received these ingenious artisans into his palace, where he gave them employment and took pleasure in superintending their labours—an amusement for which he might have pleaded the example of some of the wisest and most popular sovereigns. But the barons, for whose rude and un-intellectual society the monarch showed little predilection, returned the neglect with which they were unwisely treated, by pouring contempt and ridicule upon the pursuits to which he was devoted. Cochrane the architect, whose genius in an art which, in its higher branches, is eminently intellectual, had raised him to favour with the king, was stigmatized as a low mason. Rogers, whose musical compositions were fitted to refine and improve the barbarous taste of the age, and whose works were long after highly esteemed in Scotland, was ridiculed as a common fiddler or buffoon; and other artists, whose talents had been warmly encouraged by the sovereign, were treated with the same indignity. It would be absurd,

however, from the evidence of such interested witnesses, to form our opinion of the true character of his favourites, as they have been termed, or of the encouragement which they received from the sovereign. To the Scottish barons of this age, Phidias would have been but a marble-cutter, and Apelles no better than the artisan who stained their oaken wainscot. The error of the king lay, not so much in the encouragement of ingenuity and excellence, as in the indolent neglect of those duties and cares of government, which were in no degree incompatible with his patronage of the fine arts. Had he possessed the energy and powerful intellect of his grandfather—had he devoted the greater portion of his time to the administration of justice, to a friendly intercourse with his feudal nobles, and a strict and watchful superintendence of their conduct in the offices intrusted to them, he might safely have employed his leisure in any way most agreeable to him ; but it happened to the monarch, as it has to many a devotee of taste and sensibility, that a too exquisite perception of excellence in the fine arts, and an enthusiastic addictedness to the studies intimately connected with them, in exclusion of the performance of ordinary duties, produced an indolent refinement, and fastidious delicacy of mind, which shrunk from common exertion, and transformed a character originally full of intellectual and moral promise, into that of a secluded, but not unamiable misanthropist. Nothing can justify the king's inattention to the cares of government, and the recklessness

with which he shut his ears to the complaints and remonstrances of his nobility ; but that he was cruel, unjust, or unforgiving—that he was a selfish and avaricious voluptuary—or that he drew down upon himself, by these dark portions of his character, the merited execration and vengeance of his nobles, is a representation founded on no authentic evidence, and contradicted by the uniform history of his reign and of his misfortunes.

By his queen, Margaret, daughter to Christiern, King of Denmark, James left a family of three children, all of them sons ; James, his successor, a second son, also named James, created Marquis of Ormond, and who afterwards became Archbishop of St Andrews, and John, Earl of Mar, who died without issue. The king was eminently handsome ; his figure was tall, athletic, and well proportioned ; his countenance combined intelligence with sweetness, and his deep brown complexion and black hair resembled the hue rather of the warmer climates of the south, than that which we meet in colder latitudes. His manners were dignified, but somewhat cold and distant, owing to his reserved and secluded habits of life. He was murdered in the thirty-fifth year of his age, and the twenty-eighth of his reign.

## CHAP. III.

## JAMES THE FOURTH.

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 CONTEMPORARY PRINCES.

*Kings of England.*  
Henry VII.  
Henry VIII.

*Kings of France.*  
Charles VIII.  
Lewis XII.

*Popes.*  
Innocent VIII.  
Alexander VI.  
Pius III.  
Julius II.

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WHEN James the Fourth appeared in arms against his father, and, in consequence of the murder of that unfortunate prince, acceded to the throne, he was a youth in his seventeenth year.<sup>1</sup> That he had himself originated the rebellion, or taken a principal part in the organization of the army which dethroned the late king, does not appear; but that he was an unwilling, or a perfectly passive tool in the hands of the conspirators, is an assertion equally remote from the truth, although brought forward in the pages of our popular historians. It is, on the contrary, pretty apparent, that the prince was seduced and blinded by the flattery and false views offered by

<sup>1</sup> He was born 17th March, 1471-2; and at his accession, was aged sixteen years and eighty-five days.



the discontented barons. He was dazzled by the near prospect of a throne ; and his mind, which was endowed with great energy and ambition, co-operated, without much persuasion, in their unworthy designs. After some time, indeed, the remonstrances of the few faithful adherents of his father, awakened in him a violent fit of remorse ; but his first accession to the throne does not appear to have been embittered by any feelings of this nature, and the voice of self-reproach was drowned for the time in the applauses of a flagitious but successful faction.

The leaders of this party did not lose a moment in rewarding their friends and adherents, and in distributing amongst themselves the offices which the rapid and total change in the administration of the government placed at their disposal. The assistance of the powerful families of the Humes and Hepburns, was remunerated by grants dated the very day after the battle of Sauchie ; the principal castles were intrusted to partisans of tried fidelity<sup>1</sup>—the money in the royal treasury was secured and delivered into the keeping of Sir William Knollys, Lord St John of Jerusalem, treasurer to the king ; and a deputation, consisting of the Bishop of Glasgow, the Earls of Angus and Argyle, with the Lords Hailes and Home, repaired to the castle to examine, and place in the hands of faithful persons, the jewels, precious stones, and royal plate and apparel, which

<sup>1</sup> Mag. Sig. xii. 8, 16th June, 1488. Ibid. xii. 7, 17th June, 1488.

belonged to the late monarch at the time of his decease. The inventory taken upon this occasion is still preserved, and impresses us with no contemptible idea of the riches and splendour of the Scottish court.<sup>1</sup> After the body of the king had been interred in the Abbey of Cambuskenneth, with all due respect and solemnity, the court immediately proceeded to Perth, and held the ceremony of the coronation in the Abbey of Scone,<sup>2</sup> with the usual pomp and rejoicing. The organization of the government, in the distribution of its various offices to persons of tried fidelity, now took place. To the Prior of St Andrews was committed the keeping of the privy seal; upon the Earl of Argyle was bestowed the high office of chancellor; Hepburn, Lord Hailes, was made master of the household; the Lords Lyle and Glamis, became justiciaries on the south and north of the Forth; Whitelaw, Sub-Dean of Glasgow, was chosen to fill the office of secretary to the king; and upon the Vicar of Linlithgow, another of the now influential family of the Hepburns, was bestowed the office of clerk of the rolls and the council.<sup>3</sup>

<sup>1</sup> See Appendix, Letter K.

<sup>2</sup> Balfour states, vol. i. p. 214, that James was crowned at Kelso. Pitscottie places the coronation, equally erroneously, at Edinburgh; and Lesley and Buchanan are silent on the subject. The Lord High Treasurer's books, under the date of 14th July, 1488, prove it to have been at Scone. The day on which the coronation was held, seems to have been the 26th of June.

<sup>3</sup> Mag. Sig. xii. 1. 25th June, 1488. For proof of the interment

From Scone the king proceeded to his palace of Stirling, where he took up his residence ; and it seems to have been immediately resolved by the members of his council, that an embassy should proceed to England, for the purpose of conciliating the favourable disposition of that government to the revolution which had lately taken place in Scotland. It was justly dreaded that the spectacle of a prince dethroned by his subjects, under the authority of his son, was not likely to be very acceptable to the English monarch ; but Henry the Seventh, with his characteristic caution, did nothing precipitately. He granted safe-conducts to the Scottish ambassadors at the request of his dear cousin, James, King of Scots ; whilst he, at the same time, took the precaution to provision and strengthen Berwick, a fortress against which, in the event of hostilities, he knew the chief efforts of Scotland would be directed.<sup>1</sup> The successful faction, however, in whose hands the government was now placed, were too anxious to preserve tranquillity at home to dream at present of a war with England. To conciliate the attachment of the youthful monarch—to reward their principal partisans—to arrest and disarm their enemies, and to acquire the affection of the people, by evincing an anxiety for the administration of justice, were objects which afforded them full employment. James already, at this early age, began to evince that admiration for the fair sex which

of James the Third in the abbey of Cambuskenneth, see Mag. Sig. xiii. 251, 6th April, 1496.

<sup>1</sup> Rotuli Scotiæ, vol. ii. p. 485, 486.

wrought him much distress in his after years ; and an attachment which he had formed, when Duke of Rothsay, for the Lady Margaret Drummond, the beautiful and unfortunate daughter of Lord Drummond, was encouraged by the obsequious father and the nobles who filled the principal offices about court.<sup>1</sup> Splendid shows and presents which were lavished on his mistress—theatrical entertainments got up for the solace of the youthful lovers—dances and masked balls at night, and hunting parties during the day, were artfully provided by those dignified prelates and wary nobles, who knew that there is no more effectual method of degrading and destroying the human character, than by dissolving it in pleasure.<sup>2</sup>

Amidst such revellings, however, the lords of the council devoted themselves uninterruptedly to more serious employment. Summonses of treason were issued against the Earl of Buchan, the Lords Forbes and Bothwell, along with Ross of Montgrenan, the king's advocate, whose bravery in a skirmish at the bridge of Stirling, previous to the battle of Sauchie, had endangered the life of the present king : These barons were commanded to abide their trial in the

<sup>1</sup> Treasurer's Books, Sept. 15, 1488 ; and Ibid. 3d Oct. For twa elne of fransche to be hir my Lady Mergatt, a goune, vlb. Item, for three elne of black ryssillis for a goune till her, vlb. viii sh. Item, for golde, aysure, silver, and colouris till it, and warken of it, vilb. xvii sh. Item, for three unce of sylkis to frenzeis till it, xiii sh. Appendix, Letter L.

<sup>2</sup> Treasurer's Books, 5th Aug. 1488. To the players of Lythgow that playt to the king, vlb. Ibid. Aug. 20. Item, to dansaris and gysaris, xxxvi sh. Ibid. Aug. 16. Ibid. Aug. 10.

next parliament, and along with them were associated the lairds of Cockpule, Amisfield, Innermeith, and Innes, with Sir Thomas Fotheringhame and Sir Alexander Dunbar.<sup>1</sup> At the same time, the lords justiciars, accompanied by the king in person, held their ambulatory courts or justice ayres at Lanark, Dundee, Ayr, and other parts of the kingdom, taking care that the monarch should be attended by his huntsmen and falconers, his fool "English John," and his youthful mistress, the lady Margaret, lest a too exclusive attention to business should irritate or disgust the royal mind. A three years' truce was soon after concluded with England, and on the sixth of October, the first parliament of the new reign was opened at Edinburgh, with great state and solemnity : It was numerously attended by all the three estates. For the clergy, there appeared Schevez, Archbishop of St Andrews, with the prelates of Glasgow, Dunkeld, Aberdeen, Whitchurch, Dunblane, and the Isles, fourteen abbots, four priors, and various officials, deans, archdeans, and provosts of collegiate churches : For the temporal estate, there were present, the Earl of Argyle, chancellor, along with the Earls of Angus, Huntley, Morton, Errol, Marshall, Lennox, Rothes, and Athole ; the Lord Hales, master of the household, Lord Lyle, high justiciar, with the Lords Hamilton, Glammis, Gray, Oliphant, Montgomery, Drummond, Maxwell, Grahame, Carlisle, Dirlton, and other noble persons, entitled either by their rank

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 201—206.

or by their offices to sit in parliament. There were present also the commissaries of the fifteen burghs. Upon the second day a committee of parliament, known as usual by the title of the lords of the articles was nominated, consisting of nine members for the clergy, fourteen for the barons, and six for the burghs, whilst a smaller judicial committee, embracing three members of each estate, were selected for the decision of those weighty causes which were brought before parliament as a court of last appeal.

These preliminaries having been arranged, the more immediate business of the parliament proceeded, and the Earl of Buchan, Lord Bothwell, Ross of Montgrenan the king's advocate, and others who had appeared in arms at the field of Stirling, were summoned to answer upon a charge of treason. Of these persons the Earl of Buchan made confession of his guilt, and submitted himself to the king's mercy, a procedure which was rewarded by his pardon and restoration to the royal favour. The others were found guilty, and sentence of forfeiture pronounced against them ; but in perusing the crimes laid to their charge, we must remember that the object of the opposite party, who now ruled all at court, was to throw the odium of the late rebellion on their opponents : They accused them accordingly of bringing in upon the kingdom their enemies of England, of an attempt to reduce under subjection and homage to that country, the independent crown of Scotland, and of having advised their late sovereign, James the Third, to infringe repeatedly the solemn

stipulations which he had entered into with the nobles who were in arms against him.<sup>1</sup> There can be little doubt that if any party in the state were truly guilty of such crimes, it was rather that of the youthful king than those who had adhered to his father, but the treason of the prince's party had been crowned with success, and they were now all powerful. Although Buchan therefore was pardoned upon his submission, Lord Bothwell was forfeited, and his lands and lordship erected into an earldom, and bestowed upon Lord Hales, the master of the household, whilst the lands of Ross of Montgrenan, who at the same time was found guilty of treason, were conferred on Patrick Hume of Fast Castle, for his faithful services in the late disturbances. It was determined also that an embassy should be dispatched to France, Spain, and Brittany, for the purpose not only of establishing pacific and amicable relations between Scotland and these powers, but with a special commission to search for a wife to the king, taking care that she be "a noble princess born, and descended from some worshipful house of ancient honour and dignity." The embassy was directed to consist of a bishop, an earl, a lord of parliament, a clerk, and a knight, with a retinue of fifty horse, and for the payment of their expenses, a tax of five thousand pounds was appointed to be levied throughout the kingdom, two thousand to be contributed by the clergy, two thousand by the barons, and one thou-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 210.

sand by the burghs ; whilst at the same time it was specially directed that the contribution of the barons was to be paid by them and the free tenants, and not by the common people.

A remarkable enactment follows. In consequence of the high displeasure conceived by the sovereign against all who by their appearance in the field at Stirling were regarded as the chief promoters of the slaughter of his late father, it was directed that such of the rebels as were in possession of hereditary offices should be extruded from them for the period of three years. A determined effort was next made for the putting down of theft, robbery, and murder, crimes which at this moment were grievously prevalent, by dividing the kingdom into certain districts, over which were placed various earls and barons, to whom full authority was intrusted, and who made faith, under their bodily oath, that they would to their utmost power exert themselves in the detection, trial, and exemplary punishment of all offenders. The Merse, Lothian, Linlithgow, and Lauderdale, were committed to the care of Lord Hales and Alexander Hume the chamberlain ; Roxburgh, Peebles, Selkirk, and Lanark, were intrusted to the Earl of Angus ; whilst the same powerful baron, along with Lord Maxwell, undertook the charge of Dumfries. The districts of Carrick, Ayr, Kyle, and Cunningham, were respectively committed to the Lord Kennedy, the Sheriff of Ayr, the Laird of Craigy, and Lord Montgomery ; Renfrew, with Dumbarton, the Lennox, Bute, and Arran, were delivered over to the Earl of Lennox ;



Stirlingshire to Lord Lyle and Matthew Stewart ; Menteith and Straitgartney, to James Shaw of Sauchie, with Archibald Edmonston and the Sheriff of Stirling ; Argyle, Lorn, Kentire, and Cowal, to the chancellor, assisted by his son the Master of Argyle ; Glenurquhart, Glenlyon, and Glenfalloch, to Neill Stewart, with Duncan and Ewen Campbell ; Athole, Strathern, and Dunblane, to the Earl of Athole, Lord Drummond, and Robertson of Strowan ; the low country of Perthshire, and the district of Dunkeld, to the Lord Oliphant ; Angus, both in its highland and lowland district, to the Lords Gray and Glamis, with the Master of Crawford ; the sheriffdom of Fife, to the Lord Lindsay and the sheriff of the county ; the Mearns, to the Earl Marshall ; and the extensive district reaching from the hilly range called the Mount, northward of Inverness, to the Earls of Huntley and Errol, and the laird of Inverugy.<sup>1</sup>

The parliament next directed their attention to the discussion and investigation of the causes of the late rebellion. From such interested judges, however, it would be vain to look for an impartial examination of this momentous question, and we accordingly find that the whole blame is thrown upon the late king, and the iniquitous advisers by whom it is asserted his councils were directed. The object of the conspirators was, of course, to deceive the people, and the portion of the nobility and middle classes not imme-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 278.

diately connected with the rebellion, and to insure safety to themselves under any subsequent revolution, by enabling them to plead a parliamentary pardon and exculpation. It is not, therefore, matter of surprise that the opinion of parliament should be couched in strong terms. It declares that, the whole matter having been examined by the three estates, and the parliament ripely advised thereon, they were unanimously of opinion, each man for himself, and under his loyalty and allegiance, that the slaughter committed in the field of Stirling, where the king's father happened to be slain, along with divers of his barons, was wholly to be ascribed to the offences, falsehood, and fraud practised by him and his perverse counsellors, on many occasions, previous to this fatal conflict. The acquittal of the young king and his advisers was equally broad and energetic; and, considering who it was that composed the act, it is difficult to peruse it without a smile. It observes, "that our sovereign lord that now is, and the true lords and barons who were with him in the same field, were innocent, quit, and free of the said slaughters, battle, and pursuit, and had no blame in fomenting or exciting them;" and it recommends that a part of the three estates, now assembled, selected from the bishops, great barons, and burgesses, should affix their seals to this declaration, along with the great seal of the kingdom, which is to be exhibited to the Pope, the Kings of France, Spain, Denmark, and such other realms as are judged expedient by the parliament.<sup>1</sup> In addition

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 207.

to these measures adopted for their own security, the party who now ruled the government commanded that all goods and movables belonging to "the poor unlanded folk," which had been seized during the troubles, should be restored; that all houses, castles, and lands, which had been plundered and occupied by the lords of the "one opinion" or of the other, should be again delivered to their proprietors; and that the heirs of those barons and gentlemen who died in arms against the king in the battle of Stirling, should be permitted to succeed to their hereditary estates and honours, notwithstanding the legal impediment arising out of their having been slain when in a state of rebellion.

The remaining provisions of this parliament relate to the administration of justice, the commerce and the coinage of the realm, and the rewards given to those who had chiefly figured in the late rebellion, by placing them in offices of trust and emolument. It was directed that the king should ride in person to the various justice ayres, and that his high justiciar should accompany him. Crichton of Ruthven was appointed warden of the mint, with injunctions to examine and assay the fineness of the gold and silver; and a singular provision was added, relative to the importation of bullion into the country. The merchants were commanded to bring in a certain bulk of pure bullion, called in the act burnt silver, in proportion to the description and quantity of the goods which they exported.<sup>1</sup> It was next ordered that the

<sup>1</sup> Thus for every serplath of wool, for every last of salmon, for

castle of Dunbar should be entirely dismantled and destroyed, on account of the damage which it had already occasioned to the kingdom, and the likelihood of greater injury, in the event of its falling into the hands of the enemies of the government. The command of Edinburgh Castle, with the custody of the Lord James, Duke of Ross, the king's brother, whose education had hitherto been conducted in his tender years by Shaw, the abbot of Paisley, was intrusted to Lord Hales, master of the household; and another powerful Border baron, Alexander Hume, of Hume, was rewarded for his services by the office of high chamberlain.<sup>2</sup> In the same parliament a denunciation was made of the penalties of treason, against the purchasers of presentations to benefices at the court of Rome, whether clergy or seculars, as well as against the union of benefices pertaining to bishoprics or priories, by which great damage was occasioned to the realm, and the proceedings were closed by a declaration, that all grants made by the late king, since the 2d of February, 1487, the day upon which the prince, who was now king, came forth from Stirling, and took the field in arms against his father, were revoked and annulled, upon the ground of their having been made for the assistance of that perverse and treasonable faction

every four hundredth of cloth, four ounces of bullion were to be brought in, for which, on its delivery to the warden of the mint, the importer was to be paid at the rate of twelve shillings an ounce.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii, p. 211. Mag. Sig. xii. 52. 13th Oct. 1488.

which had been enemies to the common good of the realm, and had occasioned the death of the king's father.<sup>1</sup> The meeting of the three estates was then adjourned to the 14th of January ; and certain members appointed to act, in the meantime, as a committee of parliament.

But, although the proceedings of the faction which had deposed and slain the king were vigorously conducted, and the measures for the security of their own power, and the destruction of their opponents, pushed forward with feverish haste and anxiety by the leaders, it was soon demonstrated that they were ineffectual. The Earl of Lennox and Lord Lyle, disappointed probably with the division of the plunder, broke into revolt. Lyle occupied the strong fortress of Dumbarton, and held it out against the king, whilst Lennox, along with Lord Dernely and Matthew Stewart, raised their vassals, garrisoned their castles and strongholds, and, communicating with the northern counties, where attachment to the government of the late monarch seems to have been stronger than around the court, succeeded in organizing a serious insurrection. In the murder of James the Third, they possessed a subject for appeal to the feelings of the nation, of which they took care to avail themselves by every method in their power. Lord Forbes marched through the country with the king's bloody shirt displayed upon the end of a spear, and this ghastly banner had a powerful effect

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii pp. 211—223.

in exciting multitudes to join the insurrection. It was affirmed, and apparently on good grounds, that those who had cruelly murdered the father, now completely overruled the son, abusing his confidence and youthful facility of temper, and concentrating in their own persons the highest offices of the state. Lord Drummond, whose daughter was mistress to the young monarch, presuming upon this circumstance, insulted the authority of the laws; and with his sons and kinsmen committed open spoliation in the country,<sup>1</sup> whilst Hepburn of Hales, whom we have seen, in the former reign, in the rank of a private baron, and whose conduct was then marked only by lawlessness and ferocity, suddenly rose into a state of power and consequence, which left the oldest nobility completely in the background. Within less than a year he had been created Earl of Bothwell, promoted to the office of lord high admiral, intrusted with the command of the castles of Edinburgh, Lochmaben, and Treiff, with the custody of the king's brother, the Duke of Ross, and the wardenship of the western and middle marches.

But although liable to the charge of partiality and favouritism, the government of the young monarch partook of that energy and commanding talent, which, in a greater or lesser degree, is always elicited by a revolution. Unlike his predecessors in their jealousy of the power of the nobles, James seems, on the contrary, to have early adopted the opinion, that the

<sup>1</sup> Acta Dominor. Concilii, 22d Oct., 1488. Ibid. 3d Nov.

monarch was singly far too weak either to abridge the authority of his barons, or to rule the kingdom without their cordial co-operation. In the fate of his father he had ever before his eyes a terrible example of aristocratic vengeance, and aware that the same remorseless hands which had placed the crown upon his head, might, if provoked or injured, be the first to remove it in favour of a more obsequious prince, he determined to secure the stability of his throne by cultivating, in every possible manner, the affectionate attachment of his nobility. Amongst them were many men of great intellectual vigour, and military talent. Drummond, the Earl of Bothwell, Hume, the high chamberlain, Argyle, the chancellor, and Whitelaw, subdean of Glasgow, the secretary, were all able assistants ; and the character of the king himself, who was not only generous, openhearted, and liberal almost to profusion, but who possessed very fair abilities along with great resolution, activity, and courage, was well fitted to secure their friendship, and to command their respect. It is not surprising, therefore, that the united strength of the throne and the nobles was too powerful for the rash attempt of Lennox. At the head of a force rapidly raised for the occasion, and accompanied by his chief officers of state, and lords of his household, the king in person laid siege to his castles of Duchal and Crookston, which had been occupied by the rebels, whilst he sent Argyle, the chancellor, to assault Dumbarton, which was then held by Lord Lyle, and

Lennox's eldest son, Matthew Stewart.<sup>1</sup> Proclamation was also made, offering a reward of forty pounds' worth of land, or one thousand marks of silver, for the apprehension of these barons ; and so vigorously did the young monarch proceed in his bombardment of Crookston and Duchal,<sup>2</sup> that he made himself master of both places within a short period. He then marched towards Dumbarton, where the rebels, having been joined by Lord Forbes, the Earl Marshal, Lord Crichton, and the master of Huntley, only awaited the arrival of Lennox, with the army which he had collected, before they made a united and desperate effort for the destruction of that powerful faction, which, as they alleged, had enslaved the king, and risen on the ruins of the established government. They were not destined, however, to be successful. On his descent from the Highlands into the low country, Lennox's first intention was to pass the bridge at Stirling. Receiving information, however, that his enemies had occupied the town, and rendered this impracticable, he resolved to cross the Forth at a ford not far from the source of the river, and for this purpose encamped in a level plain called Talla Moss, about sixteen miles from Stirling. His force was principally composed of Highlanders, and one of these mountaineers named Macalpin, deserting

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 223.

<sup>2</sup> The siege of Duchal seems to have taken place in the end of July 1489. Mag. Sig. xii. 132. July 28th, 1489. There were still some remains of this ancient castle in 1792. Stat. Acct. vol. iv. p. 278.



the camp, brought intelligence to the king and Lord Drummond at Dunblane, that it would be easy to destroy Lennox by a night attack, as the army were so secure and careless of all discipline, that they used no precautions against a surprise. This enterprise was no sooner suggested than it was carried into effect. In the middle of a dark October night, Drummond and the young monarch, at the head of a force hastily raised, and chiefly composed of the royal household, broke in upon the intrenchments of Lennox, and slew, dispersed, or made prisoners his whole army, pursuing the fugitives as far as Gartalunane, on the opposite side of the river. This success was immediately followed by the surrender of Dumbarton, and the complete suppression of the conspiracy; after which the sovereign and his ministers appear to have comported themselves with a judicious clemency, which had the desired effect of quieting the kingdom; Lennox, Huntley, Marshal, Lyle, and Forbes, being not only pardoned, but soon after restored to the royal favour.

The necessary consequence of this abortive attempt at insurrection, was to give additional strength to the government, and a brilliant naval action which took place about the same time, increased its popularity. Under the former reign, Sir Andrew Wood, a naval officer of high talent and experience, had distinguished himself by his successes against the English, but his attachment to his old master, James the Third, of whom he was a favourite, prevented him from giving in his immediate adherence to the government

of his son. He was soon reconciled, however, to the young monarch, who early evinced an enlightened desire to encourage the maritime strength of the country, by applying himself personally to the study of ship-building and naval tactics ; and about the time of Lennox's defeat, Wood commanded a small squadron in the Forth, which had been eminently successful in its cruises against the English pirates who then infested the narrow seas.<sup>1</sup> Unauthorised by their own government, these audacious adventurers committed great depredations, plundering the Scottish merchantmen and fishing-craft, making descents upon the coast towns, and carrying off their riches, and their inhabitants. At this time, a fleet of five pirate ships had entered the Clyde, and after committing their usual havoc, greatly incensed the young monarch by giving chase to a vessel which was his own property, and causing her to lose her cables, and damage her rigging and tackling.<sup>2</sup> James earnestly represented the matter to Wood, and besought his assistance in vindicating his insulted honour, and repelling so unjustifiable an attack, committed at a period of profound peace, when a three years' truce existed between the two countries. Nor, whatever might be his opinion regarding the persons

<sup>1</sup> That the exploits of Sir Andrew Wood were performed against pirates is proved by a charter dated 18th May, 1491. Mag. Sigill. xii. 304.—Appendix, letter M.

<sup>2</sup> Treasurer's Books. 18 Feb. 1489. Item, after the kingis schip wes chaysit in Dunbertane be the Inglismen, and tynt hir cabillis and oder graytht sent with Johne of Haw, xviii lib.

who managed the government, could this brave officer resist the appeal of his sovereign. With only two ships, the Flower, and the Yellow Carvel, he attacked the English squadron, and notwithstanding the inferiority in force, such was the superior skill, courage, and seamanship of the Scottish captain, that after an obstinate action, the five piratic vessels were captured and carried into Leith.<sup>1</sup> If we are to believe the Scottish historians, the King of England, although in the time of truce he could not openly attempt retaliation, or give his countenance to hostilities, took care to let it be understood that nothing would be more grateful to him than the defeat and capture of Wood; and an enterprising merchant and seaman of London, by name Stephen Bull,<sup>2</sup> having fitted out three stout vessels, which were manned by picked mariners, and had on board a body of crossbows, and pikemen, besides various knights who volunteered their services, proceeded with much confidence of success against the Scottish commander.

<sup>1</sup> It is probable that this first action of Sir Andrew Wood took place some time after the 18th of February, 1489.

<sup>2</sup> I find in Mr Nicholas' valuable historical collections, entitled "Excerpta Historica," No. I., p. 118, the following entry in the privy purse expenses of Henry the Seventh. "To Steven Bull, and Barnesfeld, seeking for Perkin, for their costs, L.1, 6s. 8d." Perkin Warbeck, at this time, (1498,) had eluded his keepers, and fled to the sea-coast; and Henry, afraid of his making his escape from the kingdom, employed Bull, probably his most active sea captain, to watch the coast and recapture him. This is corroborated by the next entry. "To four yeomen watching one night with four botes, 6s. 8d."

Bull, who had intelligence that Wood had sailed for Flanders, and was soon expected on his voyage homeward, directed his course to the May, a small island in the mouth of the Frith of Forth, about an equal distance from the opposite shores of Fife and Lothian, behind which he cast anchor, and, concealed from any vessels entering the Forth, awaited the expected prize. It was not long before two vessels appeared in the looked-for course off St Abb's Head ; and the English captain, who had seized some Scottish fishing-boats with their crews, sent the prisoners aloft to watch their approach, and report whether it was Wood. On their answering in the affirmative, Bull cleared his ships for action, and the Scottish admiral, who sailed fearlessly onward and dreamt not of interruption, found himself suddenly in the presence of the enemy. He had time, however, for the necessary orders ; and such was the excellent discipline of his ships, and the rapid completion of the preparations, that the common mischiefs of a surprise were prevented, and his gunners, pikemen, crossbows, and firecasters, stood ready at their several stations, when he bore down upon the English. All this had taken place in the early dawn of a summer morning ; and whilst Wood skilfully attained the windward of his opponents, the sun rose, and shining full upon them, exhibited their large size and splendid equipment to the best advantage. Bull instantly opened his cannonade, with the object of deciding the action whilst the Scots were still at some distance ; but, from the inferior dimensions of their ships, the shot passed

over and took little effect ; whilst their opponent hoisted all his canvass, and ran close in upon the English, casting out his grappling hooks, and even lashing the enemy's ships by cables to his own. A close and dreadful combat succeeded, in which both parties fought with equal spirit, so that night parted the combatants, and found the action undecided. In the morning, the trumpets sounded, and the fight was renewed with such determined bravery, that the mariners, occupied wholly with the battle, took little heed to the management of their vessels, and permitted themselves to be drifted, by a strong ebb-tide, into the mouth of the Tay. Crowds of men, women, and children, now flocked to the shore, exhibiting, by their cries and gesticulations, the interest they took in their countrymen ; and at last, though with great difficulty, the valour and superior seamanship of Wood were rewarded with a complete victory. The three English ships were captured and carried into Dundee, whilst Bull, their commander, was presented by Wood to his master, King James, who received him with great courtesy, and after remonstrating against the injuries inflicted by the English privateers upon the Scottish shipping, dismissed him without ransom, and gave the prisoners their liberty. It is said, however, that he at the same time warned Henry, that this liberal conduct could not be repeated ; and that he trusted the lesson given to his captains, would convince him that the Scots possessed the power of defending their commerce, which they would not scruple to exert on every oc-

casation where the liberties of their merchantmen were invaded. To Wood, the king, with the ardour and enthusiasm for warlike renown which distinguished his character, extended his special favour. When the seaman was not engaged in his naval or commercial duties, for the two professions of a merchant and a sailor were then strictly connected, he retained him at court—kept him much about his person—rewarded him by grants of lands, and under his instructions devoted much of his attention to the improvement of the naval strength of his dominions.

Soon after this, an extraordinary conspiracy against the Scottish monarch, was fostered at the English court, of which James and his ministers appear at the moment to have had no suspicion. Ramsay, Lord Bothwell, the favourite of James the Third, who, after the accession of his son, had escaped to England, along with the Earl of Buchan, so lately the subject of the royal clemency, and a person designing himself, “ Sir Thomas Tod, of the realm of Scotland,” entered into an agreement with Henry the Seventh, that they would seize and deliver the King of Scots, and his brother the Duke of Ross, into the hands of the English monarch. To assist them in this treasonable enterprise, the king advanced the loan of two hundred and sixty-six pounds, which, as he carefully stipulated, was to be restored to him by a certain day; and for the fulfilment of this agreement, Tod delivered his son as a hostage.<sup>1</sup> It is affirmed

<sup>1</sup> Rymer *Fœdera*, vol. xii. p. 440. 18th April, 1491.

in the obligation drawn up at Greenwich, unfortunately the only public paper which throws light upon this dark transaction, that besides Buchan, Bothwell, and Tod, various other persons were involved in the conspiracy. Their names certainly appeared in the original "indentures," but these are now lost; and such seems to have been the secrecy which covered the whole transaction, that, at the moment when the English king was engaged in bribing James's subjects to lay violent hands upon his person, the Scottish monarch had dispatched the Archbishop of St Andrews on an embassy to England, and a meeting was appointed between his commissioners and those of Henry, to make an amicable arrangement regarding the mutual infractions of the truces upon the Borders, and the prolongation of the pacific intercourse between the two kingdoms.<sup>1</sup>

Soon after this, the parliament assembled at Edinburgh, and various important measures were carried into effect regarding the foreign alliances of the country, and the internal administration of the government. The Earl of Huntley was appointed king's lieutenant north of the water of Esk, till the sovereign, who was now in his twentieth year, had reached the age of twenty-five. It was resolved that Hepburn, Earl of Bothwell, and the Bishop of Glasgow, should be sent on an embassy to France, for the purpose of renewing the alliance with that kingdom, and confirming the commercial privileges mutually

<sup>1</sup> Rotuli Scotiæ, vol. ii. p. 497.

enjoyed by the French and the Scottish merchants ; after which the ambassadors were to proceed to the court of Spain, or other parts, to seek a bride for the young king. An embassy was also dispatched to the court of Denmark, with the object of renewing the amicable commercial relations which already subsisted between Scotland and that country ; some wise but ineffectual measures were attempted for the restoration of peace and good order, by the punishment of those who committed slaughter or rapine, and were guilty of demembration of the king's lieges ; enactments were renewed against the old grievance of leagues or bands amongst the nobles and their feudal tenantry ; and the chancellor, with certain lords of council, or, in their absence, the lords of session, were commanded to sit for the administration of justice thrice every year. Attention was also paid to the interests of the boroughs. It was ordained " that the common good, meaning the profits and revenues of all the royal boroughs within the realm, should be so regulated as to promote the prosperity of the town, by being spent according to the advice of the council of the burgh, upon things necessary for its security and increase ; whilst the borough rents, such as lands, fishings, mills, and farms, were not to be disposed of except upon a three years' lease." At the same time, all sheriffs, bailies, and provosts of boroughs, were commanded to take copies of the acts and statutes now passed, which were to be openly proclaimed within the bounds of their office.<sup>1</sup>

<sup>1</sup> Acts of the Parliament of Scotland, vol ii. p. 227.



Some of the consequences which might easily have been anticipated from the conspiracy which had placed the young monarch upon the throne, began now to take place in Scotland. James, as he increased in years and understanding, became convinced that he had been made the tool of an artful and selfish faction, whose principal object was private plunder, the preservation of their own overgrown power, and the diminution of the authority of the crown. By degrees he called around him, and restored to places of trust and authority, the counsellors of his late father, whom he attached to his interests by the remorse which he expressed for his crime, and the warmth, openness, and generosity of his disposition. Amongst these advisers were some able individuals. Andrew Wood of Largo, whom we have so lately seen victor over the English fleet, and whose genius for naval adventure was combined with a powerful intellect in civil affairs, rose gradually to be one of the most intimate and confidential servants of the king, and appears to have been often consulted, especially in all his financial concerns. Wood combined in his character various qualities, which, to our modern judgment, appear strange and inconsistent. He was an enterprising and opulent merchant, a brave warrior, and skilful naval commander, an able financialist, intimately acquainted with the management of commercial transactions, and a stalwart feudal baron, who, without abating any thing of his pride and his prerogative, refused not to adopt, in the management of his estates, some of those improvements whose

good effects he had observed in his voyages and travels over various parts of the continent. The advice of such a counsellor was of great value to the young monarch; and as Wood was remarkable for his affectionate attachment to the late king, and for the bold and manly tone in which he had reprobated the rebellion against him, it was not wonderful that his influence over the present sovereign should be exhibited in a decided change in the principles upon which the government was conducted. The leading lords who had instigated the revolt, were treated with coldness, suspicion, and, at last, open severity. The Earl of Angus, from his great estates and connexions one of the most powerful nobles in Scotland, resented this by passing into England, where he concluded with Henry the Seventh a secret and treasonable treaty, of which, unfortunately, little but the existence is known.<sup>1</sup> On his return, however, he was met by the lion herald, who charged him in the king's name to enter his person in ward in his fortress of Tantallon;<sup>2</sup> and soon after James deprived him of his lands and lordship of Liddesdale, with the strong castle of Hermitage, which, as the price of his pardon, he was compelled to resign to the Earl of Bothwell, Admiral of Scotland, and warden of the west and middle marches.<sup>3</sup> A reward was offered

<sup>1</sup> Ayloff's Calendar of Ancient Charters, p. 313. A fragment of these "Articles" is preserved amongst Rymer's unpublished collections, now in the British Museum. Henry VII., vol. i. p. 126.

<sup>2</sup> Treasurer's MS. Accompts, July 29, 1491.

<sup>3</sup> Mag. Sigil. xii. 323, 344, 6th March, 1491.

at the same time to any person who should discover the murderers of the late king ; but as it was well known that if this expression had been understood to include the authors of the conspiracy, the search could not have been a protracted one, the cautious proviso was added, that the sum was only to be given in the event of the informant making it certain who were the persons who slew the king “ *with their own hands* ;” an expression thrice repeated in the body of the statute, and from which it may perhaps be fairly inferred, that whilst the actual butcher of the unhappy prince was unknown, the “ heavy murmurs” and voice of the people pointed out some potent individuals with whom it was certain that he was connected. It does not appear, however, that the hundred marks worth of land in fee and heritage—the reward held out—was ever claimed by any one ; and to this day the hand by which the king was so foully slain, is unknown.

Another proof of the change of councils, and of the determination of the sovereign to withdraw his confidence from those who had possessed themselves of the supreme power immediately after the battle of Sauchie, is to be found in a complaint which was now made regarding the disappearance of the royal jewels and treasure. We have already seen<sup>1</sup> that these, a few days after the death of the late king, were taken possession of by the Bishop of Glasgow, along with the Earls of Angus and Argyle, with the intention

<sup>1</sup> *Supra*, p. 334.

of being placed in the hands of faithful persons, who were to be responsible for their safe custody. It was now discovered, however, that a very small part of this treasure had reached the coffers of the king; a strict enquiry was ordered to be instituted for the detection of those who had stolen or concealed it; and they to whom it had been first intrusted, were directed to be examined before the king's council, so that it might be discovered how they had parted with the treasure—into what hands it had been delivered—and what was its exact amount.<sup>1</sup> Whether such measures were followed by the desired success, seems more than problematical.

But although all this very decidedly demonstrated a change in the principles upon which the government was conducted, the party which headed the late rebellion were still too strong, and the young king had identified himself too deeply with their proceedings, to render it advisable to commence a more serious or direct attack; and with regard to the foreign relations of the country, the preservation of peace with England, and the maintenance of a friendly intercourse with the courts of France, Spain, Denmark, and the Netherlands, were wisely insisted on by the counsellors of the young monarch, as absolutely necessary for the well-being of his kingdom. Yet, secured as it was by repeated truces, and strengthened by negotiations and proposals of marriage for the young monarch, with some princess of the blood-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 230.

royal, the good understanding with England could neither be cordial nor sincere. The treasonable intercourse which some of the most powerful of James's subjects carried on with Henry the Seventh, and the audacious designs of seizing the king's person, which this monarch encouraged, if they transpired even partially, must have disgusted an ardent and impetuous spirit, such as James, with the crafty and dishonourable politics of the English king; and as it is certain that, at this period, in Scotland, the system of employing paid spies became prevalent, it may be conjectured that the king was not wholly ignorant of the plots in agitation against him. It was his secret desire, therefore, although not yet his declared resolution, to break with England, and the causes of the war which, in a few years, was kindled between the two countries, may be traced, with great probability, to this period; but, in the meantime, the appearance of peace was preserved, and James assiduously devoted himself to the preservation of good order throughout his dominions, and the distribution of strict and impartial justice to all classes of his subjects.

In a parliament held at Edinburgh, in the summer of the year 1493, some important laws were passed, which evinced the jealousy of the king regarding any interference with his ecclesiastical privileges in the disposal of church benefices, and his determination to resist all unreasonable encroachments upon the part of the court of Rome. Eight months were to be allowed, after the occurrence of a vacancy in any

see, for the king's letter, appointing a successor, to reach the pope; no interim promotion was to be allowed, and any of the lieges who were detected lending themselves, or their interest, to oppose these regulations, were declared guilty of treason. No legate was to be permitted to enter the realm, unless he was a cardinal, or a native of Scotland, and the Archbishops of St Andrews and Glasgow, who had been for some time engaged in a violent litigation, which had been carried on before the papal court, and the expense of which plea had been attended, it is declared, with "inestimable damage to the realm," were exhorted to cease from their contention before a foreign ecclesiastical tribunal, submitting to the decision of the king, under the serious denunciation, that if they demur to this proposal, their tenants and "mailers" shall be interdicted from paying to them their rents, till they have repented of their contumacy.<sup>1</sup> The king's orators and ambassadors who were sent to Italy, received directions to exhort and intreat all his subjects, whether they were clerks or seculars, who had pleas depending in the Roman Court, to withdraw their litigation, and to return, like dutiful subjects, to their own country, bringing with them their bulls, writs, and other muniments, after which, the monarch undertook that justice should be administered to them by their ordinary judge within whose jurisdiction the cause lay, and over whose conduct, in delivering an impar-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 232.

tial decision, he engaged to have a strict superintendence. As the king had now attained majority, and his counsellors were anxious that the wild and capricious passions in which his youth had hitherto been passed, should, if possible, be restrained by a legitimate union, the proposal was renewed of sending an embassy abroad to treat in France, or in any other realm where it might be judged expedient, of the king's marriage ; and in addition to the tax already agreed to by the clergy, barons, and commissaries of the boroughs for this purpose, the three estates consented to give a thousand pounds additional, " for the honorable hame-bringing of a queen."

Some enactments were also passed at this time, which evinced a faint dawning of a more liberal spirit of commercial legislation than had yet appeared in parliament. The deacons, and head craftsmen of particular trades, were in the custom of " imposing a taxation penny upon men of the same craft coming to market on the Mondays," by which it necessarily followed that the prices demanded for the articles were higher than those at which they had afforded to sell them previous to such an imposition. The tax was therefore commanded to be discontinued, so that the craftsmen, without interference upon the part of the deacons of the boroughs, might be at liberty to sell their commodities at the usual prices. The parliament, however, proceeded too far, when they abolished, for a year to come, the office of deacons of men of craft in boroughs, restricting their

authority to the simple examination of the sufficiency and fineness of the work executed by the artisans of the same trade. It had been found, it was declared, that the authority of these officers, and the by-laws which they enacted, were the cause of great trouble in the boroughs, in leading to convocations and “ rying” of the king’s lieges, in increasing the prices of labour, and encouraging those combinations for the purpose of compelling a consent to their unreasonable demands, from which we have sometimes seen such injurious effects in our own days. It was declared, accordingly, that all “ makers and users of these statutes, were to be prosecuted as oppressors of the king’s lieges.” Another grievance was removed, which bore heavily upon the agricultural prosperity of the country. Hitherto the flour brought to the various markets throughout the kingdom, or to the port of Leith, had been subjected to the payment of a certain tax or “ multure,” in addition to the local tax for grinding, which, by the feudal law, it was bound to pay to the barony mill where it had been ground. This severe double duty was now removed; and it was declared that, for the future, all flour should be permitted to be brought to market, and sold without payment of any new taxation, and that all manner of persons should be free to bring and sell their victual throughout the land, all the days of the week, as well as on the market-days.<sup>1</sup>

An act followed, which evinced in the legislature an

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 234.



awakening interest in the fishery ; a branch of national wealth, from which, under proper cultivation, the richest fruits might be expected, but which had hitherto been unwisely neglected. It was enacted that, " considering the great and innumerable riches" that is lost for want of ships and boats, with their appropriate nets and tackling, which are found in all other realms commanding a great extent of sea-coast, the parliament judged it proper that ships and " bushes," or fishing-boats, should be built in all boroughs and fishing-towns within the realm, so that they might be ready to proceed to the fishery before Fasten Even following. These boats were directed to be of twenty tons, and the boroughs and sea-coast towns were to be obliged to build and rig them out, according to their substance, with all conveniences for the taking of large and small fish. The officers in the boroughs and regalities were ordered at the same time to apprehend and press on board these vessels all " stark idle vagabonds," under pain of their being banished in case of refusal.

Whilst the parliament was thus severe upon the idle and the dissolute who refused to submit to all regular labour, it is pleasing to discern a glimpse of sympathy for the unmerited suffering and hard condition of the great body of the lower orders of the people. In a former statute a severe fine had been imposed upon all persons who were detected setting fire to the heather or gorse in which the birds of game had their nests, a practice often absolutely necessary for the success of any attempt at agricultural

improvement, but encroaching upon that feudal mania for hunting and hawking, which, since the period of the Norman Conquest, had infected the nobles of Britain, and grievously abridged the rights and liberties of the subject. It was now discovered that the persons detected in "mureburning" were not the real offenders. "It was found," to use the expressive words of the statute, "that the poor bodies that dwelt in 'malings,' or upon small divisions of land rented to them by their landlords, in setting fire to the gorse, were simply obeying the bidding of their masters;" and in consequence of this the fine was henceforth directed to be levied, not on this large and meritorious class, but upon the proprietors of the "maling," which they laboured.<sup>1</sup>

Hitherto there is reason to believe that the great majority of the barons were deplorably ignorant, and careless of all liberal education. A better spirit, however, now appeared, and the invention of printing, with the revival of classical learning, causes which had long been operating the happiest effects in the continental nations, began, from their frequent communication with Scotland, to be perceptible in producing the moral and intellectual improvement of that country. It was ordered that, throughout the kingdom, all barons and freeholders, whose fortunes permitted it, should send their sons to the schools as soon as they were eight or nine years old, to remain there until they had attained a competent knowledge of the

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 235.

Latin tongue ; after which they were directed to place them, for the space of three years, as pupils in the seminaries of art and law, so that they might be instructed in the knowledge of the laws, and fitted as sheriffs and ordinary judges, to administer justice, under the king's highness, throughout the realm ; whilst, it is added, by this provision the " poor people of the land will not be obliged, in every trifling offence, to seek redress from the king's principal council." Some regulations regarding the coinage and importation of bullion, and an enactment by which the high and disproportionate prices which were charged by craftsmen and victuallers were ordered to be reduced to a more equitable standard, terminated the resolutions of the three estates in this parliament.<sup>1</sup>

For a considerable time past, the condition of the Highlands, and the reduction of such wild and remote districts under a more regular form of government than that to which they had hitherto submitted, appears to have been a subject which occupied a large share of the attention and anxiety of the sovereign. To attach to his interest the principal chiefs of these provinces, to overawe and subdue the petty princes who affected independence, to carry into their territories, hitherto too exclusively governed by their own capricious or tyrannical institutions, the same system of a severe, but regular and rapid administration of civil and criminal justice, which had

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 238.

been established in his Lowland dominions, was the laudable object of the king ; and for this purpose he succeeded, with that energy and activity which remarkably distinguished him, in opening up an intercourse with many of the leading men in the northern counties. With the Captain of the Clan-Chattan, Duncan Macintosh ; with Ewan, the son of Alan, Captain of the Clan Cameron ; with Campbell of Glenurquhay ; the Macgilleouns of Dowart and Lochbuy ; Mackane of Ardnamurchan ; the Lairds of Mackenzie and Grant ; and the Earl of Huntley, a baron of the most extensive power in those northern districts—he appears to have been in habits of constant and regular communication, rewarding them by presents, in the shape either of money or of grants of land, and securing their services in reducing to obedience such of their fellow chieftains as proved contumacious, or actually rose into rebellion.<sup>1</sup> But James was not content with this. He rightly judged that the personal presence of the sovereign in those distant parts of his dominions would be attended with salutary effects ; and in 1490, on two different occasions, he rode, accompanied by his chief counsellors and the lords of his household, from Perth across the “ Mount,” the term applied to the extensive chain of mountains which extends across the country, from the border of the

<sup>1</sup> Treasurer's MS. Accompts, Nov. 21, 1488. Item, til ane man to passe to the lard of Grant for a tratoure he tuke, x sch. Ibid. 19th September, 1489. Ibid. 22d October, 1489 ; 10th November, 1489 ; August 16, 1490 ; August 26, 1492 ; August 18, 1493 ; 5th January, 1493.

Mearns to the head of Loch Rannoch. In 1493, although much occupied with other cares and concerns, he found time to penetrate twice into the Highlands, proceeding as far as Dunstaffnage and Mingarry in Ardnamurchan,<sup>1</sup> and in the succeeding year, such was the indefatigable activity with which he executed his public duties, that he thrice visited the Isles.<sup>2</sup> The first of these voyages, which took place in April and May, was conducted with great state. It afforded the youthful monarch an opportunity of combining business and amusement, of gratifying his passion for sailing and hunting, of investigating the state of the fisheries, of fitting out his barges for defence as well as pleasure, and of inducing his nobles to build and furnish, at their own expense, vessels in which they might accompany their sovereign. It had the effect also of impressing upon the inhabitants of the Isles a salutary idea of the wealth, grandeur, and military power of the king. The rapidity with which he travelled from place to place, the success and expedition with which he punished all who dared to oppose him, his generosity to his friends and attendants, and his gay and condescending familiarity with the lower classes of his subjects, all combined to increase his popularity, and to consolidate and unite, by the bonds of equal laws and

<sup>1</sup> Mag. Sigill. xiii. 200. 18th August, 1493. Ibid. xiii. 104. October 25, 1493.

<sup>2</sup> Treasurer's Accounts, "To J. M'chadame, after Pasche, the time that the king past to the Isles, 3½ elns rowane tany, iiii lb. xvii shillings." April, 1494.

affectionate allegiance, the remotest parts of the kingdom.

At Tarbart, in Kintire, he repaired the fort originally built by Bruce, and established an emporium for his shipping, transporting thither his artillery, laying in a stock of gunpowder, and carrying along with him his master gunners, in whose training and practice he appears, from the payments in the treasurer's books, to have busied himself with much perseverance and enthusiasm.<sup>1</sup> These warlike measures were generally attended with the best effects; most of the chieftains readily submitted to a prince who could carry hostilities within a few days into the heart of their country, and attack them in their island fastnesses with a force which they found it vain to resist; but the Lord of the Isles had the folly to defy the royal vengeance, ungrateful for that repeated lenity with which his treasons had been already pardoned. His great power in the Isles probably induced him to believe that the king would not venture to drive him to extremities. But in this he was disappointed. James instantly summoned him to stand his trial for treason; and in a parliament, which assembled at Edinburgh soon after the king's return from the north, this formidable rebel was stripped of his power, and his lands and possessions forfeited to the crown.<sup>2</sup>

<sup>1</sup> Treasurer's Accounts, July 5—July 24, 1494.

<sup>2</sup> Treasurer's Accounts, 24th August, 1494. "Item, to summon Sir John of the Isles, of treason in Kintire, and for the expense of witnesses, vi lb. xiii sch. iiii d."

A singular and interesting episode in the history of Scotland now presents itself in the connexion of James the Fourth with that mysterious impostor, Perkin Warbeck, and there seems to be a strong presumption, almost amounting to proof, that the plots of the Duchess of Burgundy received the countenance and support of the Scottish monarch at a much earlier period than is commonly assigned by the popular historians of either country.<sup>1</sup> One of the most remarkable features in the government of the Scottish monarch, and one which strikingly points out the rising influence and importance of the kingdom, was the constant and intimate communication which he maintained with the continent. With France, Spain, Portugal, Denmark, and Flanders, the intercourse was as regular and uninterrupted, not only in the more solemn way of embassies, but by heralds, envoys, and merchants, as that carried on with England; and with the Duchess of Burgundy, the inveterate enemy of Henry the Seventh and the house of York, James had established a secret correspondence only five months after his accession to the throne. It is well known that the plots of this enterprising woman were chiefly fostered by her friends and emissaries in Ireland; and when we find, as early as the 4th of November, 1488, Sir Richard Hardilston and Richard Ludelay de Ireland, pro-

<sup>1</sup> Warbeck's connexion with James is generally believed to have commenced shortly before his alleged arrival in Scotland, in 1496. It is certain, however, that he arrived there in 1495, and he seems to have been long in secret treaty with James.

ceeding on a mission to the Scottish court from this princess, it is difficult to resist the conclusion that James was well aware of her intended conspiracy, although whether he was admitted into the secret of the imposition attempted to be practised upon England, is not easily discoverable.<sup>1</sup> This accession to the plot is corroborated by other strong facts. In the course of the same month, in which the first envoys arrived, James received letters from the Duchess by an English herald, and towards the conclusion of the year in which this intercourse took place, the Scottish monarch was visited by a herald from Ireland, who was immediately dispatched upon a private mission to the Duchess of Burgundy, whilst a pursuivant was sent from Scotland to communicate with certain individuals in England, whose names do not appear.<sup>2</sup> It is well known that the conspiracy was encouraged by Charles the Eighth of France, who invited Perkin into his kingdom, and received him with high distinction, whilst the Earl of Bothwell, one of James's

<sup>1</sup> Mag. Sigill. xii. 56. Nov. 4, 1488. Safe-conduct by James the Fourth at Edinburgh to Richard Hardelstoun, knight, and Richard Ludelay de Ireland, Englishmen, with forty persons, at the request of Dame Margaret, Duchess of Burgundy.

<sup>2</sup> Treasurer's Accounts, 26th Nov. 1488. "To an English herald, that came with letters from the Dutchess of Burgundy, x lb." Again, in Treasurer's Accounts, September 21, 1489, "Item, to Rowland Robyson," (this person was afterwards in the intimate confidence of Perkin,) "that brought the letters to the king from the Dutchess of Burgundy, v lb. viii sh." Ibid. 27th Feb. 1489. "Item, to the harrot that came furth of Ireland, and past to the Dutchess of Burgundy, xviii lb. Item to the Scottis bute persyvant that past the same time in England, xvii lb. viii sh."



principal favourites and counsellors, repaired soon after to that court, and remained for some months engaged in these private negotiations. Warbeck was at this time treated like a prince. A guard of honour was appointed to wait upon his person, commanded by Monipenny, *Sieur de Concessault*, a Scotsman by descent, but whose family had been long settled in France, and who, not long after, proceeded as ambassador to Scotland from the court of France.<sup>1</sup>

Towards the conclusion of the year 1491, the intercourse, which hitherto had been involved in great obscurity, became more open and avowed. Warbeck, who was then in Ireland, where he had been joined by the Earl of Desmond, dispatched one of his English followers, named Edward Ormond, to the Scottish court with letters for the king, and the readiness with which James entertained the communication, although deeply engaged with the internal administration of his own dominions, evinces a prior intimacy with the conspiracy and its authors.<sup>2</sup> The intrigues, however, with which this extraordinary person was then occupied in France, England, and Flanders, left him little time to follow out his correspondence with the Scottish monarch, and it was not till the year 1494, that he renewed his intercourse with James. On the 6th of November of that year,

<sup>1</sup> Bacon's *Life of Henry VII.* Apud Kennet, vol. i. p. 607. Pinkerton, vol. ii. p. 28.

<sup>2</sup> Treasurer's Books, Mar. 2, 1491. "Given at the king's command to an Englishman, called Edward Ormond, that brought letters forth of Ireland fra King Edward's son and the Earl of Desmond, ix lb."

the king received intimation from the Duchess of Burgundy, that the "Prince of England," the name by which he is mentioned in the ancient record which informs us of this fact, was about to visit Scotland ; and preparations for his honourable reception were commenced at Stirling.<sup>1</sup>

Henry, however, there is reason to believe, was well aware of these intrigues in Scotland. Various Scotsmen, amongst the rest a Scottish knight of Rhodes, probably Sir John Knollis, who had lately passed into England, and Ramsay, Lord Bothwell, the favourite of James the Third, were in the pay of the English king ;<sup>2</sup> whilst in Flanders, Lord Clifford, who had at first warmly embraced the cause of the counterfeit prince, was corrupted by a large bribe ; and after amusing his friends and adherents by a series of negotiations, which drew into the plot some of the ancient and noble families of England, concluded his base proceedings by betraying them to the English monarch. This discovery was a fatal blow to the Yorkists. Their project was probably to have proclaimed Perkin in England, whilst his numerous adherents engaged to rise in Ireland ; and the Scottish monarch was to break at the head of his army across the Borders, and compel Henry to divide his

<sup>1</sup> " Item, for carriage of the arras work forth of Edinburgh to Stirling, for receiving the Prince of England, xxx sh." Treasurer's Books, Nov. 6, 1494.

<sup>2</sup> Nicholas, *Excerpta Historica*, part i. p. 93. A valuable work, now in the course of publication, which it is much to be wished should meet with the encouragement it deserves.

force. But the Border chiefs, impatient for war, invaded England too soon; and it happened, unfortunately for Warbeck, that whilst a tumultuous force, including the Armstrongs, Elwalds, Crossars, Wighams, Nyksons, and Henrison's, penetrated into Northumberland,<sup>1</sup> with the hope of promoting a rising in favour of the counterfeit Duke of York, the treachery of Clifford had revealed the whole particulars of the conspiracy; and the apprehension and execution of the ringleaders struck such terror into the nation, that the cause of Perkin in that country was for the present considered hopeless.

He had still, however, to look to Ireland and Scotland. Amongst the Irish, the affection for the House of York, and the belief in the reality of his pretensions, was exceedingly strong. It is difficult, indeed, to discover whether the Scottish king was equally credulous; yet, either as a believer or a politician, James determined to support the sinking fortunes of the counterfeit prince. For this purpose an intercourse was opened up with Ireland. O'Donnel, Prince of Tirconnel, one of the most powerful chiefs in that country, repaired to the Scottish court, where he was received by the king with great state and distinction.<sup>2</sup> The particulars of their conferences are unfortunately lost to history; but there

<sup>1</sup> This raid or invasion, which is unknown to our historians, is mentioned nowhere but in the record of justiciary, Nov. 1493. Mr Stirling's MS. Chron. Notes, p. 55.

<sup>2</sup> Treasurer's Accounts. Sub anno 1494. But without any further date. "Item, passing with lettres in the east and south-

can be little doubt that they related to the efforts which James had determined to make for the restoration of the last descendant of the house of York to the throne of his alleged ancestors. At this time war appears to have been resolved on ; and although Henry, justly alarmed by the state of his kingdom, still torn by public discontent and secret conspiracy, endeavoured to avert the storm by proposals for the marriage of James with his daughter, the Princess Margaret,<sup>1</sup> this monarch rejected the alliance with coldness ; and resolved, that he who had not scrupled to sow treason amongst his barons, and to lay plots for the seizure of his person, should at length feel the weight of his resentment.

Accordingly, in the month of November 1495, Warbeck, under the title of Prince Richard of England, was received with royal honours at the palace of Stirling;<sup>2</sup> and whatever scepticism James may hitherto have indulged in, there is certainly strong ground to believe, that the art of this accomplished impostor, his noble appearance, the grace and unaffected dignity of his manners, and the air of mystery and romance which his misfortunes had thrown around him, contributed to persuade the king of the identity of his person, and the justice of his claim upon the throne of

landis, for the receiving of great Odonell, x shillings. Item, to Master Alex' Schawes expenses passing from the toun of Air to Edinburgh for the cupboard, and remaining there upon the king's clothing, to the receiving of Odonnell, xx shillings."

<sup>1</sup> Rymer Fœdera, vol. xii. p. 572.

<sup>2</sup> Treasurer's Accounts, November 1495. He arrived at Stirling, 20th November.

England. He was welcomed into Scotland with great state and rejoicing. The king addressed him as "cousin," and publicly countenanced his title to the crown. Tournaments and other courtly festivals were held in honour of his arrival; and James, accompanied by his nobility, conducted him in a progress through his dominions, in which, by his handsome person, and popular manners, he conciliated to himself the admiration of the people. But this was not all. The Scottish monarch bestowed upon his new ally the hand of Catherine Gordon, daughter of the Earl of Huntley, a lady of extraordinary beauty and accomplishments, who, by her mother, the daughter of James the First, was nearly related to the royal family; a step which appears to guarantee the sincerity of James's present belief in the reality of his pretensions.

More serious measures were now resorted to, and a general muster of the military force of the kingdom was ordered by "letters of weapon-schawings," which were followed by an order to the whole body of the lieges, including the men of the Isles, to meet the king at Lauder. A communication at the same time took place between the Irish and Anglo-Irish barons who supported in that island the cause of Perkin;<sup>1</sup> the king himself rode through the country, with his usual activity, superintending the equipment of the rude train of artillery, which had to be collected from various forts and castles;<sup>2</sup> Andrew Wood of Largo

<sup>1</sup> Treasurer's Accompts, June 4, 1496. Ibid, June 29.

<sup>2</sup> Ibid. Sept. 1, 1496. Ibid, May 3. Ibid, May 10. "Item, to the man that gydit the king to Drymmyne" (Drummond Castle, in

was dispatched into the north, with letters to the barons of that district; and all the preparations having been completed, the young monarch placed himself at the head of his army. He was accompanied by Warbeck, who, adopting the title of the Duke of York, was treated with distinguished honours, and equipped for war with a personal magnificence almost equal to that of the king. At this moment, Roderic de Lalain, with two ships, which bore a force of sixty German men-at-arms, arrived from Flanders, bringing with him, from the Duchess of Burgundy, arms, harness, crossbows, and other necessary military stores, whilst there landed at St Andrews, on a mission from Charles the Eighth, the Lord of Concessault, who had formerly commanded Perkin's body-guard in France.<sup>1</sup> The very selection of so intimate a friend of the counterfeit prince, indicated a secret disposition to favour his cause; and although the French monarch publicly proposed, by his ambassador, that he should be permitted to act as a mediator between Henry and the Scottish king, it is certain that he secretly encouraged the invasion. At the same time, many of the English, chiefly of the Border barons, resorted to Perkin from Berwick

Strathern) "that night, viiid. June 10, Item, to the king in Strivelin, to play at the cach. Aug. 8, Item, to the man that castis the brazen chambers to the gun, xxviii sh. Item, to John Lamb of Leith, for xxxvi gun-chambers, and for nykkis and bandis to ye gunnis, and for iron graith to the brazen gun, and lokkis, finger and boltis to the bombards that were in Leith. Sept. 9, For ane elne, half a quartere, and a nail of double red taffety to the Duke of York's banner, for the elne, xviii sh."

<sup>1</sup> Supra, p. 373.

and Carlisle; the Nevils, Dacres, Stelons, Lovels, and Herons, were in constant communication with him; and it was confidently expected by the young King of Scots, that the disposition in his favour would become general the moment he penetrated into England.<sup>1</sup>

But James, whose rash and overbearing temper often misled his judgment, was little aware of the means which Henry had sagaciously adopted to defeat the threatened invasion. With the Scottish people, who cared little for the pretensions of the House of York, or the cause of the mysterious stranger, the war was unpopular; and in Bothwell, the favourite of James the Third, who had been suffered by his son to remain in Scotland, Henry possessed an active and able partisan. By his means, the king's brother, the Duke of Ross, the Earl of Buchan, and the Bishop of Moray, were induced to promise Henry their utmost assistance in defeating the object of the invasion; the young prince even engaged to place himself under the protection of the King of England, the moment his royal brother crossed the Borders; and a plot for the seizure of Warbeck, at night, in his tent, was, at Henry's suggestion, entered into between Buchan, Bothwell, and Wyat, an English envoy, which probably only failed from the vigilance of the royal guard, whom James had directed to keep watch round the pavilion.

<sup>1</sup> Letters from Ramsay, Lord Bothwell, to Henry the Seventh, first published by Pinkerton, from the originals in the British Museum. Pinkerton's Hist. vol. ii. pp. 438, 443.

Whilst many of the most powerful Scottish barons thus secretly lent themselves to Henry, and remained with the army only to betray it, others, who had been the friends and counsellors of his father, anxiously laboured to dissuade James from carrying hostilities to extremity; but the glory of restoring an unfortunate prince, the last of a noble race, to his hereditary throne, the recovery of Berwick, which he engaged to place in the hands of the Scottish king, and the sum of one thousand marks, which he promised to advance for the expenses of the war, were motives too powerful to be resisted by the young monarch; and, after a general muster of his army at Ellame Kirk, within a few miles of the English Border, he declared war, and invaded England. At this time, Warbeck addressed a public declaration to his subjects, in the name of Richard, Duke of York, true inheritor of the crown of England. He branded Henry as an usurper—accused him of the murder of Sir William Stanley, Sir Simon Montfort, and others of the ancient barons and nobility—of having invaded the liberties and franchises of the church—and of having pillaged the people by heavy aids and unjust taxes. He pledged his word to remove these illegal impositions, to maintain uninjured the rights of the church, the privileges of the nobles, the charters of the corporations, with the commerce and manufactures of the country; and he concluded by setting a reward of 1000 pounds on Henry's head.

This proclamation was judiciously drawn up, yet



it gained no proselytes, and James, who had expected a very different result, was mortified to find that the consequences which had been predicted by his wisest counsellors were speedily realized. So long as Warbeck attempted to assert his pretended rights to the throne by the assistance of the English, whom he claimed as his own subjects, he had some chance of success; but such was still the hatred between the two nations, that the fact of his appearance at the head of a Scottish army at once destroyed all sympathy and affection for his cause. Instead of a general rising of the people, the Scottish monarch found that the English Border barons who had joined him, were avoided as traitors and renegades, and the large force of Germans, French, and Flemish volunteers, who marched along with the army, only increased the odium against the impostor, whilst they refused to co-operate cordially with their allies. James, however, held his desolating progress through Northumberland, and, incensed at the failure of his scheme, and the disappointment of his hopes, with a cruel and short-sighted policy, indulged his revenge by delivering over the country to indiscriminate plunder. It is said that Warbeck generously and warmly remonstrated against such a mode of making war, declaring that he would rather renounce the crown than gain it at the expense of so much misery; to which James coldly replied, that his cousin of York seemed to him too solicitous for the welfare of a nation which hesitated to acknowledge him either as a king or a subject; a severe retort, evincing very unequivocal

cally, that the ardour of the monarch for the main object of the war, had experienced a sudden and effectual check.<sup>1</sup> The approach, however, of an English army, the scarcity of provisions in an exhausted country, and the late season of the year, were more efficacious than the arguments of the pretended prince, and the Scottish king, after an expedition which had been preceded by many boastful and expensive preparations, retreated without hazarding a battle, and regained his own dominions. Here, in the society of his fair mistress, the Lady Drummond, and surrounded by the flatterers and favourites who thronged his gay and dissipated court, he soon forgot his ambitious designs, and appeared disposed to abandon, for the present, all idea of supporting the pretensions of Warbeck to the throne of England.

But the flame of war, once kindled between the two countries, was not so easily extinguished. The Borderers on either side had tasted the sweets of plunder, and the excitation of mutual hostility. An inroad by the Homes, which took place even in the heart of winter, again carried havoc into England, and Henry, whose successes against his domestic enemies had now seated him firmly upon the throne, commanded Lord Dacres, his warden of the west marches, to assemble the whole power of these districts, and to retaliate by an invasion into Scotland. The sagacious monarch, however, soon discovered, by those methods of obtaining secret information of

<sup>2</sup> Carte, Hist. of England, vol. ii. pp. 848, 849.

which he so constantly availed himself, that James's passion for military renown, and his solicitude in the cause, had greatly diminished ; and although hostilities recommenced in the summer, and a conflict took place at Dunse, the war evidently languished. The English monarch began to renew his negotiations for peace ; and his proposals were repeated for a marriage between the young King of Scots and his daughter, the Princess Margaret.

James, however, although disposed to listen to these overtures, was too generous to entertain for a moment Henry's proposal that Perkin should be abandoned, and delivered into his hands. Yet the expenses incurred by his stay in Scotland, where he was maintained with a state and dignity in every way befitting his alleged rank, were necessarily great.<sup>1</sup> His servants and attendants, and those of his wife, the Lady Catherine Gordon, who took the title of Duchess of York, were all supported by the king ; and the limited exchequer of the country could ill bear these heavy drains, in addition to the disbursement of a monarch, whose habits were unusually profuse, and who was frequently obliged to coin his personal ornaments, that he might procure money for the demands of pleasure, or the more serious urgencies of the state.<sup>2</sup> In such circumstances, it

<sup>1</sup> Treasurer's Books, May 10, 1497, " Item, Giffin to Rolland Robysonn for his Maister (Zorkes) months pensionne, 1<sup>c</sup>xii lb."

<sup>2</sup> Treasurer's Books, July 27, 1497. " Item, ressavit of Sir Tho<sup>d</sup> Tod for iii pund wecht, foure unce and three quarters of an unce of gold in xxxvi linkis of the great chain, coined by the king's

seemed to the king the best policy to continue the demonstrations of war for some time, without any intention of pushing it to extremities, whilst, under cover of these hostilities, Warbeck should be suffered quietly to leave Scotland. James accordingly again advanced into England, accompanied by a considerable train of artillery, in which that large piece of ordnance, still preserved in the castle of Edinburgh, and known by the familiar name of Mons Meg, made a conspicuous appearance.<sup>2</sup> Meanwhile, during his absence with the army, preparations were secretly made for the embarkation of Warbeck. A ship, commanded by Robert Barton, a name destined to become afterwards illustrious in the naval history of the country, was ordered to be got ready at Ayr, and thither this mysterious and unfortunate adventurer repaired. He was accompanied by his wife, who continued his faithful companion amid every future reverse of fortune, and attended by a body of thirty horse.<sup>3</sup> In this last scene of his connexion with Scotland, nothing occurred which evinced upon the part of James any change of opinion regarding the reality of his rank and pretensions. He and his beautiful consort preserved their titles as Duke and Duchess

command, iii<sup>iii</sup>xxxii unicorns iii<sup>ii</sup>xlx lbs. xvi shillings." Ibid. Feb. 20, 1496. Again, in the Treasurer's Books, Aug. 4, 1497, we find eighteen links struck off the great chain, weighing thirty-five ounces, coined into two hundred unicorns and a half. Sir Thomas Tod was rather a dangerous person to be placed in an office of such trust. See *supra*, p. 354.

<sup>2</sup> Appendix, letter N.

<sup>3</sup> Treasurer's Books, July 5, 1497.

of York. The vessel which carried them to the continent was equipped at great expense, commanded by one of the most skilful seamen in the kingdom, and even the minutest circumstances which could affect their accommodation and comfort were not forgotten by the watchful and generous anxiety of the monarch, who had been their protector till the cause seemed hopeless. At last, all being in readiness, the ship weighed anchor on the 6th of July 1497, and Warbeck and his fortunes bade adieu to Scotland for ever.\*

\* Treasurer's Books, July 6, 1497. Appendix, letter O. Note on Perkin Warbeck.



**NOTES AND ILLUSTRATIONS.**





## NOTES AND ILLUSTRATIONS.

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LETTER A, p. 35.

### *Boece and the Story of the Bull's Head.*

THE story of the bull's head being presented to the Douglasses at the banquet, as a signal for their death, appears, for the first time, in Hector Boece, p. 363 :—"Gubernator, assentiente Cancellario, \* \* amotis epulis, *taurinum caput apponi jubet*. Id enim est apud nostrates supplicii capitalis symbolum." Although this extraordinary circumstance is not found in the Auchinleck Chronicle, an almost contemporary authority, yet, had I discovered evidence of the truth of Boece's assertion, that the production of a bull's head was amongst our countrymen a well-known signal for the infliction of a capital punishment, I should have hesitated before I rejected the appearance of this horrid emblem immediately previous to the seizure of the Douglasses. The truth is, however, that the production of such a dish as a bull's head, or, according to the version of the tale given by a great writer,<sup>1</sup> a black bull's head, as an emblem of death, is not to be found in any former period of our history, or in any Celtic tradition of which I am aware. For this last assertion, the non-existence of any Celtic or Highland tradition of date prior to Boece's history, where this emblem is said to have been used, I rest not on my own judgment, for I regret much I am little read in Gaelic antiquities, but on the information of my friends, Mr Gregory, Secretary to the Society of Antiquaries,

<sup>1</sup> Sir Walter Scott's History of Scotland, vol. i. p. 281.

and the Reverend Mr Macgregor Stirling, who are, perhaps, amongst the ablest of our Celtic antiquaries.<sup>1</sup> After the time of Boece, whose work was extremely popular in Scotland, it is by no means improbable that the tale of the bull's head should have been transplanted into Highland traditions. Accordingly I understand, from Mr Stirling, that Sir Duncan Campbell, the seventh laird of Glentworth, on an occasion somewhat similar to the murder of the Douglasses, is said to have produced a bull's head at table, which caused his victims to start from the board and escape. Sir Duncan lived in the interval between 1560 and 1631.

LETTER B, p. 36.

*George, Earl of Angus.*

It is to be regretted that Godscroft, in his History of the House of Douglas and Angus, vol. i. p. 287, instead of his own interminable remarks and digressions, had not given us the whole of the ancient ballad in which some indignant minstrel expressed his abhorrence of the deed. One stanza only is preserved:—

Edinburgh Castle, Town and Tower,  
 God grant thou sink for sin,  
 And that even for the black dinner  
 Earl Douglas gat therein.

The late Lord Hailes, in his Remarks on the History of Scotland, chap. 7, satisfactorily demonstrated “that Archibald, third Earl of Douglas, could not, according to the common opinion, have been a brother of James, second Earl of Douglas, slain at Otterburn, and that he did not succeed to the earldom in right of

<sup>1</sup> Mr Gregory, I am happy to see, is about to publish “A History of the Western Highlands and the Hebrides during the Sixteenth and Seventeenth Centuries.” Hitherto, all that we know of the history of this most interesting portion of the kingdom, is perplexing, vague, and traditionary. But, from the mass of authentic materials which the industry of the secretary of the antiquaries has collected, a valuable work may at last be expected.

blood." He added,—“By what means, or under what pretext, George, Earl of Angus, the undoubted younger brother of Earl James, was excluded from the succession, it is impossible at this distance of time to determine. During the course of almost a century the descendants of Archibald, third Earl Douglas, continued too powerful for the peace of the crown, or for their own safety. At length, in 1488, the male line ended by the death of James, ninth Earl of Douglas, and the honours of Douglas returned into the right channel of Angus.” A learned and, as it appears, conclusive solution of this difficulty, appeared in a paper in the Scots Magazine for September, 1814, where it is shown that George, Earl of Angus, considered by Lord Hailes, by Douglas, and all our genealogical writers, as the legitimate brother of James, Earl of Douglas, was an illegitimate son of William, Earl of Douglas, and as such had no title to succeed to the earldom. It is to be wished that the same acute antiquary, who has successfully solved this and many other genealogical difficulties, would bring his researches to bear upon some of those obscurer points in the history of the country, which are intimately connected with genealogy, and would derive from it important illustration. The hypothesis, for instance, upon which I have ventured as to the causes which may have led to the trial and execution of William, Sixth Earl of Douglas, and his brother David, in 1440, is an example of one of the subjects upon which an intimate knowledge of genealogy might enable its possessor to do much for history.

LETTER C, p. 37.

*Execution of the Douglasses.*

The Douglasses, along with their unfortunate friend and adherent Malcolm Fleming, were beheaded, according to Gray's MS., “in vigilio Sancte Katerine Virginis, viz. xxiii. die mensis Novembris anno Domini I<sup>m</sup> iii<sup>c</sup> xl.” The date in the *Extracta Ex Veteribus Chronicis Scotiæ* agrees with this, but it appears from the following curious Instrument, that Malcolm Fleming was exe-

cuted, not at the same time as the Douglasses, but on the fourth day thereafter:—In Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter quod anno ab incarnatione Domini, secundum computacionem Regni Scocie M<sup>mo</sup> cccc<sup>mo</sup> xl<sup>mo</sup> mensis Januarii die vii. Indictione quarta Pontificatus Sanctissime in Xpo patris et Domini nostri, Domini Eugenii divina providentia Papæ quarti Anno x<sup>mo</sup>. In mei Notarii publici et testium subscriptorum presencia personaliter constitut. Nobiles viri Walterus de Buchqwhanane et Thomas de Murhede scutiferi, ac procuratores nobilis viri Roberti Flemyng scutiferi, filii et heredis Malcolmi Flemyng quondam Domini de Bigar, habentes ad infrascripta potestaten et sufficiens mandatum, ut meipso notario constabat per legitima documenta, accedentes ad Crucem fori Burgi de Lithgw, coram Willmo de Howstoun deputato Vicecomitis ejusdem, procuratorio nomine dicti Roberti, falsaverunt quoddam judicium datum seu prelatum super Malcolmum Flemyng, patrem dicti Roberti, super montem Castri de Edynburch, Secundum modum et formam, et propter racionem inferius scriptum, quarum tenor sequitur in vulgar.

We, Waltyr of Buchqwanane and Thomas of Murhede, speciale procurators and actournais, conjunctly and severally, to Robert Flemyng, son and ayr to Malcolm Flemyng, sumtyme Lord of Bigar, sayis to thee, John of Blayr Dempstar, that the Doyme gyffin out of thy mouth on Malcolm Flemyng in a said Courte haldyn befor our soverane Lord y<sup>e</sup> King on the Castle-hill of Edynburch, on Mononday the acht and twenty day of the moneth of November the yere of our Lord M<sup>mo</sup> cccc<sup>mo</sup> and fourty zeris. Sayande “that he had forfat land, lyff, and gud as chete to the King, and that yow gave for doyme;” that doyme forsaid giffyn out of thy mouth is evyl, fals, and rotten in itself; and here We, the foresaid Walter and Thomas, procurators to the said Robert for hym, and in his name, fals it, adnull it, and again cancel it in thy hand William of Howston Deput to the Sherray of Lithgow, and tharto a borch in thy hand; and for this cause the Courte was unlachfull, the doyme unlachfull, unorderly gyffin, and agane our statut; for had he been a common thef takyn redhand, and haldyn twa Sonys, he sulde haff had his law dayis he askande them,

as he did before our Sovereane Lord the King, and be this resoun the doyme is evyll giffyn and weil agane said; and her we, the foresaid Walter and Thomas, procurators to the foresaid Robert, protests for ma resounys to be giffyn up be the said Robert, or be his procurators qwhar he acht, in lawfull tyme.

Dictum iudicium sic ut premittitur falsatum et adnullatum dicti procuratoris, nomine dicti Roberti, invenerunt plegium ad prosequendum dictas adnullaciones et falsaciones predicti iudicii, in manu Roberti Nicholson serjandi domini nostri regis qui dictum plegium recepit. Postmodo vero dicti procuratores offerebant falsacionem adnullacionem dicte iudicii sub sigillo præfati Roberti Flemyng dicto Willelmo de Howstoun deputato dicti vicecomitis, qui recipere recusavit, dicendo quod recepcio Ejusdem pertinebat ad Justiciarium, et non ad vicecomitum, et tunc ipsi procuratores continuo publice protestati sunt, quod dicta recusacio nullum prejudicium dicto Roberto Flemyng generaret in futurum. Super quibus omnibus et singulis præfati Walterus et Thomas procuratorio nomine ut supra a me notario publico infrascript sibi fieri pecierunt publicum instrumentum, seu publica instrumenta :

Acta fuerunt haec apud crucem ville de Lithgw hora quã decima ante meridiem Anno, die, mense, Indiccione et Pontificatu quibus supra, presentibus ibidem providis viris, Willelmo de Houston Deputato ut supra, Domino Willmo llane, Domino Johanne person, Presbyteris, Jacobo Forrest et Jacobo Fowllys publico notario cum multis aliis testibus, ad premissa vocatis specialiter et rogatis.

This instrument, which exhibits in a striking light the formal solemnity of feudal manners. is printed from a copy communicated to me by my friend Thomas Thomson, Esq. Depute Clerk Register, and taken from the original in the archives of the Earl-dom of Wigton, preserved in the charter-chest of Admiral Flemyng at Cumbernauld.

## LETTER D, p. 60.

*Early Connexion between Scotland and the Hanse Towns.*

The intercourse of Scotland with the Hanse towns and the commercial states of Flanders took place, as has been shown in another part of this history, at a very early period. When that portion of the work was written I was not aware of the existence of a most interesting document on the subject of early Scottish commerce, which had been included by Sartorius in his work on the origin of the league of the Hanse towns; for the publication of which, after the death of the author, the world is indebted to the learned Dr Lappenberg of Hamburg; and to which my attention was first directed by Mr D. Carrick's *Life of Sir William Wallace*, published in Constable's Miscellany. The document is a letter from Wallace and Sir Andrew Moray, dated at Badsington in Scotland, evidently a misreading for Haddington, on the 11th of October, 1297. It is as follows :—

“ Andreas de Moravia et Willelmus Wallensis, duces exercitus regni Scotie et communitas eiusdem Regni, prouidis viris et discretis ac amicis dilectis, maioribus et communibus de Lubek et de Hamburg salutem et sincere dilectionis semper incrementum. Nobis per fide dignos mercatores dicti regni Scotie est intimatum, quod vos vestri gratia, in omnibus causis et negociis, nos et ipsos mercatores tangentibus consulentes, auxiliantes et favorabiles estis, licet, nostra non precesserent merita, et ideo magis vobis tenemur ad grates cum digna remuneratione, ad que vobis volumus obligari; rogantes vos, quatinus preconizari facere velitis inter mercatores vestros, quod securum accessum ad omnes portus regni Scotie possint habere cum mercandiis suis, quia regnum Scotie, Deo regnatiato, ab Anglorum potestate bello est recuperatum. Valete. Datum apud Badsingtonam in Scotia, undecimo die Octobris, Anno gracie, millesimo ducentesimo nonagesimo septimo. Rogamus vos insuper vt negocia Johannis Burnet, et Johannis Frere, mercatorum nostrorum promoueri dignemini, prout nos negocia mercatorum vestrorum promovere velitis. Valete dat : ut prius.”

The original letter, of which a transcript was communicated by Dr Lappenberg, the editor of Sartorius' work, to Mr Carrick, through Mr Repp, one of the assistant librarians of the Faculty of Advocates, still exists in the archives of the Hanseatic city of Lubeck. "It appears," says Dr L., "to be the oldest document existing relative to the intercourse of Hamburg and Lubeck, or other Hanseatic cities, with Scotland." It is much to be wished that a correct fac-simile of it should be procured. The battle of Stirling, in which Wallace defeated Cressingham, was fought on the 3d of September, 1297. A great dearth and famine then raged in Scotland, and Wallace led his army into England.<sup>1</sup> The letter to the cities of Lubeck and Hamburg was evidently written on the march into Northumberland, which corroborates the reading of Haddington, a town lying directly in the route of the army, for Badsington, a name unknown to Scottish topography. In Langtoft's Chronicle, a high authority, we meet with a corroboration of Wallace's mission to Flanders, immediately after the battle of Stirling:—

After this bataile, the Scottis sent over the se  
 A boye of ther rascaile, quaynt and doguise.<sup>2</sup>  
 To Flandres bad him fare, through burgh and cite,  
 Of Edward where he ware to bring them certeynte.<sup>3</sup>

It is probable that this boy or page, who was sent to spy out the motions of Edward, was the bearer of the letter to the cities of Lubeck and Hamburg. We possess now four original deeds granted by Wallace: The above letter to Lubeck and Hamburg—the protection to the monks of Hexham, dated the 8th of November, 1297—the passport to the same monks—and the famous grant published by Anderson in his *Diplomata*, plate xlv, to Alexander Skirmishur, of the office of Constable of the Castle of Dundee, for his faithful service, in bearing the royal standard in the army of Scotland. It is curious to mark the progressive style used by Wallace in the enunciation of these deeds. In the first,

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 171, 172.

<sup>2</sup> Disguised.

<sup>3</sup> Langtoft, vol. ii. p. 298.

the Letter to the Hanse Towns, dated 11th October, 1297, it is simply, commander of the army of Scotland, "Dux exercitus regni Scotiæ:" In the second, dated 7th November, 1297, he is "Leader of the army of Scotland, in the name of an illustrious prince, Lord John, by the grace of God, King of Scotland, by the consent of the community of the same kingdom."<sup>1</sup> In the third, which is dated at Torphichen, the 29th March, 1298, we no longer find Andrew Moray associated in the command of the army with Wallace; his style is simply William Wallace, Guardian of the kingdom of Scotland, and leader of the armies of the same, in the name of an excellent prince, Lord John, by the grace of God, the illustrious King of Scotland.

With the exception of this valuable document, I am not aware that there exist any additional letters or charters relative to the early commerce between Scotland and the Hanse towns, till we arrive at the first quarter of the fifteenth century, during which repeated complaints were made on the part of the associated cities, that the Scots had plundered their merchantmen. In consequence of this, they resorted to reprisals; the members of the league were prohibited from all intercourse with the Scots; and every possible method was adopted to persecute and oppress the merchants of this country, wherever the Hanseatic factories were established; for example, in Norway, and in Flanders, to which the Scots resorted. It is ordered by a Hanse statute of the year 1412, that no member of the league should purchase of Scotsmen, either at Bruges or any other place, cloth, either dressed or undressed, or manufactured from Scottish wool; whilst the merchants of the Hanse communities who did not belong to the league, were forbid to sell such wares in the markets of the leagued towns. It would appear that these quarrels continued for upwards of ten years, as in 1418 the Compter at Bruges was enjoined, under pain of confiscation, to renounce commercial intercourse with the Scots, till all differences were adjusted, from which we may fairly conclude, that the Bruges market was the principal emporium of trade on both sides. A few years after this, in 1426, the prohibition of all trade with the Scots

<sup>1</sup> Knighton, p. 2521. Apud Twysden x. scriptores.



was renewed, unless they consented to an indemnification for damages already sustained. At a still later period, in 1445, it appears that the Bremeners had captured, amongst other vessels, a ship coming from Edinburgh, laden with a cargo of cloth and leather ; and in the course of the same year, a commission was issued by James the Second, to certain Scottish delegates, empowering them to enter into negotiations with the towns of Bremen, Lubeck, Hamburg, Wismar, Stralsund, and Rostock, regarding the termination of all such disputes. The original commission, which has never been printed in any English work, is preserved in the archives of the city of Bremen, and is to be found in a very rare German pamphlet, or Thesis, which was discovered and communicated by Sir William Hamilton to Mr Thomson, to whom I am indebted for the use of it. It is as follows :—

“*Jacobus Dei gratia Rex Scotorum. Universis ad quorum noticiam presentes literæ pervenerint, salutem. Sciatis quod nos ex matura deliberatione nostri parliamenti, de fide et legalitate delectorum, et fidelium nostrorum, Thome de Preston, scutiferi et familiaris nostri, Johannis Jeffraſon et Stephani Huntare, comburgensium burgi nostri de Edinburgh, ac Andree Ireland, burgensis burgi nostri de Perth, plurimum confidentes, ipsos, Thomam, Johannem, Stephanum, ac Andream, nostros commissarios, deputatos, et nuncios speciales fecimus, constituimus, et ordinavimus. Dantes et concedentes eisdem Thome, Johanni, Stephano, et Andree, et eorum, duobus, conjunctim, nostram plenariam potestatem et mandatum speciale ad comparendum coram nobilibus et circumspicte prudentie viris burgimastris, Scabinis et consulibus civitatum, villarum, et oppidorum de Lubec, Bremen, Hamburg, Wismere, Trailsund, et Rostock, seu ipsorum et aliorum, quorum interest commissariis et deputatis sufficientem potestatem habentibus, ad communicandum, tractandum, concordandum, componendum, appunctuandum, et finaliter concludendum, de et super spoliatione, bonorum restitutione, lesione et interfectione regni nostri Mercatorum per Brémenses anno revoluto in mare factorum, et perpetratorum, ac literas quittancie pro nobis et dictis nostris mercatoribus dandi et concedendi, ac omnia alia, ac singula faciendi, gerendi et exercendi, que in premissis necessaria fuerint, seu opportuna. Ra-*

tum et gratum habentes, pro perpetuo habituri quicquid dicti nostri commissarii vel eorum duo conjunctim in premissis duxerint faciendum. Datum sub magno sigillo nostro apud Edynburgh, decimo quarto die mensis Augusti, anno domini millesimo quadragentesimo quadragesimo quinto, et regni nostri nono."

In consequence of this commission, the following treaty, included in the same rare tract, was entered into on the 16th October, 1445. It is drawn up in an ancient dialect of Low German, still spoken in those parts. For its translation—a work which I believe few scholars in this country could have performed, I am indebted to the kindness and learning of my friend Mr Leith.

LETTER OF THE SCOTTISH AMBASSADORS CONCERNING THE RECONCILIATION OF THE TOWN OF BREMEN WITH THE SUBJECTS OF THE KINGDOM OF SCOTLAND, AND THE TREATING OF THE DAMAGE WHICH THEY HAD OCCASIONED EACH OTHER.

"We, John Jeffreson, Stephen Hunter, provost of Edinburgh, and Andrew Ireland, bailie of Perth, ambassadors and procurators plenipotentiary of our most gracious beloved master, the most illustrious prince and lord, James, King of Scots, of the noble city of Edinburgh, and others of his towns and subjects, acknowledge and make known openly in this letter, and give all to understand, who shall see it, or hear it read.

"Since those of Bremen, in years but lately past, took on the sea, from the subjects of the aforementioned most powerful prince and lord, the King of Scots, our gracious beloved lord, a certain ship, laden with Scottish cloth, and in order that all capture, attack, and damage, which have happened to ships, people, or goods, wherever they have taken place, and that all other damage which has happened to the kingdom of Scotland, and the subjects of the said kingdom, on the part of those of Bremen, or their people, up to the date of this letter, may be removed :

"And also, in order to compensate for, to diminish, and extinguish, any great and remarkable damage which they of Bremen have suffered and received in former years and times, from the subjects of the afore-mentioned lord the king :

“ Therefore have we, the above-mentioned John, Stephen, and Andrew, by the grace, full powers, and command of our afore-mentioned gracious and beloved lord the king, and others of his towns and subjects, procurators plenipotentiary, (according to the contents of all their procuratories, together with that of his royal gracious majesty, sealed with all their seals, which we have delivered over to the afore-mentioned people of Bremen, and received answer,) negotiated, effected, and made conditions of a friendly treaty, with the honourable burgermeister and counsellors of Bremen, in all power, and in the manner as hereafter is written.

“ Although the afore-mentioned people of Bremen, in strict right, as also on account of the delay which has taken place, and also on account of the great damage which they have suffered in former years from the said kingdom, could not be bound, and were not bound, yet on account of their affection to, and to please the afore-mentioned, our most gracious lord, and his royal grace, and for the sake of peace, and an equitable treaty, the same people of Bremen, to compensate for the expense, wear, and great inconvenience which then was occasioned, have given us, and do presently give a Butse,<sup>1</sup> called the Rose, with anchors, tackling, and ropes, as she came out of the sea, and thereunto forty *measures* of beer; and therewith shall all attack, damage, and hurt, which they of Bremen and their allies have done to the kingdom of Scotland, and the subjects of the said kingdom, up to the date of this letter, whether the damage may have been done to crews, goods, or ships, and wherever the damage may have been received, be declared to be compensated for, acquitted, and completely forgiven.

“ And, in like manner also, shall all attack, damage, and hurt, which they of Bremen, in these years, have suffered from the kingdom of Scotland, and the subjects of the said kingdom, and particularly that which happened to one of their *coggen*<sup>2</sup> which was lost in the Frith, and to a *kreyer* lost near Wytkopp, and to a *kreyger*

<sup>1</sup> Butse, a particular kind of ship. Herring busses is a term frequently used in the Acts of Parliament.

<sup>2</sup> Coggen, another kind of ship, of some particular build, used for warlike as well as for mercantile purposes. Kreyer and kreyger can only be explained in the same general way.

lost near the Abbey of Arbroath, and other ships, which damage those of Bremen estimated, and said they had suffered, to the amount of six thousand nobles, the same shall also be held acquitted and compensated for.

“ And we, the abovementioned John, Stephen, and Andrew, procurators plenipotentiary, by power and grace of our gracious lord the king, his towns, and subjects, and according to the contents of our procuratories, do acquit, and have acquitted all and each one of the afore-mentioned persons of Bremen, and their allies, by power and might of this letter, of all the afore-mentioned damage and attacks, let it have happened when and where it will, and wherever it may have been received, in all time afore this, and will never revive the same complaints, either in spiritual or secular courts.

“ Furthermore is agreed, negotiated, and settled, that if it should be that the subjects and merchants of the above-mentioned kingdom, should ship any of their goods in bottoms belonging to powers hostile to Bremen, and the privateers<sup>1</sup> of Bremen should come up to them on the sea, so shall the above-mentioned Scots and their goods be unmolested, with this difference—if it should be that enemy's goods were in the ship, such goods shall they, on their oaths, deliver over to those of Bremen; and the ship, crew, and freight, shall be held to ransom for a certain sum of gold, as they shall agree with the allies<sup>2</sup> of those of Bremen, and these shall allow the ship, with the crew and the goods of the Scots, to sail away to their destined market. And farther, shall all the subjects and merchants of the above-mentioned most mighty prince and lord, the King of Scots, our most gracious and beloved master, as also those of Bremen and their merchants, visit, touch at, and make use of the ports and territory of the said kingdom of Scotland, and of the said town and territory of Bremen, with their merchant vessels, velinquen,<sup>3</sup> lifes, and merchandise, with security, and under good safe-conduct, and velichkeit,<sup>4</sup> as they have been used to do in peace and love for long years before.

“ For the greater authenticity and truth of this document, have

<sup>1</sup> Redligger.

<sup>2</sup> Vrunden.

<sup>3</sup> Unknown.

<sup>4</sup> Unknown.

we John Jeffreson, Stephen Hunter, and Andrew Ireland, ambassadors and procurators plenipotentiary, affixed our true seals to this letter.

“ Given and written after the birth of Christ our Lord, fourteen hundred years, and thereafter in the fortieth and fifth, on the day of St Gall, the holy abbots, (d. 16. Oct.) ”

LETTER E, p. 114.

*James, ninth Earl of Douglas.*

As this authentic and interesting document has never been published, it may properly be included amongst the Pieces Justificatives of this history. It is taken from the manuscript volume preserved in the Library of the Faculty of Advocates at Edinburgh, entitled, Sir Lewis Stewart's Collections, a. 4. 7. p. 19.

Appoyntement betwixt James II., and James Earle Douglas.

Be it kend till all men be thyr present letters, me James, Earle of Douglas, to be halden and obleist, and be thir present letters, and the faith in my body lelie and truelie binds and obliges me till our sovereaene Lord James, be the grace of God, King of Scotland, that I shall fulfill, keep, and observe all and sundrie articles, and condeciones, and poyntis underwrittin. That is to say—in the first, I bind and oblige me till our said soverayne lord, that I shall never follow nor persew, directly nor indirectly, be law, or any other maner of way, any entrie in the lands of the earledome of Wigtone, with the pairtiments or any part of them, untill the tyme that I may obtaine speciall favour and leicence of oure soverayne Lady Mary, be the grace of God, Queen of Scotland, be letter and seal to be given and maid be hir to me thairupon. And in the samen wise, I bind and oblist me to our soverayne lord, that I shall never persew nor follow, directly nor indirectlie, the lands of the lordshipe of Stewartoun, with the pertinent, or any pairt of them, the whilk wer whilum the Dutches of Turinies, until the time that I may obtaine our soverayne lord's special licence, grace, and favour

of entrie in the said lands ; and alswa, I bind and oblidge me till our soverayne lord, to remitt and forgive, and be thir present letters fullie remitts and forgives for evermair, for me, my brother, and the Lord Hamiltoun, and our (enverdance,) all maner of rancour of heart, malice, fede, malgre, and invy the quhilk I or any of us had, hes, or may have in tyme to come, till any of our said soverane lord's lieges, for any actions, causes, or querrels by gane, and specialie till all them that had arte or parte of the slaughter or deid of whylum William, Earle of Douglas, my brother, and shall take thay personnes in heartlines and friendship at the ordinance and advyce of our said soverayne lord.

And outter, I bind and obliiss me till our said soverayne lord, that all the tenants and maillers being within my lands quatsomever, sall remane with thair tacks and maling quhile Whitsonday come a year, except them that occupies the grangis and steids whilk war in the hand of the said Earle William, my brother, for his own proper goods the tyme of his decease, and yet thay personnes to remaine with thyr tacks, at our said soverayne lord's will, of the said granges and steids while Whitsonday next to come ; and alswa I bind and oblige me to our said soverayne lord to revoke, and be thir present letters revocks, all leagues and bands, if any hes been made be me in any tyme by gane, contrare to our said soverayne lord ; and binds and obliiss me, that I shall make na band, na ligg in tyme coming, quhilk sall be contrar til his hienes. Alswa I bind and obliiss me till our said soverayne lord, to remitt and forgive, and be thir present letters remitts and forgives till his hienes all maner of maills, goods spendit, taken, sould, or analied be him or his intromitters, in any maner of wayes before the xxii day of the moneth of July last bypast, before the makyng of thir present letters. And if any thing be tane of the good of Gallaway, I put me thairof, to our said soveraigne lady, the Queen's will. Alswa I bind and oblige me to our said soveraigne lord, that I shall maintaine, supplie, and defend the borders and the bordarars, and keep the trewes taken, or to be taken, at all my guidly power, and in als far as I aught to do as wardane or liegeman till him. Alswa I bind and oblidge me to doe to our said soverane lord, honor and worschip in als far as lyes in my power, I havand sic sovertie as I can be

content of reasoun for safety of my life. Item, I oblige me that all harmes done, and guides taken under assurance be mandit and restored. In witness of the whilk thing, in fulfilling and keeping all and sundrie articles, poynts, and conditiones beforr written in all manier of forme, force, and effect, as is aforsaid, all fraud and guile away put, I the said James, for me, my brother, and the Lord Hamiltoune, and all our pairts, (averdance,) to ther present letters sett my seall, and for the mair sickerness the haly evangillis twichit, hes given our bodily oath, and subscrievd with my own hand at Douglas, the xxviii day of the month of Agust, the year of our Lord jm. four hundreth and feftie-twa years.

Sic subscribitur,

JAMES, EARLE DOUGLAS.  
JAMES, LORD HAMILTONE.

Sir Lewis Stewart does not say where the original is preserved ; but his transcript is evidently much altered and modernized in the spelling.

LETTER F, p. 123.

“ EODEM anno Comes Moraviæ frater Comitis de Dowglas cum fratre suo Comite de Ormont, el Johannes Douglas eorundem fratre intraverunt Ananderdaill et illam depredati sunt ; et spolia ad matrem in Karleil portarunt, presentantes. Quibus (dominus) de Johnston cum ducentis occurrit, et acriter inter illos pugnatum est. In quo conflictu dominus Comes Moraviæ occiditur, et caput ejus regi Jacobo presentabatur, sed rex animositatem viri commendabat, licet caput ignorabat. Occisus eciam fuit Comes de Ormont. Tunc convocato Parlamento annexæ erant illorum terræ, Coronæ regiæ, viz. Etrick forest, tota Galvaia, Ballincreiff, Gifford, cum aliis multis dominiis Eorundem.”

The manuscript from which this extract is taken, and which has never been printed, is preserved in the Library of the University of Edinburgh. A. C. c. 26.

## LETTER G, p. 204.

*Rise of the power of the Boyds.*

THE remarkable indenture quoted in the text is preserved amongst the archives of the earldom of Wigton, in the charter chest of Admiral Flemyng at Cumbernauld.

As only twenty copies of it, printed for private circulation, exist, I am happy to render it more accessible to the Scottish antiquary. It is as follows :

“ Yis indentour, mad at Striuelyn, the tend day of februar, the zer of God a thousand four hundreth sixty and fyf zeris, betwix honourable and worschipful lordis, yat is to say, Robert, Lord Flemyng on ye ta pairt, and Gilbert, Lord Kennedy and Sir Alexander Boid of Duchol, knight, on the todir pairt, yat yai ar fullelie accordit and appointit in maner and form as eftir follouis : Yat is to say, yat ye said lordis ar bundyn and oblist yaim selfis, yair kyn, friendis, and men, to stand in afald kendnes, supple, and defencs, ilk an til odir, in all yair caussis and querrell leifull and honest, movit and to be movit, for all ye dais of yair liffis, in contrery and aganis al maner of persones yat leiff or dee may ; yair allegiance til our soueran lord alanerly outan, excepan to the lord flemyng, his bandis mad of befoir, to ye lord Levynston, and to yhe lord Hamilton, and, in lyk maner, excepan to the saidis lordis kennedy and Sir Alexander, yair bandis mad of befoir, til a reverend fadir in Crist, master patrik the graham, bischop of Sanctander, ye Erle af Crawford, ye lord mungumer, the lord maxvel, the lord boid, the lord levynston, the lord hamilton, and the lord Cathcart. Item, yat the said lord flemyng salbe of special service, and of cunsail to the kyng, als lang as the saidis lordis kenedy and Sir Alexander ar special seruandis and of cunsail to ye kyng ; the said lord flemyng kepan his band and kyndnes to the foirsaidis lord kennedy and Alexander, for al the foirsaid tym : And attour, the said lord flemyng is oblist yat he sal nodir wit, consent, nor assent, til (avas), nor tak away the kyngis person fra the saidis lord kenedy and Sir Alexander, nor fra na udyr yat yai leiff, and



ordanis to be doaris to yaim, and keparis in yair abens; and gif the said lord flemyng getis, or may get, ony bit of sic thyng to be done in ony tym, he sal warn the saidis lord kennedy and Sir Alexander, or yair doars in do tym, or let it to be done at all his power; and tak sic part as yai do, or on an of yaim for ye tymin, ye gaus-tandyng of yat mater, but fraud and gil; and the said lord flemyng sal adwis the kyng at al his pertly power wycht his gud cunsail, to be hertly and kyndly to the foirsaidis lord kenedy and Sir Alexander, to yair barnis and friendis, and yai at belang to yaim for ye tym. Item, giff yair happynis ony vakand to fall in the kyngis handis, at is a resonable and meit thyng for the said lord flemyngis seruice, yat he salbe furdirit yairto for his reward; and gif yair happynis a large thyng to fal, sic as vard, releiff, marriage, or offis, at is meit for hym, the said lord flemyng sal haff it for a resonable compcion befor udir. Item, the saidis lord kennedy and Sir Alexander sal haff thom of Sumerwel and wat of twedy, in special mantenans, supple, and defencs, in all yair accionis, causs, and querrel, leful and honest, for the said lord flemyngis sak, and for yair seruis don and to be don, next yair awyn mastiris, yat yai wer to of befor. And, at all and sundry thyngis abovn writtyn salbe lelily kept, bot fraud and gil; ather of yhe pairtis hes geffyn till udiris, yair bodily aithis, the hali evangelist tuychit, and enterechangable, set to yair selis, at day, yheir, and place abovn written."

LETTER H, p. 273, and I, p. 287.

*Revolt of his Nobility against James the Third, in 1482.*

The history of this revolt of the nobles against James the Third, as it is found in the pages of Lesley and Buchanan, furnishes a striking example of the absolute necessity of having access to the contemporary muniments and state papers of the period, as the materials from which historical truth must be elicited. Lesley was a scholar and a man of talent—Buchanan a genius of the very first rank of intellect; yet both have failed in their attempt to estimate the causes which led to the struggle between James and

his barons ; and it is not, perhaps, too much to say that the narrative of Buchanan, where he treats of this period, is little else than a classical romance. The extent of Albany's treasonable correspondence with Edward the Fourth, his consent to sacrifice the independence of the kingdom, his actual assumption of the title of king, and the powerful party of the nobles by whom he was supported, are all of them facts unknown to this historian, and which the publication of the *Fœdera Angliæ* first revealed to the world. Instead of these facts, which let us into the history of the proceedings of both parties in the state, and afford a pretty clear notion of the motives by which they were actuated, we are presented by Buchanan with a series of vague and scandalous reports, calculated to blacken the memory of the king, arising at first out of the falsehoods propagated by Albany and the nobles of his faction, against a monarch whom they had determined to dethrone, increased by the credulous additions of the common people, and invested by him with all the charms of style which his sweet and classic muse has so profusely scattered over his history. " *Hæ quidem in acta publica causæ sunt redactæ. Verum odium regis ob causam privatam conceptum plus ei (i.e. Domino Crichtonio) nocuisse creditur. Erat Gulielmo uxor e nobile Dumbarorum familia nata, abque insigni pulchritudine. Eam cum a rege maritus corruptam comperisset, consilium temerarium quidem sed ab animo amore ægro et injuria irritato non alienum suscepit. Minorem enim e regis sororibus, et ipsam quoque forma egregia et consuetudine fratris infamem, compressit, et ex ea Margaritam Crichtonium quæ non adeo pridem decessit genuit.*" B. xii. cli. For this complicated tale, which throws the double guilt of adultery and incest upon the unfortunate monarch, there is no evidence whatever ; and of the first part of it, the inaccuracy may be detected. William, third Lord Crichton, did not marry a daughter of the noble house of Dunbar. The Lady Janet Dunbar was his mother, not his wife. (Douglas's *Peerage*, vol. i. p. 609. Crawford's *Officers of State*, p. 311. Sutherland case, by Lord Hailes, c. vi. p. 81.) On the other hand, it seems almost certain that William, third Lord Crichton, the associate of Albany, of whom Buchanan is speaking, did marry Margaret, sister to James the Third ; but the dark aspersion of her

previous connexion with her brother, the king, is found, as far as I have yet seen, in no historian prior to Buchanan, not even in the credulous Boece, whose pages are sufficiently hostile to James the Third, to induce us to believe that the story would not have been neglected. That the treaty of Albany with Edward the Fourth, and his assumption of the royal title, should have been unknown to Buchanan and Lesley, to whom all access to the original records was probably impossible at the time they wrote, is not extraordinary; but it is singular that the circumstances illustrative of this period of our history should have escaped the notice of Mr Aikman, the latest translator of Buchanan. As to Lesley, the causes which he assigns for the hostility of the nobility to James and his favourites, (*Hist. of Scotland*, p. 48,) are his having suffered Cochrane to debase the current coin, by the issue of copper money, unmeet to have course in the realm—the consequent dearth and famine throughout the country—his living secluded from his queen and his nobles, and his entertaining, in place of his royal consort, a mistress, named the Daisy—the slaughter of the Earl of Mar, his brother—and the banishment of the Duke of Albany. With regard to the first of these subjects of complaint, the issue of a new copper coin, the fact is certain, and the discontent and distress which it occasioned cannot be doubted. In the short chronicle at the end of Winton's MS. Reg. 17, d xx., printed by Pinkerton, Appendix vol. i., p. 502, *Hist. of Scotland*, is the following passage:—"Thar was ane gret hungyr and deid in Scotland, for the boll of meill was for four pounds; for thair was black cunye in the realm strikin and ordynit be King James the Thred, half pennys, and three penny pennys innumerabill, of copper. And thair yeid twa yeir and mair: And als was gret weir betwix Scotland and England, and gret distruction thro the weiris was of corne and cattel. And thair twa thyngs causyt bayth hungar and derth, and mony pair folk deit of hunger. And that samyn yeir, in the moneth of July, the Kyng of Scotland purposyt till haif passit on gaitwart Lawdyr: and thar the Lords of Scotland held thair counsaill in the Kirk of Lawdyr, and cryit doune the black silver, and thair slew ane pairt of the Kyng's housald; and other part thair

banyst; and thai tuke the Kyng himself, and thai put hym in the Castell of Edinburgh in firm keypyng. \* \* And he was haldyn in the Castell of Edynburgh fra the Magdalyne day quhill Michaelmas. And than the wictall grew better chaip, for the boll that was for four pounds was than for xxii. sh. of quhyt silver." The circumstance of crying down the black money is corroborated by the act passed in the parliament of 1473, c. 12, "and as touching the plakis and the new pennys the lordis thinkis that the striking of thame be cessit. And they have the course that they now have unto the tyme that the fynance of them be knawin. And whether they halde five shillings fyne silver of the unce, as was ordainit by the King's hieness, and promittit by the cunzeour."<sup>1</sup> So far the narrative of Lesley is supported by authentic evidence, but that Cochrane was the adviser of this depreciation of the current coin does not appear in any contemporary record; and the assertion of James's attachment to a mistress, called the Daisy, who had withdrawn his affections from the queen, rests solely on the authority of the later and more popular historians.

LETTER K, p. 334.

*Inventory of the Jewels and Money of James the Third.*

As the inventory referred to in the text is extremely valuable, from the light which it throws upon the wealth and the manners of Scotland at the close of the fifteenth century, I am sure the antiquarian, and I trust even the general reader, will be gratified by its insertion. It is extracted from the Accounts of the Lord High Treasurer of Scotland, and a few copies have been already printed, although not published, by Mr Thomson, to whom this volume is under repeated obligations, and who will not be displeased by its curious details being made more generally accessible to the public.

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 105.

INVENTARE OF ANE PARTE OF THE GOLD AND SILVER, CUNYEIT AND UNCUNYEIT, JOWELLIS, AND UTHER STUFF, PERTENING TO VMQUHILE OURE SOVERANE LORDIS FADER, THAT HE HAD IN DEPOIS THE TYME OF HIS DECEIS, AND THAT COME TO THE HANDIS OF OUR SOVERANE LORD THAT NOW IS.

M.CCCC.LXXXVIII.

MEMORANDUM deliuerit be dene Robert hog channoune of hali-rudhouse to the thesaurar, tauld in presens of the chancellor, lord lile, the prior of sanctandros, in a pyne pig<sup>1</sup> of tynn.

In the fyrst of angellis twa hundreth foure score & v angellis

Item in Ridaris nyne score & aucht Ridaris

Item in Rialis of france fyfty & four

Item in vnicornis nyne hundrethe & four score

Item in demyis & scottis crovnis foure hundreth & tuentj

Item in Rose nobilis fyftj and foure

Item in harj nobilis & salutis fourtj & ane

Item fyftene flemis Ridaris

Item tuelf lewis

Item in franche crovnis thre score and thre

Item in vnkenny<sup>2</sup> golde ——— threttj pundis

Memorandum, be the comand of the king, thare past to the castell to see the Jowalis, siluer money, & vther stuff, the xvij day of Junij, the yer of god one thousand foure hundreth & eighty-eight yeris, thir persouns vnder wrytin, that is to say

The erle of anguse

The erle of ergile

The bischope of glasgw

The lord halis

The lord home

The knycht of torfichane thesaurare

<sup>1</sup> Pyne Pig; perhaps our modern Scots "penny pig."

<sup>2</sup> Gold of unknown denomination.

- Memorandum, fund be the saidis personis in the blak kist, thre cofferis, a box, a cageat <sup>1</sup>
- Item fund in the maist of the said cofferis, louse & put in na thing, bot liand within the said coffyr, fyve hundreth, thre score, ten Roise nobilis, and ane angell noble
- Item in a poik of canwess, beand within the said coffre, of angell nobilis, sevin hundreth and fyftj angelis
- Item in a litill purse, within the said coffre, of quarteris of Roise nobilis, sevin score nyne Roise nobilis, a quarter of a nobill
- Item in a litill coffre, beand within the said coffre, of Roise nobilis sevin hundreth fyftj & thre nobilis
- Item in a lytill payntit coffre, beand within the said blak kist, of henry nobilis a thousand thre hundrethe and sevintene nobillis
- Item in ane vther coffre, beand within the said blak kist, a poik of canwess, with demyis contenand aucht hundreth, ane less
- Item in a box, beand within the said blak kist, the grete bedis of gold, contenand six score twa bedis, and a knop
- Item in the said box, a buke of gold like ane tabell, and on the glasp of it, foure perlis, and a fare Ruby
- Item in the said box the grete diamant, with the diamantis sett about it
- Item in the said box, a thing of gold with a top like a tunnele
- Item in the same box a stomok,<sup>2</sup> & on it set a hert, all of precieuse stanis, & perle
- Item in a trouch<sup>3</sup> of cypre tre within the said box, a point maid of perle, contenand xxv perle with hornis of gold
- Item twa tuthpikis of gold with a chenye, a perle, & airpike, a moist ball of gold, ane hert of gold, with vther small Japes<sup>4</sup>
- Item in a Round buste, within the said box, a corss of gold, with four stanis. Item a collar of gold, twa glasses with balme
- Item in a litill paper, within the said box, ane vche, with a diamant, twa hornis, four butonis horse nalis blak
- Item ane vche<sup>5</sup> of gold, like a flour the lise, of diamantis & thre bedis of gold, a columbe of gold & twa Rubeis

<sup>1</sup> Cageat—casket. Jamieson, who quotes this inventory.

<sup>2</sup> Stomok—stomacher. Jamieson.

<sup>3</sup> Trough—a deep long box.

<sup>4</sup> Japes—playthings, trifles.

<sup>5</sup> Uche—brooch. Not in Jamieson.

- Item in a cageat, beand within the said blak kist, a braid chenye, a ball of cristall
- Item a purse maid of perle, in it a moist ball,<sup>1</sup> a pyne<sup>2</sup> of gold, a litill chenye of gold, a Raggit staff, a serpent toung sett
- Item in the said cageat, a litill coffre of siluer, ouer gilt, with a litil saltfat<sup>3</sup> and a couer
- Item a mannach<sup>4</sup> of siluer
- Item in a small coffre, a chenye of gold, a hert of gold, anamelit, a brassalet of gold, sett with precious stanis
- Item a collar of gold maid with elephantis and a grete hinger at it
- Item sanct michael of gold with a perle on his spere
- Item a quhissill<sup>5</sup> of gold
- Item a flour the lyse of gold
- Item a Rying, with a turcase<sup>6</sup>
- Item a small corse with twa pecis of gold at it
- Item a grete precieuse stane
- Item a litil barrell maid of gold
- Item twa berialis, and a grete bene
- Item in a litill coffre, a grete serpent toung, set with gold, perle, & precieuse stanis, and twa small serpent toungis set in gold, & ane ymage of gold
- Item in ane vther coffre, beand within the blak kist, ane Roll with Ringis, ane with a grete saffer,<sup>7</sup> ane enmorant,<sup>8</sup> a stane of pillar, & ane vther Ring
- Item in the same coffre ane vther Roll with Ringis, ane with a grete Ruby, & vther iij Ringis
- Item ane vther Roll with Ringis in it, of thame, thre grete enmorantis, a Ruby, a diamant
- Item a Roll of Ringis, ane enmorant, a topas, & a diamant
- Item ane vther Roll of Ringis, ane with a grete turcas, & ane vther Ring
- Item a Roll with seven small Ringis, diamantis, Rubeis, & perle
- Item a Roll with Ringis, a turcas, a stane of pillar, & a small Ring

<sup>1</sup> A moist ball—a musk ball.<sup>2</sup> Pyne—pin.<sup>3</sup> Saltfat—saltsellar.<sup>4</sup> Unknown; perhaps a little man. Not in Jamieson.<sup>5</sup> Quhissle—whistle.<sup>6</sup> Turquois.<sup>7</sup> Sapphire.<sup>8</sup> Emerald.

Item a Roll with Ringis, a Ruby, a diamant, twa vther Ringis,  
a beriall<sup>1</sup>

Item in ane vther small coffre, within the said black kyst, a chenye  
with ane vche, in it a Ruby, a diamant, maid like a creill

Item a brasselat of gold, with hede, & pendese<sup>2</sup> of gold

Item sanct antonis corse, and in it a diamant, a Ruby, & a grete  
perle

Item a grete Ring with a topas.

Item a wodward<sup>3</sup> of gold with a diamant

Item ane vche of gold, maid like a Rose of diamantis

Item a kist of siluer, in it a grete corse, with stanis, a Ryng, a berial  
hingand at it

Item in it the grete corse of the chapell, sett with precious stanis

Memorandum, fundin in a bandit kist like a gardeviand,<sup>4</sup> in the  
fyrst the grete chenye of gold, contenant sevin score sex linkis

Item thre platis of siluer

Item tuelf salfatis

Item fyftene discheis ouregilt

Item a grete gilt plate

Item twa grete bassingis ouregilt

Item foure masaris,<sup>5</sup> callit king Robert the brocis, with a couer

Item a grete cok maid of siluer

Item the hede, of siluer, of ane of the coueris of masar

Item a fair diaile

Item twa kasis of knyffis

Item a pair of auld knyffis

Item takin be the smyth that opinnit the lokkis, in gold, fourtj  
demyis

Item in Inglyse grotis ——— xxiiij poundis & the said siluer gevin  
agane to the takaris of hym

Item Ressaut in the cloissat of dauidis tour<sup>6</sup> ane haly water fat

<sup>1</sup> Beryl.      <sup>2</sup> Pendants.      <sup>3</sup> Unknown      <sup>4</sup> Cabinet. Jamieson.

<sup>5</sup> Drinking cups. An interesting item—four drinking cups of Robert the  
Bruce's.

<sup>6</sup> David's Tower, in the Castle.



of siluer, twa boxis, a cageat tume, A glass with Roise water, a dosoune of torchis,<sup>1</sup> king Robert brucis serk<sup>2</sup>

Memorandum, gottin In the quenis kist, quhilk come fra striue-ling, in a litill coffre within the same, In the fyrst a belt of Cram-massy<sup>3</sup> hernessit with gold & braid

Item a braid belt of blak danmask, hernessit with gold

Item a small belt of claith of gold, hernessit with gold

Item a belt of gold, vnhernessit

Item twa bedis of gold

Item a litill belt of gold, hernessit with gold

Item in a box beand within the said kist, a collare of cassedonis, with a grete hinger of moist, twa Rubeis, twa perlis contenand xxv small cassedonis set in gold

Item a chenye of gold maid in fassone of frere knottis,<sup>4</sup> contenand fourtj foure knottis

Item a pare of bedis of gold contenand fyftj & sex bedis

Item a grete chenye of gold, contenand of linkis thre score and a lynk

Item ane vther chenye of gold gretare, contenand fiftj and aucht linkis

Item a frete<sup>5</sup> of the quenis oure set with grete perle, settin fouris & fouris

Item viij vchis of gold sett with stanis & perle

Item tuentj hingeris of gold set with Rubeis

Item a collare of gold fassonit like Roisses anamelit

Item a serpent toung, & ane vnicorne horne, set in gold

Item a grete hinger of gold with a Ruby

Item a grete Ruby set in gold

Item a hinger with a diamant & a grete perle

Item a diamant set in gold

Item a smal chenye with ane hinger set with diamantis in maner of . m . and a grete perle

<sup>1</sup> Unknown ; perhaps turquoises.

<sup>2</sup> Perhaps his mail shirt.

<sup>3</sup> Crimson.

<sup>4</sup> Friar's beads.

<sup>5</sup> A large hoop or ring.

Item a grete saferes set in gold

Item a hert of gold with a grete perle at it

Item a smal chenye with ane hinger of Roise & diamant

Item ane hinger of gold with twa perle without stanis

Item In a clovt nyne precieuse stanis vnsett

Item in a box in the said kist a collare of gold, with nynetene  
diamantis

Item a collere of Rubeis, set with threis of perle contenand xxx  
perlis and xv Rubeis with ane hinger, a diamant, & a grete perle

Item ane ege of gold with foure grete diamantis pointit and xxviij  
grete perlis about thame

Item ane vther grete ege with viij Rubeis and xxxvj perlis grete

Item in the said kist of the quenis ane string of grete perle con-  
tenand fyftj & a perle, and stringis of small perle

Item twa lingattis<sup>1</sup> of gold

Item sex pecis of the said chenye of gold of frere knottis

Item twa grete Ringis with saferis

Item twa Ringis with turcacis

Item a Ring with a paddokstane with a charnale<sup>2</sup>

Item a Ring with a face

Item a signet & na thing in it

Item thre small Ringis with Rubeis

Item fyve Ringis with diamantis

Item a cassit collere of gold, maid lik suannis, set in gold, with xvj  
Rubeis, and diamantis, and viij quhite suannis set with double  
perle

Item a grete Round ball, in maner of a chalfer, of siluer ouregilt

Item a leware<sup>3</sup> of siluer ouregilt with a couer

Item a cop with a couer ouregilt & punchit

Item thre brokin gilt pecis of siluer

Item thre quhite pecis, a fut & a couer of siluer, ouregilt

Item a grete vice nail maid of siluer

<sup>1</sup> Ingot.

<sup>2</sup> A hinge.

<sup>3</sup> Laver.

Item twa brokin platis of siluer and a dische

Item in a gardeviant in the fyrst a grete hostrage fedder<sup>1</sup>

Item a poik of lauender

Item a buke with levis of golde with xiiij levis of gold fulye

Item a couering of variand purpir, tarter, browdin with thrissillis  
& a vnicorne

Item a Ruf & pendiclis of the same

Item a pare of metingis<sup>2</sup> for hunting

Item the surpluss of the robe Riall

In ane vther gardeviant, in the fyrst a lamp of siluer, a corperale with  
a caise. Item thre quhippis<sup>3</sup> and twa bukis

Memorandum, gottin in a box quhilk was deliuerit be the countas  
of athole, and tauld in presens of the cancellare, lord lile, the prior  
of sanctandros & the thesaurare. In the fyrst in a purse of ledder  
within the said box thre hundreth Roise nobilis of the quhilkis  
there is vii harj nobilis

Item in the same purse of half Roise nobilis . fyve hundreth hail  
Roise nobilis, sextene Roise nobillis

Item gottin in ane vther box, fra the said countas, the xxj day of  
Junij, in a canuess poik, within the said box, tuelf hundreth &  
sevin angel nobilis<sup>4</sup>

Item in ane vther purse, of ledder, beand in the same box, ane  
hundreth angelis

Item in the same purse, thre hundreth fyftj & sevin demyis

Memorandum, fund in a blak coffre quhilk was brocht be the  
abbot of arbrothe, In the first the grete sarpe<sup>5</sup> of gold contenand xxv  
schaiffis with the fedder betuix

Item a water pot of siluer

Item a pare of curale bedis, and a grete muste ball

Item a collare of cokkilschellis contenand xxiiiij schellis of gold

<sup>1</sup> Ostrich feather.

<sup>2</sup> Hunting gloves.

<sup>3</sup> Whips.

<sup>4</sup> Thir boxis put in the thesaurhouse in the grete kist nerest the windo.

<sup>5</sup> Belt.

Item a bane coffre, & in it a grete corse of gold, with foure precieuse stanis and a chenye of gold

Item a beid of a casedonne

Item twa braid pecis of brynt siluer bullioune

Item in a leddering purse, beand in the said blak coffre, tuelf score & xvj salutis

Item in the same purse threttj & sex lewis and half nobilis

Item in the same purse foure score and thre franche crovnis

Item in the same purse fourtene score of ducatis, and of thame gevin to the erle of anguse fyve score and six ducatis

Item in the said coffre, quhilk was brocht be the said abbot, a litil corse with precieuse stanis

Item in a blak box brocht be the said abbot to the toune of perth the xxvj day of Junij, in the first, lowse in the said box, foure thousand thre hundreth and fourtj demyis

Item in a purse of ledder in the said box foure hundreth tuentj & viij lewis of gold, and in the same purse of ledder, of franche crovnis fyve hundreth thre score & sex. And of thame twa salutis . and foure lewis

Item in a quhite coffre of Irne deliuerit be the said abbot, thre thousand, nyne hundreth, foure score & viiij angellis

Memorandum, Ressait in scone, be the thesaurare, in presens of the bischop of glasgw, lord lile, the prior of sanctandrois, patrik home, & lord drummond, the xxiiij day of Junij, in avereis box, louse, without ony purse, a thousand and threttj harj nobilis

Item in a purse of ledder, within the said box, a thousand & twenti Rose nobilis, and in the said purse fyftj & foure harj nobilis in half harj nobilis

Item a grete gugeoune<sup>1</sup> of gold

Item thair was a writ fund in the said box sayand, in hac boxa xij hundreth harj nobilis . et in eadum boxa, xj hundreth Roise nobilis

<sup>1</sup> Unknown.

Thir ar the names of thame, that wist of the said box quhen it was in the myre

James auerj  
William patonsone  
William Wallace

Item Ressaut fra lang patric hume, & george of touris, xvj skbr of hare nobelis, quhilkis tha had of a part of the money takin be the Countass of atholl and Johne steward

Item of the same Some & money gevin to the said patric for his Reward - - - - fourtj hare nobelis

THE COMPT of sir William knolles, lorde saint Johnis of Jerusalem, &c. thesaurare till our soueraine lorde maide at Edinburghe the xxiiij day of februar, the yeir of god &c. Nynte ane yeris . . .

.....  
of all his ressait & expense fra the ferde day of the monethe of Junij in the yeir of god &c. aughty and aucht yeris vnto the day of this present Compt

.....  
In the first he chargis him with vij<sup>m</sup> v<sup>c</sup> lxxxxvij li iiij s̄ in golde of sex thousande thre hundreth thretty a pece of Angell nobillis ressait be the Comptare as Is contenit in the beginning of this buke writtin with Johnne tyrijs hande, And with ij<sup>c</sup> xvj li iiij s̄ in golde of ane hundrethe fourescore aucht scottis Ridaris, as Is contenit in this samyn buke

And with liij li be fifty foure fraunce Riallis of golde

And withe viij<sup>c</sup> lxxxij li be nyne hundrethe fourescore vnicornis

And withe vj<sup>c</sup> lxvj li xiiij s̄ iiij d̄ in ane thousand scottis crownis

Ande withe J<sup>m</sup> ij<sup>c</sup> xxxiiij li vj s̄ viij d̄ in tua thousand demyis ressait and gevin for a merke the pece

Ande withe ij<sup>m</sup> lxix li iiij s̄ in tua thousand nyne hundrethe fifty sex demyis gevin the pece for fourtene schillingis

Ande withe vj<sup>m</sup> xix li ix s̄ in thre thousand thre hundrethe fifty five rose nobillis and ane quarter, the quhilk war gevin for thretty

sex schillingis the pece, except foure hundrethe that war gevin  
for thretty five schillingis the pece  
And with iiij<sup>m</sup> iiij<sup>c</sup> lxxvj fi viij s̄ in tua thousand sevin hundrethe  
twenty nyne hary nobillis gevin for thretty tua schillingis the  
pece  
Ande with xj fi v s̄ in fiftene flemis Ridaris fiftene schilling the  
pece  
Ande with iiij<sup>c</sup> xxxij fi in foure hundrethe foure score lewis and  
halue rose nobillis gevin for aughtene schilling the pece  
Ande with iiij<sup>c</sup> lxxxxiiij fi iiij s̄ in sevin hundreth sex fraunce  
crownis gevin for fouretene schillingis the pece  
Ande with xxx fi in duch golde  
Ande with ij<sup>c</sup> vj fi viij s̄ in tua hundrethe fifty aucht salutis gevin  
for sextene schillingis the pece  
Ande with j<sup>c</sup> xxxix fi iiij s̄ in ane hundrethe sevinty foure ducatis  
gevin for sextene schillingis the pece

Summa of this charge xxiiij<sup>m</sup> v<sup>c</sup> xvij fi x s̄

.....

LETTER L, p. 336.

*Margaret Drummond, Mistress to James IV.*

From a note of the Rev. Mr Macgregor Stirling's, in his valuable manuscript collections on the chronology of the reign of James the Fourth, I am enabled to give some curious particulars regarding this unfortunate favourite of James the Fourth. She was daughter of John, first Lord Drummond, and the king seems to have become attached to her at a very early period. In his first Parliament, 3d October, 1488, she had an allowance for dresses (mentioned in the text, p. 363.) She bore a daughter to the king in 1495, as it may be presumed from an entry in the Lord High Treasurer's Books, which states, that twenty-one pounds seven shillings, had been expended on the "Lady Mergetis dochter." In Douglas's Peerage, vol. i. p. 51, and vol. ii. p. 361, she is mention-

ed as having been poisoned in 1501. But she was certainly alive on 24th June, 1502, as in the Treasurer's Books under that date, is the following entry :—"Item, the xxiii day of Junii, the kyng wes in Drummonde giffin to Mergrett Drummonde be the kingis commande, twenty-one pounds. Item, to her nuriss forty-one pounds." Great mystery hangs over the death of this royal favourite, and the most minute account is to be found in a celebrated work where one would certainly little expect to meet an obscure portion of Scottish history—Moreri's Dictionary. It is taken from a MS. history of the family of Drummond, composed in 1689. Speaking of the first Lord Drummond—"He had," says this author, "four daughters, one of whom, named Margaret, was so much beloved by James the Fourth, that he wished to marry her; but as they were connected by blood, and a dispensation from the pope was required, the impatient monarch concluded a private marriage, from which clandestine union sprung a daughter, who became the wife of the Earl of Huntley. The dispensation having arrived, the king determined to celebrate his nuptials publicly; but the jealousy of some of the nobles against the house of Drummond, suggested to them the cruel project of taking off Margaret by poison, in order that her family might not enjoy the glory of giving two queens to Scotland." (Moreri sub voce Drummond.) It is certain that Margaret Drummond, with Euphemia Lady Fleming, and the Lady Sybilla, her sisters, died suddenly at the same time, with symptoms exciting the strongest suspicion of poison, which it was thought had been administered to them at breakfast. So far the story substantially agrees with Moreri; but that the unfortunate lady fell a victim to the jealousy of the Scottish nobles, rests on no authentic evidence; nor does this explain why her two sisters, Lady Fleming and Lady Sybilla, should have shared her fate. The story tells more like some dreadful domestic tragedy, than a conspiracy of the aristocracy to prevent the king's marriage to a commoner. Besides this, it is shown by a deed preserved in the *Fœdera*, vol. xii. p. 787, that James, previous to the catastrophe of Margaret Drummond, had entered into an indenture, binding himself to marry the Princess Margaret of England; a circumstance certainly not wholly disproving the story of her having fallen a victim to aristocratic

jealousy, but rendering it more improbable. If the dispensation for James's marriage with Margaret Drummond had been procured, it is probable that it would have been discovered by Andrew Stewart during those investigations into the papal records which he instituted at Rome on the subject of the great Douglas case, when he accidentally fell upon the documents which settled for ever the long agitated question regarding the marriage of Robert the Second to Elizabeth More. The three ladies thus united in death, were interred together in the centre of the choir of the cathedral church at Dumblane. Their grave was marked by three plain blue marble flags, which remained untouched till 1817, when they were removed to make way for some repairs on the parochial church into which the choir of the ancient cathedral had been transformed. Sir Walter Drummond, lord clerk register, their paternal uncle, was, at the time of their death, Dean of Dumblane, a circumstance, says Mr Stirling, which seems to have led to their interment there, the family having lately removed from Stobhall, their original seat on the banks of the Tay, to Drummond castle, where they probably had no place of interment. An entry in the treasurer's books, June 18, 1503, shows that the king's daughter, by Margaret Drummond, had some time before been removed from Drummond castle to the palace at Stirling :—"Item to the nuriss that brocht the king's dochter fra Drummyne to Strivilin, 3 lbs. 10 sh." The child was brought up in Edinburgh castle under the name of the Lady Margaret ;—she married John, Lord Gordon, son and heir apparent of Alexander, Earl of Huntley (Mag. Sig. xv. 193. 26th April, 1510). In the treasurer's books, under the 1st February, 1502, is this entry :—"Item to the priests of Edinburgh for to do dirge and saule messe for Mergatt Drummond v lb." Again, February 10, 1502. "Item to the priests that sing in Dumblane for Margaret Drummond their quarters fee v lbs." Entries similar to this are to be found in the treasurer's books as far as they are extant down to the end of the reign, from which it appears that two priests were employed regularly to sing masses for her soul in Dumblane.



## LETTER M, p. 350.

*Sir Andrew Wood of Largo.*

The connexion of this eminent person with James the Third is illustrated by a charter under the great seal x. 87, dated 8th March, 1482, which states that this monarch had taken into consideration “*Gratuita et fidelia servicia sibi per familiarem servitorem suum Andream Wod commorante in Leith, tam per terram, quam per mare, in pace et in guerra, gratuitè impensà, in Regno Scotiæ et extra idem, et signanter contra inimicos suos Angliæ, et dampnum per ipsum Andream inde sustenta, suam personam gravibus vitæ exponendo periculis.*” On this ground it proceeds to state that James granted to him and his heirs, hereditarily and in fee, the lands and village of Largo in the Sheriffdom of Fife. It is probable that Wood was originally a merchant trader of Leith, and that a genius for naval enterprise was drawn out and cherished by casual encounters with pirates in defence of his property;—after which, his talents, as a brave and successful commander, becoming known to James the Third, this monarch gave him employment, not only in war and against his enemies of England, but in diplomatic negotiations. It has been stated in the text, that the brilliant successes of Wood during the reign of James the Fourth were against English pirates. This fact seems established by a charter under the great seal xii. 304, 18th May, 1491, in which James the Fourth grants to Andrew Wood a license to build a castle at Largo with iron gates, on account of the great services done and losses sustained by the said Andrew, and for the services which it was confidently hoped he would yet render; and because the said Andrew had, at great personal expense, built certain houses, and a fortalice, on the lands of Largo, by the hands of Englishmen captured by him, with the object of resisting and expelling pirates who had often invaded the kingdom, and attacked the lieges. The existence of a truce between the two kingdoms at the time when these actions of Wood are described as having taken place,

neither throws any suspicion on the truth of this assertion, nor proves that Henry may not have privately encouraged the expedition of Stephen Bull against Wood. A truce existed between the kingdoms, and proposals for bringing about a final peace on the basis of a marriage between James and an English princess were actually under consideration, when Henry had bribed the Lord Bothwell and Sir Thomas Tod to seize the Scottish king and deliver him into his hands (Rymer, vol. xii. p. 440.) Some of the items of this date, 1491, in the treasurer's accounts, prove, in a very convincing manner, that James, in all probability in consequence of the advice and instructions of Andrew Wood, had begun personally to pay great attention to every thing calculated to increase the naval strength of the kingdom. He built ships at his own expense, made experiments in sailing, studied the principles of navigation and gunnery, and attached to his service, by ample presents, such foreign captains and mariners as visited his dominions for the purposes of trade and commerce.

LETTER N, p. 384.

*Mons Meg.*

Popular as Mons Meg has been amongst the Scottish antiquaries of the nineteenth century, her celebrity, when she was carried by James the Fourth, July 10, 1489, to the siege of Dumbarton, if we may judge from some of the items in the treasurer's books, was of no inferior description. Thus under that date we have this entry:—"Item given to the gunners to drink-silver when they cartit Monss, by the King's command, 18 shillings." Mons, however, from her enormous size and weight, proved exceedingly unmanageable; and, after having been brought back from Dumbarton to Edinburgh, she enjoyed an interval of eight years inglorious repose. When James, however, in 1497, sat down before Northham, the great gun was, with infinite labour and expense, conveyed to the siege, and some of the items regarding her transport are amusing. The construction of a new cradle or carriage for her

seems to have been a work of great labour. Thus, on July 24, 1497, we have, "Item to pynouris to bere ye trees to be Mons new cradill to her at St Leonards quhare scho lay, iii sh. vi<sup>d</sup>;" and again, July 28, "Item for xiii stane of irne to mak graith to Monsis new cradill, and gavilokkis to ga with her, xxxs. iii<sup>d</sup>." "Item to vii wrights for twa dayis and a half ya maid Monsis cradill, xxiii sh. iii<sup>d</sup>." "Item for xyiii ti of talloun [tallow] to Mons." "Item for viii elne of canwas to be Mons claiths to cover her." "Item for mare talloun to Mons." "Item to Sir Thomas Galbraith for paynting of Monsis claiths, xiiii sh." "Item to the Minstralis that playit before Mons doune the gait, xiiii sh." The name of this celebrated gun, as stated in the treasurer's accounts, is simply Mons. Drummond of Hawthornden is the first author who calls her Mons Meg. For these curious particulars I am indebted to the manuscript notes of the Rev. Mr Macgregor Stirling.

LETTER O, p. 385.

*Perkin Warbeck.*

It is difficult to solve the problem whether James was a sincere believer in the reality of Warbeck's pretensions. I am inclined to think that, from political motives, he first entered into the intrigues with the Duchess of Burgundy, which commenced very soon after Lambert Simnel's defeat and capture—though without any steady conviction of the truth of Warbeck's story—but that he became afterwards, on the arrival of this extraordinary person in Scotland, a convert to his being a son of the Duke of York; and that he entertained the same opinion, even when he found it necessary to advise his departure from Scotland. Of the residence of Warbeck in this country, the Treasurer's Accounts furnish some curious illustrations. It appears that Jamie Doig, a person whose name occurs frequently in the treasurer's books, and who is embalmed in Dunbar's Poems, "tursed the arrass work," or arranged the hanging and tapestry at Stirling, on the 20th November,

1495, in contemplation of Prince Richard's arrival.—(Treasurer's Books under that date.) A person named David Caldwell, received eighteen shillings for the "graithing" or furnishing of his chamber in the town; and couriers were sent with letters to the Lords of Stratherne and Athole, and to the Earl Marshal and the Barons of Angus, requiring them to attend upon the meeting of the King and Prince Richard in Saint Johnston. (Treasurer's Book, sub anno, 1495.) It is mentioned in the text that a tournament was held in honour of his arrival, and many entries in the treasurer's books relate to it and to the preparations at the same time for the war against England. Thus, on the 9th September, 1496. "Item, for an elne, half a quarter, and a nail of double red taffety to the Duke of Zorkis banare—for the elne, xviii sh.—xxi sh. iiii d. Item, given for ii<sup>c</sup> of gold party for the Duke of Zorkis banere, xxvii sh. vii d. Item, for iii quaris of a silver buke to the same banare, vi sh. Item, for half a book of gold party to ye Duke of Zorkis standart, xx sh. Item, for a book of fine gold for the king's coat armour, iii lb. x sh. Item, to the Duke of York in his purse by the king's command, xxxvi lb." In the following entry we find mention of an "indenture," drawn up between James and the Duke of York, which is now unfortunately lost. "Item, given to Roland Robison (he was a French gunner or engineer, who had probably been in Warbeck's service when at the court of Charles the Eighth), "for the red" (settlement) "of the Inglismen to the sea, like as is contenit in an indenture made betwixt the kings gude grace and the Duke of Zork, ii<sup>c</sup> lb."

It is probable that one of the conditions entered into by James in this indenture was to pay to Warbeck a monthly pension of one hundred and twelve pounds. Thus, in the treasurer's Books, May 6, 1497, we find this entry. "Item, to Roland Robison, for his Maisteris" ("Zork" on the margin) "monethis pensioun, ic xii lb." Again, June 7, 1497. "Item, to Roland Robison and the Dean of Zork, for their Maisteris monethis pension, ic xii lb." And again, June 27. "Giffin to the Dean of Zork and Boland Robison for the Dukis (of Zorkis) monethlie pensioun to come in, ic xii lb." This very large allowance, which amounted to one thousand three hundred and forty-four pounds yearly was pro-

bably one great cause for James' anxiety to see Warbeck fairly out of the kingdom; for, besides the monthly allowance to the Duke of York, it must be recollected that the king supported the whole body of his English attendants; and the entries of payments to Roland Robison for "redding," or settling, the Englishmen's costs, are very numerous. Warbeck, too, appears to have been extravagant; for even with his ample allowance, he had got into debt, and had pledged his brown horse, which he was forced to leave in the innkeeper's hands, although thirteen shillings would have set him free. "Item, giffin to the prothonotare to quit out the Duke of Zorkis brown horse that lay in wed in the tounne, xiii sh." The same Books contain a minute detail of the victualling of the ship in which Warbeck, accompanied by his wife, Lady Catherine Gordon, quitted Scotland. The vessel was not only under the command, but was the property of Robert Bertoune, one of the three brothers, who became afterwards so celebrated in the naval history of the country. Amongst the stores were "twa tun and four pipes of wine, eight bolls of ait mele" (oatmeal), "eighteen marts of beef, twenty-three muttuns, and a hoghead of herring." Andrew Bertoune, the brother of the captain, is mentioned as having furnished biscuit, cider, and beer for the voyage. The Duchess of York, by the king's command, received three elns and a half of "rowane cannee," to make her "ane see gounne," with two elneand a half of ryssilis black, to make her cloaks. It is well known, that after the execution of Warbeck in 1498, the extraordinary beauty and misfortunes of this lady induced Henry the Seventh, whose disposition, although cautious, does not appear to have been either cold or unamiable, to treat her with great kindness and humanity. The populace applied to her the epithet of the White Rose of Scotland. She was placed under the charge of the Queen—received a pension—and afterwards married Sir Mathew Cradock of North Wales, ancestor of the Earls of Pembroke.—(Stewart's Genealogy, p. 65.) From an entry in the privy purse expenses of Henry the Seventh, published by Mr Nicholas, (p. 115, part ii. of his *Excerpta Historica*,) she seems to have been taken on 15th October, 1497.

Sir Mathew and the White Rose had an only daughter, Mar-

garet, who married Sir Richard Herbert of Ewyas, natural son of William, first Earl of Pembroke. (Dugdale's Baronage, vol. ii. p. 255.) Their son, William, on the extinction of the legitimate male line of the Earls of Pembroke, was created Earl of Pembroke by Edward the Sixth. (Dugdale's Baronage, vol. ii. p. 258.)

Sir Mathew Cradock and the Lady Catherine, his wife, are interred in the old church at Swansea, in Glamorganshire, under a monument of the altar kind, richly decorated, but now much mutilated and defaced—beneath which is this inscription:

HERE LYETH SIR MATHU CRADOCK, KNIGHT, SOME TIME  
DEPUTIE UNTO THE RIGHT HONOURABLE CHARLES GRIE OF  
WORCET \* \* IN THE COUNTY OF GLAMORGAN \* \* MOR \*  
CHANCELLOR OF THE SAME, STEWARD OF GOWER AND KILVEI,  
AND MY LADY CATHERINE HIS WIF.<sup>1</sup>

“Sir Edward Herbert of Ewyas is buried,” says Dugdale, Baronage, vol. ii. p. 258, “under a noble tomb at Bargavenny, beside Margaret his wife.”

<sup>1</sup> Rees's Beauties of England and Wales, vol. xviii. p. 725.

END OF VOLUME FOURTH.

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