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THE REIGN OF JAMES III.

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(1) Introduction.

As the individual man passes through several well defined phases common to his kind, so does man in the group-unit, the social organism, the national entity, similarly pass through certain broad phases common, in general, to all similar group-units. As an individual person is apt to be infected by an illness which is raging among his fellows, or to be inspired by their example to emulate their achievements, so do national movements and commotions affect other nations. History goes to bear out these facts. We have had great movements - the Conversion, the Renaissance, the Reformation - which affected all nations, as the comity of nations, (or in some cases one should say "proto-nations"), then stood. It is true that different nations, like different men, reacted differently to the same broad movement, and thereby hangs much of the interpretation of history and of life. Similarly most nations have passed through such phases as that of feudalism; they have had ages of monarchy and ages of what might be called anti - monarchy. The history of one nation can only be understood in the light of that of others.

The fifteenth century in Western Europe was a period of commotion, and, in many ways, of decline. The power of monarchy was on the wane in these years. In England the disorders of the reign of Richard II had been followed by the "Lancastrian Experiment" of a kingship that had perforce to abandon the dearest right of indefeasible kingship-direct hereditary succession. By the middle of the century the Lancastrian monarchy had lost even its personal vigour, and in the long and troubled reign of the weak Henry VI monarchy in England reached a low ebb. In France, distracted by foreign war and civil strife, monarchy reached its nadir in the anarchy of what is called "the reign" of Charles VI. In the Germany of Frederick III, in the anarchic Spanish kingdoms of the later Middle Ages, the same tale is repeated. Everywhere medieval institutions were decaying; feudalism had entered upon a vicious old age; disorder, rapacity, violence, bloodshed and misery were rife. Yet the decadent fifteenth century was nearer to the modern age than the brilliant thirteenth. The first streaks of the Renaissance were beginning to appear and at the end of the century the lustrous light of that great dawn shone clearly forth. The suffering England of the Wars of the Roses became the England of the strong Tudor kings. In France the recovery that began under Charles VII was continued by Louis XI and his successors, and the new monarchy was securely established. In Spain a new age was beginning with the marriage and succession of the reforming Isabella and Ferdinand. Even the nerveless Emperor Frederick III laid the foundations of Hapsburg greatness by his politic marriages and eventual succession treaties. In every sphere, in art, literature, science, exploration, commerce, war, the new quickening impulse was apparent. But the Renaissance was a process that only gradually unfolded itself. Its first elements began faintly to appear long before anyone could foretell what/

what the momentous result was to be and at first they only added another disturbing factor to the general disruption and turmoil of latter day medievalism. One remedy after another, consciously or unconsciously, was proposed until at last the growing disorder culminated in such orgies of riot and bloodshed as the struggle of Burgundian and Armagnac in France or the War of the Roses in England. From the worst horrors of protracted civil war Scotland was sufficiently fortunate to escape, but it too had its disorders, its bastard feudalism, its anti-monarchialism, its pre-natal pangs of the coming Renaissance. It is in the light of these considerations that the reign of James III may best be understood.

The older historians used to depict James III as wicked, weak and incapable, obstinate, frivolous, perverse, inept and unworthy; endowed with no kingly instincts, setting the narrow interests of himself and his favourites before those of his country and sinking in the end under a deserved retribution. Others have seen in him a Renaissance king of the type of Louis XI - able, enlightened, calculating, far-seeing and shrewd, a patron of learning and the arts and a disciple of the Renaissance, misunderstood and maltreated by his rude nobles. Probably neither view is correct - as indeed extremes seldom are. He was perhaps the weakest of the Jameses but the reason for his difficulties are to be sought at least as much in the situation he came into as in his own defects of character. He was not so much a Renaissance king as a Pre-Renaissance one. The old order was failing, the first shafts of a new dawn were beginning to appear. The new was quickening in the womb of the old, causing confusion and uproar in the midst of which James III was called upon to rule and by which in the end he was overborne. In this his reign may be compared with that of Richard II. Both kings were brought face to face with the evils of latter day feudalism, accentuated by a long minority. Both sought, consciously or unconsciously, to oppose it, or at the very least to escape from it. Both sought to abstract themselves from the rough tumults of their age and in so doing they began to set over against the decadent feudalism of their era something new, something that was in essence a strengthening of the royal power. For the favourites of James III were essentially the rudiments of a Curialist party, just as were the Veres and Suffolks or the Counter Appellants of Richard II. On the other hand the nobles were marshalling the forces of resistance. Feudalism sensed probably, rather than understood, the beginnings of its death grips with the things of the future. Already James I and II had done much to strengthen the power of the crown against the nobles. Specially significant of the drift of things were the statutes levelled by James II towards the end of his reign against over-grown feudalism; the fall of the Douglases was at once an opportunity for the king and a warning to the nobility; feudalism was on its mettle and consequently baronial opposition to monarchy supplies the key-note to the troubled reign that followed. In opposing both James and Richard the nobles might seize on the accidents of time and place as justification. They might say they were opposing tyranny or ineptitude, addiction to witchcraft or a base subservience to worthless favourites. They might even believe within themselves that this was all they opposed, but in reality the struggle went far deeper - it was the issue between two incompatible forces. In both reigns and probably in both kings we see the beginning of Renaissance elements striving to appear, the first shivering beams of the dawn of the modern era glimmering fitfully through the still thick impenetrable night of medievalism. The Renaissance had not yet come but its harbingers, its advance guard, so to speak, were there. The result was disjunction/

disjunction, confusion and uproar, in the midst of which both kings fell, martyrs in a sense, perhaps unwilling and unconscious martyrs, to the coming awakening which was to find its political ideal and salvation in the strengthening of monarchy and its independence-the consummation that they tried ineffectually to achieve. They fell partly owing to their own defects, partly to those of their countries and age, partly owing to the developing struggle between the old and the new.

The drift modernwards can be seen in many aspects of the reign of James III. The nation was coming more fully to realise itself, to stand more self sufficiently as an entity among similar determinate entities. The organic and harmonically microcosmic system of corporation within corporation, which had been the ideal plan of the Middle Ages, theoretic universal empire with organic co-ordinated units within it and practical local independence, was being gradually displaced by the growing scheme of self sufficient rigidly delimited nations, different in kind and superior to all other group-units within it, independent of any without it. Scotland was coming to stand more securely as a nation among nations. Within herself she had attained some sort of corporate entity - nobles no longer fought in isolation for their own independence but in cliques in order to capture the government. Externally Scotland came to stand more clearly in the light of the diplomatic stage. She became more definitely a nation of Europe with a place in its politics, though as yet only the faint beginnings of this tendency were apparent.

The parliamentary act of 1469 against imperial notaries in Scotland, since the king had "jurisdiction and free empire within his realm" may be taken as significant of one aspect or result of the growing national consciousness; a more important one is evidenced by the attitude assumed towards the Holy See. The Scottish rulers in their dealings with Rome began to assume more of the character of sovereigns of an independent secular state. They might and did still seek to be regarded as obedient sons of the church but they also remembered that they were kings in their own domain, and at times these two ideals of conduct might be found to clash. This developing new spirit may be traced in the ecclesiastical dealings of the age, whether in bold statues against "barratry", appeal and extortion, or in the circumstances of the unbeatified collusions arranged between the secular powers that were and the spiritual leaders of the universal church for the distribution of patronage and emolument.

As often is the case in an age of apparent reaction and turmoil, the reign of James III was marked by considerable administrative advance. In the judicial machinery, in the administration, in the keeping of records, there was considerable development - development that in many cases supplied the significant link between the Scotland that had been and the Scotland that was to be. In literature too there was evidence of the coming revival that was to blossom forth in ensuing reigns as the Scottish Renaissance.

X Altogether it was a significant reign. It is unfortunate that the sparsity of materials makes it easier to raise questions about it than to answer them. In it can be traced the working of many of the underlying forces that go to the making of history; it can well be compared with other reigns in other places, and it takes its own definite position in the sequence of Scotland's development. Many of the problems it presents must remain forever unanswered/

unanswered but in the attention they demand, the analogies they suggest, the attempted explanations they elicit, they shall surely, even if they be insoluble, not be deemed barren and fruitless.

is singularly difficult to estimate. Few of them are definite and undeniable impressions, and the search after the nature and motives of the man of the time is a curiously elusive one. Contemporaneous testimony is lacking. For contemporary evidence we are limited to such inferences as can be drawn from the bald and purpose-limited documents of state. The anti-contemporary literary authorities are conflicting, partial, often misled by prejudice, the desire to moralize or the wish to accuse, while the validity of their own sources of information is often at least open to doubt. Ferrarius indeed alleges contemporary authority for many of his statements, but his notorious plagiarisms make his chronicle untrustworthy. One can not draw tenacious inferences from the evidence that chance has left to us.

His figure of the reign is more difficult to describe than the king himself. Historians have seen in his reign anything that they wished, from the most soft and feeble to the hidden king, or the vile and avenging despotism to the enlightened, subtle and scheming monarch of the Renaissance type. Some evidence could be adduced for all these views of him, yet none of them alone is convincing. The individual can never be entirely obliterated in the type. Human nature is a more complex thing than the wooden monotony of the characters in a sensational play, or the infallible sameness of a Minister who always says the same thing.

James III was a prince, according to Ferrarius "large the form of his body, the strength of his nerves, the symmetry of all his parts and the elegance of his face, looking first among the princes of his age". It is open to question whether his physical beauty was so pre-eminent as Ferrarius claims, but he was probably handsome enough. The "strength of his nerves" is more open to question. One should hesitate to call him a mere poltroon, for he could exert himself on occasion and there is no record of his cringing even to the irate nobles of London, but it is impossible to consider him as a very brave or a very resolute man. He ran away ingloriously from Bannockburn and whether his flight was due to physical fear or to his unmanageable horse it is at any rate derogatory to his manliness. He may, (as was suggested), in his flight have subjected James Stewart to the king of Scotland, realized the necessity of keeping the royal person safe when the day was going against him and gone away in order to remain alive as the champion of his party, so that he could try his fortune again another day. But he should have known that he could not avert a final decision by postponing it and his flight was not the action of a strong nerve bold man. His tastes in fact did not lie in things military. The chroniclers concur in complaining that he neglected the manly arts for inglorious immersion in mechanical and base pursuits. Whether the arts and the aesthetics are baser than the tourney and the chase/

(1) Drummond of Hawthornden, it appears, derived some of his information from the writings of Bishop Mirkletons and this enhances the value of his work.

(2) Personalities of the Reign.

"Patre nostro principe togato pacis observantissimo".
(Letter of Jas.IV.to Maximilian.)

The character of the leading figures of the reign of James III is singularly difficult to estimate. Few of them have left a definite and undeniable impress, and the search after the real nature and motives of the men of the time is a curiously elusive one. Conclusive testimony is lacking. For contemporary evidence we are limited to such inferences as can be drawn from the bald and purpose-limited documents of state. The sub-contemporary literary authorities are conflicting, partial, often misled by prejudice, the desire to moralise or the wish to please, while the validity of their own sources of information is often at least open to doubt. Ferrerius indeed alleges contemporary authority for many of his statements, but his notorious blunders make his chronicle untrustworthy.⁽¹⁾ One can but draw tentative inferences from the evidence that chance has left to us.

No figure of the reign is more difficult to appraise than the king himself. Historians have seen in him almost anything that they wished, from the inert and favourite ridden king, or the vile and evengeful debauchee, to the enlightened, subtle and scheming monarch of the Renaissance type. Some evidence could be adduced for all these views of him, yet none of them alone is convincing. The individual can never be entirely obliterated in the type. Human nature is a more complex thing than the wooden monotony of the characters in a Jonsonian play, or the infallible sameness of a Micawber who always turned up.

James III was a prince, according to Ferrerius, "from the form of his body, the strength of his nerves, the symmetry of all his parts and the elegance of his face, easily first among the princes of his age". It is open to doubt whether his physical beauty was so pre-eminent as Ferrerius claims, but he was probably handsome enough. The "strength of his nerves" is more open to question. One should hesitate to call him a mere poltroon, for he could exert himself on occasion and there is no record of his cringing even to the irate nobles at Lauder, but it is impossible to consider him as a very brave or a very resolute man. He ran away ingloriously from Sauchieburn and whether his flight was due to physical fear or to his unmanageable horse it is at any rate derogatory to his manliness. He may, (as was suggested), in his flight have subjected James Stewart to the king of Scotland, realised the necessity of keeping the royal person safe when the day was going against him and gone away in order to remain alive as the focus of his party, so that he could try his fortune again another day. But he should have known that he could not avert a final decision by postponing it and his flight was not the action of a strong nor a bold man. His tastes in fact did not lie in things military. The chroniclers concur in complaining that he neglected the manly arts for inglorious immersion in mechanical and base pursuits. Whether the arts and the aesthetics are baser than the tourney and the chase/

(1) Drummond of Hawthornden, it appears, derived some of his information from the writings of Bishop Elphinstone and this enhances the value of his work. He was, says Drummond of James, "much given to buildings and trimming up of Chapels, Halls and Gardens, as usually are the lovers of idleness: and the rarest frames of churches and palaces in/

chase is a question that different generations would answer in different ways, but it is certain that James was not pre-eminent in those activities which were held most in esteem by the men of his time. He was something of a recluse, interested in intellectual pursuits and in the arts and crafts of peace. He seems to have delighted in excellence in any vocation, however humble, but to the lists he was a stranger and he took little part in the robust life admired by the men of his time. Yet he was not entirely careless of the "manly sports". In the state accounts there are various references to his hawks, his hounds, his horses and his hunters. Nor did he altogether neglect military affairs. He seems to have inherited something at least of his father's interest in artillery. In the Treasurer's Accounts we find numerous payments to his gunners and various expenses incurred in the making and testing of a "great gun". These redoubtable instruments of war were apt to endanger others than the enemy and payment had to be made to the Prior of the Black Friars, Edinburgh "for the mending and theking of a hous in thare place that was revin at the zetting of the gwn". Foreigners were brought into Scotland in order to improve its armaments, especially from France, the country which most excelled in artillery in its early forms. We hear much in the financial records of "the French gunner" or "Rannald, Franche man, that maid the gwn". There were also, apparently, Danish soldiers and gunners in Scotland and we find £30 being paid at the king's command to one Peter Falconer of Leith for goods delivered by him to a certain "Squere, the were man of the King of Denmarkis", which goods the war man in question was to take to Denmark, there to exchange them for "certane thingis to the king according to artilyery, powder, schot and sic thing" and bring back these muniments of war to his majesty of Scotland. The expenses made upon artillery and workmen during the Treasurer's Account of 1473-1474 amounted to £753.6.5d. James kept a permanent bodyguard always about him - the "familiari scutiferi" who figure so prominently in the records. He also had a definite spirit of adventure; the project, for instance, of conquering Brittany evidently appealed strongly to his fancy. Yet he was wanting in military ability. He lacked the ability to command. His army broke up ignominiously at Lauder and he conducted his last campaign in a way that proves how small was his skill as a captain or soldier.

Whether James's pursuit of the quieter arts was the outcome of real appreciation and aesthetic temperament, or whether it was the mere addiction of a mean-minded and enervated dillatante to the soft pursuits with which he whiled away his time, is a question that different writers would answer in different ways. Yet it would seem that he took a real delight in and had a real appreciation of the arts he encouraged. Several writers, notably Buchanan, testify to his natural ingenuity. He had a remarkably open mind, he delighted in and encouraged outstanding merit in any craft, and his favourites included a tailor and a smith as well as a musician and a man of letters. From the Treasurer's Accounts one gathers that he was fond of fine clothes and jewels. He seems to have had a real appreciation of good music. Ferrerius states that even in his own day it was counted a merit among musicians to have been trained in the school of Rogers, the favourite of James III. Various payments are mentioned in the Accounts to "lutars", one of whom seems to have been sent to Bruges, probably to perfect his art, and the historian of the Chapel Royal at Stirling makes much of the intention of King James to institute it partly as a College of Music. James also had a keen interest in architecture and building - a trait probably inherited from his mother, who spent large sums on her buildings at Ravenscraig and elsewhere. "He was", says Drummond of James, "much given to buildings and trimming up of Chapels, Halls and Gardens, as usually are the lovers of idleness: and the rarest frames of churches and palaces in/

in Scotland were mostly raised about his time". The King's building activities figure prominently in the state accounts. James was also a patron of men of letters. Dr. Ireland, whom he attracted to his court, had a great reputation at the Sorbonne and his ponderous "Epilogatioun" shews him to have possessed considerable ability. The king advanced to rich livings in the church those whose merits as writers attracted him, though the fact that he completely ignored the poet Henryson is a detracting feature. James also took an interest in astronomy and other branches of learning.

Another of the interests attributed to the king is not so creditable. He is said to have had great faith in witchcraft and the occult powers. Yet this would be characteristic of the open-mindedness of the early Renaissance - men were ready to consider with interest anything that came their way. And after all can we, when spiritualism has captured so many of the leading spirits of our advanced age, condemn those who, at a time when so much was dark and mysterious, believed in powers that could penetrate beyond the present and the material? If James believed in the occult sciences his credulity was shared by most of the men of his time. Yet in this, as in most other things, we have only the evidence of later writers to rely on. The charges against him may have been connected with his undoubted interest in leechcraft, a science then closely connected with astrology and necromancy. The horoscope then occupied something of the position that the stethoscope holds now and James undoubtedly sought to entice to his court, or at least to communicate with, the doctors whose fame attracted his attention. In the Treasurer's Accounts for instance we find a payment of £16 to David Whitehead and "Thome of Stanly" "for Doctour Andres dispensacione lousyt be thaim in Bruges" and a further payment of £7.4/- for four ells of French Black given to Doctor "Andres" for a gown at the king's command. This was probably the physician-astrologer Andrews whom Buchanan tells about. Andrews' skill in clairvoyance, Buchanan relates, was reported to James by his ambassadors to Burgundy. James sent for Andrews, who came to Scotland and was given a rich parsonage by the king. He prophesied, we are told, that James would be destroyed by his subjects. Yet Ferrerius on the other hand maintains that James's delight in the arts was not in itself discreditable. Yet in so far as it kept him away from the task of governing it was a weakness in a Medieval king. James was probably rather averse to business. This, as Drummond of Hawthornden points out, was not improbably due to some extent to the circumstances of his youth, when the Boyds discouraged him from taking any interest in public affairs so that their own sway might be the more unchecked. The same circumstances might probably have instilled in him the addiction to adulation and flattery which several writers charge him with. Yet the king was not entirely spineless or inert. He could exert himself on occasion with effect, as he did for instance when he got rid of the Boyds or removed the ascendancy of Albany. In the former case indeed he may have been manipulated but in the latter certainly much of the credit must be given to himself. Furthermore there is evidence in the records from time to time of his personal activity in the business of state and at times he attained a position of considerable power.

One fault of James is declaimed upon by almost all the chroniclers. Nor is it probable that the nobles would have gone to the length of rebellion and civil war had the king been merely inert. An inactive king, in fact, would leave the government in their own hands would have been their ideal. What incited their intense opposition was probably that the king was using his favourites, and even more a new class of civil servants, curialists, that had sprung. His religious alms, his gifts to ambassadors, to his intimate servants and to messengers who brought him good tidings, such as, for instance, that his ship was safe or that a son had been/

sprung up-men recruited from the second orders of the nobility and of the clergy, like Ross of Montgrenan and Archibald Whitelaw - to build up a new system of government by the Royal Council instead of the good old rule of government, or misgovernment, by noble factions, expressed constitutionally, when such expression was demanded, in the supervision of the king by a compulsory council acceptable to the magnates. The nobles were successful in their revolt, and, after the murder of the king, it would be politic to revile him and all he had done.

The graver charges laid against the king of being a suspicious and cruel tyrant who murdered his brother and drove his nobles to rebellion, if they cannot be conclusively disproved, can hardly be sustained. According to those very writers who lay the charges against him he was too indifferent to public affairs to be a tyrant and there is no evidence of tyrannous or arbitrary action on his part, great as was at times the provocation. Other writers relate that he was a well-disposed man, that he had a great affection for his brothers, was loath to break with them and did not do so until their conduct left him no other course, and the subsequent history of Albany makes this a presumable hypothesis. It is impossible to condemn James of contriving the death of Mar. The death of a prince in such circumstances inevitably suggested foul play to the medieval mind but there is no direct evidence against the king and the view that death was due to fever and the zealous attentions of the leech is a very likely one in view of the medical practices of the time. It is to the credit of James that he was popular with the lower orders in the kingdom: it is difficult to believe that he would be so if he could be seriously accused of fratricide.

Drummond says of James that "injuries took such deep impression in his mind that no after service could blot them away" and Buchanan maintains that he was a vengeful man, that after the affair at Lauder he dissembled to the nobles with fair words but inwardly thirsted for "blood, slaughter and revenge". He avers that thenceforth James was obsessed by the desire for vengeance and that it was the knowledge that sooner or later they would suffer at his hands that caused the nobles to rise a second time against the king. Yet Ferrerius on the other hand maintains that James was a mild and forgiving man and averse to the effusion of Christian blood; Drummond says that the second rising of the nobles was due to James turning over a new leaf and becoming a good king and other writers have thought a too great and ill-timed clemency to have been the chief fault of the king and a main cause of his discomfiture. There is no evidence in the records of any acts of deliberate vengeance on the king's part and the initiative in the crisis that culminated at Sauchieburn presumably came from the nobles and not from the king. The nobles may have feared a royal revenge, a guilty conscience always dreads retribution, the king may even have wished for revenge, but it is impossible to condemn him of taking any active steps to achieve it. The fact that many of these nobles who had opposed the king at Lauder were among his chief supporters during the outbreak that ended at Sauchieburn seriously controverts Buchanan's statement that the troubles that ended the reign were primarily due to the king's vengefulness.

One fault of James is declaimed upon by almost all the chroniclers - his covetousness. Yet here again it is difficult to find conclusive evidence. The favourites are accused of having maintained their influence by giving money to the greedy king and James's avarice for money is said to have lead to disgraceful ecclesiastical jobbery. And yet the king does not appear to have been a close-fisted man. He gave alms and gifts, made grants and donations. His religious alms, his gifts to ambassadors, to his intimate servants and to messengers who brought him good tidings, such as, for instance, that his ship was safe or that a son had been/

(1)

been born to him, might be said to be part of the recognised expenditure of royalty; it might be argued that James was in duty bound to pay them and that they do not disprove his alleged greediness. Yet, to quote only two instances at random, it was surely not the act of a miser to replace at his own expense the horse that had been stolen from his English cook² or to pay 40/- to his armourer "in his great sickness".⁽³⁾ It was rumoured that the king had amassed a huge treasure, yet all attempts under James IV. to find it proved very disappointing. Scotland was in the grip of financial distress during these years. The people, ground by the working of economic forces that they did not understand, would, it is conceivable, clutch for explanation at any cause but the right one and rail in their distress at the wealth and covetousness of the king. It is probable that James too felt the pinch of financial stringency and was constrained to exert himself in order to obtain money and that this, in part at least, was the ground of the accusations laid against him.

James III. has been accused of spending his time in frippery and folly, but, from the evidence of the Treasurer's Accounts, he seems to have been considerably less extravagant than his son, James IV. James IV. had a considerable unspecified personal expenditure, a feature that does not occur in the one surviving Treasurer's "Compt" of the reign of his predecessor, he spent more on drink and gaming and on horses and hounds than his father did, while his expenses in clothes and harness were at least as great. He seems also to have been more impetuously open handed. The "Expensis ad Extra" for the period June, 1488 to May, 1490 are relatively larger than those of James III. and the entries of purely personal significance are in much greater proportion to those of public interest.

Another fault that is very generally ascribed to the king was his addiction to voluptuousness and the delights of female society. Scathing mention is made of his mistress "The Daisy" and imputations of an even more scandalous nature are laid against him. James may have been, and probably was, susceptible to the blandishments of the fair sex but if he were he would be no worse than many kings and many men of his own and other generations, and opinion did not shew itself so censorious in the case of others against whom the evidence is stronger. On the other hand there is no conclusive evidence as to the dissolute amours of the king and it is noteworthy that, unlike many other members of his house, there is no record of his having had illegitimate children. The foul allegations against James and his sister may have been a later fabrication invented to discredit the king and there seems to be little reason for believing them.

If James was voluptuous he was also pious. The contrast indeed would not be an uncommon one. "He was" says Ferrerius "often in sacred houses, very attentive in holy offices. He went most gladly to the meetings of the evangelical and standing even with bare head and with his first born son, still a boy, most religiously received the word of God". The Treasurer's Accounts and Exchequer Rolls shew him to have been punctilious in his alms giving and the performance of his religious obligations. He made various grants and confirmations to churches and his foundation of the Chapel Royal at Stirling is one of the well known facts of his reign.

James IV's description of his father is worth noting. In a letter to Maximilian, King of the Romans, James IV referred to "patre nostro, principe togato pacis observantissimo". The term "togato"/

(1) R.M.S.

(2) T.A.

(3) Ibid.

"togato" may refer only to the insignia of royalty, a king in the purple, but a ranging fancy might wish to read more into the word. The toga, the emblem of justice and the laws may be purposely used in unexpressed contrast to the sword, the emblem of war. It may be that James III. is represented as a king of the robe, one who was interested in the legal and judicial side of government rather than the military. The thesis might indeed be reasonably held that James was interested in, and zealous for, the spread of the rule of law. The improvement of the laws, the establishment of better government, the securing of impartial justice for all - these ideals constituted a constant plank in the platform of the king as against his disaffected nobility towards the end of his reign. In his later parliaments aspirations after these laudable ends were constantly expressed and numerous enactments passed to secure them. In the pacification of Blackness the commissioners were authorised by the king "to comone and conclude that the kingis hie honor estate riale autorite be exaltit conservit and borne up at he may exhers Justice universal to all his liegis in all the pertis of his realm". James was popular with the common people. As late as 1491-2 it was decided in parliament to offer a reward to anyone who could discover the murderers of the late king in order to quieten "the heavy murmur and voice" of the people, who had not forgotten nor forgiven the crime. Can it be that James sought as a king to act in the interests of the people as against the oppressive and licentious nobles, with their impatience of restraint and their excessive powers? Can he have sought to improve the lot of the common people, groaning under the burden of the "liberties" of their superiors; can he have aimed at spreading impartial justice and good and equal government at the expense of the mighty and to the advantage of the humbler members of the community and could this be the cause of his unpopularity with the feudal baronage? It is interesting to let the mind play with suggestions but unfortunately we can only suggest - the evidence is insufficient to warrant dogmatic conclusions. James's insistence on the improvement of justice and government for the lieges may have been the expression of real conviction and of real effort to secure these aims, or it may have been mere official verbiage, expressions that it was well to vaunt but which meant nothing to him in practice. It may have been something between the two, unfortunately we do not really know. Yet it does seem that James was really interested, especially towards the end of his reign, in the improvement of the government of the country, but there is no way of knowing how far he would actively bestir himself to attain it.

in whom the first workings of the new dawn contributed only to failu "Pacis observantissimus" James certainly was. Throughout his reign he seems to have been anxious for peace with England and the one external war of his mature years may have been forced upon him⁽¹⁾. With other countries also friendly relations were maintained. James in fact was so friendly with England that he was accused, in the first parliament of his son, of "the inbringing of Englishmen to the perpetual subjection of the realm". This, however, was an ex post facto charge made against him by his successful adversaries, the exigencies of whose political position demanded the placing of a derogatory interpretation on the actions of the late king. That James in his extremity applied to England for help there is no occasion to deny, and it would seem that his opponents did the same,⁽²⁾ but his action in so doing was natural and justified and there is no evidence that he compromised the independence or honour of Scotland. On the other hand the treason with England of Albany, Angus and other notable figures among the barons was notorious and gravely prejudicial to the independence and integrity of their country. It James was rather sedulously friendly/

(1) Infra.

(2) Infra.

friendly with England during his later years the nobles themselves were probably largely responsible for his attitude. If there was disaffection at home the king could not risk hostilities with his neighbour. He had already at Lauder had one severe lesson of the dangers of combined foreign invasion and domestic insurgence and the nobles had proved that they preferred pursuit of their own party ends to united service in defence of their country in time of crisis. There can be no doubt that a policy of peace with England was to the advantage of Scotland, so long as peace did not mean subservience, and if James III. has been blamed for undue partiality towards England his son has been held up to condemnation for a policy of rash and ill-judged hostility to the same country. Andrew Lang has said "what combination of qualities could then have preserved a King of Scots from being either regarded as a tyrant, like James I., or as a weakling, like James III?" — a similar judgement might be passed on the relations of Scottish kings with England.

Such was James III; a man, it would seem, neither extremely evil nor entirely good. In him we see several elements of the coming Renaissance - his patronage of the arts, his open-mindedness, perhaps his moral laxity. There is also much that is purely Medieval - his credulity, the nature of some of his pursuits, his orthodox piety. When we consider how little we know of the real selves of those with whom we come daily in contact we may well hesitate to pronounce finally from such stray and insufficient evidence on the character of one who lived nearly five hundred years ago. Yet one test we may apply, crude and summary it is true, but the only one that is open to us - the test of success or failure. The reign of James was not without its achievements. It witnessed the discomfiture of the formidable Earl of Ross, the annexation of the Orkneys and Shetlands to Scotland, the erection of St. Andrews into an Archiepiscopal and Metropolitan See, and in it were achieved several administrative advances of importance. But these things were for the most part achieved by persons and forces and chances outside the king. In the main his reign was a failure where another might have commanded success. We must conclude that he had not in him the stuff of a great king.

The comparison of James III. with Louis XI. will not hold good. It was the accidents they had in common, not the essentials. If they are to be equated at all the most that can be said is that if Louis was a king who turned the developments and inferences of the blossoming Renaissance to work for his success, James was one in whom the first workings of the new dawn contributed only to failure.

The real comparison is to the reign of Edward II. or Richard II. of England. In the Middle Ages it mattered little whether a king was wicked or only weak - in either case other forces rose to wrest from him the direction of government. So it was under the weaker Plantagenets, so was it under James III. Under Edward II. and Richard II. also there was contest between the royalist and curialist ideal of government by a royally chosen Privy Council and through the more intimate branches of the royal household and the barons' ideal of government by counsel and consent of the magnates, often expressed in the setting up of a compulsory council to control the king, and through the older offices now swallowed up or directed by parliament, which was as yet an institution directed by the nobles. Out of this struggle arose the series of compromises which made the English constitution. In the Scotland of James III. a similar struggle can be discerned, though the baronial opposition took less trouble to veil itself in constitutional and institutional forms. The difference, though vastly important in its results, was less real at the time than might be supposed. In both cases the final arbitration was by the sword/

sword.

The king's brothers were in most respects the antithesis of himself. Albany, says Pitscottie, was "very wise and manly, and loved nothing so well as able men and good horse, and made great cost and expenses thereon; and for his singular wisdom and manhood, he was esteemed, in all countries, above his brother the king's grace" (1). He was an adept at knightly exercises and won a great reputation both in Scotland and France as a "father of chivalry". He was certainly endowed with physical courage, but there went with it a certain spuriousness very common in medieval times. Much is made by his admirers of how he carried his maimed page from Edinburgh to Leith when he was escaping from imprisonment in Edinburgh castle but they never stop to reflect that it was not a very high kind of courage that would make the boy descend the rope first in order to see if it were safe for himself. He seems to have had few feelings of patriotism. He could conspire with Edward IV. of England to ruin his own brother and to subdue and dismember his native land. One wonders if it would occur to the men of his time that this was a meanness of spirit infinitely more degrading than the meanness with which they charged their king. King James may have stood in need of correction, the affairs of Scotland may have required to be set in order, but to conspire with the hereditary enemy for the ruin of king and kingdom was certainly not the way to benefit either. But Albany thought only of himself; he was to be "Alexander, King of Scotland" - or of so much of it as the English king chose to leave to him. He was a typical medieval figure, a man of his hands, bold, little troubled by higher principles, seeking his own aggrandisement and ready to pursue it by any means that the circumstances of the moment suggested. If he could lord it in Scotland with the acquiescence of the king, good and well. If he could not he would conspire with England to set himself in the king's place. Albany was vigorous and ambitious but he was lacking in constructive statesmanship. His position of power after the king's discomfiture at Lauder gave him a fine opportunity for the display of political sagacity. Yet he was soon displaced by the king, and according to all reports the people were not sorry at his fall from power.

The Earl of Mar had more in common with Albany than with James. He was "young, fair and lusty", says Pitscottie. His early death makes one disposed to sympathise with him but it seems that he was hotheaded, impetuous, outspoken and arrogant and he probably brought his imprisonment upon himself.

The Queen is well spoken of by all and seems to have been virtuous but she appears to have had little influence on affairs. The Queen Mother, Mary of Gueldres, was a courageous and ambitious woman who knew her own will and did her utmost to achieve it, but she shewed rather a disparaging disregard for propriety in her private life.

The nobles were more important in the mass than as individuals - and as individuals they are difficult to estimate. The Earl of Angus, familiar to all school-boys as "Archibald, Bell the Cat", was perhaps not inaptly described by his well known appellation.

(1) Pitscottie describes Albany as "of mid-stature, broadshouldered and well proportioned in all his members, and specially in his face, that is to say, broad-faced, red-nosed, great-eared, and of very awful countenance, when he pleased to shew himself unto his unfriends."

Effective enough in opposition, he wanted to bell the cat who kept overgrown rats like himself from following the dictates of their own will, but nothing is known of him that would justify his being regarded as a constructive statesman. The Earl of Buchan, son of the Black Knight of Lorne and the widow of James I., certainly does not appear to have been a mild man and his feuds were notorious. He held at various times the offices of Great Chamberlain and Warden of the Middle Marches, and, though he evidently associated himself with the correction of the king at Lauder, he supported James in the final struggle of the reign. His brother, the Earl of Athole, shewed considerable vigour in pursuing his own interests. His feuds with the Earl of Ross are well known. After the affair at Lauder he acted as keeper of that "belled cat", the king, his nephew, but he supported James in 1488. Lord Avondale, both as Chancellor and afterwards, gave long service to the state. The Earl of Argyle was also long prominent in the conduct of the business of state but he deserted the king at the final crisis. The Earl of Crawford appears to have been a meritorious figure. He was very prominent in public affairs and held various offices including those of Master of the Household, Chamberlain and Justiciar north of the Forth. He was faithful to James III. and was rewarded for his loyalty by his elevation to the Dukedom of Montrose and he seems to have been sensible of his duties to his country. The Earl of Ross represented the old order of powerful feudal magnate, intensified by his position as Highland lord. He was typical of the class of great magnates who set themselves up in opposition to the king seeking to secure for themselves something like an autonomous principality, while his position as a Celtic chieftan added peculiar circumstances to the situation. His position made him a useful pawn in the game of English intrigue and at one time he tried to set himself up as a potentate of the north. The Boyds were an outstanding example of those ambitious and unscrupulous families which turned the circumstances of Scottish royal minorities to their own advantage and siezed with no faltering hands the reigns of power. They were apparently possessed of considerable ability, able to see and to grasp their opportunity, but they applied themselves to the pursuit of their own interests primarily rather than those of their country, and the circumstances of their rise and tenure of power are an unhappy commentary on the state of the kingdom.

Only cursory mention has been made of all these men. The list could be much lengthened, but in so far as individual magnates were important to the general history of the reign, their significance will appear from the ensuing account of it.

So to^D with the prelates. Bishop Kennedy has received much praise from historians as a careful statesman, a sound administrator and a good churchman. The puzzling character of Patrick Graham, first Archbishop of St. Andrews, will demand attention later. Other churchmen of note there were, men like Scheves, a royal servant who got on and whose whole career reflects his early position, ambitious prelates like Blackader, men of learning and integrity like Elphinstone, but the character and position of these men and others of their class, in so far as they are important to a study of the reign of James III., will appear from the narrative thereof.

Mention has already been of the royal favourites. They were apparently not mere worthless minions and seem to have been well versed in their particular arts. One class of people important to the history of the reign of James III. was that of small administrators - men like Ross of Montgrenan, Archibald Whitelaw, James Lindsay, Duncan Dundas and many others. It is unnecessary, and material is at any rate lacking, to write an individual/

individual account of each of these men. Personal characteristics are of less importance in regard to them and their significance will sufficiently appear from the general history of the period.

enter the field of European politics, the faint beginnings of a policy of expansion which Scotland did not definitely enter into until the reign of James IV. and even then James IV's quotation of Aesop's fable, she was "like a pig of bronze among pots of gold". Still under James III. there is evidence of a new broadening of outlook. Scotland was no longer merely an unconsidered subject on the side of the French, was engaged in constant strife with her neighbour, England, and for that reason clinging faithfully to the friendship of France as the one certain and secure base of her foreign policy. Scotland's Europe was now no longer confined to France. The possibility that Burgundy and attempt to play off the two rivals against each other in that specialised sharp practice with the chief eye to the main chance which is the groundwork of diplomacy. It is of course true that Scottish influence in Europe and European interest in Scotland were infinitesimally small. This was in part due to the position of Europe herself. There were no great diplomatic combinations of a type which would have Scottish influence worth anything for. Scotland was for the most part engaged in settling their own house in spite of a struggle with the tide. In Spain Ferdinand and Isabella were occupied in the struggle with the Moors and in the reforming activities which corrected the anarchy that had preceded their reigns. In France the kings were engaged in a policy of consolidation and rejection of the great nobles. The Empire languished under the inert rule of Frederick III. Moreover there was a large and consistent policy of expansion or aggression, there was no concentration of European attention upon a single definite theme, no definite and far-reaching diplomatic alliance such as was later to give Scotland her peculiar value as a potential sword in the back of a diplomatically important England. The Duke of Burgundy, it is true, conceived and attempted to follow a large programme of expansive advance and it is interesting that there is some evidence of Burgundian negotiation with Scotland; but the activities of Charles the Bold were rebuffs and resulted in no diplomatic combinations of any permanence of a kind likely to involve Scotland.

Yet if the Continent had little need for Scotland there is some evidence that Scotland was beginning to reach out to the Continent. The Scottish king could now make his appearance on occasion for some negotiation among the courts of Europe, he could seek to interest foreign potentates in the crises that arose in his kingdom. It is probably significant, though easy to exaggerate in importance, that it was thought necessary after the death of James III to send a justification of the movement that cost him his life not merely to the Pope but to the leading sovereigns of Europe as well.

If, however, we can fancy that we trace in the reign of James III. the beginnings of a Scottish interest in European politics, it is to be insisted on that they were mere beginnings and very faint at that. The basis of Scottish diplomacy was still the old combination - Scotland and France against England and the Netherlands. This combination, however, was now obscured and modified by certain new factors. The cessation of the Hundred Years War made France less anxious for an active alliance with the Scots. On the other hand the marriage of James III. with Mary of Gueldres placed Scotland in a definite relationship to Burgundy, as something of a counterpoise to the Auld Alliance. Economic considerations also tended to attract Scotland's eyes to the Netherlands, the natural partner for her trade. But in the Netherlands/

(3) Diplomatic History.

During the reign of James III. Scotland was beginning to enter the field of European diplomacy. As yet, however, only the faint beginnings of tendency were apparent; Scotland in fact did not definitely enter into its place on the diplomatic stage until the reign of James IV. and even then, in Andrew Lang's quotation of Aesop's phrase, she swam "like a pot of bronze among pots of gold". Still under James III. there is evidence of a new broadening of outlook. Scotland was no longer merely an unconsidered outpost on the edge of the known world, engaged in constant strife with her neighbour, England, and for that reason clinging fervently to the friendship of France as the one tenet and sum total of her foreign policy. Scotland's Europe was now no longer confined to France. The Scottish king could threaten to break with France, could negotiate with Burgundy and attempt to play off the two rivals against each other in that specialised sharp practice with the chief eye to the main chance which is the groundwork of diplomacy. It is of course true that Scottish influence in Europe and European interest in Scotland were infinitesimally small. This, however, was in part due to the condition of Europe herself. There were no great diplomatic combinations of a type that would make Scottish influence worth angling for. Kings were for the most part engaged in setting their own house in order or else drifted with the tide. In Spain Ferdinand and Isabella were as yet occupied in the struggle with the Moors and in the reforming activities which corrected the anarchy that had preceded their reigns. In France the kings were engaged in a policy of consolidation and reduction of the great nobles. The Empire languished under the inert rule of Frederick III. Nowhere was there a large and consistent policy of expansion or aggression, there was no concentration of European attention upon a single definite theme, no definite and far-reaching diplomatic alignment such as was later to give Scotland her peculiar value as a potential sword in the back of a diplomatically important England. The Duke of Burgundy, it is true, conceived and attempted to follow a large programme of expansive advance and it is interesting that there is some evidence of Burgundian negotiation with Scotland; but the activities of Charles the Bold were remote and resulted in no diplomatic combinations of any permanence of a kind likely to inveigle Scotland.

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Netherlands the Scots had been anticipated by the English and at any rate political considerations were paramount - Scotland was in political danger from England and against England the natural ally was France. In England herself the situation was confused by the Wars of the Roses. The Angevin connections of the House of Lancaster and the Burgundian connections of York tended to make policy vary according as the rival factions gained the ascendancy in England.

The Wars of the Roses gave Scotland an unrivalled opportunity but she was not strong enough to exploit it. The initiative, indeed, in the relations of the two countries usually came from England herself. The policy of the English rulers seems to have been this. When the English king felt himself secure upon his throne he reverted to the old policy of stirring up trouble for the king of Scots, and thus keeping him weak, by intriguing with discontented nobles. When, on the other hand the English king, owing to domestic opposition or foreign war, felt less sure of his position he tended to cultivate the friendship of the Scottish king. Thus Edward IV. intrigued with the exiled Earl of Douglas and with the Lord of the Isles ~~in~~ in 1461 and 1462 and with Albany in 1482 and 1483, but when his power had been shaken by the Lancastrian revival of 1471 and when he was contemplating war with France he became very accommodating to the king of Scots. In the same way Richard III. at first inclined to intrigue with the discontented nobles but as his difficulties developed he became very anxious for an alliance with the king.

The policy on the part of an England whose condition would make one expect her to be herself the victim of aggression was made possible by the weakness of Scotland and the aloofness of France. In Scotland the king's minority and later his disagreements with the nobles fettered the possibility of effective external action, while France, where Louis XI. was engaged in reducing his own over-mighty subjects and in the struggle with the Duke of Burgundy, half French noble, half foreign potentate, shewed herself on the whole unable or unwilling to take any very active interest in the affairs of her old ally.

Scotland was traditionally the supporter of Lancaster against York and the ally of France against England. Yet James III. was for his own purposes throughout most of his reign anxious for peace with England, even under a Yorkist king, and France on the whole shewed herself rather ungracious to Scotland, except when she could use the smaller kingdom against a hostile England. It is noteworthy that the alliance between Scotland and France, which it was customary to renew under every king of either country, was not renewed at all under Louis XI. Towards the end of the reign of James IV. the accession to the English throne of the Tudor representative of the House of Lancaster with the countenance and assistance of France helped to reconcile the inconsistencies and to adjust the relationships of the three countries.

The reign of James III. opened with Scotland at war. The Yorkist victory at Northampton and the capture of Henry VI. had incited James II. to enter the lists against an England in which the Yorkists were in the ascendant, not without the hope of gaining some advantage for himself. His relations with England had not been too cordial during the latter years of his reign. He was the friend of the Lancastrian but he was strongly opposed to the ascendancy of York. The outbreak of civil war and the capture of the king seemed to offer him the opportunity of striking a blow at once for Lancaster and for Scotland. He led a large and well-equipped army to the siege of Roxburgh, which had long remained in English hands, and there on Sunday the 3rd. August, 1460 he was killed by a splinter from an exploding bombard. The Scots did not lose heart at this calamity and continued to press the siege.

The Lords summoned the young prince James from Edinburgh and his mother, whose courage and resolution are expatiated upon by almost all the chroniclers, hastened with him to the scene of action. The "stout stomach", as Holinshed puts it, of the queen confirmed the Scots in their determination to continue the siege, while the English, in the distracted state of their country, were ill able to resist. On August 12th. the English government issued a commission to the Earl of Salisbury to raise men in order to rescue Roxburgh, besieged by the Scots, (2) but the garrison, despairing of succour, surrendered to the Scottish army on the Friday following the death of James II., and the castle was razed to the ground so that it should not again, in Pitscottie's phrase, be "an impediment" to the Scots if it fell into English hands. To confirm the allegiance of his subjects the boy king of Scots was crowned as soon as possible, the ceremony taking place at Kelso on August, 10th. The Earl of Angus, Warden of the Borders, was made Lieutenant "to pass with the whole body of the realm in defence of the Borderers" (3) and a detachment of the Scottish army, consisting, according to Pitscottie, mainly of the Humes and Hepburns, seized and demolished the castle of Wark. Thereafter the Scots ceased from active military operations for a time, turning their attention to affairs at home. It appears that negotiations for peace with England had been entered upon, for on August, 26th. 1460 the English king issued a warrant to the Bishop of Exeter for letters of safe conduct for Lord Avondale, Chancellor of Scotland, Lords Livingstone and Hamilton, James Lindsay, Provost of Lincluden, Richard Guthrie, George Abernethy and Duncan Dundas, (4) and "Rougegrosse pursevaunt" was sent by the English king with certain messages to Scotland. (5)

About the beginning of 1461 Queen Margaret of England, the wife of Henry VI., came to Scotland with her son, the Prince of Wales. Duncan Dundas was sent to conduct her to Scotland; (6) at Lincluden she was met by the Scottish queen and she stayed there some ten days. The Exchequer Rolls shew various payments for commodities, such as for example three pipes of white Pictou wine or three bolls of rough salt, brought to Lincluden "at the time the queen received the queen and prince of England there".

The sympathies of Mary of Gueldres naturally lay with the Yorkists but the misfortunes of the English queen may have appealed to her and the prospect of working things to her own advantage certainly did. Besides she was not entirely a free agent and she would have to take some account of the pro-Lancastrian feelings of Bishop Kennedy and the "Old Lords". Kennedy had been sent on embassy by James II. and was at Bruges, detained by illness, at the time of that king's death. The French king sent the Provost of St. Andrews and "Vermandoiz le Herault" with letters to Kennedy exhorting him to hasten to Scotland in order to aid King Henry of England. According to Kennedy's own report he hastened to comply with the French king's request. (7) The Scottish queen could not let slip an opportunity advantageous to Scotland merely because of her own pro-Yorkist inclinations. Queen Margaret evidently offered a marriage of her son, the Prince of Wales, to the young sister of the king of Scots as the price of alliance. (8) The Scots, however, were unsatisfied and seem to have demanded Berwick as the price of their support. It is probable that Queen Margaret agreed to this demand for she was allowed to lead Scottish auxiliaries with her when she returned to England. (9)

(1) Auchinleck Chronicle. (2) Foedera. (3) Pitscottie. (4) Cal. Doc. Scot. (5) Ibid. (6) Exch. Rolls. (7) Wavrin—Chroniques d'Engleterre. (8) Auchinleck Chronicle. (9) She was also lent money - Exch. Rolls.

(1) Rot. Scot. (2) Foedera. (3) Cal. Doc. Scot. (4) Rot. Scot. (5) Ibid. (6) Exch. Rolls. (7) Wavrin—Chroniques d'Engleterre. (8) Auchinleck Chronicle. (9) She was also lent money - Exch. Rolls.

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Meanwhile there had taken place in England one of those sudden and complete reversals of fortune which characterise the Wars of the Roses. On December 30th, 1460 the Yorkists had been decisively defeated at Wakefield and Richard of York himself had been slain. Margaret marched southwards, her army gaining an unenviable notoriety by its ravages. It is not necessary here to enter into the details of the English war. Before long the Yorkist star was again in the ascendant and the Lancastrians were irretrievably defeated at Towton by Edward of York, who now ascended the English throne as Edward IV. After the disaster of Towton Henry VI. with his wife and son fled to the north. He reached Berwick and the chroniclers relate that from there he applied to Scotland for a safe conduct for himself, his wife, his son, some English noblemen and a company of one thousand horsemen. It is doubtful if a fugitive king would have with him so large a following but the safe conduct was granted. The unfortunate king was kindly received in Scotland. In the queen's Exchequer at Falkland, 22nd February, 1461-2, a payment is recorded to John of Kincade, Warden of the palace of Linlithgow, for repair of the said palace "erga adventum regis Anglie" and mention is made of other expenses incurred by the queen for the king and queen of England at Durisdere, Lanark, Linlithgow and Falkland. King Henry had in his company, besides the queen and Prince Edward, several nobles, including the Dukes of Exeter and Somerset and other notable pro-Lancastrian barons. Henry was lodged in the convent of the Grey Friars in Edinburgh.

To bind his hosts more securely to his cause and in order to weaken the military strength of his Yorkist enemies, Henry VI. handed over Berwick to the Scots on 25th April, 1461 - a great acquisition for the northern kingdom. According to the Rolls of Parliament Henry also promised Carlisle. A Scots army attacked Carlisle in 1461 but was driven off by Montague. Perhaps Henry may have seen signs that the Scots and Edward IV. might draw together, for an English safe conduct was issued for Lord Hamilton and Duncan Dundas, a prominent figure in the Scottish administration, on April 23rd, 1461⁽¹⁾ presumably with intent to a negotiation. Together with the cession of Berwick Queen Margaret seems to have revived the idea of a marriage between the English prince and the Scottish princess. Buchanan tells that the Duke of Burgundy sent an ambassador, "Grouthus", (the Lord of La Gruthuyse) to hinder the match and that in deference to him it was rather delayed than annulled. Burgundy's intervention was implemented by Warwick who sent to him to use his influence as soon as he heard that Margaret had come to Scotland the first time.

Thus In these circumstances Edward IV. seems to have followed a double policy towards Scotland. In the first place he tried to harass and weaken by any means in his power a Scotland that was giving friendly shelter to his adversary, and which might actively take the field in the Lancastrian interest at any moment. Mention is made in the Exchequer Rolls of a merchant ship taken by the English but this was a sufficiently common occurrence even in times of nominal peace. More important that the harassing of the Scots on the high seas was the commission issued on 22nd June, 1461 to the Earl of Douglas, last representative of a great Scottish house and political refugee in England, Sir William Wells, John Kyngescote and two others to treat with the Earl of Ross and his warlike cousin, Donald Balloch.⁽²⁾ Edward hoped to incapacitate the king of Scots by stirring up against him his powerful and restless island vassal. In June and July payments were made to the Earl of Douglas sent by the English king on certain affairs to the Earl of Ross and Donald Balloch.⁽³⁾ Warwick was made Guardian of both the West and East Marches on July 31st.⁽⁴⁾ On July 21st. a warrant had been issued to the English Chancellor to grant letters patent to all manner of Scots in England who should/

(1) Rot. Scot. (2) Foedera. (3) Cal. Doc. Scot. (4) Rot. Scot.

Donald Balloch had already distinguished himself in the reign of James II. His prowess is commemorated in a "Pictorale" - an elaborate relief of bas-relief mosaic, something after the style of an Italian sonnet - "The Gathering of Black Donald Balloch of the Isles".

should come to him and make their oath of allegiance to the English king.(1) On the other hand, however, Edward seems to have been anxious to come to terms with the Scots. On August 2nd Warwick was commissioned to treat of truce with the Scots.(2) Scotland was seemingly not unwilling to respond. It was evidently agreed to send an embassy, for on September 24th a safe conduct was issued for the Bishop of Aberdeen, the Earl of Orkney, Lords Livingstone, Hamilton and Borthwick and other Scottish ambassadors, including the Keeper of Privy Seal and several other notable figures.(3) It seems that the embassy did not materialise but on November, 4th two new safe conducts were issued, one for the Bishops of Glasgow and Aberdeen, the Earl of Orkney, Lord Livingstone, Lord Hamilton, James Lindsay, Keeper of Privy Seal, the Archdeacon of Glasgow, the Dean of Dunkeld and Duncan Dundas,(4) the other for James Lord Livingstone and others.(5) On the following day, November 5th, a commission was issued to Sir Robert Ogle to conclude a truce with the Scots for a year or less from the Feast of St. Martin next to come.(6) On December 26th license was granted to Clarencieux herald to go to Scotland, probably on a diplomatic mission.(7) English ambassadors had at any rate come to Scotland before July, 1462 for in the account of the customs of Edinburgh on that date there are items for payments made for the Master of Bolton, Englishman, "venientis in ambassiata" and of Windsor Herald(8) likewise their heirs forever. After the said White and Rose and his It was probably a conviction that Scotland was not a very strong staff to lean on that induced Margaret to turn her attentions to France. There were at this time several parties in Scottish politics. The queen, under the influence of Burgundy, was anti-Lancastrian and her influence was still considerable. Kennedy and his Old Lords were friendly to Lancaster, and, in his subsequent instructions to Monypenny as to what he was to say to the king of France, Kennedy laid great stress on the efforts of the Queen Mother and her faction to commit Scotland to the support of Edward IV. and on the way in which he himself checkmated her schemes.(9) It should be borne in mind, however, that Kennedy was reporting to a French king and that in the circumstances he would naturally seek to make his actions look as Francophile as possible. The first interest of the statesman bishop would be the welfare of Scotland and it seems probable that the Scots as a whole were not unwilling to come to terms with Edward IV.

Queen Margaret tried to strengthen her position by binding more closely to her cause some of the leading Scottish nobles. Thus she is said to have made in 1462 a treaty with the Earl of Angus, promising him an English Dukedom and large estates in the north of England(10). Margaret, however, seems to have now fixed her chief hopes of effective assistance upon her native land of France. In July, 1461 she sent Somerset and Hungerford to seek the aid of Charles VII. By the time they arrived Charles VII. was dead and his successor, Louis XI., ordered the Lancastrian agents to be arrested in order to satisfy the Duke of Burgundy, at whose court Louis had resided for years. Yet Louis was not hostile to his Lancastrian cousins and before long Somerset and Hungerford were sent back to Scotland having received promises of assistance from the French king.

(1) Cal. Doc. Scot. (2) Foedera. (3) Ibid. Rot. Scot. (4) Rot. Scot. (5) Ibid. (6) Ibid. Foedera. (7) Ibid. Ibid. (8) Exch. Rolls (9) Wavrin. (10) Hume of Godscroft - houses of Douglas and Angus.

Whatever Edward IV's efforts were to come to terms with the Scots it is evident that by 1462 no arrangement had been reached. Invasion was apprehended in England both from France and Scotland. To meet the former danger Warwick assumed a naval command(1) and Edward IV. himself hurried to East Anglia. In order to weaken Scotland Edward IV. intrigued with the Lord of the Isles. On February 8th, a commission was issued to the Bishop of Durham, the Earl of Worcester and others to treat with the Lord of the Isles(2). On February 25th, 1461-2 a payment of £20 was made to Donald Balloch and his son by command of the English King(3). The Earl of Douglas was sent to the Earl of Ross by Edward IV. and received £120 for his expenses(4). The Earl of Ross himself received a gift of £66.13.4d from the English King by the hands of the Earl of Douglas(5). Ambassadors were sent in February by the Earl of Ross to England(6) and the Earl of Douglas safely escorted them from the north to the presence of the English King(7). On February 13th, 1461-2(8) an indenture was signed at London between the Bishop of Durham, the Earl of Worcester, Robert Botill, Prior of the Order of St. John of Jerusalem in England, Lord Wenlock and Robert Stillyngton, Keeper of Privy Seal, as commissioners of Edward IV., and Reynold of the Isles and Duncan, Archdeacon of the Isles as representatives of the Earl of Ross(9). By this agreement, called by Andrew Lang the treaty of Westminster-Ardtornish, the Earl of Ross, his kinsman Donald Balloch, and all their subjects were to become liegemen and subjects of Edward IV. at next Whitsundine and to do homage to the English King or his representatives, and likewise their heirs forever. After the said Whitsundine, Ross and his Islesmen were to be ready to serve the English King in his wars in Scotland and Ireland on demand, and from that date the Earl of Ross was to receive annually One Hundred marks sterling of English money as his fees in time of peace, while in time of war, as long as he served diligently, he was to receive £200, "after the rate of the time that he shall be occupied in the said wars". Similarly Donald Balloch was to receive annually from the English King £20 sterling in time of peace, £40 in time of war, and John, son of Donald Balloch, was to receive £10 and £20 respectively in times of peace and war. If Scotland were conquered by Edward IV. with the help of the Islesmen and the Earl of Douglas, then, the above wages ceasing, the Earls of Ross and Douglas were to have all Scotland beyond the Forth to be divided equally between them and held by them of the English King. Should Scotland be conquered by the aid of the Earl of Douglas he was to be restored to his estates south of the Forth, these to be held by him of the King of England. If, after Whitsundine, Edward made any truce with Scotland the Earl of Ross, Donald Balloch and John de Isle and all their dominions were to be included therein, unless the Earl of Ross signified to Edward IV. that he would in no wise be included. Ratifications were to be mutually delivered before the 1st of July next. On March 17th the treaty was confirmed by Edward IV.(10). In March 1462 payments are recorded to the Earl of Douglas, sent by the King to the Earl of Ross, for his expenses(180 marks)(11); to the Earl of Ross by the King's gift (100 marks)(12); to the (ambassadors of the said Earl coming to the King, for their expenses (£43.10/-)(13); and to Donald Balloch and his son by the King's gift (£20)(14). The intrigues with the Earl of Ross soon bore fruit in the ravages of that doughty potentate on the mainland.

(1) Foedera. (2) Ibid. (3) Cal.Doc.Scot. (4) Ibid. (5) Ibid. (6) Ibid. (7) Ibid. (8) The indenture states itself to have been written at London on the 13th February "M'CCCCLXII and the furst year of the reigne" of Edward IV. One of these statements must be wrong but it would be easier to make a slip in writing 'M'CCCCLXII' than in quoting the first year of Edward IV. and other evidence makes it probable that the date of the treaty was 1461-2. The ambassadors of the Earl of Ross were appointed in Oct. 1461 and surely there would not have been delay until 1463 before these envoys concluded the treaty. Conversely there was certainly much negotiation between Ed. IV. and the Earl of Ross early in 1462(1461-2). (9) Foedera. (10) Rot.Scot. (11) Cal.Doc.Scot. (12) Ibid. (13) Ibid. (14) Ibid.

(5) Paston Letters. (6) Ibid. (7) Waverley.

Edward IV. also sought to utilise the exiled Earl of Douglas against the Scots. Douglas was granted a yearly annuity of £500 for life and various orders were issued to financial officers for its payment(1). His brother, John Douglas, was granted an annuity of £100 by the English king. On October 19th, 1462 the king of England promised that if Douglas should make war on his behalf in Scotland he would include him or any Scots adhering to him in any truce or peace(2).

Yet the Scots did not attack as Edward feared. Queen Margaret, now evidently pinning her chief hopes on France, went there herself in April, 1462. The Scottish Queen lent her money to finance her journey(3), probably glad to be rid of the real leader of the Lancastrian cause, but meanwhile she set herself to make approaches to Edward IV. and his adherents. There were evidently Scottish ambassadors in England early in 1462 for in March they received £111.8.2d for their expenses and £45 in reward from the English king(4). William of Worcester says that Queen Margaret went to France in April and that in the same month Warwick and others went to Dumfries and met the Scottish Queen there and suggested a marriage between herself and Edward IV. - a project that would no doubt appeal to the amorous and ambitious Scottish Queen. On July 3rd, 1462 J. Doubeney writing to John Paston mentioned that Warwick had gone to Scotland and taken a castle of the Scots. The Queen of Scots, he said, and other lords had come to meet him and a truce had been taken between them to St. Bartholemews's day in August (5). In July, 1462, Thomas Playter writing to John Paston said that the Earls of Warwick and Essex, Lord Wenlock, the Bishop of Durham and others went to Scotland in embassy. In a further letter written by Playter to John Paston in the same month he said that these lords with Hastings and others had been to Carlisle to receive the Queen of Scots. "And upon this appointment" he wrote "Erle Duglas is comaunded to come thens and as a sorweful and a sore rebuked man lyth in the abbey of Seynt Albons; and by the said appoyntement schall not be reputed nor taken but as an Englyschemon and if he come in daunger of Scotts they too sle him. Item knyng Harry and his adherents in Scotland schall be delyvered..... Item the Qwen and Prince ben in Fraunce and ha mad moch weyes and gret peple to com to Scotland and ther trust to have socour, and thens to com in to Ingland: what schall falle I can not sey, but I herd that these appoyntements were take by the yong Lords of Scotland but not by the old"(6). The Scottish Queen also went to meet English ambassadors at Coldingham for the Exchequer Rolls mention payments to James Lindsay, Keeper of Privy Seal, and other servants of the Household of the king and queen at the time the queen rode towards Coldingham to speak with certain Englishmen. The same document shews that there were English envoys in Scotland at some time before July, 1462. One of these was the Master of Bolton who was given a horse worth £5 by the queen. Meanwhile Kennedy opposed the Queen in her efforts to come to terms with the Yorkists. In the report which he instructed Monypenny to lay before the French king he said that the Queen, taking with her the young king, had met Warwick and other lords of the council of Edward IV. and that they held discussion for having a long truce and for making "double alliances and friendships". He said that they delayed coming to a conclusion until parliament could be held at Stirling but that he himself prevented its being held; he also stated that English envoys were sent soon afterwards to Scotland to try to obtain a new convention, but that he caused all those attempts to come to nothing(7).

Meanwhile Louis XI. seemed to be taking up the cause of the suppliant Margaret with zeal. He advanced her 20,000 Francs, Margaret mortgaging Calais for the sum, he declared for Henry VI., he/

(1) Foedera. (2) Foedera, Rot.Scot. (3) Exch. Rolls. (4) Cal.Doc.Scot.
(5) Paston Letters. (6) Ibid. (7) Wavrin.

he made great shew of preparing for an attack on Calais. His shew of ardour, however, led to little result, the one important outcome being that De Brézé, an able soldier who was released from prison for the purpose, was ordered to raise an army for the restoration of Henry VI. A small force was levied - Buchanan states it to have been five hundred men, Chastellain puts it at some eight hundred - and De Brézé and Margaret sailed to Scotland. From there they proceeded to Northumberland where they took the Castle of Alnwick, but were disappointed in their hopes of a general rising in favour of the Lancastrians. Leaving garrisons at Alnwick, and also at Dunstanborough and Bamborough, they made a descent on Tynemouth but their fleet was wrecked and most of their men taken captive. Margaret herself escaped to Scotland. Most of the Scottish chroniclers state that De Brézé was besieged in Alnwick but it is probable that he escaped along with Margaret to Scotland and the defence of Alnwick was conducted by Hungerford. The three Lancastrian strongholds were besieged by the Yorkists. Bamborough and Dunstanborough surrendered in December but Alnwick held out and the garrison sent for assistance to Scotland. In January, 1462-3 the Earl of Angus, with a considerable force, marched to their relief and drew off Hungerford and most of his garrison in face of the besieging army, which refused to come to blows with the Scots. The Scottish army then returned homewards and Alnwick surrendered on the following day (Jany. 1462-3).

Scotland now bestirred herself more actively in the Lancastrian cause - perhaps due to the fact that the influence of Mary of Gueldres, who died later in the year, was waning - and the year 1463 found Scotland and England at war. Warwick had withdrawn from the north after the capture of the Lancastrian fortresses and in his absence Bamborough fell into the hands of the Scots through the treachery of Sir Ralph Percy. Shortly afterwards the Constable of Alnwick, Sir Ralph Grey, declared for the Lancastrian. England was in fear of invasion. To meet the danger Warwick's able brother, Lord Montague, was made Warden of the East March(1) on June 1st. and on the following day commissions were issued to Warwick, Montague and others to array the men of Westmoreland for defence against the king's enemies in France and elsewhere(2). Warwick hastened north to find the Scots besieging Norham but they withdrew on his approach. On March 30th, the king of England had empowered the Bishop of Down and Connor to receive the oaths and homages of the Earl of Ross, Donald Balloch and John De Isle and the intrigues of Edward IV. bore fruit in the ravages of the doughty island potentate in the north and of the Earl of Douglas on the West March. Edward himself came as far north as Northampton, the Scots were in great fear of invasion and Kennedy, who relates that he was loudly blamed for bringing about the dangers to Scotland by causing the break-down of the negotiations with Edward IV., even contemplated taking the field in person in company with the young king(3). Yet the invasion never materialised. In the West Douglas was defeated and his brother and accomplice, Balveny, was taken and executed. Scotland would be glad to beat off the troublesome Douglas but in the main the warlike operations seemed to have had a curiously half-hearted character and negotiations for peace were evidently going on most of the time. As early as March 14th, an English safe conduct was issued to the Earl of Athole and Sir James Stewart (4). On the same date a safe conduct was issued to Duncan Menzies, Merchant of Aberdeen, with his ship, sailors and other appurtenances,(5) shewing that their continued to be economic intercourse between the two countries. On the very day, June 1st, that Montague was made Warden of the East March a safe conduct was issued for Duncan Dundas, a prominent Scottish administrator(6). On June 3rd, the English king ratified a treaty concluded between the Bishop of Exeter, the Earls of Warwick/

(1) Foedera. (2) Ibid. (3) Wavrin. (4) Rot. Scot. (5) Ibid.
(6) Ibid.

Warwick and Northumberland, Lord Montague and other English commissioners and the Bishop of Glasgow, the Earl of Argyle and other representatives of the king of Scots for a truce for fifteen years from the 1st. October next (1). English safe conducts for Scotsmen continued to be issued, some of which at least were of diplomatic significance. On June, 12th a safe conduct was issued in favour of the Earl of Athole, James Stewart, Uncle of the Scots King, and sixty six others (2). On June 25th. letters of protection were issued for the Bishop of Aberdeen and others (3). It was probably the feeling that her Scottish allies were no longer to be relied upon that induced the Lancastrian Queen, despite her improved position in Northern England, to betake herself with her son, De Brézé and some two hundred others to Flanders in order to supplicate the aid of her adversary, Burgundy.

Both England and Scotland appear to have been anxious for peace and after the departure of Queen Margaret they began to draw more closely together. The pro-Yorkist Scottish Queen Mother died in December but the chief Lancastrian partisan, the Earl of Angus, had already predeceased her and Queen Mary's influence had at any rate greatly declined. In October a truce was signed between England and France, and Scotland would not wish to oppose Edward IV. alone in what had now become ever more apparently a lost cause. Kennedy, seeing that Scotland was not included in the Anglo-French treaty, began to negotiate with Warwick(4). It was decided to send ambassadors again to England. On December 5th. an English safe conduct was issued for Bishop Kennedy of St Andrews, the Bishop of Glasgow, the Abbot of Holyroodhouse, James Lindsay, Keeper of Privy Seal, the Earl of Argyle, Lord Livingstone, Lord Borthwick, Robert Lord Boyd and Alexander Boyd(5). To facilitate the negotiations Edward IV., who had himself come north to York to meet the Scottish ambassadors, sent the obnoxious Douglas into a kind of honourable banishment by appointing him Warden of the Castle of Cragfergus in Ireland (6). (December 8th). On December 9th the English king, professing his anxiety for peace, issued a promise to keep the truce from December 16th until the last day of the following August (7). Even Kennedy had become convinced of the necessity of coming to terms with Edward IV. This was an adverse turn of events for the Lancastrians and spurred them on to make a last desperate effort. It was probably with a view to checkmate their intentions that Kennedy removed the exiled King Henry from Edinburgh to the more secure St. Andrews early in 1464(8). Risings occurred in Wales, Cheshire and Lancashire but by the end of February, 1464, the troubles were reported to be over.

The troubles, however, of this particular year were only beginning. King Henry was induced to consult from Scotland and took up his residence at Bamborough. It is not necessary here to go into the details of the movement. The Lancastrians were defeated at Hedgeley Moor in April and at Hexham in May. King Henry, who was present at neither action, managed to escape but most of his followers were killed or taken. Before long the last Lancastrian strongholds were subdued, and Edward IV. was master of England.

According to Bishop Lesley Henry had with him "ane gret cumpany of Scottis men" when he went south to England, and Hollinshed also speaks of Scottish assistance to the Lancastrians. It is probable that some Scots did join Henry but they evidently did so as private persons and the improving relations between the two countries do not seem to have been interrupted. In his instructions to Monypenny Kennedy related that it had been arranged to hold a meeting of Scottish and English commissioners on March 6th (1464) but that the English commissioners had failed to appear.

(1) Cal.Doc.Scot. (2)Foedera.Rot.Scot. (3)Foedera. (4)Wavrin. (5)Foedera &Rot.Scot. (6) Foedera. (7)Foedera.Rot.Scot. (8) Wavrin.

Despite this, however, it was related in the dispatch, a new meeting of the commissioners of the two countries was arranged for April 20th, 1464, when it was hoped, said Kennedy, that arrangements would be made for a long peace between England and Scotland(1). Kennedy evidently wrote his instructions to Monypenny before April 20th, when the Diet of commissioners was still in contemplation, and his report to the French king was probably sent in explanation and justification of his action in seeking to come to terms with the Yorkist king of England. Safe conducts for Lord Monypenny, Robert Blackader and other Scots were issued in March(2). It would probably be in preparation for the contemplated Diet in April that power was granted on 5th April, when the Lancastrian danger was pressing, by the English king to the Bishop of Exeter, Warwick, Montague and others to treat with the Scots (3). Six days later James, King of Scotland, issued a commission to the Bishop of Glasgow, the Abbot of Holyroodhouse, the Keeper of Privy Seal, the Earl of Argyle, the Lords Borthwick and Boyd and Alexander Boyd to treat with the English ambassadors(4). Indeed it was as a result of Montague's being sent to conduct the Scottish envoys to York that the battle of Hedgeley Moor was fought.

On April 20th the English king issued a letter of protection for Alexander, Duke of Albany.(5) This may afford the key to an incident of which the accounts are very confused and which may have endangered the negotiations between the two countries. All the chroniclers state that Albany was taken by the English and was only released when Kennedy, who took up a very firm attitude, threatened to go to war. Ferrerius and Lesley state that Albany was returning from Guedres "quhair he had remanit certane yeiris"; Pitscottie says that he was going to France by direction of Kennedy "to learn the leed with other letters". Most of the writers place the capture of Albany in the year 1463 but Ferrerius states that it took place in 1464 and, despite the untrustworthiness of his chronicle, this date appears to be the most probable one. In 1463 Scotland and England were at war in any case and Kennedy's threat of resorting to the strong hand would have had little effect. Not improbably this safe conduct may be connected with the incident. It is possible that Edward, threatened by the northern rising and fearing the Scots might help the Lancastrians, arrested the Prince whom chance had placed in his power as a valuable hostage if the Scots should assume a hostile attitude, and that he released Albany in order to facilitate the negotiations with Scotland - perhaps as a condition of them.

Whatever the circumstances of Albany's arrest he was released on the manifestations of Kennedy. Whether his capture took place in 1463 or in 1464 the peace negotiations were not seriously interfered with. No account remains as to whether the commissioners of the two countries met in April as had been contemplated but the Yorkist victories did not diminish the desire of Edward IV. to come to terms with the Scots. The battle of Hexham was fought on the 15th May 1464. On the 26th day of the same month a commission was issued to the Bishop of Exeter, the Earls of Warwick and Northumberland, Graystock, Hastings, Thomas Kent, James Strangways and Robert Constable to treat for an alliance with Scotland (6) and on June 1st. a truce for fifteen years beginning on the last day of October was arranged between the commissioners of the two nations. The truce was confirmed by Edward IV. two days later. (June 3rd) (7).

The truce having been signed relationships between the two countries at once assumed a more cordial note. Commercial intercourse between the two countries could now be carried on in/

(1) Wavrin. (2) Rot. Scot. (3) Ibid. Foedera. (4) Foedera. (5) Foedera. (6) Foedera. (7) Foedera, Rot. Scot.

in greater security and no doubt expanded with the conclusion of peace. On June 3rd and 4th no fewer than seven safe-conducts were issued to different sets of Scotsmen, mostly merchants, but including also James Lindsay, the Keeper of the Scottish Privy Seal(1). Both countries were evidently anxious to make the truce a real one and on Junellth King Edward issued a commission to Warwick, Fitzhugh, Graystock and others to meet Scottish commissioners at Lochmabenstone to treat of claims, grievences and breaches of truce on the Borders(2) and on the same day further English commissioners, including the Earl of Northumberland and Sir Robert Ogle, were assigned to treat of violations of the truce with the Scots(3). On October 9th (1464) the English King issued a commission to Northumberland, Graystock, Fitzhugh and others to meet Scottish commissioners at Carlisle on November 6th in order to treat for a real and lasting peace(4). On the same day the same commissioners were given power to treat for a prolongation of the truce with Scotland(5) - a more practicable project than the securing of lasting peace. There is no record as to whether the commissioners met or as to the results of their deliberations if they did meet but the relationships of the two countries appeared to have remained cordial and safe-conducts in England continued to be issued to Scotsmen(6).

Edward IV. was now undisputed master of England (except in so far as his power was checked by his own over-mighty supporters) but his main desire would be for a period of peace in order to establish his power securely. His attention was taken up with domestic affairs in which he followed a sort of advance rehearsal of Tudor policy, seeking to weaken the nobility and relying more on the commercial classes, and before long his growing quarrel with the Nevilles came to absorb all his energies. He was at any rate inclined to be lazy and though he proved himself an able captain he was slow to take the field until necessity forced him to do so. In Scotland the guiding spirit was the wise Bishop Kennedy, who was well aware of the advantages of a peaceful policy. Both countries were thus anxious for peace and showed themselves ready to maintain the truce. In fractions of the peace there doubtless were, especially on the borders, but in these the respective governments, who could exercise but little control over their unruly subjects, had probably no complicity.

These conditions can be seen expressing themselves in the few records that remain for the ensuing years. Edward IV. was apparently anxious for peace with Scotland and evidently sought to gain the goodwill of prominent Scots by making them money gifts. In 1465 the Bishops of Aberdeen and St. Andrews had £366 in full payment of their annuities for the year ending at Easter (1465) and £23.3.4d for the year begun at the same term(7). In England safe-conducts continued to be issued for Scotsmen, especially for merchants(8). Similarly the Scottish King issued safe-conducts at various times for English merchants(9). Negotiation for a settlement continued to be held and embassies to be sent. In the Scottish parliament in January 1464-5 certain lords were nominated to be with the King in Berwick on the 5th day of March next following at the time of the meeting to be held at Newcastle, these lords to have full power of parliament to advise, commune and conclude with the lords who should be "charget to the Newcastle upon the takin of the trewis and conservacio(n) of thame for certane tyme" and the appointment of such other articles and amities as should be seen expedient. Certain persons were appointed to "pass upon conduct to the Newcastle". These were the Bishop of Glasgow, the Abbot of Holyroodhouse, the Keeper of Privy Seal, the Earl of Argyle, Lord Kennedy, Lord Boyd, Lord Borthwick and Sir Alexander Boyd(10).

- (1) Rot. Scot. Foedera (2) Ibid. (3) Rot. Scot. (4) Ibid. Foedera.
(5) Ibid. (6) Rot. Scot. Cal. Doc. Scot. (7) Cal. Doc. Scot.
(8) Ibid. Rot. Scot. (9) R.M.S. (10) A.P.S. Supplement.

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On March 28th (1465) an English safe-conduct was issued for the Bishops of Glasgow and Aberdeen, Archibald, Abbot of Holyroodhouse, James Lindsay, Prior of Lincluden, Lord Avondale, Chancellor of Scotland, the Earl of Argyle, Lord Livingstone and Sir Alexander Boyd, ambassadors of the King of Scots(1). Edward IV. now conceived the project of cementing the friendship between the two kingdoms by means of a marriage, or perhaps, as some suggest, he merely held out the prospect of a marriage, without really intending to cause it to be realised in practice, in order to keep the Scots compliant. On June 20th (1465) power was granted to the Earl of Northumberland, Sir Robert Ogle and others to treat of a marriage between the King of Scots and any English subject or between any subjects of England and Scotland(2). On the same day two commissions were issued to the same persons to meet the Scots commissioners at Alnwick or Carlisle (one commission being for Alnwick the other for Carlisle) in order to treat for "lasting and real peace and concord"(3). The design was to use the prospect of a marriage in order to secure a stable peace. No record is preserved of a meeting of the commissioners but on the 8th September (1465) a safe-conduct in England was issued for the Bishops of Glasgow and Aberdeen, the Earls of Crawford and Argyle, the Abbot of Holyroodhouse, James, Lord Livingstone, Great Chamberlain of Scotland, James Lindsay, Keeper of Privy Seal, and Sir Alexander Boyd, ambassadors of the King of Scots(4). On November 28th James III. issued a commission empowering the same persons to meet English commissioners at Newcastle on December 4th in order to treat of peace(5). On November 20th the English King had commissioned the Archbishop of York, the Earls of Warwick and Northumberland, ^{and others,} to treat with the Scots at Newcastle(6). The commissioners met at Newcastle and on December 12th an indenture was signed between them renewing and prolonging the truce of June 1st 1464. That truce had been due to expire on October 31st 1479; it was now prolonged until 31st October 1519 and regulations were made for ratification by both Kings(7). Edward IV. confirmed the prolongation of the truce on 1st January 1465-6(8).

In July 1465 Henry VI. had been captured and confined in the Tower. Ferrerius, Lesley, Hollinshed, Drummond and Pitscottie all maintain that he sought refuge again in Scotland after the Battle of Hexham and went to England again in secret 1465, despairing of Scottish help. It is difficult to find corroboration for their statements for the wanderings of Henry VI. after the Lancastrian overthrow in the north are very obscure. It is at any rate of small importance for it is quite evident that Henry's presence in Scotland, if any, did not incite that country to any further efforts in his cause or hinder its good relations with the Yorkist King of England.

On the other hand there evidently continued to be infractions of the truce. On October 10th 1466 power was granted to Warwick, Northumberland, Graystock, Fitzhugh and others to meet Scottish commissioners at Newcastle on 20th December 1466 in order to treat of and reform infractions of the truce by the subjects of either country. (9). In the disordered conditions of the fifteenth century infractions of the truce were inevitable but both countries seem to have been anxious to maintain the peace. Scottish commissioners were evidently sent to England for the contemplated Diet and they may have been empowered to raise the question of a royal marriage, for in parliament at Edinburgh on October 9th, 1466 the question of the marriage of "the King, my lady, my Lords of Albany and Mar" was raised and deferred until the homecoming of certain Lords then in England who had charge to "comoune theruppon".

(1) Rot. Scot. Foedera. (2) Ibid. (3) Ibid. (4) Ibid. (5) Foedera. (6) Ibid. Rot. Scot. (7) Foedera. (8) Foedera, Rot. Scot. gives the date as June. (9) Foedera, Rot. Scot.

5-70
1466

What the results of their "communings" were we do not know. Nor do we know who the Lords were whose homecoming from England had to be awaited. On March 10th 1465-6 an English safe-conduct had been issued for the Bishop of Aberdeen and other Scots, none of whom, except the Bishop himself, were persons of very great importance(1), and on March 11th 1465-6 a warrant was issued to the English Chancellor for a safe-conduct for the Earl of Crawford, Sir James Lindsay, Chantor of Moray and others(2). Both England and Scotland were at this time sufficiently occupied with their own concerns and they would naturally wish to maintain peaceful relations. Edward IV. had to face the ascendancy of the Nevilles and a renewal of the Anglo-French war was threatened in 1468. In Scotland the Boyds were supreme and they would doubtless be anxious for peace with England in order at first to consolidate and later to maintain their ascendancy. Lord Boyd showed statesmanlike qualities along with others less admirable; he seems to have seen the advantages of peace with England and to have laboured to maintain it. He received money gifts from the English King. In October-November 1467 Edward IV. gave Lord Boyd a sum of £10.6.8d(3) and on June 25th 1468 a payment of £200 was made to Lord Boyd and Duncan Dundas "of their pension from the King at his pleasure"(4). On July 13th 1467 the Bishop of Aberdeen, another staunch upholder of a policy of peace with England, received £133.6.8d by way of gift from Edward IV.(5) and in April 1469 the Bishop of Aberdeen, Lord Boyd and Duncan Dundas, who were stated to have lately come in embassy from Scotland, received £200 in reward from the English King(6). Edward, who usually exercised a businesslike discrimination in his financial affairs, was evidently prepared to pay for Scottish friendship.

5-70

In these circumstances relations between the two countries remained friendly but rather unimportant. Safe-conducts were issued periodically, frequently to merchants but occasionally also to others whose purposes were not those of trade. On February 22nd 1466-7 a warrant was issued to the English Chancellor for a safe-conduct for two years in favour of the Bishops of Glasgow and Aberdeen, the Earls of Argyle, Crawford and Arran, the Lords Boyd, Darnley and Lyle with eighty persons in their company(7). Why this potent company proposed to travel in England is uncertain but their purposes were probably those of diplomacy. On May 8th 1468 a safe-conduct in England for six months was issued for the Duke of Albany, the Earl of Athole and Lord Auchterhouse, who, it was stated, wished to make certain pilgrimages in England(8). Snowdon Herald was evidently sent from Scotland to England in 1468 for on October 20th of that year he received "by his own hands" £6.13.4d in reward from the English King(9). On November 28th of the same year a warrant was issued to the English Chancellor for safe-conducts for two years for Patrick Graham, Bishop of St. Andrews, the Earl of Crawford, Lord Graham, David Guthrie and others who were passing through the English King's dominions to France(10).

On April 28th 1469 the Bishop of Aberdeen, Lord Boyd and Duncan Dundas were, as has been noticed, stated to have lately come to England in embassy from the King of Scots(11). In 1470 it was proposed to hold a Diet at Newcastle between the commissioners of the two countries and on May 18th a warrant was issued to the English Chancellor for a safe-conduct for six months for the Scottish commissioners to the Diet(12). No record remains, however, of the proposed meeting having taken place.

During the first decade of James's reign there is but very sparse/

(1) Cal.Doc.Scot.(2)Ibid.(3)Ibid.(4)Ibid. (5) Ibid.(6)Ibid.
(7)Ibid. (8) Ibid. (9)Ibid. (10) Ibid. (11) Ibid.(12) Ibid.

1461
 sparse mention of communication between Scotland and the countries of the Continent of Europe. When in 1461 the exiled Queen of England entered into negotiations with her Scottish hosts for a marriage between her son, Edward, the Prince of Wales, and the sister of the young Scottish King, the Duke of Burgundy, Philip the Good, inspired by hostility to the English Queen's father, René of Lorraine, sent Louis de Bruges, Sieur de La Gruthuyse, on a mission to Scotland to hinder the match. Both Ferrerius and Drummond of Hawthornden state that the Duke of Burgundy later negotiated with the Scots for a marriage between King James and his own granddaughter, Ferrerius stating that he sent the "Prince of Verensis" on embassy for this purpose, but that his offer was politely declined, the King's youth being advanced in excuse, Boece states that a Burgundian embassy arrived in Scotland and that the ancient alliance between the two countries was renewed. He relates that the Burgundian ambassadors then advanced the project of a marriage but that the question was postponed by the Scots.

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 France seems to have taken very little interest in Scotland during those years. It was something of a point of courtesy between the two nations to renew the alliance between them on the accession of a new sovereign but apparently no such step was taken on the accession of James III. or of Louis XI. The French later alleged that when de Breze came over with Queen Margaret of England and after Alnwick had been relieved by the Earl of Angus in 1463, the alliance with France was renewed by James III. at the instance of the French therein(1), but there is no evidence to substantiate this claim. As far as is known the alliance was not renewed until towards the end of James's reign. Louis XI's guiding motive was the interest of the French crown, he was busy during those early years with his internal policy and he was not likely to concern himself with Scotland until he saw an opportunity of using that country to his own advantage. He instigated Kennedy to support the Lancastrian Henry VI. and sent letters to this effect both to the Bishop and to the Scottish King.(2) For the same purpose the Comte de Maulevrier was sent from France to Scotland apparently about the end of 1462(3). On the other hand he arranged his truce with Edward IV. without reference to Scotland or inclusion of that country in the peace. When Kennedy found it necessary to come to terms with Edward IV. he sent Lord Monypenny to the French King, probably about the beginning of April 1464,(4) in order to explain and justify his conduct. Kennedy, however, still professed his devotion to the French King. Ambassadors were apparently expected in Scotland from France early in 1464-5 for in an entry in the Minutes of Parliament for that date it is related in connection with the article of answering the ambassadors of France if any happened to come that the Lords thought it expedient that the Lords with the King for the time and such others as they would call to them should have power to have discussion with the said ambassadors and to give answer to them of the matters of France according to the gravity of the matter(5). In 1466 William of Monypenny, a Gallo-Scot who was ~~xxxx~~ Counsellor and Chamberlain to Charles VII. and Louis XI., was sent by Louis on a diplomatic mission to Scotland. One article of his instructions is said to have given alarm to the Duke of Brittany who feared that Louis was going to use the King of Scots for a descent on his duchy(6). The fears of Brittany, though they may have been due to a misinterpretation, are interesting in view of subsequent developments. The War of the Public Weal had broken out in 1465 and it is probable that Louis wished to avail himself of Scottish help against his troublesome feudatories. It is said that the King of Scots was pressed to send a fleet and to draw soldiers from Denmark(7).

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 (1) Flodden Papers, app2 (2) Wavrin (3) Ibid (4) Ibid. Monypenny was evidently given his instructions after the Diet proposed to be held with the English in March(1464) had failed to eventuate and before Apl. 20th on which date it was proposed that a new Diet, which was referred to by Kennedy in the future tense, should be held. (5) A.P.S. Suppl. (6) Francisque-Michel "Les Ecosais en France" p.223. (7) Ibid.

1467
Monypenny's mission may have had the result - and perhaps the motive - of embroiling the Scots with another formidable personage - Charles the Bold, who had been the real ruler of Burgundy for some time. In the Scottish parliament of 1466-7 (Jan.) it was enacted that after the Feast of St. Peter ad vincula (Aug 1st) no Scottish merchants should take any ships, merchandise or goods to the Swin, Sluys, Damme or Bruges on pain of forfeiture of their goods and banishment of their persons. The King with advice of his council granted leave to the Scottish Merchants to trade at Middleburgh for the present, though they were not to establish a Staple there, until the King should provide a Staple port. Steps were to be taken with all goodly haste to find out what privileges would be granted to the Scots at the various potential Staple ports; Scots merchants were permitted to trade with France and Norway as they did before. These enactments, which testified to an estrangement between Scotland the Netherlands, may have been due to economic causes or they may have been called forth by some unmachinated misunderstanding between Scotland and Burgundy but it may be that Louis XI., whose struggle with his inveterate opponent had now begun, had some hand in sowing dissension between the two countries.

At any rate no more is heard of the matter and for some years afterwards neither France nor Burgundy seemed to have concerned themselves with Scotland. In Scotland the chief subject of diplomatic attention was now the finding of a suitable bride for the King. With this quest there came to be more and more closely connected in the consultations of the Scottish men of affairs another question - that of the long dispute with Norway about the unpaid arrears of the annual due from Scotland to Norway in terms of the arrangement by which the Western Islands had come into Scottish possession after the defeat of King Haco at Largs.

This question had long been a source of some contention between the two kingdoms. Norway and Denmark were now united by the Union of Calmar and in the reign of James II. Charles VII. of France had been called upon to arbitrate in the matter between his allies of Scotland and of Denmark. He suggested a marriage as a basis of agreement but took no active steps to secure a settlement.

1467
In the reign of James III., however, the project of a marriage seems to have commended itself to Scottish statesmen as the best method of settling the dispute. In 1467, when the question of the marriage of the King and his brothers and sister was raised in parliament, power was assigned to certain Lords to commune thereon with other Lords who had been granted authority in the matter and who were at the moment in England, and to conclude what would be expedient in the marriage question and also in the matter of the Norway annual - a significant conjunction.

Events in Orkney contributed to show that the relationships of Scotland with the Scandinavian kingdoms stood in need of adjustment. The seizure and imprisonment of Tulloch, Bishop of Orkney, trusted friend of King Christian of Denmark and almost his viceroy in the Isles, by a son of the turbulent Earl of Orkney, had the effect of rousing the Danish King to assume a firm attitude. In several letters he professed his earnest desire for friendship with Scotland but requested the Scottish King's intervention in order to secure the Bishop's liberation, expressing his resolution not to allow the Earl of Orkney to molest his subjects. (1) Shortly afterwards Christian extended his demands and requested full payment of the arrears of the Norway annual (2). The Scots showed a conciliatory attitude, the Bishop was set free and an embassy was promised to be sent. It was to the obvious disadvantage of Scotland to have the unpaid annual hanging like a sword of Damocles over her head, the residuary card to which the Scandinavian King could/

(1) Torfaeus - Orcades.p.187. (2) Ibid.

1468

could always resort in order to strengthen his demands. At the parliament which met at Stirling in January 1467-8, probably specially ~~summoned~~^{called} to deal with the questions of the King's marriage and the Norway annual, the advantages of a conjunct settlement were evidently very apparent to the minds of the committee "havand power".

It was accordingly decided that an embassy should be sent in all goodly haste before March or April next to Denmark or other place "seen speedful" with full commission to advise and conclude upon the marriage of the King to a "convenient person of noble blood" and with full power "to marry and bring home a Queen". The embassy was to consist of a prelate, a lord, a knight or a clerk, to be chosen by the King, and "forty honourable and worshipful persons or within with them". Allowance was to be made for their expenses and in order to provide for this the clergy present in parliament bound themselves and the rest of their order to contribute £1000 of the usual money of the realm "not by way of tax nor contribution but of their own free will". Similarly the Lords, barons, freeholders and burgesses in parliament pledged their orders to pay £2000. It was at the same time ordained that the persons who went on embassy to arrange for the King's marriage should have such instructions in the matter of the Norway annual as should be seen advantageous to the King and his council.

The embassy to Denmark was duly sent. It consisted of the Bishops of Glasgow and Orkney, Lord Avondale, Chancellor of Scotland, Martin Wan, Great Eleemosinar, Gilbert Rerik, Archdeacon of Glasgow, David Creighton of Cranston and John Shaw "de Halye"(1). It is said that the chief of the embassy was Arran. He is not mentioned officially but the document was written after his fall and he may have been purposely omitted. Again he may only have been sent to bring home the bride(2).

Ferrerius relates that it was decided to send in the meantime another embassy to the Duke of Burgundy to thank him for the marriage offer made some years ago by the Burgundian Duke to the Scots King and to make polite extenuations for the refusal of the proffered match by urging that it would be greatly to the public benefit of Scotland if "not by a sought but rather by an offered opportunity" peace could now be made with the King of Denmark by means of a royal marriage. He goes on to state that the Duke of Burgundy received the embassy kindly, "showed himself sympathetic to their counsels for the safety of the kingdom" and permitted the ambassadors to return, laden with gifts.

Whether or not the goodwill of the Duke of Burgundy was procured beforehand the Scottish ambassadors at any rate sailed to Denmark in July. They were well received by King Christian, who, as the ally of France, would naturally desire friendship with Scotland, and on 8th September a marriage treaty highly advantageous to Scotland was agreed upon. King James was to marry Margaret the youthful and only daughter of the King of Denmark, and a lady, according to the chroniclers, of great beauty, accomplishments and virtues. As his daughter's dowry King Christian granted the Scottish King a full discharge from the obligation of the Norway annual and a remission of all its arrears, in addition to a further sum of 60,000 florins, of which 10,000 were to be paid at once while the Orkney Islands were to be laid in pledge for the remainder. On her side Margaret was to receive the palace of Linlithgow/

(1) A.P.S.II. App. R.M.S. (2) Ferrerius has a very improbable story that Arran was already in exile at the time the marriage was arranged and came home along with the bride in the hope of being forgiven amid the general rejoicings.

(1) Ferrerius.

Linlithgow and the castle of Doune in Menteith, while she was to have a due third of the royal revenues if she were predeceased by her kingly spouse(1). This was ~~later~~ ratified under the Scottish Great Seal on May 13th 1471, instrument being taken thereupon in parliament. Further provisions were included that if James were to die the Queen was to have at any time within three years after his decease full liberty to leave Scotland or to remain within that kingdom as she pleased. If she chose to withdraw from Scotland James's heirs and successors were obliged to pay her 120,000 Rhenish florins for her third part of the royal property in Scotland. The unpaid part of Margaret's dowry was to be subtracted from this sum and the ~~XXXX~~ Orkneys were then duly to revert to the Norwegian King. A proviso, however, was added that the Queen was not to marry or otherwise join herself with the English King or any English person. The circumstances which were to make these provisions effective never arose for James outlived his Danish wife. On October 11th 1473 King James with advice of his Three Estates issued an instrument under Great Seal, assigning certain lands, lordships, castles, customs and the palace of Linlithgow to the Queen in recompense for her third part of the royal property.

The terms of settlement having been arranged there was some delay while they were communicated to the King of Scots, and until the winter should pass and the weather become more suitable for the passage of the girl-bride to her new home. It is probable that a further company of Scots with Arran at their head was sent to escort her to Scotland. In July 1469 Margaret arrived in Scotland accompanied by a numerous and distinguished retinue of Danish nobility and she was duly married to King James in Edinburgh with great magnificence.

When the time came for his daughter to sail, however, the impecunious Christian found himself in difficulties. Of the 10,000 florins that he had promised to pay down he could only muster 2,000 and the Shetland Islands were accordingly laid in pledge for the remainder. This was entirely to the advantage of Scotland. The islands were real wealth: while the promised florins were but the media of exchange, the measure, not the substance, of wealth, the islands were a real addition to the resources of Scotland. Furthermore the possession of islands so near her coast by a foreign and potentially hostile power had been a real menace to Scotland. There had been some extension of Scottish influence over the Northern Isles when, on the failure of the Norse Jarls, the Earldom of Orkney had passed to the Scottish family of Sinclair, but it was a very unsubstantial connection and one that was in constant danger of being broken. It had indeed been rather a source of trouble than an advantage to Scotland.

Both the Orkney and Shetland Isles were thus now handed over to Scotland in pledge for Queen Margaret's dowry. Buchanan states that the only stipulation made by the Danish King was that private owners should be maintained in the Isles as before. Ferrerius and other writers, notably Hollinshed and Drummond, relate that on the birth of James IV. King Christian, delighted by the advent of his grandson, renounced forever all right to the Orkneys and Shetlands, which thus passed irrevocably to Scotland. Ferrerius states that Christian's deed of renunciation was reported to be preserved in the Scottish archives in his own day. At any rate Queen Margaret's promised dowry was never paid and through lapse of time the Orkney and Shetland Islands came to pertain to Scotland both actually and legally. In February 1472 Orkney and Shetland were annexed to the Scottish crown.

appointment of Henry Percy as Warden of the East Marches in July(2) and of Gloucester as Warden of the West Marches in August(3) is probably of significance rather in relation to English policy (1) Torfaeus. In Scottish diplomacy. After Edward's flight the office of Warden again changed hands, Montague being appointed as Warden of the East Marches on October 22nd (1470) (4).

(1) Hist. Scot. (2) Ibid. (3) Ibid. Fosdick. (4) Ibid.

1469
1470
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1471
1470

Meanwhile England had again fallen upon troublous times. Edward IV. had embarked upon a policy to checking the power of the feudal magnates and had used the numerous relatives of his Woodville wife to surround himself with a solid phalanx of new men, dependent on himself, to act as a counterpoise to the older nobles. Warwick, finding himself subjected to various snubs, his schemes checkmated and his influence declining, at last threw himself into open opposition to Edward IV. Allying himself to the King's discontented brother, the Duke of Clarence, by the marriage of his daughter, Isabella, to the Duke (July 1469), he descended upon England from Calais in company with his son-in-law. Already Warwick's friends had produced a rising in the north, Edward IV. was taken unawares, the royalists were defeated at Edgecote (26th July 1469) and for a time Edward was a prisoner in the hands of the redoubtable "Kingmaker". Early in 1470, however, Edward, taking advantages of disturbances in Lincolnshire, was able to reassert himself against his opponents and Warwick and Clarence were put to flight. Warwick tried to put in at Calais but, on finding the harbour closed against him, he went on to France. There, assisted by the machinations of Louis XI., an unhallowed alliance was made between Warwick and his great opponent, Margaret, the exiled Queen of Henry VI., by which it was agreed that Henry VI. should be restored while Warwick's daughter, Anne, was betrothed to Prince Edward, Henry's son. Louis XI. supplied rather moderate assistance in money, ships and men, Warwick made a second descent upon England, Edward IV., who had made the mistake of not following up his late advantage, was again caught unawares and fled to Flanders (Oct. 1470). Henry VI., who was found in the Tower "nocht so clenly kepte as schuld seme suche a Prynce" was restored to his royal dignity as King of England. His restoration, however, was shortlived. The Duke of Burgundy, then at war with France, granted the fugitive King Edward 50,000 florins with which the latter fitted out an expedition. The details of Edward's return to England and of his operations there need not be entered into. In the end he found himself completely victorious; at the battles of Barnet (April 14th 1471) and Tewkesbury (4th May 1471) both sections of his opponents, the supporters of Warwick and Lancaster, were destroyed. Warwick, his brother Montague, the Lancastrian Prince Edward and many others were slain; Margaret of Anjou surrendered at last to her adversary, and, after the failure of the Bastard of Fauconberg's belated pro-Lancastrian attempt, Henry VI. was removed from this world (May 1471).

In these circumstances England would naturally seek to remain friendly with Scotland. None of the powers that in turn prevailed would wish further to jeopardise their insecure position or to add to their difficulties by provoking the Scots and in the quick moving tide of events they would have at any rate little time to concern themselves much with the northern kingdom. Scotland, on the other hand, its attention presumably being devoted to its own affairs, the King's marriage, the ruin of the Boyds, the ecclesiastical struggles that centred round Graham and the chronic tumults in the north, made no attempt to interfere in English politics or to turn the troubles there to its own advantage.

1470

The relationships of the two countries during these eventful months accordingly evince a consistent desire for friendliness. On July 18th 1470, while Edward IV. still ruled in England, a commission was issued to Laurence, Bishop of Durham, Henry, Earl of Northumberland and others to treat with Scottish commissioners on August 6th at any suitable place as to attempts in either country against the truce and the correction thereof(1). The appointment of Henry Percy as Warden of the East Marches in July(2) and of Gloucester as Warden of the West Marches in August(3) is probably of significance rather in relation to English politics than to English or Scottish diplomacy. After Edward's flight the office of Warden again changed hands, Montague being appointed ~~of~~ Warden of the East Marches on October 22nd (1470)(4).

(1) Rot. Scot. (2) Ibid. (3) Ibid. Foedera. (4) Ibid.

1470
During the short period of Henry VI's restoration relationships between the two countries remained friendly. On November 20th (1470) an English safe-conduct was issued for the Scotsmen Robert Lauder and William Roger, "armigeri" and Alexander Preston, a clerk(1). On December 9th license was granted by King Henry to John Cokke and other English Merchants to send a ship to trade to Scotland(2) and on the same day an English safe-conduct was issued for two Scottish merchants (3). On December 18th a warrant was issued to the English Chancellor for safe-conducts for a year for William Cameron, Prior of St. Andrews, William Monypenny, Prior of "Portencok", and other Scottish clerics(4) On December 21st a commission was issued to Montague to raise troops in the north(5) but this had probably nothing to do with Scotland. On February 24th 1470-1 a safe-conduct was issued to Patrick Benyng, Scottish Merchant(6).

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After the Battles of Barnet and Tewksbury several fugitive English nobles made their way to Scotland. On April 28th 1471 a safe-conduct was issued by the King of Scots to John Vere, Earl of Oxford, who had fought on Warwick's side at Barnet, with forty persons or less, to endure for six months(7). On June 19th a safe-conduct was issued to Alice, Lady Fitzhugh, Richard, Lord Latimer, Richard Fitzhugh, son of Lord Fitzhugh, and forty persons or less to endure for a year(8). The Scots may have apprehended invasion. In May 1471 the Scottish parliament, considering the article that if the "Auld Enemies" should invade certain "cartes of weir" should be made by prelates and barons, thought expedient that they should be so made. Further regulations forbade imported spears to be less than six ells in length, required yemen "who can not deal with the bow" to have a good axe and targe of leather to resist the English shot, ordained that Wapinschaws should be held, shooting encouraged and golf and football abandoned. These regulations, however, may not have been called forth by apprehension of imminent hostilities; they may only have been passed for the military preparation of the lieges in case a war with England should at any time arise and not with reference to the political exigencies of the moment; or they, ^{may} on the other hand, have been elicited by a fear that hostilities with England were impending.

If his fugitive opponents, however, were received in Scotland, Edward IV. on his recapture of the English throne showed himself anxious to maintain friendly relations with his northern neighbour. Edward's power had been shaken, he would wish to re-establish it and would thus be anxious to avoid the distractions and dangers of Scottish hostility. It is true that his position was in many respects stronger than ever before for most of his Lancastrian and Neville opponents had been destroyed or scattered. The Lancastrian dynasty was virtually without a representative, yet pro-Lancastrian efforts might still be made and the possibility of proclaiming the Lancastrian cause always strengthened the hands of those who contemplated revolt in England. Furthermore foreign affairs made the English King anxious for a secure peace with Scotland. At the time of Edward's restoration Louis XI. and Charles the Bold were at war and their strife continued throughout the life of the Burgundian Duke. Edward would naturally wish to assist his brother-in-law and ally against the French King who had helped to launch the Neville-Lancastrian attack upon him. Besides France was the traditional foe of England and a war against France, if it were successful, could always be relied upon, at least in its opening stages before its burdens made themselves felt, to arouse enthusiasm for the dynasty that conducted it. Edward was thus always proclaiming his intention of going to war with France and actually led an army to the invasion of that country in 1475.

(1) Rot.Scot. Foedera. (2) Rot.Scot. (3) Ibid. (4) Cal.Doc.Scot.
(5) Foedera. (6) Rot. Scot. (7) R.M.S. (8) Ibid.

Yet he never showed himself very anxious to prosecute the war. Even in 1475 he allowed himself to be bought off at Pecquigny, probably wisely realising that, though the prospect of a French war might rouse English ardour, such a war could not be confidently relied upon to prove successful and that its burdens would at any rate soon give occasion for complaints.

In order to be free to pursue his continental aims it was essential for the English King to have a good understanding with Scotland so that his actions might not be hampered or stultified by the potential or actual hostility of his northern neighbour. Throughout the ensuing years, therefore, he was sedulously friendly and showed himself anxious for peace on a more secure basis than that of mere truce. There was always a possibility that French intrigue might stir up Scotland to war with England and Edward evidently believed that the best way to prevent this was by himself assuming the role of being Scotland's best friend.

471 The restoration of Edward IV. saw Scotland and England still anxious for a friendly understanding. As early as July 13th, 1471 Windsor Herald, who had been sent by the English to the Scottish King, received £6 for his expenses in "going, staying and returning." (1) Attempts were at once made to secure a meeting of the representatives of the two countries. English commissioners were assigned and John Sergeant, messenger of the English King's chamber, was sent in July to the Bishop of Durham and other English commissioners in the north who were appointed to meet those of the King of Scots in order to treat of peace (2). On August 7th, 1471 the English King issued a safe-conduct for Scottish ambassadors who were to treat with the English for the correction of breaches of the truce. These ambassadors were the Bishops of Glasgow, Aberdeen and Orkney, the Earls of Argyle, Crawford and Caithness, Lords Hamilton and Borthwick, the Abbot of Holyroodhouse, Archibald Whitelaw, Archdeacon of Lothian, Secretary to James III., Martin Rean and Gilbert Rerik, Archdeacon of Glasgow (3). On the same day, August 7th, the Sheriffs of London and Middlesex were ordered to proclaim that a Diet of the commissioners of England and Scotland was to be held at Alnwick on September 24th for redress of infractions of the truce between the two countries. The proclamation warned all subjects who had been wronged by such infractions to appear there and enjoined all the lieges to keep the truce strictly until the said 24th September under penalty of the laws (4). On August 26th the Bishops of Ely, Durham and Carlisle, the Earls of Northumberland, Shrewsbury and Wiltshire and nine others were appointed commissioners with very full powers to meet the representatives of the Scottish King on the 23rd day of the following September (1471) at Alnwick or other suitable place in order to treat of the redress of infractions of the truce and of lasting peace and truce (5).

Edward, however, wished to tie down the Scots more firmly to friendship with him than could be done by a mere truce, which might be broken with little compunction at any moment. The standard medieval method of cementing alliance was by means of a marriage and accordingly on August 26th, (1471), in addition to the appointment of commissioners for holding the Diet at Alnwick, a further commission was issued to John Alcock, Keeper of the Rolls of Chancery, William Hatcliffe, the English King's Secretary and Master of Requests, and William Parr, all of them members of the larger commission, to treat with the King of Scots or his ambassadors upon truce and peace and also upon "contracts or marriages" (quoscumque contractus seu matrimonia), in which, however, the express consent of the King was to be required (6).

The proposed Diet of Alnwick presumably did not come into being.

(1) Cal. Doc. Scot. (2) Ibid. (3) Rot. Scot., Foedera. (4) Foedera. (5) Ibid., Rot. Scot. (6) Ibid. Before Michaelmas Norrey, King of Arms was sent by the King's command to the King of Scotland (Cal. Doc. Scot.).

472 being for on February 6th, 1471-2 a new commission was issued to the Bishops of Ely, Durham and Carlisle, the Earls of Northumberland, Shrewsbury and Wiltshire and eight other persons to meet Scottish commissioners at Newcastle-on-Tyne on 20th April following in order to treat of the infractions of the truce and of truce and peace(1). The Scots also appointed commissioners and on March 6th an English safe-conduct was issued for the Bishop of Aberdeen, the Earl of Crawford, Lord Hamilton, Lord Stewart of Darnley, Archibald Whitelaw, Secretary to James III., David Guthrie and Duncan Dundas, the Scottish ambassadors(2). Later in the month both Kings appointed new sets of commissioners to meet at Newcastle on April 25th in order to treat of the infractions of the truce and of lasting truce and peace. The English commissioners, who were appointed on March 16th, included the Bishops of Ely, Durham and Carlisle, the Earls of Northumberland, Shrewsbury and Wiltshire and ten others(3), the Scottish envoys, for whom the English King issued a safe-conduct on the same day (March 16th) that he appointed his own commissioners, were the Bishops of Glasgow, Aberdeen and Orkney, the Earls of Crawford, Argyle and Caithness, the Abbot of Holyroodhouse, the Lord of "Rule"(sic), Lords Hamilton, Seton and Lyle, Archibald Whitelaw, the King's Secretary, John Otterburn, Official of St. Andrews, Martin Rean, Gilbert Rerik and David Guthrie, Clerk of Register(4). The commissioners met at Newcastle on April 20th and the truce was ratified and prorogued. On May 25th (1472) the English King issued letters to his Sheriffs ordering them to make public proclamation of the renewal of the truce agreed upon at Newcastle and strictly commanding that none of his subjects should in any way molest the subjects of "his cousin of Scots" in breach of violation of the said truce until July 1473, at which time a new Diet was to be held by the ambassadors(5).

One infraction of the truce that caused considerable acrimony between the two kingdoms had come under discussion at Newcastle. Bishop Kennedy's great ship, "the Bishop's Barge", which had been one of the Scottish marvels of her age, had been wrecked on the Northumbrian coast. The goods she had on board were plundered by the English and it was alleged that one of the survivors, the Abbot of St. Colms, had been imprisoned and held to ransom by an Englishman named James Ker(6). This breach of the truce was deliberated upon at Newcastle and on August 8th (1472) the English King issued a commission to John Witherington and Robert Hopton to make enquiry into whose hand had come the goods which had been on board the wrecked ship, as had been agreed upon with the Scots commissioners, and to enforce their restoration when found(7).

3 In 1473 good relations continued. The Duke of Burgundy evidently busied himself to secure concord between England and Scotland. Charles the Bold was meeting with less success now in his struggles against France. After the death of Charles of France in 1472 the Burgundian Duke invaded France but Louis XI. avoided an engagement, Charles wasted his strength in a useless attack on Beauvais and had to retreat with no advantage gained. Charles the Bold, whose resources were now coming to be further weighed upon by the inception of his eastern schemes, would naturally be anxious for the active assistance of his English brother-in-law, and indeed in 1472 Edward IV. had proclaimed his intention of going to war with France and had received a preliminary war grant from parliament for that purpose. To ensure Edward's wholehearted participation in a foreign war, however, and to remove a possible excuse for his hanging back, it was essential to reassure him from the side of Scotland and to avert the danger of a Scottish attack in his rear. The Duke of Burgundy therefore applied himself to securing a more stable agreement between the two countries. His intimate personal connection with both Kings, with Edward IV. as his brother-in-law and with James III. through the/

(1) Rot.Scot.Foedera. (2) Ibid. (3) Ibid. (4) Ibid. (5) Foedera.

(6) Lesley etc. (7) Rot. Scot.

(11) Ibid.

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the Scottish King's mother, Mary of Gueldres, gave him a definite "locum standi" and his representations resulted in the signing of a special truce between the two countries. On March 25th, 1473 King James of Scotland issued a declaration announcing a special truce with England for two years as from the 10th day of the following month of April. The document relates that he was moved to take this step by the many enormities daily perpetrated in defiance of the existing truce, such as homicide, incendiarism, rapine and deprivations, which might grow to such an extent that the truce to all appearance might be broken, and the desire expressed in these circumstances by the Duke of Burgundy, through his ambassadors, "Folpard de Amerongen" and George Baert, that the truce between England and Scotland should be more rigidly observed and more firmly stabilised. This truce accordingly was to be in special form, without prejudice to any truces of ensuing time, and it was promised that it should not be broken or invalidated on account of any of the trespasses formerly attempted or in future to be attempted against it. All malicious attempts contrary to the truce were to be faithfully corrected as quickly as possible, and the King promised faithfully to observe all the premises(1). On 10th April (1473) a declaration in exactly similar terms, promising to observe the special truce for two years, was issued by Edward IV.(2).

Even this binding agreement was, however, evidently deemed insufficient. On April 21st an English safe-conduct was issued for the Bishops of Glasgow, Aberdeen and Ross, the Earls of Crawford, Buchan, Argyle and Caithness, Lords Hamilton, Darnley, Borthwick and Seton, the Abbots of Melrose and Dunfermline, John Otterburn, Archdeacon of Whithorn, Gilbert Rerik, Archdeacon of Glasgow, Sir John Colquhoun of Luss and John Ross of Halkhead(3). On May 16th the English King issued a commission to the Bishops of Ely, Durham, Carlisle and St. Asaphs, the Earls of Northumberland and Shrewsbury and others to treat with the Scots at Newcastle, Alnwick or other suitable place on 16th June concerning infractions of the truce and also for lasting peace and truce(4). The meeting was postponed, in the Scottish parliament on July 23rd(1473) it was said that the proposed Diet at Alnwick had to be abandoned because the English neglected to provide a safe-conduct, but on July 7th a safe-conduct was issued for unspecified Scottish ambassadors coming to treat with England(5). In parliament in July when James III. evinced a disposition to go to seek adventure in Brittany his Estates counselled him that in the meantime he should provide for the stabilisation of the peace with England. On August 24th (1473) a new set of English commissioners, including the Bishop of Coventry and Lichfield, the Earl of Northumberland and other notable figures, was assigned to treat with the Scots of injuries to the truce and of lasting peace at Alnwick or other suitable place on 20th September(6), while on September 10th James III. issued a similar commission for the same Diet to the Bishop of Aberdeen, the Earl of Crawford, the Abbots of Kelso and Jedworth, Lord Hamilton, Alexander Inglis and Duncan Dundas(7). On September 12th and 13th safe-conducts in England were issued to several prominent Scots - John Laing, Rector of Newland and later Bishop of Glasgow, the Scottish Treasurer, Archibald Whitelaw, Archibald Knollys, Archdeacon of Moray, and Thomas, Bishop of Aberdeen(8).

About the end of August or the beginning of September the Scottish envoys went to England(9). The Scots seem to have given considerable attention to the business of the embassy and the home government kept in touch with the commissioners while in England and sent them various instructions. On 22nd August letters were sent to the Earl of Crawford to Berwick "for the Diet of Alnwick"(10). Similar letters were sent to Sir John Ogilvy of Airlie on 28th August, to the Master of Household on September 14th and to the Duke of Albany.(11). On September 6th the Chancellor and/

(1) Foedera. (2) Ibid. Rot.Scot. (3) Ibid. (4) Ibid. (5) Rot. Scot. (6) Ibid, Foedera (7) Foedera (8) Rot.Scot. (9) T.A. (10) Ibid (11) Ibid.

and the Master of the Household were summoned to Edinburgh in order to give advice for the Diet of Alnwick while payments are recorded in the Treasurer's accounts to one who was sent in haste with letters to the Lords at Alnwick and to Snowdon Herald "passande to Anwic secreta materis of the Kingis ". It is interesting to note that the Earl of Crawford received £20 at the King's command for his expenses incurred in going to the Diet(2). The Calendar of Documents Relating to Scotland shows that there was considerable coming and going between England and Scotland, probably in connection with the diplomatic embassies. Payments are recorded to Norrey and Walter Ireland, Kings of Arms, for various journeys to Scotland while Lyon, King of Arms and perhaps Snowdon Herald were sent from Scotland to England.

On 28th September 1473 an indenture of agreements was drawn up at Alnwick by the representatives of the two countries(3). The commissioners for England were John, Bishop of Coventry and Lichfield, Henry, Earl of Northumberland, Sir Ralph Graystock, Sir Humphrey Dacre, the Prior of Durham, John Fox, Doctor of Laws and Ireland, King of Arms, and for Scotland the Bishop of Aberdeen, the Earl of Crawford, the Abbot of Jedworth, Lord Hamilton, Alexander Inglis and Duncan Dundas. The agreement made at Newcastle on May 1st, 1472 was to be maintained in full force. Negligent Wardens and other officials on the Borders were required to be more diligent in holding Diets for the correction of abuses and in the redress of complaints. For the more effectual performance of this stipulation the Border Lieutenants were to hold periodic meetings at stated times at various places on the Borders. These Diets were to be held by the Lieutenants and Deputies of the Borders, who should be instituted by the Wardens and were to be "such persons of power and of good disposition as they will answer for to their Prince at their own peril". At the Diet were to be redressed all complaints given in the Diet of Newcastle since the 9th March 1472, all new complaints given in at the present Diet of Alnwick and all other complaints given in by complainants of both parties at any time since the said 9th March 1472. Prisoners unlawfully taken by either of the parties were to be given up along with their sureties and obligations for ransom and their ransoms were to be discharged. Ships unlawfully taken were to be restored. If any person withstood these regulations his contumacy was to be signified to his Warden or Admiral or their Lieutenants, who should forceth recusant to make restitution within eight days or else "enter their persons to the party complaining unto satisfaction and redress be made to the complainers". In any "slaughter" done since the said 9th day or in future to be committed by Englishmen in Scotland or vice versa, the slayer, unless he were fugitive, was to be taken to the Wardens or their Deputies and delivered to the party complaining to be "justified" or ransomed at will of the complainant within fifteen days. If the slayer were fugitive he was to be put to the King's horn and declared rebel and receivers of the fugitive after such proclamation had been made were to receive such penalty at the will of the complainant as the fugitive himself would have received. Wardens and other officials were to come to their Diets of meeting "in peaceable wise without harness, axe, bill, spear or bow and without all other fensible weapon (save sword and knife) under pain of escheating of their weapons and the person or persons doers hereof to be delivered to the other party as prisoners to be punished for the default". Fixed limits were prescribed which their retinues were not to exceed, in the case of Wardens 1000 men, of Lieutenants 500 and of Deputies 200 persons or less, on pain of a fine to the other party of one English noble for every person above the prescribed number. These provisions illustrate somewhat blatantly the temper of the two countries but some such disarmament regulations would be necessary if Border meeting were to be held, in/

(1) T.A. (2) Ibid. (3) Foedera.

in order to prevent the inflammable spirit of the men who would be there assembled from turning the Diets of peace into scenes of bloodshed and war. Bills of complaint were required to be handed in to the Wardens or Lieutenants who were to have the accused "arrested to the Diets appointed upon the Borders above written" where the complaining party should receive justice. The act made at Newcastle with regard to the ship "Salvator" (the Bishop's Barge) was to stand "firm and stable" but as there was variance between the commissioners of Scotland and England as to the restitution due the matter was left to the "discretion and declaration" of both Princes.

The other great scene of international outrage besides the Borders was the sea and accordingly provision was made for the settlement of maritime complaints and hostilities. All "attempts" on sea were to be determined before the Lords Admiral of their respective countries, their Lieutenants or Deputies. Each Admiral was to send "a notable person of good knowledge, authority and disposition" to the Border on the 8th day of January next with continuation of days, to meet at a suitable place in order to hear all complaints and do justice therein, as they would answer to God and their Prince. All complaints of Scots against Englishmen were to be sent to the Duke of Gloucester, Admiral of England, those of Englishmen against Scots were to be sent to the Duke of Albany as Admiral of Scotland, so that the Admirals could make the accused appear. All not appearing without reasonable excuse were to lose their cause. Proclamations were to be made for all complainants of such attempts to appear on the said day and anyone failing to do so without reasonable cause was to lose his case. It was agreed that all bills of either party formerly filed should be redressed at the next "Days of Merchez forsade" and decisions were given in particular cases laid before the commissioners. In a complaint by the merchants of Newcastle against David White for taking a ship the Lords thought the ship unlawfully taken and decreed David White and his accomplices to be summoned to the 8th January so that redress might be had. As to the rebels of Easdale the commissioners agreed that the Englishmen who came with them should be constrained to redress no further than ~~on~~ their complicity could be proved by the law of the Border.

The chief interest of this treaty lies in the attempt to set up a definite machinery to make the truce effective and to correct infractions of it, and in the provisions by which it was sought to attain that end. It was probably in accordance with the articles requiring periodic Border Diets that "Richard Blitht, currou" was sent by James III. on October 4th 1473 with letters to various persons on the Borders for the day of truce to be held after the Diet of Alnwick, (1) but it is improbable, though days of truce were doubtless held from time to time, that any sustained effort was made to hold the Diets on a definite system and still more improbable that the scheme would prove successful even if a sincere attempt were made to put it into operation.

The arrangements made at Alnwick did not long satisfy Edward IV. He was now seriously contemplating war with France. In June 1474 he received large grants from his parliament, the Commons undertaking the entire charge for 13,000 archers for the year, he began to make treaties with the Duke of Burgundy, who found himself threatened from all sides, and sent an auxiliary force to the aid of his brother-in-law which assisted at the siege of Neuss. In these circumstances Edward desired to commit the Scots more securely to friendship with him and in 1474 he revived the policy of a marriage alliance. On March 29th, (1474) he issued a safe-conduct for Scottish ambassadors - the Bishop of Aberdeen, the Earls of Argyle and Crawford, John Lite, Treasurer of Glasgow, Archibald Whitelaw/

(1) T.A.

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Whitelaw, Archdeacon of Lothian, Secretary to James III., David Guthrie and David Creichton of Cranston(1). These ambassadors evidently went to England for during the Easter term 1474 a payment of £100.13.2d was made to the Bishop of Aberdeen and the ambassadors from the King of Scots late come to the English King(2). A day of truce was held or was intended to be held on the Borders in April, for letters were sent by James III. to the Earl of Angus and David Scott on April 3rd and later for the "Diete of the day of trew"(3). On April 26th (1474) Richard Blitht was sent with "opin proclamacione for the convocacione of the Kingis liegis again the incummyn of the Duc of Glosister at the West Marche and Myddil"(4). Other couriers, Rudman, Thom Scetho and Spardure, were sent with similar letters(5) and on the last day of April a payment is recorded "to the trumpatis..... passande to my Lorde Albany to Lawder at the gadering quhen it wes transit the Duc of Glosister suld haue cummyn in"(6). Convocation of the lieges by open proclamation has almost a hostile ring but there is no other record of apprehended hostilities and it is to be presumed that Gloucester came to Scotland for the holding of a day of truce or other peaceful purpose.

Whatever the "incummyn" of Gloucester might signify the two countries continued to move towards a closer basis of alliance. The Calendar of Documents relating to Scotland shows that there was much journeying between England and Scotland by the Heralds of both countries. On 8th May (1474) the English King issued a safe-conduct for certain Scottish ambassadors - the Bishops of Glasgow, Aberdeen and Orkney, Sir John Colquhoun of Luss, Sir James Liddale of Halkerston, Alexander Inglis, sub-dean of Dunkeld, Gilbert Rerik, James Shaw of Sauchie, Duncan Dundas and William Haket(7). When the Scottish parliament met on May 9th it was thought expedient to send an embassy to England for obtaining redress as to the Bishop's Barge and other attempts against the truce and "to labour any other good matters of friendship and amity that may be to the observation and keeping of the peace in time to come". On July 29th (1474) Edward IV. issued a commission in which he stated that James, King of Scotland, had appointed the Bishop of Aberdeen, Sir John Colquhoun of Luss, James Shaw of Sauchie and Lyon, King of Arms as his ambassadors to treat of a marriage between his eldest son and heir, Prince James, and Cecilia, younger daughter of Edward IV., and appointed Laurence, Bishop of Durham, Edward, Bishop of Carlisle, Sir John Scrope, Sir John Dudley and John Russel, Keeper of Privy Seal, as his (Edward IV's) commissioners to treat with the Scots on the subjects of the marriage, of peace and truce and of infractions of the truce, especially in the matter of the wrecked ship "Salvator", and empowering them if necessary to appoint another Diet for the execution of these matters(8) Edward evinced his cordiality by issuing safe-conducts to several Scottish merchants within the next two days(9) - a proceeding usual with him when he wished to show particular friendliness.

The commissioners met at Westminster in July when preliminary agreements were come to and it was arranged to send English ambassadors to Scotland before 8th October at latest in order to come to a "perfect conclusion"(10). On August 4th an English safe-conduct was issued for a new set of Scottish ambassadors - the Bishops of Glasgow, Aberdeen, Moray and Orkney, the Earls of Crawford and Argyle, Lord Borthwick, Sir John Colquhoun of Luss, Sir James Liddale of Halkerston, Archibald Whitelaw, Secretary, Alexander Inglis, Gilbert Rerik, James Shaw of Sauchie, Duncan Dundas and William Haket(11). On August 15th Edward IV. ratified what had been done concerning the marriage by the delegates at Westminster on July 30th and commissioned the Bishops of Durham and St. Asaphs, the Lords Graystock and Scrope, John Russel, Keeper of/

(1) Rot.Scot. (2) Cal.Doc.Scot.(3) T.A. (4) Ibid.(5) Ibid.(6) Ibid. (7) Rot. Scot. (8) Ibid.Foedera. (9) Rot.Scot: (10) Ibid.Foedera. Nevine, messenger, was sent to London with letters to the Scots ambassadors there on 18th July (1474). T.A. (11).Rot.Scot.

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of Privy Seal, and Robert Bowthe, Doctor of Law, to go to Scotland, there to meet the King of Scots or his ambassador in order to treat and conclude as to the contraction of marriage between James and Cecilia and as to the dowry to be promised and given, to negotiate concerning lasting peace and truce and arrange for another Diet if necessary(1). On the same day two other commissions were issued, one authorising Lord Graystock and Lord Scrope to contract the marriage with Scotland(2), the other empowering the English ambassadors appointed that day - the Bishops of Durham, St. Asaphs and the rest - finally to settle the complaint about the Bishop's Barge(3). A porsuivant was despatched to Scotland to seek a safe-conduct and arrived there early in September (4). James III. gave him 35/- for his expenses and on September 3rd he sent Unicorn Herald to London with the safe-conduct for the English ambassadors(5), while he ordered the Bishop of Dunkeld to prepare his "inns" for their accommodation when they came to Scotland(6). Some slight delay occurred, however, before the English ambassadors set out and towards the end of September Windsor Herald was sent to Scotland to renew the safe-conduct. In October, however, the English embassy arrived in Edinburgh, James supplied himself with "a halve lang gowne of chamote silk of variant hewis" for their coming and borrowed money to pay their expenses(7).

A settlement was soon come to. One difficulty was smoothed away when on October 25th (1474) James, King of Scotland, issued a formal acquittance of his claims on the King of England in the matter of the wrecked ship "Salvator"(8). On the following day, October 26th, about the hour of noon in the church of the Greyfriars in Edinburgh a marriage by proxy was celebrated in the presence of numerous witnesses, including the Chancellor, Avondale, the Earl of Argyle, Colquhoun of Luss and others, between Prince James, eldest son of James III. of Scotland, and Cecilia, daughter of Edward IV. of England, the respective parties pledging themselves to put the marriage into effect when the bride and bridegroom came of lawful age. James was represented by David Lindsay, Earl of Crawford, Cecilia, by John Lord Scrope(9). Public instruments of the marriage were at once drawn up(10) and on the same day(11) an indenture was signed containing the terms of the treaty between the two nations (12), the commissioners being for England, Laurence, Bishop of Durham, Richard, Bishop of St. Asaphs, Ralph, Lord Graystock, John Lord Scrope, John Russel, Privy Seal and Robert Bowthe, Doctor of Law, and for Scotland, Bishops John of Glasgow and William of Orkney, Keeper of Privy Seal, the Earls of Argyle and Crawford, the Abbot of Holyroodhouse and Archibald Whitelaw, Secretary.

By this indenture it was agreed that in order to secure peace between the two countries and consequent prosperity throughout the "noble Isle of Great Britain" a marriage should be effected between Prince James, eldest son of the King of Scots, and Cecilia, younger daughter of Edward IV. As, however, so great a thing as perfect peace between the two realms could not "so suddenly" be brought about, it was shrewdly decided that the truce originally made at York and prolonged at Newcastle on December 12th, 1465 to last till 1519 should be again reaffirmed and ratified. The ambassadors were wise enough in making terms with circumstances but it is quite probable that a stable truce for a definite period would be more to the taste of the English King than the perfect and lasting peace that was piously rhetorised about. More particular provisions follow. Neither Prince was to help the others' rebels and each King must, if required, assist the other to crush rebellion. This was also to apply to the King's heirs and the expenses thereof were "to be maid and done be the Prince that so shall require". Intriguing with Scottish rebels was a favourite policy of Edward IV. and/

(1) Rot. Scot. Foedera. (2) Rot. Scot. (3) Ibid. (4) T.A. (5) Ibid. (6) Ibid. (7) Ibid. (8) Foedera (9) Ibid. (10) Ibid. (11) Ibid. Rot. Sct. (12) Ibid.

and the Scots were well aware of his propensities in that direction. His support of the exiled Douglas was well known, he had received the exiled Lord Boyd with kindness, granted him a pension and was at this very moment treating him with marked favour, and when the Earl of Ross was pursued for treason in parliament in 1475 his treasons with the English King constituted one of the leading charges against him.

With regard to the marriage it was stipulated in the indenture that, since Prince James had only reached the unmatrimonial age of two years while his assigned bride was but two years older, both Kings should promise to do their utmost to achieve the consummation of the marriage when their children should be of lawful age, or at latest within six months after that. The Princess was to have in dower and joint feftment all the lands, rents and revenue pertaining to the ancient heritage of the Prince and heir of Scotland during the lifetime of his father, to wit the Duchy of Rothesay, the earldom of Carrick and the Lordships of the Stewart lands of Scotland. If the Prince became King before his mother's death, while the dower of the present Queen of Scotland had not yet become void, Cecilia was to have a third part of the property, lands and rents pertaining to the King, her spouse, or else an equivalent for the said part, whichever she pleased, and whenever the present Queen's dower should become void Cecilia was to have it if she pleased, renouncing in that case the dowers formerly assigned to her. Edward IV. was to give the King of Scotland as Cecilia's dowry 20,000 marks of English money. Of this sum 2,000 marks were to be paid within three months, similar sums of 2,000 marks were to be paid at the same season of the year in each of the two following years and thenceforth annual instalments of 1,000 marks were to be given until the entire sum should be paid. If this proposed marriage were to fail through the death of one of both parties or from other cause another match was if possible to be arranged. Anything paid by Edward before that date for the first marriage was then to stand good for the second. If the marriage failed of accomplishment and no other could be arranged all money paid by the English King in expectation of the match was to be refunded by the King of Scotland or his heirs to the King of England or his heirs. A proviso was added, however, that if the money which had been paid did not exceed 2,500 English marks it would not need to be refunded, the King of England being content to pay that sum to the King of Scots though all projects of marriage should fail. In surety of the said payment and repayment (if necessary) letters patent of obligation, drafts of which were given in the indenture, were to be exchanged by the Kings. The letters of ratification and obligation of the King of Scots were to be delivered in the Parish Church of Norham on the 4th day of January following, the King of England's letters likewise to be delivered there unless more speedy means of interchange could be devised.

There was also signed a second indenture ratifying the truce made at York on June 1st, 1464 and confirmed and prolonged at Newcastle on 12th December, 1465, letters of ratification to be mutually interchanged at Norham Church on or before January 4th (1474-5). These indentures were ratified by James III. on November 3rd, 1474 (1). Edward IV. also confirmed the indentures about the same time and issued orders to the sheriffs for proclaiming the truce with Scotland and enjoining his subjects to observe it (2).

Lyon, King of Arms was sent from Scotland to London " for interchanging of the confirmation of the truce" (3). While there he had discussion with certain members of the council of Edward IV. and on December 3rd (1474) an indenture was signed between Lyon, King of Arms as authorised representative of James III. and Richard Langport, Clerk of Council of Edward IV., which settled some further points/

(1) Foedera. (2) Ibid. (3) T.A.

points concerning the truce(1). It was arranged that those conveying the instalments of Cecilia's dowry should be met at the Scottish Border opposite Norham by a guard of Scots and conducted by them to Edinburgh. The Scots were required to show written authority that they had been deputed for this purpose and to leave it in keeping of the Lieutenant of Norham. It was stipulated that the King of Scots must give a safe-conduct to the bearers of the dowry, provided they did not exceed forty persons, the safe conduct to be delivered at Norham before they crossed the Tweed. On the subject of the "Fishgaert" of Esk, which was causing dispute between the subjects of the two countries, it was agreed that certain Lords of both parties, who were not to be Borderers, should be authorised by their respective sovereigns to visit the place and to find out by testimony of the oldest and most faithful inhabitants of both parties how the fishgarth used formerly to be kept "and thereupon put them in their devoir to finish and determine that debate and quarrel". They were to meet in the West March for this purpose on the 10th day of March next following. Both Kings were strictly to charge their subjects to make no disturbances or breach of the truce by occasion of setting up or taking down the said fishgarth or for any other cause.

Drummond of Hawthornden states that "it was thought by some familiar with King Edward and in his most inward counsels, that really he never intended this marriage" of Cecilia to Prince James, but merely temporised in order to prevent Louis XI's making the Scots invade England. It may well be that Edward was merely hoodwinking the Scots with promises that he did not intend ultimately to fulfil and he did, in fact, later show himself eager to retreat from his engagements. On the other hand, however, it is certain that at the time Edward was anxious for a good understanding with Scotland. The children who were married by proxy were both very young and in the changing politics of their day none could foresee what vicissitudes would arise before the marriage could be made real. The promise of the marriage was the bid that Edward held out to the Scots. He exerted himself to make that promise as satisfactory as possible, for the rest, as to its fulfilment or non-fulfilment, he would probably leave himself to be guided by future circumstance. In the meantime he did his best to show his goodwill. He had promised the Scots what was virtually a gift of a sum up to 2,500 marks, whatever the final outcome of the marriage negotiations might be; he made restitution for the plunder of goods from the Bishop's Barge; for some years the instalments of Cecilia's dowry were regularly paid. Edward had a businessman's appreciation of the value of money and he would not spend it unless it were to secure something he really desired. It is true that he later received the instalments back again but Edward could not have entirely foreseen future circumstances and he knew himself to be at least risking his precious marks. If Scotland's friendship was later to be of little consequence at present at least it was valuable.

The reason is obvious. Edward was at last about to make his attack on France and the negotiations with Scotland were carried on amid warlike preparations. To be able to devote as many as possible of his resources to his French expedition and to expose himself to as little risk as he could, it was necessary for Edward to do what was possible to guarantee against the danger of a Scottish attack on his kingdom.

In 1475 Edward sailed to France with his army but his expedition was sufficiently barren of glorious results. The Duke of Burgundy, whose resources had been wasted in the siege of Neuss, lost his golden opportunity and failed to co-operate; Edward's hopes of French defection were disappointed and the English King, finding himself reduced to somewhat uncomfortable straits, allowed himself to be bought off for a sum of 75,000 crowns down and a guarantee/

(1) Foedera.

guarantee of 50,000 crowns annually for life and signed with Louis XI. the treaty of Picquigny. (August 1475)

Throughout 1475 and for some ensuing years relationships between England and Scotland remained cordial. Edward IV., a constitutionally lazy man, had had for the present enough of soldiering. The treaty of Picquigny was extremely unpopular in England and the King gave his attention to internal affairs, commercial policy and the attainder of Clarence. The continental developments which preceded and followed the death of Charles the Bold may also have made him wish to keep himself clear of entanglements in case his intervention should be necessary or advantageous. Scotland also during these years was sufficiently occupied with her own affairs and her King had his own reasons for pursuing a peaceful policy.

In these circumstances relationships between the two countries were in the main friendly but rather unimportant. From 1475 to 1477 especially the two countries remained upon terms of cordiality. During these years the instalments of Cecilia's dowry were regularly paid. On January 16th, 1474-5 the King of Scots issued a safe-conduct for the persons conveying the dower of the Lady Cecilia to Scotland(1). The first 2,000 marks instalment of the dowry was paid at Edinburgh on February 3rd, 1474-5 by Alexander Lye, Almoner, and James issued his formal receipt on the same day(2). On February 3rd, 1475-6 the second instalment of 2,000 marks for Cecilia's dowry was paid in St. Giles in Edinburgh by Alexander Lye(3). On January 31st, 1476-7 the King of Scots commissioned Archibald, Abbot of Holyroodhouse, The Treasurer, William Scheves, Archdean and Coadjutor of St. Andrews, Alexander Murray, Parson of Hawick and Director of Chancery, and Sir David Luthirdale, Archdean of Dunkeld to receive the 2,000 marks due from Edward IV. for Cecilia's dowry on February 3rd, 1466-7(4). On February, 2nd, (1466-7) James wrote to the bearers of the money informing them that he had sent Lord Hume, Robert Lauder of Edrington, Adam Blackader, or two of them, and Lyon, King of Arms, to convey them safely to Edinburgh, stating that their safe-conduct had been handed to the Constable at Norham according to the treaty(5). On February 3rd, 1466-7 James issued his receipt for 2,000 marks paid in St. Giles by Alexander Lye as the third instalment of the dowry(6).

Attempts were also made to remove such difficulties as threatened infraction of the truce. On February, 3rd, 1474-5 an old source of contention was at last settled when the Bishop of Aberdeen issued a receipt for 500 marks paid that day in Edinburgh by Alexander Lye "for final concord had with the procurators of the Scottish merchants" about the ship "Salvator" and "for full restitution and satisfaction"(7). On February 22nd, 1474-5 a commission was issued to the Bishops of Durham and Carlisle, Lords Dacre and Graystock, the Prior of Carlisle, William Potteman, Canon of York and Prior Beverley, Ralph Makerell, Deacon of the College of Chester Street and Sir James Strangways to meet Scottish commissioners on March 6th in order to treat concerning the right of fishing on the Esk where the English claimed the right to build a fishgarth and the Scots denied it(8). It would seem, however, that the commissioners did not meet. Harboursing each others' political fugitives caused some acrimony between the two countries. In July 1475 the Scottish ambassadors made reply to the complaint by those of England as to the reception of the Earl of Oxford in Scotland and on July 13th the King of Scots wrote to the Earl of Northumberland as to redress of breaches of the truce, mentioning the/

(1) Foedera. (2) Ibid. (3) Ibid. (4) Ibid. (5) Ibid. (6) Ibid. According to the Cal. Doc. Scot. James wrote on Apl. 28th, 1477 to Edward IV. admitting the latter's excuse for delay in the last payment and acknowledging a further 2,000 marks of the Princess Cecilia's dower making in all 6,000 marks to date. This is rather surprising in view of James 's receipt of Feb. 3rd. (7) Foedera. Ibid. Rot. Scot.

(12) Ibid. (13) Ibid. (14) Ibid. (15) Foedera. XIII., 54, misplaced by Rymer. (16) Cal. Doc. Scot.

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 the reception of the Earl of Oxford in Scotland and complaining that his traitor, Lord Boyd, was maintained in the town of Alnwick(1). On August 8th, 1475 a commission was issued to Dacre, Graystock, the Prior of Carlisle, William Potteman, Canon of York and Sir William Plompton to meet Scottish ambassadors on September 12th in order to treat concerning the fishgarth on Esk(2), though again there is no evidence that a meeting resulted. At any rate no permanent settlement was reached for disputes about the fishgarth on Esk constitute a constantly recurring feature of the negotiations between England and Scotland. Edward's desire to evince his cordiality to the Scots at this time is illustrated by the Letters Patent issued on May 8th, 1475 by Sir John Colquhoun, Chamberlain to the King of Scots, acknowledging receipt from the Bishop of Aberdeen and James Shaw of Sauchie of 100 marks of English money in the name of the King of England in full contentation of his ship, taken with merchandise and other goods by Lord Gray of Cotnor and his familiars, the English King having promised redress by his own mouth(3).

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 Other evidences of goodwill are not lacking. On August 29th, 1475 Scotland was included in their lists of allies both by France and England in the truce made between them(4). Numerous safe conducts were issued to merchants and others(5) and in May 1476 a safe-conduct in England was issued for James III. himself, who was stated to be going on pilgrimage to Amiens(6). On September 28th, 1477 an interesting license was granted by Edward IV. to George de Ledall a Scotsman to buy 20 English longbows in England and take them to Scotland for the Duke of Albany, who, it was said, much desired them(7).

Throughout the whole decade safe-conducts were issued in each country to the merchants of the other. Even in April 1471, during the troubles in England, James III. issued a safe-conduct for one year to John Brigham, Thomas Frett, John Cok, John Portare and William Cok, English merchants, with a ship of eighty tons burthen, and their servants, mariners and officers(8). In every ensuing year several safe-conducts were issued by the English King for Scottish merchants(9). James III. also frequently issued safe-conducts for English merchants(10) though the records preserved of them are more sparse. Economic intercourse between the two countries was facilitated by the friendliness of the governments.

There was also much coming and going between the two countries besides the formal embassies. In 1472, for instance, a safe-conduct in England was issued for William, Bishop of Orkney(11). In 1473 English safe-conducts were issued for John Laing, Treasurer of Scotland(12) for Archibald Whitelaw and Archibald Knollys(13) and for Thomas, Bishop of Aberdeen(14). Similar letters continued to be issued in ensuing years and James III. on the other hand issued safe-conducts to Englishmen. On February 16th, 1475-6, for instance, he issued a safe-conduct for the Master of Bolton(15). Some at least of this journeying had doubtless a diplomatic significance and there was much passage of Heralds to and fro between the two countries(16).

Yet even during these years of cordiality between the two nations it is possible that Edward IV. used his influence in secret to stir up troubles for James III. and that he maintained a correspondence with the more discontented and turbulent spirits among the Scottish nobility. "Edward, King of England," writes Drummond of Hawthornden "that the Scots by the instigation of the French should not trouble his new and scarce settled government, imploing all his counsells and diligence to divide them amongst themselves/

(1) Cal. Doc. Scot. (2) Rot. Scot. (3) Cal. Doc. Scot. (4) Foedera. (5) Ibid. Rot. Scot. (6) Rot. Scot. A similar one is given in Foedera for 1475 evidently misplaced by Rymer. (7) Rot. Scot. (8) R.M.S. (9) Foedera, Rot. Scot. Cal. Doc. Scot. (10) R.M.S. Foedera. T.A. (11) Rot. Scot. (12) Ibid. (13) Ibid. (14) Ibid. (15) Foedera. XIII., 54, misplaced by Rymer. (16) Cal. Doc. Scot.

77 themselves, wrought not a little on the unquiet spirits of these young men. The Duke of Albany, having been taken upon the seas by the English, was honourably entertained by him and with great hopes sent home; after which time King Edward and he kept always private intelligence together. The Duke being promoted to the keeping of the castle of Dunbar and town of Berwick; the King of England, to insinuate himself in his affection, was wont to whisper unto such who loved him, that if his brother kept not fair with England, he would one day set him in his place upon his royal throne". Such a policy would be characteristic of Edward IV. - and of Albany. During the years when his resources were more largely directed to internal settlement or foreign war what Edward IV. desired most was a quiet Scotland, and, in order to secure that, the best policy was one of friendship with its King. Yet it is quite credible that Edward never lost sight of the possibility of turning troubles in Scotland to his own advantage or entirely neglected the discontented Scottish nobles who would be the instrument of his schemes, and as his entanglements in other directions straightened themselves out he would be the more inclined to stir his finger in the hot pie of Scottish politics. Pursuit of a secret diplomacy in Scotland on the part of Edward IV. would naturally leave little impress on the official records but the English King's instructions to his commissioners in February 1475-6 show that he could assume on occasion a very assertive attitude towards Scotland. The commissioners, Alexander Lye, John Widrington, Squire, and Ralph Hotham were, in pursuing such overtures as had been made by Henry Carre and others, to find out whether Lord Carlile and others whom the Scottish King would send to His Majesty of England should be sufficiently authorised to deliver the Scottish Prince into the English King's hands for the accomplishment of the promised marriage and for reformation of injuries done by the Scots to the English King and his lieges. They were to show any of the Scottish party with whom they had communication that the English King, "upon great grounds and urgent causes" was determined by deliberation of his counsel "and the whole assent of his land to make against the said Scots rigorous and cruel war" since the Scottish King, contrary to the truce and the promised marriage, in contemplation of which he had been paid large sums of money, had caused the English to be invaded, murdered and slain without cause by his subjects. They were to declare that the Scottish King occupied "many of the King's towns and seigneuries" - Berwick, Coldingham, Roxburgh and others - "having no right nor title unto them"; that the King of Scots did not do homage to the English King as he ought to do and as his progenitors had done; that the Earl of Douglas, who, it pleased Edward to state, had been wrongfully disinherited by the King of Scots, had petitioned to the English King as sovereign of Scotland and that the English King intended to see him restored. The ambassadors were to endeavour to obtain "the deliverance of the Prince of Scotland within English ground" into the hands of the Earl of Northumberland by the last day of May next to come for the accomplishment of the promised marriage, they were also to try to secure that the King of Scots and his heirs should do homage to the sovereign of England, that Berwick, Coldingham, Roxburgh and other lands claimed by the English King should be handed over and Douglas restored; however, if all these things could not be obtained, the English King would be content with the deliverance of the Scottish Prince and of Berwick. Since a letter recently delivered from the King of Scots by Ross Herald laid the blame for the breach of the truce on the subjects of England, Alexander Lye and his associates were to inform themselves "by the marchers such asknowbest the dealing of both sides, how and in what manner these allegations can be discharged, as of truth they may right evidently be discharged, considering that long before the said surmised charges, at a day of truce the Scots murdered Robert Lisle, and took Sir Henry Percy prisoner and many other gentlemen, in the presence and by authority of the Wardens' Lieutenant of Scotland"(1).

(1) Cal. Doc.Scot.

From 1477 onwards relations between England and Scotland became progressively less friendly and Edward IV., now more sure of his position, did not scruple to turn disturbances in Scotland to his own advantage or to intrigue with discontented Scottish nobles.

During these years there is evidence, though scanty and fragmentary, of at least some intercommunication between Scotland and other European countries. The country with which Scotland had most sustained diplomatic connection was naturally her old ally, France, but there survive in the records some slight references to Scottish dealings with other European powers.

The policy of Louis XI. towards Scotland was at least as selfish as that of Edward IV. Louis used Scotland as a pawn in his game of politics. He concerned himself with her only when he thought she would be useful, at other times he neglected her.

In May 1471 it was resolved by the Scottish Estates that an embassy should be sent to the King of France and the Duke of Burgundy to "labour diligently for treaty and concord between them". The ambassadors were also to "advise with their great wisdoms a convenient place for the marriage of my young lady, our sovereign lord's sister" (1). The Estates were of the opinion that the ambassadors should sail in June to the number of one Bishop, one Earl, one Lord of parliament, one knight, one clerk, one herald and thirty persons. Parliament promised to contribute 3,000 crowns for their expenses, 1,000 crowns from each Estate. Power was given to the secret council and other Lords to draw up the ambassadors' instructions, "because that the materis mon be secret and nocht be opynit in plane befor al the parlyment". Despite the solicitude expressed for "the tender alyans that is betwix the king of France our Soverane Lord and the duc of Burgunze" and for the securing of peace between France and Burgundy, the main purpose of the embassy was to seek a suitable spouse for the King's sister. The Scots were evidently quite well aware that the divisions of France and Burgundy, like the contemporaneous divisions of York and Lancaster in England, offered them certain opportunities and they hoped to secure a definite return, in the form of a marriage for their Princess, from their efforts at mediation.

The hopes of the Scottish Estates, however, were disappointed. It would take more than a Scottish embassy to reconcile Louis XI. and Charles the Bold and no bridegroom was found for James III's young sister. A great contest of intrigue and force was being waged between the King of France and the Duke of Burgundy and in 1472, on the death of Louis' troublesome brother, Charles, the Burgundian Duke invaded France. Faced by the Burgundian menace and knowing the disaffection of many of the other great feudatories of his realm, the King of France seems to have besought the aid of the Scots. His influence prevailed in Scotland and in February 1471-2 at a meeting of the Scottish Estates the prelates granted the King £2000, the barons £2000 and the commissioners of the burghs £1000 in order to send 6000 men to France (2). The Scots had evidently abandoned the policy of mediation and were ranging themselves on the side of the French King.

It was probably to influence the decision of the Scots and to provide occupation for another of his intractable and over-mighty subjects that Louis XI. sent about this time the distinguished Gallo-Scot, William de Monipenny, Sieur de Concessault, to offer the duchy of Brittany to James III. if he would subdue it himself. The Duke of Brittany was an open or covert foe of Louis XI. in all the troubles of his reign. It was obviously a stroke of policy on

(1) A.P.S. (2) Ibid.

on the part of Louis if he could at once secure the gratitude of the Scots by the glib offer of a duchy over which he had no control and ensure sufficient distraction for its troublesome duke to render him impotent. Louis knew that even if the Scots did overrun Brittany they would in all probability be unable to maintain their hold. If James III. could pull the French King's chestnuts out of the fire, good and well, in the meantime Louis would try to kill two birds with one stone.

The possibility of foreign conquest touched a chord in the spirit of James that he is not generally credited with having possessed. He seems to have taken the offer in all good faith and to have seriously meditated making an expedition to Brittany. In the records of the parliament that met in Edinburgh in February 1471-2 there is a mutilated entry in which "the lordis of halikirk Representand the estate of the clergy in this instant parliament ffor the eschewing of the grete perells and inconuenientis the quhilk thai se apperand to this realm be the mater opynnit in the said parliament be oure souerane lord tuiching his passage utouthe his Realm for the Recoueryng of his Richt of bertane in tender age having na successioun nor Ische of his persoun lefand his Realm opyn be apperance to his ald ennemyis of England", seem to have offered, for the love they bore his person, in order to induce the King to stay at home, to contribute a sum of money in order to send an embassy in the matter of Brittany.

James, however, persisted in his idea of going abroad himself and David Guthrie was evidently sent on a diplomatic mission to France(1). When the Scottish parliament met at Edinburgh on July 23rd, 1473 the Estates strongly advised the King not to leave his own country. If James were utterly determined to go and could "in no wise be persuaded to remain within his realm to the execution of justice the quiet of his people" the Lords were strongly of the opinion that the King at any rate could not go abroad at that time, since he was unprovided with the necessary funds and the people who should properly accompany him were unwarned and unprepared.

If James remained fixed in his resolution to go abroad the Lords could find no cause "honourable nor acceptable for the same" except only that he should undertake to mediate for peace between France and Burgundy, to avoid the great loss of life and damage caused by their struggles through which "the greatest part of Christendom is troubled" and "to the resisting of the great enemy of Christian faith the great Turk". Could a settlement be come to in this matter through James's efforts "it may", the Lords assured him, "redound in great pleasure to God, profit to the most part of Christendom, great honour and worship to his crown and haply to bring him therethrough to his right not only to the county of Sainctonge but also of the duchy of Gueldres".

In the meantime the Estates advised that James should send and stop the letter which was "ordained to pass to the King of France since no matter can be conveyed to the honour, worship and profit of His Highness without ceasing of the said letter". What this letter was is doubtful but James had evidently been negotiating with Louis in order to be put in possession of the county of Sainctonge and on receiving no answer to his advances he may have prepared a letter couched in rather testy terms to be sent to the King of France. That, however, is pure supposition and the objections to the letter may have been due to some quite different cause. The Estates advised James to send a solemn embassy to the Duke of Burgundy and the King of France, declaring his intention of mediating between them at his own great cost and trouble. This embassy was to sound King Louis as to whether he meant to put James in possession of the county of Sainctonge. If Louis should show himself complacant in this matter the Scottish envoys were to write to King James telling him of the disposition of the French king. If Louis, however, refused they were to show him that the/

(1) A.P.S.

the Scottish King would not undertake the arduous of mediation and thereafter they were to proceed to the Dukes of Burgundy and Brittany and inform them of the "unkindliness" done by Louis to the Scots King in denying the county of Saintonge and that he would give no response to the King nor to Sir David Guthrie, sent to the King of France for recovering the said county. The ambassadors were then to find out of what disposition the Dukes of Burgundy and Brittany were in the matter and what assistance they would give the Scottish King in recovering the county in question.

Similarly the Scottish ambassadors were to manifest to the Duke of Burgundy "the great cause of ingratitude and inhumanity" done by the son of the Duke of Gueldres to his father, the Duke, by capture and imprisonment of his father. They were to show that, this outrage being cause of exheridation, the Duchy of Gueldres should therefore pertain by natural succession to the King of Scots, and to exhort the Duke of Burgundy to aid the King of Scots in its recovery.

Should the ambassadors find the King of France and the Duke of Burgundy "well inclined to our sovereign lord in his said county and duchy" they were to enquire of each Prince whether he would abide by the "decreet deliverance and ordinance to be drawn between them by our sovereign lord and the council of other Princes which he will take to him and that certification under their seals and subscription manual be sent to the King's Highness hereupon". The ambassadors were also to "labour at the said Princes for longer assurance and abstinence of war to be taken amongst them" and the Estates promised to contribute £5000 to the King for his expenses in the matter. Should Louis XI. not be inclined to comply with the wishes of the King of Scots in the matter, the ambassadors were to declare to him that King James would "seek other remedy in the best wise he may, keeping always his alliance to the realm of France".

In the meantime the Estates advised the King to travel in his own realm and give it such good justice and administration that his fame as a just and virtuous Prince should spread abroad, so that the prestige thus gained might add weight to his representations. They also advised him to make arrangements for the government of the kingdom in his absence, putting it in the meantime in such good governance that it would be easily ruled while he was away, to provide for stabilising the peace with England and to find out how it was likely to fare during his absence.

The rather grandiloquent terms in which the proposals for James's mediation were couched suggest that the Scots regarded their King as a person of some consequence in Europe. Yet it is quite clear that the main desire of the Estates was to keep James at home. To any intervention in Brittany they seem to have been strongly opposed, probably realising the hollowness of Louis' offer and the incommensurate difficulties that acceptance of it would involve. On the other hand it is evident that the Scots realised that the struggles between Louis XI. and Charles the Bold, with each of whom they had connections, with Louis XI. through the traditional alliance of Scotland and France, with Charles the Bold from the fact that the Scottish King's mother was Mary of Gueldres, offered them certain opportunities and again we see them bringing forward the idea of Scottish mediation between the two inveterate opponents on condition of certain appreciable gains to the mediator. The advantages that they hoped in this instance to secure from the mediation of the Scottish King were that James III. might be put in possession of the county of Saintonge by the King of France or the duchy of Gueldres by the Duke of Burgundy, or perhaps that he might secure both.

To both these territories the King of Scots could put forward certain claims. Sainctonge had been granted to James I. of Scotland by Charles VII. of France in 1428, in view of the ancient alliance between Scotland and France, then lately cemented by the marriage agreed on between the Dauphin, Louis, and Margaret, daughter of the Scottish King, and in consideration of the help promised by the Scottish to the French King against foreign foes and domestic rebels, James I. having engaged to send 6,000 men to France for this purpose(1). Immediately afterwards the French offered to exchange Sainctonge for Berry or Evreux² but it would seem that the Scots did not accept the offer, though there was intermittent connection between Scotland and Berry and many Scots were settled in that province. The claims of James III. to Gueldres derived through his mother, Mary of Gueldres.

All the fine schemes of the Scottish parliament came to nothing. James was not put in possession of Sainctonge or of Gueldres, he gained no European éclat as the effective mediator between France and Burgundy and nothing came of the offer of Brittany. James indeed sent his familiar "ecuyer" George Cranston to Brittany and was still negotiating in 1477 but he gained no advantage from the elaborate sham of Louis' "Greek Gift". The negotiations of 1473 in fact seemed to betoken some Scottish exasperation with France and for some years relations between the two countries remained rather cool. There was indeed always some connection between France and Scotland, James III., for instance, kept a French gunner to improve his artillery(3), Scottish soldiers of fortune in France always formed a sort of link between the "Auld Allies" and there was considerable coming and going between the two countries(4), but the Scots concluded the marriage alliance with England without reference to France and when Edward IV. invaded the latter country in 1475 the Scots did nothing in the interests of their unaccommodating "Auld Ally" across the Channel to molest or put difficulties in the way of the English King who had lately shown himself so cordial to them. After 1477 Louis XI. felt it less necessary than ever to interest himself in the affairs of Scotland. He had secured peace with Edward IV. at Picquigny, Charles the Bold was dead and Louis, in trying to acquire as many of the possessions of his late adversary as he could, including the hand of his daughter for a suitable French husband, found himself at war with the successful suitor of the young Burgundian heiress, the energetic Maximilian, King of the Romans. In these circumstances both Louis and Maximilian were anxious for the friendship of England and in consequence France would keep herself as aloof from Scotland as possible, for fear of prejudicing England against herself. Louis XI. therefore assumed a very cold attitude towards Scotland. In 1479 he welcomed the Duke of Albany, the insubordinate and fugitive brother of the King of Scots, who had sought refuge in France. Louis gave him a distinguished French bride, Anne de La Tour, daughter of the Earl of Boulogne. Yet, though Albany is represented as having importuned Louis for armed assistance(5), the French King, alarmed by the apparent tendency of Edward IV. and Maximilian to draw towards each other, by this time saw his interest in a policy of friendship with Scotland. He wished to provide occupation for Edward IV. in a Scottish war and for this purpose interfered in the affairs of Scotland with detrimental results to that kingdom.

One noticeable feature of the diplomatic proposals made in parliament in 1473 was that the Scots seemed to be just as cordial towards/

(1) Spalding Club Miscellany Vol. II. p. 183. It is extremely doubtful if the 6,000 men were ever sent. (2) Teulet Inventaire Chronologique. (3) T.A. (4) Ibid. e.g. "Given to William Oliphant at the King's command at his passage in France with Sir John Carlyle to make his expenses, £20". (5) Drummond, Ferrerius.

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towards Burgundy as towards France. They did not attach themselves indubitably to the side of Louis XI. as against the Burgundian but rather seemed anxious to mediate and hold the balance between two powers with both of which they were on terms of friendship and from each of whom they hoped for a definite advantage for themselves. Their hopes of material gain were in both cases disappointed but they continued to have on the whole friendly relations with Burgundy, though Charles the Bold, now intent on his eastern schemes, would probably have little interest to spare for remote Scotland.

There was at this time considerable trade between Scotland and the Netherlands and there was especially a steady connection between Scotland and Bruges. There was in consequence much passage to and fro and economic interchange inevitably necessitated diplomatic correspondence, but owing to the scantiness of record it is impossible to say definitely how far the diplomatic relationships between Scotland and Burgundy were due to economic causes or how far they resorted from other motives.

On the fall of the Boyds the Duke of Burgundy evidently tried to obtain their restoration and there is extant a letter which James wrote to the Burgundian Duke, refusing to pardon the Boyds and stating the reasons for his refusal. (1) In 1472 the truce between England and Scotland was renewed at the desire of the Duke of Burgundy (2). Charles the Bold's motives are plain enough. He invaded France that same year and doubtless hoped for English assistance. To facilitate this it was necessary to ensure that the Scots should not attack England. The Duke of Burgundy stood in a definite relationship to the King of Scots through the marriage of James II. to Mary of Gueldres and it is worthy of note that the Scots ratified and strengthened the truce with England at his desire, and, so far as is known, did nothing to help their traditional ally, France, when she was invaded by the Burgundian Army. In 1473 the Scots showed a disposition to negotiate on equal terms with France and Burgundy and, in fact, seemed to have been rather exasperated with the French King and inclined to appeal to the Duke of Burgundy against him. The Scots claimed that the Duke of Burgundy should put James III. in possession of the Duchy of Gueldres. Probably about 1473 James wrote two letters to the Burgundian Duke intimating his intention to seek succession to the Duchy of Cleves, asking the Duke's assistance in promoting his claims and recounting the quarrel between the Duke of Cleves and his son (3).

In May 1474 Patrick of Lyn was sent from Scotland to Bruges on "certain charges of the King's" (4). It is possible that these charges may have been in connection with the ecclesiastical disputes that centred round Archbishop Graham. Graham had certainly been in Bruges in September 1473 when letters were sent to him there from Scotland by Carrick poursuivant (5) and at the same time as Patrick Lyn was sent to Bruges in 1474 Adam Bachillur was sent with certain charges to St. Andrews (6). On the other hand on the same day, May 11th, that Patrick Lyn was despatched to Bruges Snowdon Herald was sent by the King on certain business to the Emperor and the Duke of Austria (7) and the two simultaneous missions may have been connected with each other. Later in the year Patrick of Lyn seems to have been sent a second time to Bruges (8) There was also some negotiation, or at the very least an interchange of courtesies, between the Lord of Campvere and James III. In the Treasurer's accounts a payment of £10 is recorded "to a Dutchman of the Vere at the King's command, primo Aprilis, to his reward that brought the lion and had letters to the Lord of Vere again". There was a definite/

(1) S.H.R.25 p.391. (2) Supra. James wrote to Charles the Bold expressing his willingness to renew the truce with England at the request of the Burgundian Duke. S.H.R.25.p.391. (3) S.H.R.25.p.391. (4) T.A. (5) Ibid. (6) Ibid. (7) Ibid. (8) Ibid.

69-80 definite connection between Scotland and Campvere for Mary, daughter of James I. had married the Lord of Campvere in 1444.

As was, however, inevitable in those days when piracy was endemic, disputes arose between the Scots and the Netherlanders, occasioned by alleged disturbance in trade and outrage on the sea. It may have been as a result of some economic altercation that the appointment of Sir Anselm Adournis as Conservator of the privileges of the Scots in the dominions of the Duke of Burgundy was revoked in March, 1475-6, because Anselm was a foreigner and for other reasons, while Andrew Woodman, "familiaris armiger" of James III., was appointed to succeed him as Conservator (1). Buchanan relates that in 1476 Scottish ambassadors were sent to Burgundy on behalf of merchants who had been disturbed in their trade, but that on the death of Charles the Bold at Nancy (Jan. 1477) they had to return without effecting their purpose. Lesley on the other hand states that the alliance between Scotland and Burgundy was confirmed at this time (1476) and redress made for certain wrongs on the sea by both parties.

At any rate it was stated in the Scottish parliament in June 1478 that "right heartfelt, thankful and honourable" letters had come from "the Prince of Burgundy" and the Estates of his lands for the keeping of freedom of merchandise "of this realm" in time to come, and for reformation of losses formerly sustained, the alliance previously made between the King of Scotland and the Prince of Burgundy being renewed and confirmed. It was therefore ordained by the Estates that certain persons should be commissioned to go on embassy to the Duke of Burgundy with royal letters for the purpose both of renewing the former alliance with Burgundy and of securing confirmation of the privileges formerly granted to Scottish merchants and also of obtaining greater privileges for Scottish merchants if they could be had. They were also "to pursue the skaith that is sustained of before and get reformation thereof". The expenses of the embassy were to be sustained by the burghs. Again in parliament in March 1478-9 "sending to the Duke of Burgundy" was one of the matters remitted to the Lords having power.

This was probably the confirmation of the Scoto-Burgundian alliance mentioned by Lesley. The "Prince of Burgundy" referred to was Maximilian, who had married Mary the heiress of Charles the Bold. Surrounded by difficulties both within and without the Burgundian dominions, he would be glad to secure a termination of disputes between the Netherlands and Scotland.

The interference of Louis XI., however, was soon to turn Scottish diplomacy in a direction opposed to Maximilian. Burgundy had fallen from its greatness and in its distracted state there would probably be little diplomatic negotiation between it and Scotland. At any rate, though references to the economic connection between Scotland and the Netherlands are to be found in the records throughout the reign of James III., there is no further mention of diplomatic relations of any importance between the two countries during that period.

During these years there are intermittent and spasmodic references to Scottish negotiations with other European countries. In the Scottish parliament in May 1474 it was thought "right expedient" that the King should send a commission to his father-in-law, the King of Denmark, in order to make an alliance with the Emperor, saving the Scottish King's first alliance, and two days later, on May 11th, 1474, Snowdon Herald was sent to the Emperor and to/

(1) R.M.S. Anselm, however, was evidently re-instated as Conservator, or perhaps he was never in reality removed, for on his death a new Conservator was appointed to succeed him. (Ibid).



(1)

70-80 to the Duke of Austria with certain charges of the King's. Lesley avers that an alliance was come to with the Emperor and that seals were interchanged between him and the King of Scots. With Denmark herself the friendly connection formed by the marriage of James III. remained. The King of Scots had several Danes at his court (2), and payments are recorded in the Treasurer's accounts for the expenses of the war-man of the King of Denmark.

477-80 From 1477 onwards the good relations which had prevailed between England and Scotland began to suffer eclipse. The position of Edward IV. was by now much more secure. His rule had had time to re-establish itself more strongly after the Lancastrian revival of 1470-1; his unruly brother, the Duke of Clarence, was arraigned and condemned and died early in 1478; Edward had stabilised his own system of government and amassed a large fortune. At the same time he was comparatively secure from the danger of external attack. The main theme of Western European activities at the time was the series of events that centred round the death of Charles the Bold in 1477. French attention was concentrated upon acquiring as much as possible of the Burgundian inheritance and in the consequent struggle with Maximilian. England's position was, in fact, a very strong one and she could probably have secured an alliance on advantageous terms with either of the two rivals. Edward IV., however, let his opportunity slip. An English aspirant to the hand of Mary of Burgundy was at one time put forward but Edward IV. took no important part in the struggles in the Netherlands and he neglected to avail himself of his chance to turn the rivalry of Louis XI. and Maximilian to his own advantage.

1477 In these circumstances of greater security Edward could with more confidence pursue a less friendly policy towards Scotland. In 1477 when proposals were sent from Scotland to Westminster for a double marriage alliance - the Duke of Albany to marry Margaret, dowager Duchess of Burgundy, sister of Edward IV., and the Duke of Clarence to marry Margaret, sister of the Scottish King - Edward shelved the suggestion. He wrote to his ambassador in Scotland, Dr. Legh, thanking the King of Scots for his marriage proposals but stating that since according to the old usage of the English realm "noon estat ne person hounorable communeth of marriage within the yere of doole we therfor as yet can not conveniently speke in this mater" (3). He promised that in convenient time he should "feel their dispositions" and communicate thereupon with the King of Scots in all goodly haste (4). The English consorts proposed were an unhappy choice for Clarence was arrested in the course of the same year and indicted for treason and the dowager Duchess of Burgundy was Clarence's friend. These circumstances would naturally incline Edward to refuse the proposed marriages.

1478 In 1478 the fourth instalment of Cecilia's dowry was paid. On January 31st, 1477-8 James III. commissioned William Scheves, Coadjutor of St. Andrews, Archibald, Abbot of Holyroodhouse, Treasurer, Lord Carlyle, Alexander Inglis, Clerk of Rolls and Register, Alexander Murray, Parson of Hawick, Director of "Chancellary", Sir David Luthiredale, Archdeacon of Dunkeld, Clerk of "Comptis" and Sir James Allirdes, Clerk of Treasury to receive in the Church of St. Giles in Edinburgh on 3rd February next following the sum of 1,000 English marks from Edward, King of England, in part of the fourth instalment for Cecilia's "tochir" (5).

(1) T.A. (2) R.M.S.&c. (3) Pinkerton. (4) The English King declared that letters missive had been addressed to Sir Robert Constable for restitution of the goods of Thomas Yare and that he had now been summoned under Privy Seal to show why the said restitution was not carried out. Similarly he said that letters had been written to the Duke of Cloucester, Warden of the West Marches, for reformation to be had in the matter of the robbery of the tenants of Lord Carlyle and others in the obedience of the King of Scots.

(5) Cal.Doc. Scot.

1478

On February 3rd James issued a receipt for 1,000 marks of English money, received by the hands of Alexander Lye in St. Giles Church, in part of the fourth instalment of Cecilia's dowry(1). A thousand marks was all that Edward was required by the treaty to pay at this time and in view of James's letter of receipt in February it is strange to find him writing on March 31st, 1478 to "Alexander of Lee, Master of Schyrborne", counsellor of Edward IV., to tell him that he was sending the Abbot of Kelso, Walter Ker his brother, and Patrick Cranstoun of Corsby, or any one of them, along with Lyon King of Arms to escort him from the Tweed to his presence with the money due by Edward that should have been paid at Candlemas(2). On February 19th James had signified to Alexander Lye that Lord Hume would escort him from the March to his presence but presumably Lye had failed to come at that time(3).

On March 17th, 1477-8 Edward IV. issued a rather effusive safe-conduct for the King of Scots, who was stated to be going on pilgrimage(4). It is probable that a royal interview was hoped for and it is quite likely that Edward IV. would be willing enough to patch up a friendly relationship if it could be done at little cost to himself. James III. at any rate, at odds with his brothers and probably well aware that disaffection was rearing its head in his kingdom, seems to have been anxious for a peaceful understanding with England. Again he resorted to the policy of a marriage alliance, using the useful but rather indisposable hand of his sister Margaret for the purpose. This time he proffered her to Earl Rivers, brother-in-law of the English King. In June, 1478 it was stated in the Scottish parliament that the King intended to send an embassy to England with regard to his sister's marriage. James was evidently in earnest about the matter. He appointed Alexander Inglis, Dean of Dunkeld, and Lyon King of Arms as his ambassadors to treat for the marriage(5). The Scottish envoys duly went to England for in the Michaelmas term, 1478, payments are recorded to Alexander Inglis and Lyon King of Arms, ambassadors of the King of Scots, as well as a reward of £13.6.8d to Snowdon Herald of Scotland(6). On December 14th, 1478 Edward IV. appointed John, Bishop of Rochester(7) and Sir Edward Woodville (brother of the English Queen) as his commissioners to treat with the Scottish envoys on the subject of the marriage between the Scottish Princess and Earl Rivers(8). Terms were presumably come to for on February 2nd, 1478-9 arrangements were made in Scotland for the payment of monies in connection with the marriage between Margaret, sister of James III. and Anthony, Earl Rivers(9). On March 6th, 1478-9 the Scottish Estates made a grant to their King of 20,000 marks (Scots) in subsidy for the marriage between his sister and Anthony, Earl Rivers(10) and on August 22nd, 1479 Edward IV. issued a safe-conduct for Margaret, sister of the King of Scots, coming to England to be married to Earl Rivers(11). Margaret, however, did not go to England. Her personal ill-repute may have contributed to the non-fulfilment of the marriage but it is probable that it was abandoned rather from public than from private motives and indeed the relations between the two countries had now become such as to warrant this conclusion.

1479

(1) Cal. Doc. Scot. (2) Ibid. (3) Ibid. (4) Rot. Scot. Foedera. (5) Rot. Scot. (6) Cal. Doc. Scot. (7) In the safe-conduct Rochester is described as Keeper of Privy Seal. He had held this office but was appointed Chancellor in 1474 and the Bishop of Lincoln had apparently succeeded him as Privy Seal. (Dict. Nat. Biog.) (8) Rot. Scot. (9) R.M.S. (10) A.P.S. The clergy were to grant 8,000 marks, the barons 8,000 and the Burghs 4,000. Of the total sum 10,000 marks were to be raised at the next Feast of John the Baptist (23rd June) and the other 10,000 within three years next following by equal portions. (11) Rot. Scot.

(1) Cal. Doc. Scot. (2) Issues, Easter 12, Ed. IV. Tellers Roll. Easter 12, Ed. IV. (3) Cal. Doc. Scot. (4) Supra. p. 40, Cal. Doc. Scot. (5) Issues Easter 12, Ed. IV. (6) Rot. Scot.

1479
In Scotland baronial opposition to the King was now coming to a head. Foremost in the opposition to James III. were his own two brothers, the Duke of Albany and the Earl of Mar. Both seem to have been uncautious and aggressive and both were arrested by the King. The accounts preserved of their arrest are very confused. Mar died in prison but Albany, who was shut up in Edinburgh castle, managed to escape, probably about May 1479. Going to his castle of Dunbar he put it in posture of defence but betook himself to France almost immediately. Dunbar castle was besieged by the forces of James III., the garrison withdrew by sea to England and the castle was taken for the King.

Pitscottie narrates that the Scottish nobles, knowing that only war would give them an opportunity of exacting from their King a settlement which would satisfy their desires, "caused" therefore "the Borders to be brocken" whence there resulted great "reif and herryschips" and "great slaughter betwixt England and Scotland". That there was a considerable amount of truce breaking is very probable and Albany may have used his position as Warden of the Marches to encourage it in order to stir up a hornet's nest for his royal brother. (A.P.S.)

An open breach between the two countries, however, did not yet result. The instalment due for Cecilia's dowry at the beginning of 1479 was evidently duly paid for on March 4th, 1478-9 James wrote to Edward IV. thanking him for making payment by the Almoner, Alexander Lye, according to the appointments between them(1). In June (1479) "Rosse" Herald was in London conferring with the Privy Council on certain secret matters(2). It has been supposed that Ross Herald was the emissary of the Earl of Ross and that his presence in London denoted a renewal of Edward IV's intrigue with the Lord of the Isles, but on July 6th a sum of £6.13.4d was paid in reward to the Herald who was described as "Roos" Herald of the King of Scots, lately come from thence in secret matters to the King(3). Ross Herald had apparently been sent not by the Earl of Ross but by the Scottish King, as whose emissary he had acted on previous occasions(4). There was evidently some negotiation in progress at this time between the Kings of Scotland and England for on June 15th, Garter, King of Arms, sent by the English to the Scottish King for certain matters moving the King and Council and very greatly concerning the peace and tranquillity of the realm, had a payment of £10 for his expenses(5). The matters which prompted the mission of Garter, King of Arms may have been infractions of the truce such as Pitscottie speaks of. On November 23rd, 1479 the English King issued another safe-conduct for James III. of Scotland(6). Outwardly, at least, relations of friendship still prevailed.

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Meanwhile Albany had been well received in France where he was given the daughter of the Earl of Boulogne to wife. On the other hand, though Louis may have interceded with James III. for the restoration of Albany, he would give the latter no active assistance, despite the alleged importunities both of Albany and his Duchess. Louis, in fact, had designs of his own for the King of Scots which made him anxious to retain his friendship. Alarmed by the rapprochement of Edward IV. and Maximilian, the French King was anxious to embroil the former in a Scottish war and for this purpose despatched Robert Ireland, a distinguished Doctor of the Sorbonne to the Scottish court in 1479. The learned Doctor was an emissary after James's own heart but the Scottish King apparently sent him back to Louis with answers unsatisfactory to that monarch. James was probably at any rate personally inclined to a policy of peace and he would doubtless have known that in the disaffected condition of his baronage war with England would increase his difficulties and perhaps spell disaster.

(1) Cal.Doc. Scot. (2) Issues, Easter 19, Ed.IV.Tellers Roll.
Easter 19, Ed.IV. (3) Cal.Doc. Scot. (4) Supra.p.45, Cal.Doc.Scot.
(5) Issues Easter 19, Ed.IV. (6) Rot. Scot.

Early in 1480 Clarenieux was sent to Scotland(1) by the English King but that hostilities were regarded as imminent is shown by the raising of "prests" of 1,000 marks and 500 marks respectively for the custody of the West and East Marches(2). Between October 1479 and March 1480 various "payments for war" were made in England(3). Richard Holland and John Frysell were sent to Scotland on the King's business(4). Payments were made for provisions and wine bought for the use of the King's army going against the Scots(5). The Earl of Douglas was sent to the Scottish Marches "on certain business to be done by him for the King and the Realm of England" and Patrick Haliburton, Chaplain, was sent on the same business(6). A ship "Le Mary Howard" was bought from Lord Howard for the King(7) and John Davy, Master of the King's ship "Le Treynte de Ewe", was ordered on the Scottish expedition with 100 men, soldiers and mariners(8). Many other ships were similarly bought and manned. Lord Howard, Lieutenant and Captain of the King's forces, under indenture to set out for Scotland with 3,000 men for sixteen weeks, had a "prest" of £3,528.0.0. and a further payment of £1,972.0.0.(9). In 1480 Dr. Ireland accompanied by a knight and a cleric was again sent to Scotland. This time his mission met with more success. James III. sent a herald and poursuivant to England to demand that Edward IV. should not assist the Duke of Burgundy (Maximilian) against the King of France and to negotiate for redress of grievances, war being threatened in the event of a refusal from the English King. It is said that the pacific Bishop Spence of Aberdeen died of a broken heart when he saw that war was inevitable. Drummond of Hawthornden states that Louis had so played on the Scottish nobility that James was compelled to send this threatening message to Edward and that he suggested as much to the English King in his plaint that if Edward refused to promise not to help the Duke of Burgundy, his nobility would force him to war. It was later stated in the Scottish parliament that King James offered for his part to make redress for all infractions of the truce and it is very probable that the Scottish King's hand was forced. Hostilities had, in fact, already broken out before the month of May(10). By the month of June(1480) the Scots had crossed the Border, burned houses, made depra-dations and taken several prisoners(11). Edward IV. on his side had been busy in his preparations for war. Munitions were sent to Norham; in May the Duke of Gloucester had been appointed the King's Lieutenant-General and was given command against the Scots, who were declared to be making war "sooner in fact than in word", having broken the truce(12). In June commissioners of array were issued to Gloucester, Northumberland and others in the East, North and West Ridings of Yorkshire and in Westmoreland, Northumberland and Cumberland(13). Shortly afterwards the Scots again invaded, ravaged in the North, burnt Bamborough and lay three days and nights on English soil(14). It is significant that their leader was the Earl of Angus, the outstanding figure in the baronial opposition to James III. This fact in conjunction with the statement of Drummond adds probability to the view that it was the Scottish nobles who recklessly forced on hostilities for their own ends and that the Scottish King was compelled to go to war against his will.

The envoys of the Scottish King were given but a hostile reception in London. Edward refused to see them and detained them while he prepared a fleet to launch upon the Scottish coast. When this was done he sent them contemptuously home.

Edward was preparing for serious operations. In accordance with the regular medieval custom ships were bought, hired or impressed to form a fleet for which the few ships owned by the King formed a permanent nucleus. On February 15th, 1480-1 warrants were issued to twelve masters of the King's ships to impress crews in order to serve against the Scots(15). Probably about the middle of/

(1) Cal. Doc. Scot. (2) Ibid. (3) Ibid. (4) Ibid. (5) Ibid. (6) Ibid. (7) Ibid. (8) Ibid. (9) Ibid. (10) Foedera XII. p. 115. (11) Foedera XII. p. 117. (12) Foedera. (13) Ibid. (14) Chronicle at end of Winton, printed by Pinkerton. Plumpton Correspondence. (15) Foedera.

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of April(1481) the English fleet, under command of Lord Howard, set sail for Scotland. Appearing in the Firth of Forth the English captured eight "greit schippis"(1) but were unable to effect a landing anywhere except at Blackness, where the town and one ship that chanced to be there were burnt(2).

Edward's efforts were not confined to the naval arm. The county levies were called out and on March 2nd, 1480-1 warrants were issued to William Temple, Richard Corry and seven others to provide artillery and workmen for the army against the Scots(3). The workmen were to be paid but license was given to imprison all who were found "rebellious in the execution of the premises". On June 22nd Edward IV. resorted to an old and characteristic policy by empowering Patrick Haliburton, chaplain, Henry Pole, Captain of the Fleet and John Bayn, Mayor of Cragfergus, to conclude an alliance with the Lord of the Isles and Donald "Gorne"(4) On the same day (June 22nd) the English King ordered the Justices to adjourn the courts until Michaelmas for the purpose of resisting the Scots(5). Edward held out inducements to any Scots who would join him. On August 22nd the Duke of Gloucester and the Earl of Douglas were commissioned to give assurance to all Scotsmen wishing to come to England and to treat with them in the King's name, promising them lands, lordships and other gifts for their services(6). Throughout these years numerous letters of denisation were granted to Scots in England(7).

Meanwhile the Scots were also preparing for war. In the parliament which met in April, 1481 the Earl of Angus and Lord Cathcart were constituted Wardens of the East and West Marches respectively and it was enjoined that all the lieges "baith to burgh and to land spirituale lordis landis and temporale" should be ready to come to their sovereign lord equipped in their best wise with bows, spears, axes and other habilaments of war, when so required, on eight days warning or sooner if need be, and provided with victuals to last for at least twenty days after they came to the King, under pain of the law. Regulations were made for their equipment and conduct. Spears were to be five and a half or at least five ells long under pain of escheat of all his goods by the maker or seller. Jacks were to reach the knee if no leg harness was worn and were in any case to reach over the top of the leg-harness. It was ordained that no persons coming to the King's host should waste meadow or corn, or spoil any man's goods within Scotland under pain of punishment. Every lord and other leader was to be responsible for the persons under him and was ordered to deliver to the King or his Lieutenants or Wardens any who misconducted themselves or else make good the damage done by them himself. Former acts as to wapinshaws and prescribed equipment of war were to be sharply put to execution and the penalties therein defined were to be inflicted on those who broke them. It was also stated that the King had given orders to purvey his castles of Dunbar and Lochmaben (part of the former possessions of Albany) with victuals and artillery and to repair them "quhar thai ar failzeit in ony perte". All lords having castles near the Borders or the sea coast, such as those of St. Andrews, Aberdeen, Tantallon, Hailes, Douglas, Hume, Edrington and especially the Hermitage, which was in greatest danger, and such other castles and strengths as could be defended against the English, were charged to provide them with victuals and artillery and repair them so that they could be defended.

In accordance with these provisions a Scottish host assembled and the versatile, or treacherous, Lord of the Isles led in a large body of men to the King's army(8). With this army James was about to invade England when he was met by a nuncio, sent by a certain Cardinal Legate who was staying in England at the time - or at least he so represented himself. The nuncio ordered James to/

(1)Lesley. (2)Ibid. (3) Foedera. (4)Ibid. (5)Ibid. (6)Cal.Doc.Scot. (7)Ibid. (8) Lesley, Ferrerius.

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to desist from his purpose of war under pain of anathema, showing him papal bulls which enjoined universal peace in order that a combined crusade might be made against the Turk(1). The pious James, whose heart was perhaps at any rate not in the enterprise, disbanded his army in obedience to the apostolic injunctions. Edward IV. was less troubled by scruples of conscience and indeed one might be tempted to suppose that he deliberately availed himself of the presence of the legate in order to trick the Scots. Balfour stated in his "annals" that the supposed nuncio was a "knaveish monk" tricked up by Edward to act the part and to deceive the King of Scots.

From the alacrity with which James desisted from his project of invasion, it may well be supposed that he feared treason in his army - the presence of the Lord of the Isles with a large following was itself no insufficient warrant for such a suspicion - and that he was perhaps glad of the excuse afforded to disband his host, in circumstances that preserved appearances. However this may be an English army under Gloucester invaded Scotland while an English fleet co-operated. There was "grete byrnyngs, hereschip and distructioun(2) and Berwick was besieged. The Scots, however, under the circumstances and despite the additional hardship of a severe winter(3), acquitted themselves creditably. An English squadron was repulsed in the Firth of Forth by Sir Andrew Wood and Berwick held out.

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During 1482 hostilities continued. The Scottish Estates met in March 1481-2 evidently in rather belligerent humour. Lord Lyle was accused of traitorous correspondence with England and especially with the exiled Earl of Douglas but he was acquitted. The King and assembled Estates professed themselves to be well aware that war was moved against them by the King of England against the will of the King of Scots, who was desirous only of peace. It was related how King James had sent a Herald and poursuivant to England to offer for his part to make redress for infractions of the truce, how these envoys were long detained by "the Revare Edward calland him king of England" and finally sent contemptuously home without an answer, how the Scottish King, in further evidence of his pacific desires, had lately in obedience to papal bulls disbanded the great host that he had recently assembled for the invasion of England, whence resulted great ravaging by the implacable English, and how the Scottish King was still desirous of peace, provided it could be obtained "according to the worship and honour of His Highness and his realm".

Since, however, it was supposed that the "Revare Edward", against whom was levelled much scathing and condemnatory epithet, was absolutely determined to continue the war, the Three Estates of their own free will granted and promised the King to remain at his command with their persons and all their substance of lands and goods in defence of his person, his succession, his realm and his lieges. In return the King declared his intention of causing justice to be equally administered to all his lieges with the advice of his prelates, lords and wise discreet persons and to put all parts of the realm in good rule, wherefore all true lieges should have good cause to take consolation and courage to the great discontent and confounding of his enemies and of all false traitors and untrue hearts. This may have been no more than a spontaneous royal promise made in order to secure support at a time of emergency, but, taken in conjunction with the ready disbandment of the Scottish army in the previous year and with the statements of the chroniclers that the nobles forced on hostilities for their own purposes and compelled the King unwillingly to go to war, perhaps also with the acquittal of Lyle, it suggests that the discontented barons constituted the war party in Scotland, that they controlled parliament at this time, that the warlike declarations of the last parliament had emanated from/

(1) Ferrerius. A.P.S. (2) A.P.S. II., 138. (3) Chronicle at the end of Winton.

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from them, that they predominated in the Scottish army that had assembled in the previous year for the invasion of England, that King James feared them as much as he feared the English and was consequently glad to disband the army as soon as he found reasonable pretext for doing so without blatantly manifesting his attitude and in consequence definitely throwing down the glove, that the nobles were again in control at this meeting of the Estates and used that control to continue a policy of war, perhaps for the reason of keeping a Scottish army, which in the military circumstances of the time would also be primarily a baronial army, in the field for the furtherance of their own designs, and that they used the influence which a time of national emergency gave them to extract a promise from the King that he would adhere to the baronial programme of performing the business of kingship "with gude and trew consale of his prelatiis lordis and wise discrete personns". It is worthy of note that the attendance at this parliament and the election to the committees were strongly baronial.

Such speculation may be somewhat farfetched and it would be difficult to find certain confirmation of it. Records of any kind are rather sparse and for the most part show only, as it were, the surface of things, leaving no account of the hidden workings below. It is at any rate a suggestion that would explain several puzzling features of this Anglo-Scottish war.

The Estates enacted several regulations for the vigorous prosecution of hostilities. It was ordained that every effort should be made to learn the plans of Edward, who was stated to be about to attack Scotland both by land and sea. Letters were to be written to all sheriffs charging all the King's lieges to be ready to come, when summoned, with all possible haste to the King, provided with certain days' victuals and well equipped for war. Wapinshaws were to be held every fifteen days. It was decreed that the sea coast should be divided into districts, to be each six miles in length and one mile in breadth, and to each of which a captain was to be assigned "to gather the country and to await thereupon when there is no great hostings by land". The purpose of this arrangement was to guard against an English invasion from the sea; all persons within the "bounds" or districts set were to be ready to resist the English if such invasion were made. If Edward IV. came personally he was to be resisted by James III. in person "with the whole body of the realm" and if "the saide Revare" should send Wardens they were to be resisted by Scottish Wardens and Lieutenants having sufficient power - a rather curious provision which may perhaps betoken an attempt of the nobles to wrest the etiquette of medieval chivalry to their own purposes. It was ordered that general proclamation should be made of rewards offered for the death or capture of the traitor Earl of Douglas "now coming to the Border" or his companions in their various degrees (in the case of Douglas the reward offered was heritable infeftment in 100 marks worth of land, 1,000 marks of Scots money and the goodwill of the King forever). All persons then assisting Douglas who should submit to the King within twenty four days were to be pardoned, while those who refused to come in within that time were never to be received into favour or grace. It was further ordained that proclamation should be made that a general respite or remission should be given to all Borderers who had committed treason or trespass in the past, except those whom it should please the King to exclude, to wit James of Douglas, Alexander Jarndine, Sir Richard Holland and Patrick Haliburton, priest (the recent emissary of Edward IV. to the Lord of the Isles) "and other such like traitors that are sworn Englishmen and remain in England". The Estates, furthermore, considering the "courageous opinion" of the King to hold Berwick, the cost he was at to repair, fortify and supply it and the expenses he had undertaken to maintain there at his own charge a garrison of 500 men, granted the King of their own free will "to send and wage or thar expens" 600 men of war, to be laid in garrison in certain places on the Borders, for the defence of the/

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the same and resisting of the English enemy. The men were to enter on their duties in the places assigned to them on May 1st and to remain there for three months, the garrison assigned to Berwick to take up its duties there on June 1st and remain for a like period of three months. Regulations were drawn up as to how and in what places the men were to be allocated and captains were assigned to each body of a hundred men deposited in various groups of castles. These captains were James Borthwick, son of Lord Borthwick, the Laird of Edmonstoun, the Laird of Cranston, the Laird of Lamyntoun, the Laird of Closebern and the Laird of Amysfield. Each captain was to choose his hundred men "as he would answer to the King", to nominate undercaptains and to pay the undercaptains and men as he would answer to the King. Half the men were to be spearmen and half bowmen; each spearman was to receive 2/6d and each bowman 2/-. In the same parliament the King ordained Lord Darnley to be Warden on the West Borders and power was conferred on all Wardens of the Borders to exercise their office on all persons who favoured and supplied "the false and treasonable opinion of the traitor Earl of Douglas", former exceptions granted to any persons being revoked, except in the case of persons remaining within the town of Berwick, and no further exceptions were to be granted without a special and reasonable cause.

More important was the decision of King and Estates to send an honourable embassy to the King of France and the Parlement of Paris, desiring the King of France to help his Scottish "brother and confederate" in his wars against the common enemy of England, making mention that the Scottish King had written several times to the King of France thereupon and received no reply. Louis, whose prospects were improving, would be inclined to do little for his Scottish ally. Edward IV. had been embroiled in a Scottish war, Maximilian was surrounded by difficulties in the Netherlands. In such circumstances Louis could with an easy conscience leave to its fate the country that he had incited to declare war, and that had to its own detriment served his turn by doing so.

About this time Edward IV's hands were strengthened by the acquisition of a new instrument for use against the much afflicted King of Scots. The Duke of Albany, finding that Louis XI. would give him no active assistance against his royal brother, and "having buried his dutchess" (1), so that there was no further inducement to remain in France, betook himself to England about the end of April 1482 (2), with a view to gaining some advantage for himself from the troubles between England and Scotland. On May 9th (1482) Edward IV. ordered the Bishop of Lincoln, Keeper of Privy Seal, to issue a warrant for the payment of wages and victuals for the ship, the carvell "Michael", which had conveyed the Duke of Albany to England (3). The vessel was described as a Scottish ship and the soldiers and mariners who manned her had £100 in reward by order of the English King (4). The acquisitive Edward appointed James Douglas Master of the ship and commissioned her for his service for eight weeks (5). Albany, described as coming from France to England to serve the King as his liege against his rebels and enemies of Scotland, was well received in England (6). On June 10th (1482), styling himself grandiosely as "Alexander, King of Scotland" he bound himself, by an instrument signed by him at Fotheringay castle, to take the part of the King of England and his heirs forever in all their claims and quarrels and to help them with all his power. He promised to do homage for Scotland within six months after he should become possessed of the crown and the greater part of the realm, to break all alliances between Scotland/

(1) Drummond. (2) Cal. Doc. Scot. Payment was made for the expenses of certain esquires sent by the King to wait on the Duke at Southampton and conduct him to London, and for the costs of the Duke and his company on the said journey, viz. from 25th Apl. until 2nd May. (3) Foedera. (4) Cal. Doc. Scot. (5) Foedera. (6) Cal. Doc. Scot.

Scotland and France, never to make any new alliance with any power contrary to the King of England and his heirs and to hand over the town and castle of Berwick with their pertinents to the King of England within fourteen days after the host of the English King should bring him to Edinburgh, or afterwards as should be thought convenient by the leaders of the host(1).

The agreement is self-explanatory. Edward IV. and Albany entered into a compact for the subjugation of Scotland; Albany was to be set up as a vassal king while the English King was to be rewarded by the overlordship of Scotland and the cession of Berwick. It must remain forever unknown how far Edward was serious in this agreement. At any rate when the English invasion proved successful no attempt was made to set up Albany as a puppet king of Scotland under the suzerainty of England. That might have proved a difficult task, despite the disaffection of the Scottish nobles, as past history suggested and probably the main object of Edward IV., a sound business man with a practical sense of possibilities and values, was to secure possession of Berwick.

On the following day a formal agreement was signed between "Edward, by grace of God, King of England, and of France and Lord of Ireland" and "Alexander, King of Scotland by the gift of the King of England"(2). It may have been something like the proverbial counting of unhatched chickens but the provisions were drawn up with all due circumstance. Albany was to help the King of England and his heirs with all his power in all their "Titillis and Quharrelles" and give no aid to any of their enemies. Edward in return was to help Albany to obtain the crown of Scotland and to maintain him against James and all who contested his authority, saving always the town and castle of Berwick, with their pertinents, Liddesdale, Eskdale, Ewsdale and Annandale, with the castle of Lochmaben, and their pertinents. Albany was to do homage within six months after getting the crown and the greater part of Scotland as any other Scottish King "quhylk had frendly intelligence wyth the realm of England" had done in the past, unless it were put off longer by consent of the King of England; he was also to deliver Berwick with its pertinents, or to do his utmost to cause it to be delivered, to the King of England within fourteen days after the English army should take him to Edinburgh, or as soon after as should be thought possible for him by the Lords of the King's council of England then present. As soon as he became possessed of the Scottish crown Albany was to break all alliances with France and never to make any new one contrary to the King of England and his heirs. It was further agreed that if the uxorious "Father of Chivalry" could "make himself clear of all other women" within a year he should marry Edward's daughter, Cecilia; if he could not so clear himself he would not marry his son and heir, if any, except by ordinance of the King of England to some lady of that sovereign's blood.

The English preparations for war went on apace. On June 12th (1482) Gloucester was made Lieutenant General and Commander against the Scots(3). On June 30th the Bishop of Lincoln, Keeper of Privy Seal, was ordered to write to Sir John Elryngton, Treasurer of the Household and Wars, to pay Gloucester £200 for the carriage of his ordinance to Scotland; to the Master of Ordinance £100 for buying 120 draft horses for carriage of ordinance from Newcastle to Scotland and 200 marks for buying 200 sheaves of arrows for the subjugation of Scotland(4). On July 8th Robert Radcliffe was appointed to command the fleet(5) and a warrant was issued to him to take ships, sailors and workmen in order to convey a certain potent armament ("quandam armatam potentiam")(6).

In Scotland also preparations were made for war. A large army was assembled at the head of which the King moved south to meet/

(1) Foedera. (2) Ibid. (3) Ibid. Rot. Scot. (4) Ibid. (5) Rot. Scot. (6) Ibid.

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Handwritten note: "see next page"

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meet his enemies. It is noted by several of the chroniclers(1) that James took with him a number of "carts charged with small ordinance". James seems to have inherited something of his father's interest in artillery and the fragment that is preserved of the Treasurer's accounts for his reign records several payments in connection with the making of guns.

The fate of James's army is one of the well known things in Scottish history. When it was encamped at Lauder the troubles between the nobility and the King came to a head. The barons concerted measures, seized the royal favourites and hung them before the King's eyes. The unhappy James was led back a captive to Edinburgh(2) and the army broke up.

Scotland was thus in a defenceless condition when the English army, commanded by the Dukes of Gloucester and Albany, invaded. The English were able to take the town of Berwick but the castle, stoutly defended by Patrick Hepburn of Hailes, held out(3). Leaving a detachment to invest the castle, commanded by Lord Stanley, Sir John Elrington and Sir William Parr(4), the main body of the English moved on to Edinburgh, their invasion being a singularly mild and merciful one. The Scottish nobles, in face of the English advance, assembled in some force at Haddington "not to fight", says Drummond, "but to supplicate". At any rate they evidently realised the hopelessness of resistance and entered into negotiations with the leaders of the English army. It is stated that Gloucester had already issued a proclamation demanding that James should perform his promises to Edward IV. and do satisfaction for past wrongs to England, threatening devastation with fire and sword in the event of a refusal, and that James had refused to answer(5). The nobles are said to have now suggested to Gloucester that the marriage between Prince James and Cecilia should be consummated, and that Gloucester replied that he did not know Edward's intentions as to the marriage, that he wanted the dowry returned and that Berwick should be given up as the price of peace, or at the very least that no assistance should be given to it while it was being taken by the English(6). The Scots are said to have agreed to all the conditions except the one as to the cession of Berwick.

At any rate on 2nd August, 1482 the Archbishop of St. Andrews, the Bishop of Dunkeld, the Chancellor, Avondale, and the Earl of Argyle undertook that if Albany would be faithful to James they would obtain his restoration to his lands and offices and pardon for himself and his associates, except those specially excepted by the King by open proclamation in his last parliament(7). Two days later (on 4th August, 1482) the provost and "the hale fellowship of merchandes burgesses and communitie" of Edinburgh bound themselves that if Edward IV. wished to go on with the marriage between Prince James and Cecilia it should be carried out well and truly, without fraud or deceit by the Scottish King. If, on the other hand, Edward should wish to retract from the marriage they promised to repay the sums advanced by him as dowry and the document in which they recorded their declaration was signed in presence of Albany, Gloucester, the Bishop of Dunkeld, Northumberland, Argyle, Lord Stanley and Alexander Inglis, Archdean of St. Andrews(8). The English army then returned home, taking Berwick castle on its way.

These three facts probably indicate the bases of negotiation between the Scots and the English army. Edward IV. had obtained probably what he wanted. He had secured retrogression from a marriage contract which he no longer, perhaps never really had, wished to perform, he had obtained security for the repayment of the sums advanced by him and he had gained possession of the prized town/

(1) e.g. Drummond, Pitscottie. (2) According to the Chronicle at the end of Winton, James was confined in Edinburgh castle from St. Magdalena's Day (22nd July) until Michaelmas. (3) Drummond, Buchanan. (4) Drummond. (5) Ibid. Buchanan. (6) Ibid. (7) Foedera. (8) Ibid.

town of Berwick. Reinstatement of Albany in his lands and dignities had also been guaranteed but no word is heard of any attempt to set him up as a vassal king of Scotland. Drummond states that the Scottish nobles had actually invited Edward to invade on the pretext of assisting Albany, stating that they would raise an army "not to fight but to seize upon the King's favourites". The mildness of Gloucester's invasion lends some support to this view and there is no doubt that there was a great deal of collusion and jobbery.

The war as a whole, however, was not a mere piece of stage play. The preparations both in England and Scotland and the damages inflicted were too serious to be the attributes merely of a tremendous hoax. The character of the war can perhaps be best understood by a study of the motives of those chiefly concerned in it.

James III. has gained opprobrium as going wantonly to war at the desire of Louis XI. Yet it appears that he was forced unwillingly to fight. He had little cause for gratitude to France, he had long followed sedulously a policy of peace with England, his own disposition was one that we would suppose to be pacific and he would probably know that war with England would be likely to prove disastrous when sedition was rife in his kingdom. It is noteworthy that Louis had to send Ireland twice to the Scottish court before any actual steps were taken in his interests and that the official documents, though too much faith should not be placed on their laudatory verbiage, describe James as anxious for peace and as doing his best to avert hostilities. Edward IV. may not have been positively anxious for war and he evidently held out hopes of reconciliation in 1479 if that reconciliation could be achieved at a profit to himself. His chief aim, however, was pursuit of the main chance, he had been getting cooler towards Scotland and would probably take either war or peace, whichever seemed the more likely to pay. When the intrigues of Louis XI. and the truculence of the Scottish nobility forced on war he was not unwilling to respond, the recovery of the lost town of Berwick and unhampered recession from the Rothesay-Cecilia marriage, which had evidently become distasteful to him, being two great objects that a Scottish war might bring him. Louis XI. was certainly anxious for an Anglo-Scottish war and did his best both by formal missions to the Scottish court and by intrigue with the Scottish nobility to bring it about. It would seem, however, that the main offenders were the Scottish nobles. They had a primary end in view - the removal of the royal favourites and the humiliation of the king. In order to achieve this they regarded war with England as a necessary condition - emergency has always been the best sanction for strong action, war would further hamper the embarrassed King and afford an excuse for the assembly of a baronial army. Later they may have seen it to their advantage to negotiate with, or even to act in collusion with, England. The motives of the Duke of Albany are plain enough. He came over with the intent of turning the disturbances between England and Scotland to his own advantage and with no great scruples as to how he did so; Edward IV., then actually at war, was willing to use him as a tool, as he was willing to use the Earl of Ross or anyone else who gave him a handle against the King of Scots, but he was not prepared to follow out his promises to him to the full, unless it were manifestly to his own interest to do so.

In 1482 all parties were willing for peace. Edward IV. had made substantial gains (1), further operations against the Scots might be dangerous and of dubious result and he was probably alarmed by the rapprochement of Louis XI. and Maximilian, who in December arranged the peace of Arras behind his back. Louis XI., in his stronger/

(1) Edward professed to groan at the expense of Berwick but made good his prize nevertheless.

stronger position could now afford to neglect both England and Scotland. By the treaty of Arras the dauphin was betrothed to Margaret, daughter of Maximilian and Mary of Burgundy. At Picquigny it had been arranged that the dauphin should marry Elizabeth, daughter of Edward IV., a marriage on which the English King had set his heart. Louis not only broke the marriage contract with England but added insult to injury by discontinuing to pay the annual subsidy promised to Edward IV. at Picquigny. The Scottish nobles had also gained their main object; the favourites had been hung, the nobles had the King in their power and they must have realised that effective resistance to the English was impossible in the distracted state of the country. King James had no say in the matter and must in any case have been well aware of the hopelessness of carrying on hostilities. Albany had cause for self-gratification. He had secured his restoration to his lands and offices and the tangled politics of Scotland offered him great opportunities; he was not likely to jeopardise his strong position by an ill-considered attempt to secure a puppet kingship.

Accordingly hostilities between the two countries gave place to negotiations tending to peace(1). On August 12th (1482) Edward IV. issued letters patent declaring his intention not to go on with the Rothesay-Cecilia marriage and stating that he had appointed Garter, King of Arms and Northumberland Herald to notify his decision that he preferred the return of the dowry and refused to go on with the marriage to those to whom it should be notified, and especially to the provost and burgesses of Edinburgh(2). On October 27th Garter, King of Arms formally announced the English King's decision to the provost and community of Edinburgh(3).

Meanwhile the whirligig of Scottish politics was undergoing remarkable revolutions. Albany liberated his royal brother from his captivity in Edinburgh castle and for a time the two were, outwardly at least, firmly reconciled. Albany was for a time the real ruler of the kingdom and official laudations were heaped upon him for his meritorious services(4). The Scottish parliament met early in December. On the 11th day of that month it was ordained that peace should be come to with England if it could be had with honour and without inconvenience, that the marriage formerly arranged should be observed in all points by the King if the King of England did the same and that a King of Arms or a Herald of wisdom and knowledge should be sent on embassy to England touching these matters(5). The Scottish emissary was to narrate to the English King James III's desire for peace and the efforts he had made to obtain it; to express the Scottish King's willingness to send commissioners to England or to grant safe-conducts for English ambassadors to come to Scotland; to intimate the desire of the Scottish King and his Estates that the Rothesay-Cecilia marriage should be proceeded with; to entreat the King of England to give his consent "and apply him to the peace to be had between the realms and fulfilling of the said alliance..... and that he will send his mind and intention in writ authentic thereupon". There follows a formal declaration of the Scottish King's aversion to war but of his intention to defend his kingdom, if forced to hostilities.

In the same parliament it was recommended by the Estates that the King should "speak to his brother, the Duke of Albany to take upon him to be Lieutenant General of the realm, to defend the Borders and resist his enemies both of England and others in all times of need", the reason assigned for this appointment being that the Borders were daily invaded and the King's lieges greatly oppressed by the English. It was also advised and concluded that the King should "incontinent dispoise him and all his lieges with all his extreme power for war of England and for the defence of his realm both by sea and land and also for ~~the~~ invasion of his enemies". Letters of/

(1) Foedera has a safe-conduct for Margaret, sister of Jas. III. coming to England to marry Earl Rivers dated there Aug. 22nd. 1482. This has evidently been misplaced by Rymer, being probably the one given in Rot. Scot. for Aug. 22nd. 1479. (2) Foedera. (3) Ibid. (4) R.M.S. (5) A.P.S.

of proclamation under Privy Seal were to be sent to all sheriffs and other officers charging the lieges to be in readiness to come to the King to fight when required and wapinshaws were ordained to be held by all sheriffs and officers in accordance with the former act of parliament.

By a further act of the Estates it was ordained to send Walter Bertrahame with letters under the Chancellor's Seal to the King of France and the Parlement of Paris stating the complaints made by various Scottish merchants that their goods were arrested and kept from them in France by the alleged command of the King and without cause or form of justice; that they were not deemed as friends, their goods being "maisterfully" taken from them contrary to the alliance between the two countries, and that various Scots, merchants and others, who sought justice from the French King and his council could get none, "of the quhilk thair mervale gretely considering that thare was never sic like breik of before". Remedy was to be exhorted "sa that we haue cause to trete thaim as oure freyndis in tyme tocum like as has bene done in tymes bigane", and if any Frenchmen had complaints they should have justice on coming to state their cases. It was also to be brought to the notice of the French that Frenchmen on coming to Scotland "desiris to haue galyais and conductis or thair cum one land" contrary to the alliance and friendship formerly made. Evidently the relations between France and Scotland were not all that friendship could desire.

Despite their orders for military preparation it is probable that war was far from the desires of those who directed the deliberations of the Scottish Estates. The really significant feature of the proceedings in the Scottish parliament was the recommendation that Albany should be made Lieutenant General. Some reason for this step had to be found and the justification alleged was the hostility of England and the disturbances on the Borders. Albany himself, conscious of his treason with England, and, one presumes, anxious to avert suspicion, would not be averse to assuming an attitude of apparent fortitude against England if the latter country insisted on war. Actual hostility to England would, however, in all likelihood be the last of Albany's desires and it is probable that both countries were on the whole anxious for peace(1).

The Scottish King was soon afterwards able to assert himself against his ambitious brother, Albany, who seems to have become unpopular with the main body of the Scottish nobility. The full extent of Albany's treason was becoming known and in parliament in March 1482-3 he was compelled to acknowledge his trespasses and to demit his office of Lieutenant Governor of the realm, though he was permitted to retain his Wardenship of the Marches. His confederates, the Bishop of Moray, the Earls of Athole, Buchan and Angus were ordered to refrain from coming within six miles of the King and were subjected to various deprivations(2). Albany, in fact, probably on finding that his brother would not be his mere puppet, had resorted anew to conspiracy and treason. He had early resumed his intrigues with England. On January 12th, 1482-3 he commissioned his partisans, the Earl of Angus, Lord Gray and Sir James Liddale of Halkerston to treat with the King of England on the subjects of the agreements that had been made at Fotheringhay(3). Edward IV. was never slow to communicate with discontented magnates of Scotland and on February 9th he empowered the Earl of Northumberland, Lord Scrope and Sir William Parr to treat with the assigned commissioners of Albany(4). Two days later, on February 11th (1482-3), an indenture of a new treaty between the Duke of Albany and Edward IV. was signed by their/

(1) Rymer has misplaced under 1482 the commission of 14th December, 1478 to the Bishop of Rochester and Sir Edward Woodville to treat with Alexander Inglis and Lyon, King of Arms as to the Margaret-Rivers marriage. (2) Indenture between Jas. III. and the Duke of Albany - A.P.S. suppl. (3) Foedera. (4) Ibid. Rot. Scot.

their respective commissioners - Angus, Gray and Liddale for Albany, Northumberland, Scrope and Parr for Edward - at Westminster(1). By this treaty it was agreed that there should be "good amity, love, favour and friendly intelligence" between Edward IV. and Albany and that each of them should assist the other. In furtherance of these amicable intentions it was arranged that there should be a "very true, lawful and assured truce" between their subjects and well-wishers in both realms, provided that Albany should before the end of March declare in writing to the Wardens of England in the north who were his well-wishers, and that he should also specify those who would not take his part so that "such advantage" should be taken against them as should be "behoveful". Breakers of the truce should be forced with all possible diligence to make restitution, in furtherance of which object the Earls of Northumberland and Angus respectively for each party had promised "to put them for this next year in their effectual devoirs as touching the East and Middle Marches of both realms "and for the West Marches the Dukes of Gloucester and Albany were to assure each other to do the same. Albany was to "entende dailye" to getting the Scottish crown so that he and his supporting nobles could help England against France, and, Edward giving him all reasonable assistance, Albany was never to "leave that opinion" or be reconciled to James. Albany's ambassadors promised that if that Prince and his heirs should decease they would never live under the allegiance of any other Prince except the King of England and that they would keep their castles and strengths from James III. with all their power. Albany at once on getting the crown, or at furthest within forty days, should break the league with France and no other like it should be made or observed; that done he should declare himself for the King of England against all his enemies, particularly against the occupiers of the French throne, and bind himself, his heirs and his nobles to do war against the French Kings when required by the King of England until final conquest of France to the obedience of the English King. Neither Albany nor his heirs were ever to make claims to Berwick, which the King of England should peacably enjoy. Albany's ambassadors promised in the Duke's name and also in their own name and that of all their friends that whenever it should please King Edward to write to Albany for the restitution of the Earl of Douglas, they should see to it that he would be restored "according to such convention as hath been made at this time between the Earl of Angus and him and also between him and the said ambassadors". Should Albany be King and free to marry he was to wed one of the English King's daughters without any charge to be borne by that thrifty sovereign. In the final item it was promised that Edward should assist Albany to obtain the Scottish crown and that he should send Gloucester and Northumberland towards the north, who were to be always ready on convenient warning to send such aid of archers and other "warrely men" to Albany as should be thought necessary - namely 3,000 archers at Edward's charge for six weeks and if there should happen a "great day of rescue of the Duke or any other necessary defence for him to be appointed" the English King would see to it that he should be helped by a sufficient army.

John Cartington, Robert Cullingwood and John Lillibour for the English and A schedule was affixed in which the commissioners of Albany disclaimed any intention of making any innovation on the part of Scotland "touching the reparation of Cawemylls and Blakaters Towre" or of building any fortress or of "inhabiting of Scottish men nigh the Borders of England otherwise than they do at this day" without a more special treaty. Edward was taking care that his new allies should not impose upon their position of friendship with him by using it to strengthen their position of the Borders.

The conspiracy of the Scottish malcontents to set Albany on the throne with English help had evidently come to embrace the exiled Earl of Douglas. It must have been in pursuance of his schemes of intrigue that Edward IV. issued on February 18th, 1482-3 a letter of protection for three years for James Earl of Douglas, whom, it was said, the King intended to send to Scotland for the defence/

(1) Foedera.

defence of England against his "enemies and rebels"(1). Douglas, however, did not go to Scotland. There Albany had shut himself up in his keep of Dunbar and fortified his other castles. He had evidently despatched Sir James Liddale a second time to England to concert measures with the English against the King of Scots(2), the English Herald, Bluemantle had been sent to him with writings and instructions which probably well deserved the epithet "treasonable" applied to them in the subsequent summons of Albany for treason(3). Very shortly afterwards Albany withdrew to England himself and there busied himself with intrigues with the English and with the exiled Douglas. He caused an English force to make its way to Dunbar, and, in accordance with his instructions to Gifford of Sheriffhall, whom he had left in command of his stronghold, the castle was handed over to the English. Meanwhile his partisan, Lord Creichton, was actively bestirring himself in Albany's interest in Scotland(4).

The prospect seemed threatening for James III. It is doubtful, however, how far Edward IV. would have actively committed himself in the interests of Albany and at any rate his opportunities for intervention in Scotland were closing forever. About Easter the English King took to his bed and on the 9th April(1483) he died. His death removed the immediate danger to Scotland. England, faced with the accession of a boy as successor to the founder of a dynasty, would require all its attention for its own affairs, as subsequent developments proved.

During the short troubled episode of the reign of Edward V. England, sufficiently preoccupied by her own affairs, would naturally have little attention to spare for her neighbour and Scotland was left to herself. Sometime before the 9th July, 1483 Lyon King of Arms was sent from Scotland to England(5). His mission may have been in connection with the treasons of Albany and the countenance afforded in England to that troublesome Scottish Prince.

By this time Richard III. had begun to reign in England. As an usurper who had gained his crown by a policy of combined force and craft, and who had to face the opposition both of Lancastrians and alienated Yorkists, one would have expected him to maintain a peaceful policy in order to consolidate his power. His first official actions towards Scotland were friendly, as was indeed to be expected in view of Buckingham's rebellion. On November 29th, 1483 he issued a safe-conduct for the Bishop of Aberdeen, the Earl of Crawford, the Bishops elect of Glasgow and Dunkeld, Lord Lyle, David Livingstone, Keeper of Privy Seal, John Drummond of Cargill, William Knollys, Preceptor of Torfichen, John Ireland, Archdeacon of St. Andrews, Gilbert Rerik, Archdeacon of Glasgow and the Laird of Dundas, Scottish ambassadors,(7) - an embassy drawn from the party favourable to James III. On December 2nd the English King appointed Lord Dacre, Richard Salkeld, John Crackenthorp, and William Musgrave for the West March and Sir Henry Percy, Sir Thomas Grey, John Cartington, Robert Collingwood and John Lilburn for the Middle and Eastern Marches to treat of truce with the King of Scots or his commissioners(8).

No meeting appears to have resulted and on the other hand Richard III. began to show himself more hostile towards Scotland and disposed to countenance Albany and Douglas in their plots against their native country. Albany had been received with distinction at the English court and had had a personal interview with Richard as early as the beginning of August 1483. In February 1483-4 Richard announced his intention of invading Scotland: writing to Sir John Mordaunt and William Salsbury on February the 18th Richard stated that, by advice of the Lords spiritual and temporal of his land recently assembled at Westminster, he/

(1) Foedera. (2) A.P.S. (3) Ibid. (4) Ibid. (5) Ibid. (6) They were Carmichael and Alexander Inglis, Keeper of the Rolls. The Bishop of Aberdeen was the newly appointed Elphinstone. (7) Rot. Scot. (8) Ibid. Misplaced by Rymer 1484.

he was determined to invade Scotland in the summertime and charged them to be ready to accompany him "in the said journey" on the 1st of May next(1). On February 12th, 1483-4 Richard granted to the Earl of Douglas a pension of £200 per annum, assigned on various sources of revenue(2). On March 8th he ordered the Sheriff of Nottingham and Derby and five other Sheriffs to pay the arrears of the annuity granted for life to the Earl of Douglas by Edward IV. and to pay the instalments regularly to him during his life(3). At the same time, however, Richard seems to have been anxious to maintain officially correct relations with the King of Scots and on March 8th, 1483-4, the same day that the order to the Sheriffs in favour of Douglas was issued, the English King granted a safe-conduct for William, Bishop of Aberdeen and William Knolles, Preceptor of Torfichen, ambassadors of James III.(4). Further letters of safe-conduct for the same ambassadors were issued on April 13th(5). For a sovereign in Richard's position the soundest policy would be one of friendship with the powers that were until he could consolidate his position. It is not surprising, therefore, to find him evincing a disposition to come to terms with the King of Scots. He entered into communication with James, suggesting a marriage alliance between the Duke of Rothesay and Richard's niece Anne de la Pole. On July 1st, 1484 James wrote to Richard saying he was advertised by Lord Lyle and Duncan Dundas and also by Richard's squire, Edward Gower, of the English King's desire for marriage and truce and stating himself to be similarly inclined(6). It is probable that it was a knowledge that the English King was advancing towards a policy of friendship with Scotland that induced Albany and Douglas to make a last desperate venture by invading Scotland in July. Richard had not ceased to show signs of favour to Douglas and relief had been sent on several occasions to Dunbar. Yet when Albany and Douglas made their great venture they received but diminutive assistance from the English King and it was with a paltry following of some 500 men that they crossed the Border in July, 1484. Their hopes of a Border rising in their favour were disappointed, though one or two Scots presumably did join them(7). On St. Magdalens Day, July 22nd, Albany and Douglas came to Lochmaben where the annual fair was being held. The Laird of Johnstone and Murray Cockpool sent out messages for assistance and at once attacked the invaders(8) with the help of the burghers and peasantry assembled at the fair. Though hard pressed for a time the Scots were able to withstand the English until the surrounding gentry, notably Charteris of Amisfield(9), Sir Robert Creighton of Sanquhar, his son Edward Creighton(10) and Kirkpatrick of Kirkmichael, came with their followings to their assistance. The invaders were completely routed. Douglas was taken captive by Kirkpatrick, who was rewarded by a grant of numerous lands(11), and delivered to the King. The aged Earl, who had deserved ill of Scotland, was confined in the Abbey of Lindores as a monk and there ended his days in peace - a light punishment for one who had grown old in treason and hostility to his native country. Albany escaped to England, but finding that he was not received there "with that kindness he was wont"(12) betook himself to France, "by the assistance and convoy of John Liddale"(13). He was killed there at a tournament in the following year by a splinter from a shivered lance. included in the truce for six months but if within that space of six months the Scottish King satisfied his desire to the English King. The defeat of Albany and Douglas at Lochmaben must have convinced Richard III. of the advantages of a peaceful settlement with the King of Scots. His own position was not a strong one.

(1) Halliwell - Letters of the King's of England. Vol. I. pp. 156-7.
(2) Foedera. (3) Ibid. (4) R.S. (5) Ibid. (6) Letters and Papers illustrative of the reigns of Rich. III. and Hen. VII., Gairdner Vol. I, 59 Ferrerius tells that Richard had sent to the Pope beseeching him to send a legate to reconcile England and Scotland, that Imola was sent and helped to bring about the peace of Nottingham. (7) e.g. The King made a grant to Thos. Carruthers for his services against Albany and Douglas of the lands and patronage of George Corry because the said George had joined the rebels, Albany and Douglas. R.M.S. (8) Drummond R.M.S. Johnstone was rewarded for his services at Lochmaben by grant of lands in the Barony of Kirkmichael & the office of bailiff of the said barony. (9) R.M.S. (10) Ibid. (11) Ibid. (12) Drummond. (13) Ibid.

He had hoped that Englishmen would forgive anything to a King who would give them good government but the murder of the Princes in the tower shocked and antagonised the public opinion even of that age and as time went on Richard found it more and more difficult to live up to the programme of good and lenient government that he had outlined at the beginning of his reign. He was also menaced by the activities of the Earl of Richmond who had been in Brittany but had removed to the court of the young Charles VIII. of France at Angers when Richard signed a truce with Pierre Landois, the Minister of the Duke of Brittany, in 1484. Richard III's friends in Brittany were the Breton nationalists and this inevitably drove the French monarchy to the support of Richmond, though the Regency government in France apparently attempted to keep as far as possible out of the business.

In these circumstances Richard could not afford to remain at odds with the Scots. Whether he secured papal intervention or not(1), negotiations for a settlement were resumed. On August 6th, 1484 the English King issued a safe-conduct for the Earl of Argyle, Chancellor of Scotland, William, Bishop of Aberdeen, the Lords Avondale, Lyle, Oliphant, Drummond of Stobhall and Darnley, Archibald Whitelaw, Secretary, and Duncan Dundas, Scottish ambassadors, to come to England after August, 24th in order to treat at Nottingham or elsewhere suitable from the 7th September(2). On August 30th James III. commissioned Argyle, the Bishop of Aberdeen, the Lords Lyle, Oliphant and Drummond of Stobhall, the Secretary, Whitelaw, Lyon King of Arms and Duncan Dundas to negotiate a marriage between his eldest son, James, and Anne of Suffolk, niece of Richard III., granting them license to treat of truce, friendship and alliance, to arrange another Diet if necessary and to do anything else that appeared expedient(3). On the following day, August 31st, James issued a further commission to the same persons to treat of truce and alliance with England(4). On September 20th English commissioners were assigned - the Bishops of Lincoln and St. Asaphs, the Duke of Norfolk, the Earl of Northumberland, Lord Stanley, George Stanley, Lord le Strange, John Grey, Lord Powys, Lord Fitzhugh, John Gunthorp, Keeper of Privy Seal, Thomas Barowe, Keeper of the Rolls of Chancery, Sir Thomas Brian, Chief Justice, Richard Ratcliffe, Garter Knight, William Catesby and Richard Salkeld(5). On the same day (Sept. 20th) the Archbishop of York, John, Bishop of Lincoln, Chancellor, John, Bishop of Worcester, the Duke of Norfolk, the Earl of Nottingham, John Sutton of Dudley, John Scrope of Upsall, William Huse, Chief Justice and Richard Ratcliffe were appointed to treat of the marriage with Scotland(6). Apparently the commissioners of the two countries had met before Richard's letters appointing his commissioners were issued. On September 21st two indentures were signed at Nottingham. The first was drawn up between the commissioners appointed by James III. on August 30th and the first set of representatives appointed by Richard on September 20th - the Bishops of Lincoln, St. Asaphs and the rest - and stated that discussion had been held between the commissioners for several days in September(7). By this indenture a truce between the two countries was agreed upon as from the instant 28th September (1484) to the 29th September, 1487. An exception was made for Dunbar which was to be included in the truce for six months but if within that space of six months the Scottish King signified his desire to the English King that he did not wish Dunbar to be included in the truce it was not to remain under the truce after the six months had expired. If, however, the King of Scots had not openly declared to the King of England, within six months, that he did not wish Dunbar to be included, it was to remain under the truce for three years thereafter. If it happened that the English and Scots came to blows at Dunbar the truce was still to hold good everywhere else, and, that being understood, they could fight it out in the matter of Dunbar. The agreement was that Dunbar should remain under the truce for six months.

(1) Supra.p.67, note 6. Ferrerius, Lesley. (2) Rot.Scot. Foedera.
(3) Foedera. (4) Ibid. (5) Ibid. Rot. Scot.(6)Rot.Scot.(7) Foedera.

After that the Scots if they wished could attempt to take it by force and this would not be regarded as a violation of the truce(1). The town and castle of Berwick on the other hand were specially included in the truce.

Numerous provisions were made for the greater security of the truce. Neither King was to help the rebels of the other and both monarchs were required to render each other mutual assistance against such rebels. Names of Scots who had sworn allegiance to England were to be handed in to the Scottish King or his Chancellor within six months. Such persons were not to be admitted to pardon or favour by the King of Scots during the truce but were to be punished by him if they came to his country or returned to the officers of the English March to undergo punishment and the corresponding provisions were made about Englishmen who had become the lieges of the King of Scots. It was stipulated that a proviso should be included in all safe-conducts of either King to the subjects of the other that the receiver was ~~was~~ not a rebel to his Prince and if any subjects of either King should go to help the enemies of the other the King against whom they went to give assistance should be at liberty to seize them notwithstanding the truce. Various regulations were made with the intent of securing better order on the Borders. Both Kings were to give each other within six weeks the names of all guardians and lieutenants of the Marches and they were to notify each other of all changes in these offices. Such officials on removing from office should give their sovereign an account of all damages perpetrated or unreformed by their fault or negligence during their term of office. If such account were omitted recourse was to be had to the King in question. Should any Guardian or Lieutenant of the March, during the truce, invade or ravage without the authority of his own Prince the territory of the other, his own King, should declare him rebel and notify this to the other. If anyone were to commit deprecation within the March of the other party and then flee back to his own country the person wronged could either follow him without safe-conduct within six days, provided he went to a responsible person on entering the March, informed him of the circumstances and required him to accompany him, or else go to the Guardians of the March or their deputies in order to prosecute justice. If anyone were wronged contrary to the form of the truce and should not obtain justice from the officers of the other King, his own sovereign should report the matter by herald or other messenger to the other King, who was required to send as soon as possible, twice or at least once a year, three persons of his Council, lovers of peace and justice, to some place near the Marches, there to meet a similar member of the Counsellors of the other royal party, with sufficient power not merely to punish the delinquents complained of but to make enquiry if the conservators of the truce or their lieutenants or deputies were negligent or remiss in executing justice to complainants and to punish and correct them if they were thus remiss. Anyone wronged contrary to the truce could pursue his case before the justices of either kingdom and when it should seem expedient. Delinquents fleeing and entering the allegiance of the other party should nevertheless be forced to return and undergo justice. Infamous persons, rebels, traitors and their like should not be permitted to go on assizes or give testimony. No one was to hunt, fish or otherwise disport himself in the property of a subject of the other party without license and damage caused by animals was to be equally made amends for according to the law and custom of the place, not by private revenge.

A fruitful source of contention between the two countries was that of disputes arising on the sea and attempts were made to provide for such contingencies as might be foreseen. Ships suffering/

(1) The Scots Chroniclers aver that James wrote a "loving letter" to Richard for the surrender of Dunbar but that Richard constantly prevaricated.

suffering wreck should, if there were any survivors, be restored to their owners. Ships of either nation wrecked or forced to port in the other country should not be spoiled or meddled with in any way. Shipwrecked refugees and bearers of safe-conducts were to be protected and allowed to return to their own country without let or hindrance. Subjects of either nation, or their ships or property, if captured by the subjects of an outside King, and taken to a port of either England or Scotland, should not there be bought or taken without consent of the rightful owners on pain of restitution and punishment. Further provisions were made for the restoration of goods saved from shipwreck and for ships of either country forced to call and unload at ports in the other.

No subject of either country was to buy or anywise receive wool or woolfells from one country to the other but such wool and woolfells were to be disposed of without fraud according to the laws of each kingdom.

Allies were to be included by both Kings if they wished to be so included and declared their minds thereon within six months. Especially for the King of England were named as allies the Kings of Castile and Leon, Aragon and Portugal, the Duke of Austria and Burgundy and the Duke of Brittany and for the King of Scots, the Kings of France and Denmark and the Duke of Brittany.

In accordance with the usual formula Lorne in Scotland and Lundy Isle in England were excluded from the truce. Regulations were made for the publication of the truce in the Marches and notable places of both realms on the 1st October next to come and conservators of the truce were appointed in both countries, making a numerous and distinguished list.

The second indenture arranged for the marriage of Prince James, eldest son of the King of Scots, to Anne of Suffolk, niece of Richard III. The marriage was to take place within three years, on both the parties to it coming of legitimate age. Since both the young people concerned were absent and since certain promises and conditions must be arranged which could be better treated of at another place and time it was agreed that a Diet should be held within a year at some convenient place in England to treat and finally conclude in the matter. The day assigned for the beginning of the Diet was the Feast of the Nativity of St. Mary (8th September) and the place suggested was York. During the time before this Diet and from the beginning of the Diet to the Feast of the Purification of St. Mary (2nd February) next following the King of Scotland was not to promise his son in marriage to any other or allow him to be promised, while the King of England similarly was neither to promise his niece nor allow her to be promised in matrimony, but both Kings were to direct their best energies to the achieving of this marriage. If either of the young persons, whose marriage was contracted, should die within the period stated then the other King could wed the surviving child at his pleasure, this treaty notwithstanding. The Scottish envoys promised that the indenture should be ratified by their King and its provisions observed by him and his successors and it was arranged that ratifications of the agreement should be interchanged in the Parish Church of St. Nicholas at Newcastle on the 6th December next following. The commissioners who arranged this indenture were, for Scotland, the Chancellor Argyle, the Bishop of Aberdeen, the Lords Lyle, Oliphant and Drummond of Stobhall, the Secretary Whitelaw, Lyon King of Arms and Duncan Dundas, and, for England, the Archbishop of York, the Bishops of Lincoln and Worcester, the Duke of Norfolk, the Earl of Nottingham, John Sutton of Dudley, John Scrope of Upfell, Sir William Hussy, Chief Justice of King's Bench, Sir Richard Ratcliffe and William Catesby(1).

The agreements were supplemented by an indenture signed on the following day(2) (September 22nd), whereby it was agreed that meetings/

(1) Foedera. (2) Ibid.

meetings of commissioners should be held at Lochmahenstone for the West Marches on the 14th October next, at Haldenstank on the 18th October for the Middle Marches and at Ridanburn on the 21st. October for the East Marches. Further commissioners were assigned "for the reforming of attempts and the bounds of Dunbar to be limited at Dunbar the 10th day of October", the English commissioners being Sir Henry Percy, Alexander Lye, John Cartington, Nicholas Ridley and Robert Collingwood or three of them and the Scots Alexander Hume, Wat Carre, David Scot, George Hume of Aytoun, James Lord Rutherford and Andrew Ormiston. If one area was rather illogically exempted from the truce the commissioners were evidently determined that its limits should be clearly defined so that it should not serve as an excuse for other acts of aggression.

By further articles of the indenture it was agreed that the Scottish King should give a safe-conduct to any such person as the King of England should name and twelve others with him to go into the realm of Scotland with all such merchandise as they pleased and "from thence to pass and repass surely and safely at their pleasure during the said truce". A similar safe-conduct was to be granted by the King of England to a person named by the King of Scotland and twelve others with him, freely to pass and repass in England with what merchandise they liked. Further commissioners were appointed to meet for the West Marches on the 18th November and for the Middle and East Marches on the 1st December. These commissioners were to depute certain persons who were to "passe and see that the Bounds of Berwik be accordyng to the fourme of the Endentures of the trewes forsaid". It was agreed that during the truce no person of England or Scotland should "Bilde, Ere nor sowe ony landes or grounde beyng within the Boundes of Batable Lands" and that prisoners of both realms should stand under such securities as they then did or else renew their securities to the next Feast of St. Andrew (30th November), so that they might in the meantime "move and appoint" with their captors for their ransoms, returning to their captors in the event of failure therein. Letters to this effect were to be sent by both Princes to their lieges and borderers "certifying them by open proclamation thereupon". The indenture was signed under the Seals of the Bishop of Lincoln, Chancellor of England, the Earls of Argyle and Northumberland, the Bishop of Aberdeen, Sir Robert Ratcliffe and Robert Lord Lyle.

The truce was ratified by James III. on October 21st, 1484. (1) Relations between the two countries were to all appearances friendly. English safe-conducts were issued for Thomas Yare and John Livingstone, Scottish merchants, on September 22nd (2) and for the Scottish Lord Fleming on the 2nd November (3). The Flemings were later active in opposition to James III. (4) and Tytler supposes from the issue of this and other safe-conducts that Richard was intriguing with the discontented Scottish nobles. However this may be it appears that he was anxious to preserve official peace with Scotland in accordance with, or in furtherance of, the Nottingham agreements. On November 29th he issued a safe-conduct for the Bishop of Aberdeen, the Earl of Crawford and other Scots ambassadors (5). ~~On December 2nd he granted power to the Duke,~~

~~Sax~~ On January 30th, 1484-5 he appointed Sir Richard Ratcliffe, Nicholas Ridley and John Cartington to treat with the King of Scots or his commissioners on "better modes and forms" for the firm observation of peace, truce and free intercourse of merchandise concluded at Nottingham and for the reform of all attempts prejudicial to the peace (6). *[The commission to have no other for the west march and Percy and others for the east & middle marches to treat with the Scots given in Rot. Scot. on Dec. 1st 1483 in force in Foedera in 1484 - evidently misread in original.]*

As Richard's difficulties developed, in fact, he would be more anxious for the alliance of Scotland and the confirmation of the Nottingham settlement. There continued to be much diplomatic negotiation between the two countries, much of it perhaps due to the requirements of the Nottingham treaty for periodic meetings of commissioners and for the fixing of a new Diet to conclude the arrangements.

(1) Foedera. (2) Rot. Scot. (3) Ibid. Foedera. (4) John, later second Lord Fleming, was one of those nobles who seized Jas. IV and proclaimed him King. (5) Foedera. The others were the Bishops elect of Glasgow and Dunkeld (Carmichael & Inglis), David Cartington, P. de la, Kadder, Ingham, Riech, Dunbar.

1485 arrangements for the marriage of Prince James to Anne of Suffolk. Thus on February 20th, 1484-5 a safe-conduct in England was issued for William Knolles, Preceptor of Torfichen, Alexander Stewart, Chancellor of Moray, John Dundas of Dundas, John Murray of Touchadam and Duncan Dundas(1). On March 8th Richard, at the request of the King of Scots, granted a safe-conduct to last until the 1st of May to the Bishop of Aberdeen and William Knolles, Preceptor of Torfichen(2). On April 3rd a safe-conduct was granted for the same persons to last until the 1st of August(3) On April 18th James III. issued a safe-conduct for certain Englishmen who were coming to meet Scots commissioners at Lochmabenstone and elsewhere for the preservation of the truce and the reforms of attempts against it(4). On the same day Richard III. issued a safe-conduct for the Lords Kennedy and Lyle, Alexander Hume, David Scot, John Ireland, Alexander Stewart, Sir Gilbert Johnstone and John Murray, Scots, coming to the Borders to treat with regard to the preservation of the truce and the reform of attempts against it(5).

The Scots also seemed to have been anxious to maintain peace with England. Their recent experiences were not such as would encourage them to go to war again, at all events until the country had settled down to unity and order, and a policy of peace with England had obvious advantages. The Scottish Estates met in May 1485 and on the 26th of that month the sage body thought it expedient to observe the peace last made with Richard III. in all points and to the end of its specified time, and to observe and keep the Diet appointed at York for discussing and concluding upon the marriage and alliance that had been decided upon by the last embassy to England. It was also thought wise that an embassy should be sent to England "to conclude and perform the same", provided that the Scottish King's desires and requirements with regard to the marriage should be complied with and that "the Princez that suld be the partj be greable and convenient". The marriage being agreed upon peace and truce should be taken for so long as should please the King. The Estates were of the opinion that the embassy should consist of six persons, a bishop, an earl, a lord of parliament, a clerk, a knight and a squire, the last two to be also barons, with their servants to the number of fifty. The Estates were to contribute £500 Scots(6) for their expenses. It was ordained that this tax should be raised and collected at once so that the embassy might not be held up by default of it as the last one had been, giving the clue as to one fruitful reason why so many embassies were usually assigned before one was definitely sent.

By a further article of the same parliament the King was advised to write to the King of England pointing out to him the disputes occasioned by the fishgarth on the Esk, "put in by the English party and put out by our sovereign lord's lieges, borderers, in these parts" and asking him to send commissioners to make a definite decision in the matter, so that it should not occasion a breach of the truce. It was stated that an arrangement had been made to hold a meeting of commissioners to decide upon the question of the fishgarth during the reign of Edward IV., that the Scottish commissioners assembled but the English ones failed to appear and that the matter consequently remained undecided.

In the same parliament it was advised that, since the King required to send an "honerable ambassat" to the Pope, the Archbishop of St. Andrews, who was going to Rome, should be commissioned for this purpose. It would in all probability be for his intended journey/

(1) Rot.Scot. Foedera. (2)Foedera.(3)Ibid.(4) Ibid.The Englishmen in question were Sir Richard Ratcliffe, Thomas Metcalfe, William Claxtoun, Nicholas Ridley and Richard Salkeld. (5) Foedera, Rot.Scot. (6) The barons and clergy were to contribute £200 each, the burgesses £100.

85 journey to Rome that a safe-conduct in England was issued for the Scottish Archbishop on May 24th(1)(1485).

No further treaty, however, was destined to be arrived at between the Scots and Richard III. The Earl of Richmond was already busy fitting out in the Seine his expedition for the invasion of England. In England alarm was steadily rising. On August 1st Richmond sailed from Harfleur, a week later he landed. On August 22nd Richard III. was defeated and killed at the battle of Bosworth and his rival ascended the throne as Henry VII.

83 During these years the conditions prevailing between Scotland and France had undergone somewhat of a change. Louis XI. had died on August 30th, 1483 and the accession of a minor, Charles VIII., with its consequent dangers, made the French government more willing for a good understanding with Scotland. At the same time the settlement with Maximilian made it less necessary for France to placate England and so removed that impediment to closer friendship with the Scots. In accordance with custom the Auld Alliance was renewed on the accession of Charles VIII., the illustrious Gallo-Scot, Bernard Stewart of Aubigny, and Pierre Millet, Doctor of Laws, being sent to Scotland for this purpose(2). On the 22nd March(1483) the treaty was renewed in Edinburgh(3), James III. swearing to maintain the ancient alliance between the two countries. The two Kings promised each other mutual succour against England, both in men and money, in any circumstances under which it should be necessary. They promised never to give aid to the allies of England and declared that any of their subjects who had served England should be punished as traitors and rebels. They pledged themselves not to receive in their territories men of either country who had shown themselves hostile to the other and provision was made for judging, in the event of the Scottish King or his successors dying without heirs, the claims of those who should aspire to the crown. It was agreed that the treaty should be submitted to the approbation of the Pope, provision being made that the latter should not be able to annul or dispense with the execution of the oath made by the two Kings for themselves and their successors faithfully to observe the truce.

84 VIII A return embassy was sent to France consisting of the Archbishop of St. Andrews, the Earl of Argyle, the Lords Avondale, Glamis and Fleming, Alexander Inglis, Dean of Dunkeld and John Ireland. On the 9th July 1484 at Paris Charles VIII., in presence of the Scottish ambassadors, solemnly swore to observe the treaty(4). 85 In May 1485 when it was decided by the Scottish Estates to commission the Archbishop of St. Andrews as envoy to the Pope, part of his instructions were to ask for a papal confirmation of the alliance with France, for which purpose he was to be furnished with a copy of the treaty under the seals of the Chancellor and the Bishop of Glasgow. At the same time he was to desire of the Pope a confirmation of the treaty made with the late King of Denmark dealing with the donation of the Orkney and Shetland Islands and the perpetual discharge of the contribution of the Isles(5). Both these petitions were granted by his Holiness(6).

83 Scottish connection with the Netherlands continued during these years, though the evidence is very slight. On January 29th, 1482-3 the Scottish King constituted his familiar servitor, Thomas Swift, Conservator of the Privileges of the Scottish nation within the dominions/

(1) Rot. Scot. Foedera. (2) Francisque-Michel - Les Ecosais en France. (3) Ibid. (4) Ibid. (5) A.P.S. (6) Herkless and Hannay - Archbishops of St. Andrews. (William Scheves).

dominions of the Duke of Burgundy, that office being vacant by the death of Sir Anselm Andournes(1). There are also further incidental references, especially in litigation, which show that the Scots continued to have economic intercourse with the ports of the Netherlands and especially with Bruges(2).

The relations of Scotland and England during the reign of Henry VII. have recently come in for considerable discussion. Miss Conway has set herself to prove that Scotland gave very material assistance to the Earl of Richmond in the venture that ended at Bosworth. She adduces as evidence the statements of Major that Charles VII. granted Henry "an aid of 5,000 men of whom 1,000 were Scots, but John, son of Robert of Haddington, was chief and leader of the Scots" and of Pitscottie that there came over with Henry Tudor from France thirty ships containing 3,000 English, 6,000 French and 1,000 men at arms called the Scots Company, whose Captain was a noble knight, Sir Alexander Bruce of Erlshall". Pitscottie states also that Bruce of Erlshall, Captain of the Scottish Horse, and Henderson of Haddington, Captain of the Scottish foot, commanded the van of Henry's army at Bosworth. Miss Conway points out that Sir James Balfour, who lived in the seventeenth century, recorded in his "Annals" that the French ambassadors, chief of whom was Bernard Stewart of Aubigny, renewed the Auld Alliance in Scotland in March 1483-4, they took back with them eighteen companies of Scottish foot-soldiers to France. If Balfour's information was correct, and he was a notable collector of the manuscripts, Miss Conway holds that "the thousand Scots said by John Major and Pitscottie to have been in the Earl of Richmond's army at Bosworth would be accounted for".

This evidence Miss Conway supplements by certain circumstances in the career of Henry Wyatt. Wyatt was later to gain prominence, especially in connection with the exiled Earl of Bothwell, erstwhile favourite of James III., as a spy or agent of the English King in Scotland. Miss Conway assumes that Wyatt's connection with Bothwell began earlier than has been supposed. She adduces a family tradition that Wyatt suffered two years of harsh imprisonment in Scotland and that Henry VII. soon after his accession entertained Henry Wyatt, then coming out of imprisonment in Scotland, as his great benefactor, and she points out that both Henry VII. and Henry VIII. granted him a pension of £20 a year towards his ransom to the Scots. From this she suggests that James III. definitely supported the Tudor but that some of his nobles supported the cause of Richard III. and that Wyatt, while carrying on negotiations on behalf of Richmond, was seized and imprisoned by those pro-Yorkist nobles.

Miss Conway's evidence will not hold much water. There is no reliable testimony as to the presence of any large force of Scots at the battle of Bosworth. Medieval chroniclers were prone to mis-statement and exaggeration, especially in their estimates of numbers. In the lack of corroborating evidence Major's statement that there were 1,000 Scots at Bosworth must be given very little weight and Balfour's story of the sending of eighteen Scottish companies to France quite overpasses the limits of credulity. Events in 1428, during the Hundred Years' War, when the Scots were granted Saintonge for their assistance to France, they were stated to have sent only 6,000 men. In 1472 again only 6,000 men were to be sent from Scotland to France. The story that eighteen companies were sent is therefore quite incredible in itself and surely the despatch of such a large body of men would leave some traces upon the records.

Miss Conway infers that Scottish soldiers in the service of France fought in large numbers at Bosworth. The number of Scots in/

(1) R.M.S. (2) A.D.C; A.D.A.

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in the French army was, however, comparatively small, amounting in all to a great deal less than 10,000 men, perhaps indeed to not much more than half that figure. Most of the Scots in France served in the Scots Guard and it is extremely improbable that the Regency government of France would send their regular companies, still more improbable that they would send the Royal Guard, to participate in Richmond's rather unpromising expedition.

In fact what the French government did give Bosworth was some money and permission to raise mercenaries. These were levied mostly in Normandy and proved to be "des plus meschans que l'on peut trouver"(1). Stewart d'Aubigny was one of Henry's Captains and it is probable that Bruce of Erlshall and possibly other Scots as well were present in Henry's army. This, however, proves nothing. The Scots were there as leaders of the French mercenaries. The whole thing comes under the category of French rather than of Scottish aid to the Tudor.

Nor does the career of Wyatt substantiate Miss Conway's view. He was often employed on the Borders after the accession of Henry VII. and it was only family tradition that placed his imprisonment in Scotland as prior to 1485. At any rate Wyatt might just as possibly have been arrested by James III. himself as by discontented Scottish nobles of Yorkist sympathies. James had made a cordial settlement with Richard III., He had arranged with him for a marriage alliance and he seems to have been definitely anxious to remain on good terms with the English King. There is no evidence that he gave any assistance to Henry Tudor before the battle of Bosworth and it is noteworthy that Tytler, a sound historian, takes a view exactly opposite to that of Miss Conway in assuming that Henry, both before and after he became King of England was in communication with the discontented Scottish nobles.

The fact seems to be that James III. was anxious to maintain peaceful relations with England whatever King was on the throne. He had shown himself willing to secure and retain a good understanding with Richard III., yet on the fall of that monarch James shrewdly availed himself of his opportunity for the capture of Dunbar, which was successfully retaken by the Scots, and at once showed himself ready to come to terms with the new King of England.

It is probable that James's position at home necessitated peaceful relations with England. The baronial opposition in Scotland was restive, disaffection was in the air and the trouble over Coldingham had already begun. Henry VII., on the other hand, as was natural for a sovereign of extremely doubtful title who had just won his kingdom at the edge of the sword, seems to have been anxious for peace and negotiations were soon begun.

Relations between Scotland and England in fact seem scarcely to have been interrupted by the portentous events taking place in the latter kingdom. As early as September 22nd (1485) Henry VII. issued a safe-conduct for the Bishops of Dunkeld, Aberdeen and Glasgow, Lord Bothwell, Sir William Murray and John Murray(2) On the following day, at the instance of James III., he granted a safe-conduct to the Archbishop of St. Andrews, who had not yet gone to Rome, and to John Ireland, clerk(3). On November 24th safe-conducts were granted to the Scots, John Makerek(4) and Alexander Bruce(5). On January 30th 1485-6 Henry appointed the Earl of Northumberland, who on January 3rd had been made Guardian General of the Marches towards Scotland(6), as his commissioner to treat of peace with the Scots(7). On February 2nd Henry issued a safe-conduct for unspecified Scottish ambassadors to the number of twelve(8). On February 6th Richard Salkeld, Guardian of the West Marches, was made commissioner by the English King to treat of peace between England and Scotland "in and for the West Marches"(9).

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(1)Comines-Dupont. (2)Rot.Scot.(3)Ibid. (4)Ibid. (5)Ibid. (6)Ibid.
(7)Ibid. (8)Ibid. (9)Ibid.

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Negotiations between the two countries were well in train, though as yet with little definite result, probably because of the intervention of distractions inevitable to a monarch in Henry's position. In June and July, however, commissioners of both countries met in London and a truce was arranged on July 3rd(1)(1486). The Scottish commissioners were the Bishop of Aberdeen, Lords Bothwell and Kennedy, Robert, Abbot of Holyroodhouse, Archibald Whitelaw, Secretary, and John Ross of Montgrenan; the English representatives were the Bishops of Worcester and Lincoln, John Weston, Prior of the Order of St. John of Jerusalem in England, John, Lord Dynham, Thomas Lovell, Treasurer of the Royal Chambers and Henry Aynesworth. The truce was to last for three years, from sunrise on July 3rd, 1486 until sunrise on July 3rd, 1489. During that time it was agreed that neither sovereign should either himself instigate, or permit or encourage others to instigate, actions hostile to the other King. The usual provisions were made for non-interference with and restoration of shipwrecked goods, ships forced into port and ships captured and taken to the ports of either country by the subjects of a foreign power; for allowing shipwrecked persons and those coming under safe-conduct who should be unable to return home through sickness or other impediment to remain until they recovered and then to return home without let or hindrance; for the return to justice of delinquents of either party fleeing to the allegiance of the other; for the non-reception on assizes or otherwise accepting the testimony during the truce of infamous persons, rebels, fugitives or traitors of either party; for abstention from poaching by the subjects of either Prince in the territories ruled by the other; for the obtaining of satisfaction by law and not by private revenge for damage done by animals and for the pursuit of those who crossed the Border to do deprecation, either without safe-conduct if certain regulations were complied with or by going to the Warden or his deputy. Should either King or his subjects fail to get due justice from the officials of the other, he should inform the other Prince who should as soon as possible, twice or at least once per year, send two or three persons of his Council to meet a similar number of the counsellors of the other King, in order not only to punish the delinquents complained of but to enquire if Conservators of the truce, March Guardians, Lieutenants or deputies were negligent in the discharge of justice, and to punish and correct them if found remiss. Any person who suffered wrong could "follow his injury" before the Justices of either realm as he thought expedient. No subject or inhabitant of either country was to buy or in any way secure wool or woollfells but these were to be disposed of without fraud or deceit according to the laws of either realm. Allies were to be included if they declared ~~their~~ within six months their wish to be so. Specially for the King of Scots were signified the Kings of France, Denmark and Sweden and Spain, Maximilian, King of the Romans, Duke of Austria, the Duke of Brittany and the ruler of Brandenburg, and for England, the Emperor, the King of the Romans, the King of France, the Kings of Castile and Portugal and the Dukes of Austria and Burgundy and of Brittany. Scottish fugitives who had become lieges of England, and whose names had been sent to Scotland according to the last treaty of Nottingham, were to be bound to keep the truce and all attempts of theirs against it were to be reformed like those of pristine English subjects, similar provisions being made for fugitive Englishmen under Scottish allegiance. This acceptance by Henry VII. of the treaty concluded by the King he displaced is interesting and is in accordance with the stress he laid on de facto Kingship.

It was specially agreed to include Berwick in the truce under certain stipulations. A Diet was to be held on the Eastern Marches near Berwick between the commissioners of both realms on the 8th March following to decide upon the limits of the town and castle of Berwick, how they should be kept during the truce. The old limits were to be determined and kept in friendly wise, as in former times when Berwick was in English hands, and if the commissioners should be/

(1) Foedera. Rot. Scot.

be unable to find out what the old limits were they should favourably delimit new ones. Unless all questions touching limits and terms of this kind should be settled by the 8th of April next it was stated that the truce should last only one year and be of no avail after the 3rd July, 1487, notwithstanding what had been said above. After the meeting of the Diet as to the limits of Berwick and its continuation as long as should seem to them expedient, the English commissioners at the Diet, whether a certain conclusion or decision should have been reached or not, should, under the hope that before the said 8th April the question as to the limits of Berwick and other articles following could be rationally agreed upon, betake themselves to Edinburgh to the King of Scots to treat with his commissioners for a fuller alliance and for a marriage between James, Marquis of Ormonde, second son of James III., and Catherine, daughter of Edward IV. and sister of the present English Queen, and to arrange as to a dowry and other matters matrimonial. Berwick, by a further provision, was specially included in the truce, whether it should last for one year or three.

Henry was evidently anxious for Scottish friendship and resorted to the stock method of a marriage alliance to cement that friendship. On the other hand he wished to have the question of Berwick and its limits definitely settled and in order to secure this he was willing to threaten a cessation of the truce in the event of failure to reach such a settlement.

Further provisions for securing the truce were made. All violence to the subjects of either realm, whether the malefactors belonged to Berwick and the adjacent Marches or not, were to be repaired and reformed by the King whose subject the malefactor was. Lorne and Lundy Isle were as usual excluded from the truce. Both parties were to publish the truce to their subjects in the Marches and other notable places before the 1st August next following. The Conservators of the truce for James were to be the Guardians of the Marches, - the Earl of Angus and Lord Maxwell, - with their Lieutenants and all Admirals of the sea and Keepers of the Marches towards England, and for Henry, the Earl of Northumberland, Lord Dacre, with their Lieutenants and all Admirals and Keepers of the Marches towards Scotland. These were given full power to amend and reform all damages and attempts perpetrated or to be perpetrated against the truce.

Copies of the Letters Patent of both Kings appointing their commissioners were affixed to the indenture, those of James being dated May 6th, 1486 and those of Henry July, 2nd. The Scottish commissioners promised that what had been done by them should be observed by the Scottish King and his successors and that the present indenture should be ratified under the King's Great Seal. They further promised that letters of ratification should be exchanged in the Parish Church of Berwick on the 1st of the following September. The truce was ratified by King Henry on July 26th(1) and by King James on October 24th(2).

Negotiations for a further settlement continued(3). On March 26th, 1487 Lord Dacre, the Prior of the Cathedral Church of Durham, Sir Christopher Moresby and Richard Salkeld were appointed commissioners to treat with the Scots on the matter of the fishgarth on Esk(4). The English rebellion associated with the name of Lambert Simnel probably prevented a meeting but on October 14th, after the rising against the English King had been crushed, the same persons with the addition of Sir John Musgrave and Thomas Beauchamp were commissioned to treat with the Scots regarding the fishgarth on Esk, to find the truth, reform and punish all attempts against/

(1) Rot. Scot. (2) Foedera. (3) On July 7th, 1486 English letters of protection and safe-conduct for a year were issued for the Archbishop of St. Andrews, the Bishops of Glasgow and Aberdeen, the Abbot of Cambuskenneth and other Scottish clerics to pass between Scotland and England at pleasure. (Rot. Scot). This was for the delayed embassy to Rome proposed in parliament in 1485. (4) Rot. Scot.

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against the truce and arrange another, if necessary for the execution of the premises(1). No record of a resultant meeting survives and the Esk fishgarth continued to be a constant subject ~~for~~ of negotiation between the two countries. Relations between Scotland and England, however, continued to be friendly. On October 23rd, 1487 King Henry granted license to Thomas Sage, English merchant, to load a ship with barley and brase (grain used for making beer), take her to Scotland, unload her there, reload with salt and take her back to England, on condition of paying the recognised customs and dues(2). Facilities for economic interchange usually accompanied periods of cordiality between the two countries but more important was the power granted by the English on November 7th, 1487, to Carlisle Officer of Arms to prolong the truce with Scotland and to treat of a "new affinity" between the Kings, with instructions to arrange a new Diet if necessary or to draw up an indenture(3). Carlisle Herald duly came to Scotland where he met the Scottish commissioner, Snowdon Herald, and a new treaty was drawn up between them at Edinburgh on November 28th(4). In this indenture, signed in the Black Friars' Abbey, it was related that the Bishop of Exeter and Sir Richard Edgecombe, Comptroller of the Household of the King of England, had been directed by Henry VII. to the King of Scots to discuss "all matters of difference between them to be appeased to the pleasure of God, the weal of them both, the good of both their realms, lieges and subjects". These previous English envoys had met the Bishop of Aberdeen and Lord Bothwell as commissioners of the King of Scots and had discussed the suggested marriage between James, Marquis of Ormonde and Katherine, third daughter of Edward IV. and sister of the English Queen, in terms of the truce lately arranged between the two countries, "according to such indentures as were now late made at Edinburgh for the last truce taken there by the commissioners of the said Princes". Apparently the recommendation made in the London truce of 1486 had been carried into effect and English commissioners had evidently proceeded as stipulated to Edinburgh, whether agreement had been come to as to the limits of Berwick or not, in order to treat of the marriage alliance. This would imply that there were three distinct meetings held at Edinburgh in pursuance of the marriage negotiations - that at which the English representatives had "appointed to be had communication" for the marriage of the Marquis of Ormonde to the Lady Katherine; the one here cited when the Bishop of Exeter and Sir Richard Edgecombe met the Bishop of Aberdeen and Lord Bothwell; and the present one held between Carlisle and Snowdon Heralds.

The "Lords foresaid" - that is the Bishops of Exeter and Aberdeen, Edgecombe and Bothwell - had thought it expedient that "communication" should be entered into not only for the marriage of Ormonde and the Lady Katherine but also, "for the increasing of more love and amity between the said Princes and for the sure observation of the truce now taken and hereafter between them to be taken" for marriages between James III. himself (whose Queen had lately died) and Elizabeth, the widow of Edward IV., and between James, Duke of Rothesay and another daughter of Edward IV. and sister of the English Queen, "by the which marriage or marriages by the Grace of God to be completed shall follow the final appeasing" and cessation of all disputes as to Berwick.

This meeting of Scottish and English plenipotentiaries probably took place before October 15th for when the Scottish Estates were continued on that date all who "owed presence" in parliament were strictly enjoined to be there when it should meet again on January 11th to treat of the King's marriage, the marriage of the Prince and of the Lord Marquis(Ormonde) and in the matters of the truce with England and of the castle and town of Berwick

It was now (November 28th) agreed by Carlisle and Snowdon Heralds/

(1) Foedera. Rot. Scot. (2) Rot. Scot. (3) Ibid. Foedera.
 (4) Ibid,

1487 Heralds as representatives of their respective sovereigns that "for the more perfect deduction" of these matters the Diet lately appointed at Edinburgh to be held on the 24th January should be observed and kept "and all such communication there to be had as is comprised in the said indenture" and that a new Diet should be appointed to be held in May at such a place as should be seen expedient to both Kings to discuss and conclude "upon the said marriage or marriages together with the appeasing of the said matter of Berwick". It was also thought expedient that another Diet should be set for the personal meeting of the Kings in the month of July next to come at such a place as could be agreed between them, "where the said Kings shall by the Grace of God commune upon other great intelligences for the increasing of more love, amity and tenderness between them, their realms, lieges and subjects". In order that the matters in question should be brought to "a perfect end and conclusion" it was agreed to prolong the present truce, which was due to continue until the 3rd July next following, till the 1st September 1489. Evidently no agreement had been come to about Berwick and the truce made at London was thus reduced to one year's duration. The friendship between the two countries, however, was not allowed to suffer and the truce was now unequivocally ordained until 1489.

On December 20th Henry VII. ratified the above treaty arranged by Carlisle and Snowdon Herald(1). He was evidently sincere in his wish for real peace with Scotland and already on December 6th he had issued a safe-conduct for Lord Maxwell, Guardian of the Scottish Marches, to come into the West Marches in order to treat with the Lieutenant as to the reform of actions in contravention of the truce by the subjects of both parties and all other things necessary and opportune for the good of the Marches(2). On December 20th, the same day that he ratified the treaty come to by Carlisle and Snowdon Heralds, Henry, in pursuance of its terms, appointed the Prior of the Cathedral Church of Durham, William Sheffield, Treasurer of the Cathedral Church of York, Sir Robert Multon, Sir Ralph Bowes, Sir Richard Salkeld, John Cartington and Robert Collingwood as his commissioners to treat with the Scots for truce, confederation, friendship, marriages, the Esk fishing and all contentions, questions and complaints, with leave to appoint another Diet if necessary(3).

Lesley states that when the Bishop of Exeter and Sir Richard Edgecombe came to Scotland the truce was renewed publicly for seven years and that James secretly promised to renew it for other seven years at the end of that period, James being forced to adopt this method of secrecy because he was so "odious to the maist part of his nobilitie and subjectis". This story of the Scottish King renewing the truce publicly for seven years and promising secretly, on account of his unpopularity, to renew it at the end of that period, and even of his promising to go on renewing it in seven years periods ad infinitum runs persistently through the chronicles(4). There is, however, no substantiation to be found in the official documents for the statement that the truce was renewed for seven years and the fact that it was agreed by Carlisle and Snowdon Heralds to renew the truce only until 1489 seems to prove that no agreement as to a truce for a longer period was made with the previous embassy of the Bishop of Exeter and Sir Richard Edgecombe. James III. has been maligned as "the inbringer of Englishmen" but it appears that Henry VII. was at least as anxious for the friendship of Scotland as James was for that of England.

The year 1487 saw the Scots engaged in ~~the~~ negotiations with another potentate. At the meeting of the Scottish Estates in October the commissioners of the burghs desired certain articles to be read in presence of the King and the Lords and to be ratified and approved for the "undoing and downputting" of the letter of mark given by the King of the Romans upon the Scottish King's lieges, spiritual/

(1) Foedera. Rot. Scot. (2) Rot. Scot. (3) Ibid. (4) e.g. Ferrerius, Hollinshed, Drummond.

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spiritual and temporal. It was decided by the Scottish Estates that an embassy consisting of one clerk and two burgesses should be sent to the King of the Romans to "labour and be diligent" for the annulling of the letter of mark. The costs of the embassy were to be met by the merchants of the burghs and the money for this purpose was to be brought in before Martinmas "for the hasty passage of the said persons" and penalties were prescribed in case of recalcitrance in payment. The commissioners named Richard Lawson for the clerk, Stephen Lockhart and Robert Mercer for the burgesses who were to compose the embassy. The circumstances which led to Maximilian's action in issuing the letter of mark are exemplified by the petition of the burgesses that the King's Great Seal together with the seals of his Lords who gave sentence in Scotland upon "the Cullonaris clame" should be appended to the said sentence and process in verification "of justice that they got in Scotland which may be destruction of the said letter of mark". Maximilian's action was probably due to a dispute between the Scots and Low Country merchantmen evidently centring on a claim of denial of justice. Lesley states that the letter of mark, granted against Scottish merchants at the instance of certain Hollanders and Burgundians was "by their procurement shortly thereftir.... dischargit".

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The Scottish Estates assembled again in January 1477-8. It was thought expedient that in the matter of the marriages of the King and his son, since there had already been discussion "had of the said marriages to be made in England and a Diet appointed for the ending thereof" and certain^{Articles} ordained to meet either in a certain place in England or in the town of Edinburgh, that therefore an embassy, which was to consist of a bishop, a lord of parliament, a clerk and knight or honourable squire, to be nominated by the King, should be sent to Newcastle or York or other place contained in the said indentures, if the King of England would not send to Edinburgh. The embassy should be to the number of thirty persons and was to have £250 Scots for its expenses(1). This money was to be brought in before the 1st of April and was to be delivered in Edinburgh to Richard Robinson and Thomas Tod, who, should the embassy not go to England, were to keep the money in hand in order to contribute it to the expenses of the next embassy that should be sent. The ambassadors were to have as part of their instructions command and charge that the town and castle of Berwick should either be delivered to the King of Scots or else cast down and destroyed, "with the grant of other reasonable desires that shall be given them in instructions". If these demands were not acceded to the ambassadors were in no wise to conclude upon the marriages with England. As to the prolongation of the truce for a longer period if the marriages were not agreed upon, the Lords of the Articles referred that matter to the King and the Lords of his secret Council either to take longer truce or to keep the truce already agreed upon as should seem expedient to them.

The attitude evinced towards England was plainly stiffer. The Scots now demanded the redeliverance or destruction of Berwick as the price of a marriage alliance. Unfortunately no records survive as to who were appointed to the Articles and the other committees in this parliament and it is impossible to state definitely which party in the country was responsible for this stronger attitude towards England. Angus and other members of the baronial opposition were present in parliament but on the other hand there was a strong representation of royalist partisans and it was in this parliament that the King's second son was created Duke of Ross, an act which has been supposed to represent a royalist counterflip to the barons, and that those who had opposed the annexation of Coldingham to the King's Chapel Royal were summoned for/

(1) The prelates were to pay £100, the barons £100 the burgesses £50.

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for treason. It is noteworthy also that the King was to nominate the embassy to England and that the King and his Council were designated to decide as to the prolongation of the truce with England. The programme of reform sketched in this parliament could have proceeded either from opposition which found itself in power or from the King as a counter blow to that opposition, and, though it might be feasible to maintain that the prolongation of the truce was submitted to the decision of King and Council because the nobles hoped to control that Council and that they also hoped to predominate in the tribunal which should try those who had proved recalcitrant in the matter of Coldingham, it seems a more probable supposition that the decisions of this parliament represented the attitude of the King and that the firm front presented to England and the insistence on definite advantages as the price of closer alliance proceeded from the man, or at the very least from the supporters of the man, who was later to be branded as the "Inbringer of Englishmen to the perpetual subjection of the realm".

It may have been as a counter to Scottish demands as to Berwick that the English King showed a decided interest in the affairs of that town early in 1488. On February 3rd Richard Cholmeley was made Chamberlain of Berwick and Treasurer of War there and given various sums of money(1). On the same day Robert Lancaster was made Chief Janitor(2) and Roland Stafford Marshal, of Berwick(3) and on February 10th the English King, at the request of William Tyler, Lieutenant of Berwick, and of Richard Cholmeley its Chamberlain, issued an exemplification of an act of parliament introduced in November for the safe keeping of Berwick(4). Negotiations with the Scots, however, continued. On May 5th John Baltheswell, Clerk of Council, and Henry Wyatt, Treasurer of the King's jewels, were commissioned to treat for peace, truce and mercantile intercourse with Scotland, and also of all causes of contention and quarrel between England and Scotland and to compose and settle all such(5). Sometime during the same month of May the English King issued a safe-conduct for the Bishops of Glasgow and Dunkeld, the Earl of Argyle, (entitled Chancellor), Lord Hailes, Lord Lyle, Mathew Stewart, Master of Darnley, and Alexander, Master of Hume(6). The personnel of this embassy was distinctly baronial and it might be interpreted as an embassy sent by the baronial opposition in Scotland to seek the help of Henry VII. against the King, or to try to prevent his giving assistance to James III. On the other hand it is possible that it may have been part of the ordinary business between the two kingdoms. James may have applied for a safe conduct for these men before the troubles had fully developed though it was only now issued by Henry and the fact that Argyle was called Chancellor, when in fact he had now ceased to be so, might be adduced in support of this view. The nobles, however, would continue to refer to Argyle as Chancellor after he had been deprived of that office by James III., ignoring the actions of the King whom they demanded to be replaced by his son. The very baronial complexion of the embassy is probably something more than a coincidence and it seems likely that it was sent by the insurgent nobles to seek the aid or countenance of Henry VII. The English King's commission to Baltheswell and Wyatt on the other hand was part of the ordinary communication between the two countries such as there would have been had there been no rebellion in Scotland.

Whether or not the rebel lords negotiated with Henry VII. - and it seems likely that they did - James III., on finding himself at hostilities with his nobles, certainly entered into communications with the English King. The Earl of Buchan was sent to England, and, it was said, besought the English King to come in person to Scotland at the head of his men(7). In the first parliament of James IV. Buchan, the Bishop of Moray, Lord Forbes, Lord Bothwell, John Ross of Montgrenan, John Murray of Touchadam, Stephen Lockhart of Cleghorn/

(1)Rot, Scot. (2)Ibid. (3)Ibid. (4) Ibid. (5)Ibid. Foedera. (6)Ibid. (7) A.P.S.

1488 Cleghorn and James Hommyll were declared to have forged a commission and other muniments which were sent to the King of England by Lord Bothwell and Henry Wyatt, asking Henry to break the truce (probably what was meant was to create a diversion in favour of the Scottish King) and as a result, it was said, war was declared upon one portion of the kingdom and various lieges of that part were impoverished, despoiled, killed and burned. The same persons were further accused of forging a commission and sending it to the Earl of Northumberland, (Warden General of the English Marches) and William "Tyldare" (Tyler, Governor of Berwick) in England, by virtue of which remissions were to be granted to all Scots taking the part of the English against "our supreme lord, the King, and his faithful lieges" - meaning, of course, James IV. and his adherents. Lord Bothwell was stated to have been sent several times to England(1) and these negotiations of the party of James III. with England were repeatedly declared by the Estates of James IV. to be "to the destruction and perpetual subjection of the crown of the kingdom of Scotland to the allegiance and obedience of the King of England". No trace of any promise for the subjection of Scotland, however, survives. It would be at any rate incumbent on the victorious lords to traduce their late opponents and the exigencies of the situation would quite sufficiently explain the placing of a derogatory interpretation upon what were probably no more than negotiations for assistance by the party of James III.

James III. also sent to seek the mediation both of the Pope and of the King of France as well as that of the King of England. Drummond avers that the Kings of France and England espoused James's cause both by way of persuasion and threat and Ferrerius, Hollinshed and Lesley state that ambassadors were sent to Scotland by the Kings of France and England but that the barons gave them the inexorable answer that James must resign in favour of his son. The Pope commissioned his legate, Adrian Castalesi of Corneto, to mediate in Scotland but before he arrived there James had already been defeated and killed and the papal emissary did not cross the Border.

Miss Conway has pointed out that the Earl of Buchan was in England in December, 1487 and received sums of money from Henry VII. She also states that the ambassador from Scotland, who arrived before King Henry on April 27th, was Lord Bothwell and she lays great stress on the dealings of Wyatt with Bothwell during the reign of James IV. in relation to the coupling of their names in 1488. From these facts she concludes that "By their treachery at Lauder and afterwards, the Scottish nobles drove James III to seek mediation and finally military help from the King who owed him gratitude for an army at Bosworth; the natural intermediary was his most intimate friend and survivor from the Lauder massacre, John Ramsay, Lord Bothwell". Miss Conway goes on to draw attention to the fact that Henry did not, as has been supposed, come to terms with the successful party in Scotland on July 26th, 1488 - the truce given in Foedera under that date really occurred in 1486 and was misdated by Rymer. She shows that, though a truce was made on September 23rd, 1488 between the King of England and the government of James IV. relations between the two countries were not over-cordial for some time. She points out that Henry gave practical expression to his sympathy with the faithful adherents of the defeated James III. He made payments to Lady Bothwell and granted Bothwell himself a pension of 100 marks. He wrote to the Pope expressing his affection for James III., his regret for his murder and his commiseration for his faithful adherents. He implored his Holiness to write to the present King of Scots asking for the reception into Scotland and restoration to his former estate of Sir John Ross of Montgrenan and Ross himself received from Henry a grant of £10. The fortress of Carlisle was repaired by the English, Berwick was provisioned and a ship of war was sent to guard it. At sea during the early years of James IV. there were frequent combats between Scottish and/

(1) A

and English ships in which Sir Andrew Wood distinguished himself. Henry gave some assistance to the Scottish rebels in 1489 and sent the forfeited Lord Bothwell, Sir Adam Forman, John Ledell and Henry Wyatt to the castle of Dumbarton with a boatload of munitions for the rebels who were holding out in that stronghold against James IV.

That James III. made attempts to obtain English help and that there was considerable coming and going between the two countries may be freely admitted. To infer that Henry owed a debt of gratitude to the King of Scots is a much less safe and less warranted assumption. It is difficult to attribute to Henry a settled policy of assistance to James III. His sympathies probably lay with James, who was still King "de facto", that strong plank in the Tudor platform, but he was himself still rather insecure upon his throne and his main object would be to avoid trouble with the Scots. His issue of a safe-conduct to the ambassadors of the rebels in May 1488 might suggest a policy of keeping both doors open and maintaining relations with both parties. In receiving and making gifts to the refugee adherents of James III. and in giving assistance (which after all was inconsiderable) to the rebels of James IV. Henry was but following the traditional English policy - English Kings were always glad to welcome Scottish exiles and to keep in touch with Scottish rebels, while sea-fights between the English and Scots were a chronic feature of the politics of the age. It is important to note that some of the rebels who opposed James IV. in 1489, and especially those who held Dumbarton castle, had not been supporters of James III. at all but had belonged to the baronial party and were disappointed with the division of the spoils. On the other hand the most distinguished figure in the sea fights against the English was Sir Andrew Wood, who had been the ardent supporter of James III. Henry after all came quickly to terms with the new government, a truce for three years being signed on October 3rd, 1488, and although relations between Scotland and England were not very cordial this may well have been only part of the natural course of events and it is possible that James IV. began to negotiate with the instigators of Perkin Warbeck very early in his reign.

Miss Conway's case rests largely on assumption and cannot be regarded as proved. Henry VII's supposed debt to the King of Scots for help at Bosworth is very open to question and he seems to have played, in the troubles at the end of the reign of James III., the part of a calculating English monarch with the chief eye to the main chance. Tytler takes the opposite view to Miss Conway and assumes that Henry supported the rebellious barons. Henry's sympathies, however, probably lay with the Scottish King and it is likely that he resorted to diplomatic remonstrance in his interest. There is no record of his having taken any active measures in support of James III. and in formenting trouble for the government of James IV., he merely pursued a traditional English policy. He soon came to an official truce with the new government in Scotland and he seems to have acted throughout with wariness and exclusively with regard to his interests as an English sovereign, rather than according to the rights and wrongs of the contest in Scotland or his conception of them.

Everywhere in Western Europe bastard feudalism was rife, decadent chivalry and nascent modernism combining to produce disorder, rapacity, unscrupulousness and the rule of the strongest, and Scotland certainly did not escape its meed of insubordination, violence and rapine. Feudal bandings, private war and selfish pursuit of power. The methods of combustion were decidedly present.

After the fall of the Douglases the baronial house, was powerful enough to contend with any faction of the crown with any reason. It is true that the Lord of the Isles retained his office of the/

(1) A.P.S. In this connection see... the increase in...

(4) Internal History.

The reign of James III. takes a definite place in the sequence of the struggle between the crown and the nobles in Scotland. James I. had come home from England burning with zest to "make the key keep the castle and the bracken-bush the cow". He attempted to make all alike submit to the sovereignty of the crown and the law of the land and paid for his temerity with his life. Under his successor, James II., the house of Douglas, the most powerful single baronial family in Scotland, which had raised itself into opposition to the royal line, was finally crushed. Towards the end of the reign of that monarch, too, legislation was passed to check some of the excesses of latter day feudalism and to benefit the lower classes. In parliament in March 1457-8 it was recommended that the king should "begyne and gif exempill to the laif" and that he should ratify and approve assedations made by any prelate, baron or freeholder who could "accorde with his tenande apone setting of feuferme of his awin land in all or in part"; so that if the tenantry should happen to be in ward in the king's hands the said tenant should remain "with his feuferme unremovyt", paying to the king during the wardship the same farm as he had paid to his lord.(1) This was all to the advantage of the king who secured his dues and of the tenant who obtained security of tenure, even, too, of the feuar who could charge higher dues, but it rather impeded the lord's subsequent freedom of disposal and it was a movement away from the characteristic scheme of feudal tenures. It would be to feudalism something like workers' organisation and state protection were to the individualism of last century. In the same parliament it was ordained that any lord having regality should not abuse it "in preiudice of the kingis lawis and brekin of the cuntre" under pain of the punishment of the law. Regalities were a great source of oppression to the people and the attempt to define them strictly shews that an effort was being made to end the heyday of unrestricted baronial power. This same parliament also passed an act requiring all persons to come to all courts, spiritual and temporal in sober and quiet manner. They were to be followed only by their ordinary Household and were to lay aside their Arms during the court. All mobilisation of followers or fear of it was to be reported to the sheriff and he was to do right. Conversely Acts were passed to strengthen the royal administration and justice. Too much, however, should not be made of these enactments. Similar measures were often propounded by parliament and never observed. Still it is clear that an attempt was being made to check some of the abuses of overgrown feudalism.(2)

In the reign of James III. one would therefore expect to find the nobles on their mettle. The struggle between the crown and the barons had long been going on but it had not yet fought itself out. The fall of the Douglasses must have been a warning and example to the nobles, whatever their feelings towards that particular quarrel may have been. The rigid concepts of medievalism were falling into decay. Everywhere in Western Europe bastard feudalism was rife, decadent medievalism and nascent modernism combining to produce disorder, rapacity, unscrupulousness and the rule of the strongest, and Scotland certainly did not escape its meed of insubordination, violence and rapine, illicit bandings, private war and selfish pursuit of power. The materials of combustion were decidedly present.

After the fall of the Douglasses no single Scottish baron, or baronial house, was powerful enough to contest unaided the power of the crown with any reasonable hope of ultimate success. It is true that the Lord of the Isles continued to bid defiance to the/

(1) A.P.S. (2) In this connection also attention might be drawn to the increase in blench-farm tenures.

the king when he thought fit to do so and his position, though complicated by the secular "Highland Question", was in the main just that of a powerful and insubordinate feudatory. Yet the powerful island chieftain was subdued even in the reign of the traditionally weak James III. and deprived of his Earldom of Ross. The baronial opposition now entered upon a new phase, when the nobles joined together to discomfit the king and to control the government. It might almost be said that it was an extended application to the affairs of state of the infamous "band" long familiar in private feuds. The phenomenon had often been seen in England of irate nobles seeking to control or put into commission the powers of the crown. That, for example, was the aim of the rebellious nobles of Henry III., the Lords Ordainers under Edward II. or the Lords Appelant of the reign of Richard II. The weakness or wickedness of the king was always dilated upon as the excuse for these movements and much royal folly and perversity and considerable baronial public spirit, righteous effort and laudable achievement there had doubtless been. On the other hand, however, there had certainly been, on the part of the nobles, much selfishness, narrowness and refusal to underlie the royal government. The nobles themselves were not altogether paragons of political prescience. Their object was to arrogate power to themselves, or to limit the authority of a king displeasing to them, not to found a constitution; they tended to become oligarchic and they were given to turbulence and strife. Their feuds in the England of Lancastrian pseudo-constitutionalism had become more and more prevasive until at last they came to embrace a struggle for the crown itself in the self-exterminating fury of the Wars of the Roses.

So in the reign of James III. much has been urged as to the folly, the weakness and the base subservience to favouritism of the king. Yet rebellion is always difficult to justify and one should certainly enquire as to what were the motives and what the circumstances of the barons in their struggles against the king. At this late date and in the present lack of evidence it is always hazardous to assert a dogmatic opinion. Discretion in this case may be the better part of wisdom as well as of valour and conclusions would be with most perspicacity left to suggest themselves from the course of events.

On the death of James II. his wife acted with both promptitude and decision. Whatever the feelings of the widow may have been Mary of Gueldres remembered those of the queen and at once bestirred herself in the affairs of government. She hurried to Roxburgh with the young king in order to animate the spirit of the Scottish besiegers of the stronghold. Under medieval conditions it was essential that there should be as short an interval as possible between the death of one king and the appointment of his successor and on Sunday, 10th August, (1) exactly a week after the death of his father, James III. was crowned at Kelso "in a military pomp" (2) a hundred knights or more being made in celebration of the event. This step it was hoped would strengthen the loyalty of the people, minimise the danger of succession disputes and help to end the difficulties incidental to a time when the crown was, so to speak, in abeyance. The accounts preserved of the governmental arrangements made are very confused and unreliable. Lesley and Holinshed state that seven regents were chosen, the Queen Mother, Bishop Kennedy of St Andrews, the Bishop of Glasgow and the Earls of Angus, Huntly, Argyle and Orkney. These, they relate, agreed well enough as to the government while Kennedy lived but on his death, or even before it, discord ensued. Pitscottie on the other hand alleges that the young king was delivered to Bishop Kennedy for guardianship and education. Major states that the whole government was in the hands of Bishop Kennedy and Ferrius relates that many great and illustrious/

(1) Auchinlek Chronicle. (2) Drummond.

illustrious Scots were in charge of the kingdom, of whom easily the first was the king's kinsman, Bishop Kennedy. Kennedy, however, was abroad at the time of the death of James II. (1), and the most probable account is that of Buchanan who states that the king retired to Edinburgh under the tutelage of his mother until an assembly could be summoned and that there was some delay in summoning one because matters were disturbed in England and sufficiently quiet in Scotland and the nobles were devoting their main attentions to the prosecution of the war.

In one part of Scotland, at least, matters were not very quiet. According to the chroniclers the western highlanders and islanders gave fresh demonstrations of their chronic turbulence in the first year of the reign of James III. John Keir, Lord of Lorne, was taken and imprisoned in the isle of Kerrera by his younger brother "Alan of Lorne of the Wood", (2) a nephew of the redoubtable Donald Balloch, "with intention to rob him of his life and estate" (3). We are told that the Earl of Argyle, who was the cousin of the belligerent brothers, fell suddenly upon the offending Alan in the isle of Kerrera, hemmed him in, burnt his ships, slew his men to the number of four or five score, liberated the maltreated John and restored him to his lordship, Alan escaping with difficulty with four or five persons in his company (4). According to another account Argyle took Alan and put him in prison. Before Alan could be brought to answer for his crimes in Edinburgh, as Argyle intended, he died in prison "spontanea an illata morte incertum". (5) Neither of these accounts, however, is very accurate for as late as 1464-5 regulations were made in parliament touching the punishment of "Alane M^cCoule" who had cruelly slain John Lord Lorne, the king's cousin, and "for the invading justifying and punishing of the said Alan and assieging of the castle of Dunstaffnage". It was decided that Alan should "be forthwith put to the horn of ~~the~~ party" and subsequently put openly to the king's horn. Notwithstanding the letters written formerly to the Earl of Ross the lords ordained that new letters should be written by the authority both of king and parliament charging him not to give support or assistance to Alan in his said misdeeds (6). Presumably it would be after this that Alan was taken by the Earl of Argyle.

It seems too that the troublesome Earl of Ross gave evidence of his restlessness early in the reign of James III. Account appears in the Exchequer Rolls of certain farms taken up by him, by his agents and by Celestine of the Isles. In this, however, he may have acted in terms of his office as sheriff of Inverness, of which county Celestine also was sheriff-depute. At any rate, and for whatever reason, the Earl was summoned as a malefactor to the first parliament of James III, whether on account of contumacy in the present reign or for offences of older standing. Marchmont Herald and Hector Meldrum "clavigero" were sent to summon him to parliament and a notary was sent from Elgin to Rosemarky to testify as to the serving of the summons (7). This proves that the Earl was summoned by process of law, not under an ordinary invitation to attend parliament.

The statements of Lesley and Hollinshed as to the appointment of seven regents may refer to the appointment on the accession of James of a Council of regency under the presidency of the queen. On the other hand they state that these regents remained in office until after the death of Kennedy, shewing that they took a very condensed purview of the first years of the minority. It is difficult to know when exactly they thought the appointment of the regents they mention took place and their statement cannot be regarded as reliable. At any rate it appears that until the assembly/

(1) Wavrin. (2) Auchinlek Chronicle. (3) Drummond. (4) Auchinlek Chronicle. (5) Boece. (6) A.P.S. Supplement. (7) Exch. Rolls.

assembly of parliament the king remained in the charge of his mother, who had in the meantime probably the chief direction of affairs (1) the guardianship of the king would in itself be sufficient to procure a dominating influence for a woman so vigorous as Mary of Gueldres.

On February 23rd 1460-1 parliament assembled at Edinburgh(2). The Lord of the Isles "and all the lardis of the ilis" were present(3), the former probably as a result of the summons served on him. "All the lardis of the ilis" may have been taken by the Earl of Ross in his train to protect his interests. There were at least two parties in Scotland and their divisions were reflected in the assembly. On the one hand the queen was anxious that she herself should be appointed regent and guardian of the king, laying stress on near relationship in justification of her claims, and she had the support of a numerous party who were given the name of the "Young Lords". On the other hand the party of the "Old Lords," led by Bishop Kennedy, a nephew of James I., and by the Earl of Angus (4), strongly opposed the regency of a woman as against the laws, contrary to precedent, unseemly, above the capacity of her sex, conducive to irresponsibility and dangerous. The parties were also divided on the question of foreign policy, the Burgundian Queen being anxious to support the Yorkists in England while Kennedy and his party stood out strongly for the tried Scottish policy of supporting Lancaster(5).

At the meeting of the Estates the animosities between the two parties came to a head. There were heated disputes and according to all accounts the two parties seemed likely to come to blows. The queen's resolution and pertinacity had its reward, however, for her faction managed to have her decreed as guardian of the king and governor of the kingdom(6). Buchanan's narrative suggests that Queen Mary resorted to something like a coup d'etat to secure her election to power. He states that the followers of Kennedy were in the majority in parliament but that after it had been in session for three days the queen descended with her followers from the castle, in which she had installed herself, had herself proclaimed tutrix of the king and governor of the kingdom and then returned to the castle. Kennedy, according to Buchanan, hearing of the queen's action, came with his party to the town cross and made a speech to the people in which he declared that he and his supporters desired nothing but the public advantage. When he had concluded his oration he and his followers began to withdraw. They had not gone far when the members of the contrary faction appeared with arms and a fracas seemed imminent. The Bishops of Glasgow, Galloway and Dunblane, however, we are told, interposed their mediation, the tumult was stilled and a truce for a month was arranged between the hostile factions.

Such is the narrative of Buchanan. Whether or not the circumstances were as he asserts there is persistent tradition of virulent contention between the factions in parliament and of resort to violence having been averted only by episcopal mediation(7).

It seems probable that parliament was now prorogued or perhaps dissolved(8). The only act recorded of it, apart from the question of the regency government, was its ordinance that sessions should sit consecutively at Aberdeen, Perth and Edinburgh(9) The queen, meanwhile/

(1) It is noteworthy that in her private Exchequer she incurred a considerable amount of private expenditure. (2) Auchinlek Chronicle &c. (3) Auchinlek Chronicle. (4) Buchanan. (5) Wavrin. (6) Auchinlek Chronicle. Buchanan. (7) e.g. Boece, Holinshed. (8) Buchanan. Auchinlek Chronicle. (9) Auchinlek Chronicle. The only notice of its activities that survives in official record is a public instrument taken in parliament at Edinburgh on Mar. 7th. 1460-1 in the name of James Skene de eodem regarding certain lands. A.P.S. Supplement.

meanwhile, used the authority that her faction had given her to strengthen her position and to consolidate her party. She appointed new keepers to various castles - Andrew Kerr to Edinburgh, Lord Hailes to Dunbar and Robert Liddale to Blackness and Stirling(1). It was probably at this time too that she appointed her unpopular partisan, James Lindsay, Provost of Lincluden, to the office of Keeper of the Privy Seal(2) in succession to James Arous, Archdeacon of Glasgow(3). The entrusting to the Queen of the governorship of the realm, however, evidently caused much discontent in the country(4).

According to Buchanan another convention assembled at the end of the month. The Exchequer Rolls show that a parliament assembled at Stirling(5). Since the first parliament assembled at Edinburgh (6) the parliament at Stirling must have been a second meeting of the Estates and this supports Buchanan's statement. The Queen entered upon a defence of her administration and of the propriety of the King being left in her tutelage, stressing the nearness of relationship between them and the identity of their interests. She affirmed that another guardian might profit from what was not to the good of the King but that anything that was to his disadvantage could be to her, his mother, only a source of pain. Many, says Buchanan, assented to her, some for favour, some for hope of reward, some because they knew that they themselves would not be chosen in an election for a council of regency and preferred to be under the rule of the Queen rather than that of any other noble. Others, however, were strongly opposed to her and Bishop Kennedy made a determined attack upon her position. In a long speech he diverted upon the unfitness of the Queen to act as Regent, laying stress in his argument on the laws and custom of the country, the example of other peoples, the law of nature, the natural inferiority of women, the warning of experience elsewhere as to the detrimental results of having women rulers and the impossibility of holding the Queen to account for mal-administration. Buchanan alleges that the majority supported Kennedy's contention and that the rest, seeing resistance to be vain, agreed to a compromise by which two persons from each party were chosen for the guardianship of the King and the secure management of affairs. He tells that on the Queen's side were appointed William Graham and Robert Boyd while from Kennedy's party were selected the Earl of Orkney and John Kennedy. To these were added the Bishops of Glasgow and "Caledonia". The Queen was allowed to have a share in the education of the King and was given full charge of the education of the other royal children, the Duke of Albany, the Earl of Mar and their two sisters, but she was not to meddle with public government. Boece and Drummond state that the Queen was to have "education and governance"(7) of the King as well as the other royal children but that the control of public affairs was vested in a council consisting of the Bishops of Glasgow and Dunkeld, the Earl of Orkney, Lord Graham, Lord Boyd and the Chancellor(Avandale), and Drummond includes the Bishop of St. Andrews as well. At any rate it is clear that the "Old Lords" had won their point. The Queen was compelled to demit the high office she had assumed, control of the kingdom was placed in the hands of a council chosen from among the barons, as they had contended was the proper course to follow, and it is quite evident that until his death Bishop Kennedy was the leading figure in the government of the country.

(1) Auchinlek Chronicle. (2) Ibid. (3) R.M.S. (4) Buchanan, *readily* Auchinlek Chronicle. (5) In the Exch. Rolls mention is made of certain quantities of grain being given to the Earl of Huntly at the time of the parliament in Stirling - perhaps to influence him in the Queen's favour. (6) A.P.S. Supplement. (7) Drummond.

(1) R.M.S. (2) Ibid. Auchinlek Chronicle. (3) Crawford Officers of State. (4) Exch. Rolls. (5) Crawford. (6) R.M.S. Crawford. (7) Foedera XI, 476. (8) R.M.S. (9) Exch. Rolls. (10) R.M.S. (11) Supra, Diplomatic History. (12) Rawlin.

The death of James II. seems to have been followed by considerable change in the administration, though it is impossible to date the changes exactly. As has been mentioned the Privy Seal was entrusted to James Lindsay, provost of the collegiate church of Lincluden, who had previously held the office under James II., (1) in succession to John Arous, Archdeacon of Glasgow (2). Andrew Stewart, Lord Avondale, natural grandson of Murdoch, Duke of Albany, became Chancellor, evidently some time during 1460, (3) in succession to the Bishop of Brechin, who had held the office at the end of the reign of James II. In the Queen's Exchequer of February 1461-2 there is recorded a payment to him of £43.6.8d. Lands were also assigned by the Queen to Avondale. Evidently she was favourable to him or else wished to enlist his support. David Guthrie became Treasurer in 1461 (4), probably on the death of the Bishop of Moray, his predecessor in office (5). Lord Livingstone was continued in the office of Great Chamberlain, which he had held under James II. (6). George Liddale, the king's Secretary, also retained his office under the new king (7) but he was succeeded by Archibald Whitelaw before August, 1463 (8). Whitelaw had already become Keeper of Rolls and Register before July, 1462 (9) in succession to Ninian de Spot (10) In the minor offices names characteristic of the administration under James III. began early to appear.

It is uncertain how far these appointments were made by the Queen, how far by her opponents. They do not seem to have been made all at once, but were probably spread over a fairly considerable portion of time and it is likely that both parties contributed to the changes in office. The appointments made by the Queen were maintained after her discomfiture in parliament, even the unpopular James Lindsay being allowed to retain his office of Privy Seal. Probably both parties were anxious to control rather than to remodel the administration, or perhaps the Queen was still powerful enough to prevent the revocation of her appointments.

Mary of Gueldres had been defeated in her attempt to secure the regency but she still exercised considerable authority in the country. We find her for instance using her influence in the cause of the Yorkists in England and attending interviews with Warwick at Dumfries and Carlisle (11). Bishop Kennedy in his report to the French king stated that the Queen Mother sought to secure the meeting of a parliament at Stirling in order to further her negotiations with the Yorkists, negotiations which held out to her widowed heart the flattering suggestion of a marriage with Edward IV., but that he (Bishop Kennedy) prevented its being held. Philippe de Cran, writing to the Count of Guisnes on July, 15th 1463 stated that there was a current report that the Scottish Queen had married Lord Hailes, wherefor there ensued much dissension, for Hailes had taken away from the Bishop of St. Andrews and the Three Estates the king of Scots, who had been in their hands. (12) This report, however, was based on hearsay and is inaccurate in several respects. The Queen did not remarry and her paramour was, not Lord Hailes, but his son Adam Hepburn. Hailes or his son may at some time have carried off the young king from Kennedy in the interest of the Queen but it is difficult to know when, if at all, the abduction took place, though it is quite possible that it may have been about this time. Kennedy, however, was undeniably the leading personage in the country and the Queen's influence steadily declined. She would in any case as a foreigner be suspect to the Scots while her amorous propensities excited the indignation of the "grave livers" of Scotland. William of Worcester comments upon her/

(1) R.M.S. (2) Ibid. Auchinlek Chronicle. (3) Crawford Officers of State. (4) Exch. Rolls. (5) Crawford. (6) R.M.S. Crawford. (7) Foedera XI, 476. (8) R.M.S. (9) Exch. Rolls. (10) R.M.S. (11) Supra, Diplomatic History. (12) Wavrin.

her indiscreet relations with the Duke of Somerset and her liaison with Adam Hepburn of Hailes, a married man, was especially notorious. The Queen died in 1463. According to Drummond she had latterly become a languishing recluse, the victim of a melancholia induced by the failure of her diplomatic projects, the capture of Albany by the English and the limitation of her power by the nobles.(1) She was buried in her own foundation of the College of the Trinity in Edinburgh (2). She had been, says Pitscottie "very wise and virtuous in her husband's time: But soon after his death she became to be leacherous of her body..... which caused her to be lightlied of all the nobility of Scotland".

Meanwhile there had been exciting events in the north. The Lord of the Isles had been legally summoned to the first parliament of James III. early in 1461. Perhaps he had appropriated royal revenues in the north (3) and he may have already taken steps in the direction of setting himself up as something in the nature of a rival sovereign. Edward IV. of England had intrigued with him and in October, 1461 the ambitious Lord of the Isles had sent ambassadors of his own to London. There was considerable negotiation between the English king and the island lord(4) which resulted in the celebrated treaty of Westminster-Ardtornish. The doughty northern potentate at once set himself to live up to his new pretensions and commitments. The men of the isles descended on the mainland in marauding expeditions. The Earl of Ross himself marched to Inverness, seized the castle and proclaimed himself "King of the Hebrides", (5) issuing injunctions that no one within the territories he claimed should yield obedience to the royal ministers and that all tribute should be paid to him alone, while he appointed his son, Angus, as his lieutenant.

The Exchequer Rolls shew that he levied numerous farms in the North. In this, however, he was not alone for the same document shews that other barons, as, for instance, Huntly, Athole and Crawford, also took up farms and dues. Apparently some negotiation took place between the Earl of Ross and the central government for the Exchequer Rolls record a payment for the expenses of a courier coming from Ross ("de Rossia") to Stirling "*cum negociis de illis partibus*". We are told(6) that at Inverness the desperadoes of the surrounding country flocked to join the Lord of the Isles, who proceeded to ravage the surrounding country. In his later trial in parliament the Earl of Ross was accused of convoking the king's lieges to war, besieging the king's castle of Rothesay and committing deprivations and slaughters in the king's lands of Bute and Arran. It would probably be at this time that the Earl committed these misdeeds, though no other mention of them survives in the records. Boece and the older historians tell that the Earl of Ross ravaged in Athole, took captive the Earl of Athole and his wife and imprisoned them in Islay. Boece in evident horror tells how Ross and his followers spared neither sacred places nor secular, how they desecrated and tried to burn a church, how they threatened, maltreated or even slew the priests who tried to persuade or frighten them to desist. The chroniclers then go on to tell how the Islesmen returned home with great booty but were wrecked, only a few escaping. The Earl of Ross is said to have gone wrong in the mind(7) and to have been led by his friends and relations on pilgrimage to the altar of St. Bride's to try to placate the saint, on which occasion due wonders took place.

(1) He represents her as making an interesting death-bed speech to James commending him to be almost everything he was not. (2) Drummond, Ferrerius. (3) Exch. Rolls. (4) Supra - Diplomatic History. (5) Boece, Buchanan, etc. (6) Ibid. (7) Some of the chroniclers state that all the survivors became mentally deranged.

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Gregory, however, attributes these escapades in Athole to Angus, the bastard son of the Earl of Ross, and states them to have taken place sometime between 1480 and 1490. Gregory's account is in all probability the correct one. It was certainly Angus, not, as the chroniclers allege, his father, the Earl of Ross, who was assassinated by an Irish harper at Inverness.

The chroniclers concur in stating that the rulers of the kingdom on hearing of the exploits of the Lord of the Isles began to prepare an expedition against him but it would be unwise to accord too much faith to their statements. At any rate the government evidently thought it wise to negotiate with the redoubtable Earl of Ross. The Earl of Argyle, Lords Montgomery and Kennedy and the Treasurer were sent on embassy to him and stayed in Perth two days(1). No expedition was sent against the Lord of the Isles and he evidently desisted from his active hostilities for the present. He may have continued to bid passive defiance to the government for the Auchinleck Chronicle states that he was summoned to parliament but failed to appear and that the cause against him was continued. No further proceedings were apparently taken against the Earl of Ross at this time- probably the full extent of his treason had not yet been discovered. His procurators were present in parliament in October, 1464. A charter of his, dated 1463, was confirmed by the king on August, 14th, 1464. Another, to his brother Celestine, was confirmed on August, 21st.(2).

The defiant and truculent activities of the Earl of Ross were in part the expression of the turbulence and unruliness of a powerful Scottish magnate, in part the manifestation of the difficulties inherent in the existence in the more outlying part of the kingdom of a warlike people, different in institutions and mode of life to the inhabitants of the Lowlands, and in part the result of English intrigue. The dominions of the Earl of Ross remained a kind of palatinate rather outside the ordinary administration of Scotland and a scene of chronic turbulence, while the Earl himself was something of a thorn in the flesh of the Scottish king and a potential instrument to be used by English intrigue.

The deaths of the Earl of Angus and of Mary of Gueldres in 1463 left Bishop Kennedy as indubitably the leading figure in Scotland. He directed the affairs of the country with a wisdom and prudence which has won for him the approbation of all historians. In the external relations of the country he favoured the traditional Scottish policy of alliance with France and of support of the Lancastrians against the Yorkists in England. He represented himself to Louis XI. as the supporter of Lancaster and the devoted ally of the French king yet he did not allow these sympathies to blind him to the interests of his country and while Scotland was under his influence a truce with the Yorkist King of England was concluded and maintained. On the other hand his policy was by no means a yielding one and he could adopt a firm attitude when it was necessary to do so. Thus he was willing to use the threat of war in order to obtain the release of Albany when he was taken by the English.

Of the internal history of Scotland during these years very little is known. The chroniclers relate that the country enjoyed a period of exceptional tranquillity under the wise rule of the prelate-statesman(3). Buchanan states that Kennedy's reputation was so great that the other guardians(4), who succeeded each other in half yearly shifts, easily submitted to his direction. Three great/

(1) Exch. Rolls. (2) R.M.S. (3) Major, Pitscottie, Holinshed, Boece, Buchanan. (4) "Pueritiae Regiae Curatores".

great works of Bishop Kennedy are invariably commented upon, his foundation of the College of St. Salvators at St. Andrews, his building of the great ship "Salvator", the well known "Bishop's Barge", and his erection for himself of a magnificent tomb, "When all three were complete" says Pitscottie " he knew not which of the three was costliest; For it was reckoned, by honest men of consideration being for the time, that the least of them cost ten thousand pounds sterling".

Parliaments had been held in October, 1463(1), January 1463-4(2) and October 1464(3) On October 11th, 1464 the Chancellor, Avondale, in congregation of certain lords spiritual and temporal, asked on behalf of the King their advice as to alienations made by James II. during his minority of lands formerly annexed to the crown by the Three Estates, which alienations were publicly revoked by James II. on coming of full age. The lords declared all such alienations and assedations to feufarm made by James II. to any person whatsoever of lands formerly annexed to the crown to be null and void and that the lands should return to the present King as property of his crown and be resumed without any further process(4). Parliament met again in January 1464-5 and legislated on various matters of diplomatic, political, financial and judicial interest(5).

There seem to have been no changes of importance in the personnel of the chief offices during the period of Kennedy's tenure of power. The men who seem to have taken the most prominent part in public affairs were Kennedy himself, Lord Avondale the Chancellor, the Earl of Argyll and civil servants like James Lindsay, Keeper of Privy Seal, Archibald Whitelaw, King's Secretary, David Guthrie, the Treasurer and the Abbot of Holyroodhouse. Andrew Muirhead, Bishop of Glasgow, Lord Hailes and Lord Lyle figure prominently as witnesses to royal charters in 1463 but after that their names cease to appear. Hailes was the father of the Queen's lover, Adam Hepburn, and the sudden disappearance of his name and those of the Bishop of Glasgow and Lord Lyle from documents of state after 1463 suggests that they all belonged to the Queen's party and that after her death they retired from active participation in public affairs, either voluntarily, because their party was broken up by the Queen's death, or perhaps even under compulsion. From 1464 onwards other men came to figure prominently in the management of state business - Lord Kennedy, the brother of the Bishop, Lord Darnley, Sir John Colquhoun and David, Earl of Crawford, in whose interest several charters were issued or confirmed under the Great Seal in the early years of the reign(6). Along with these might probably be included Lord Borthwick who was prominent in diplomatic business(7) while the name of Lord Livingstone, the Great Chamberlain also occasionally, though rather infrequently, appears in the records.

During these years one man came to figure more and more prominently in the transaction of public affairs. Alexander Boyd of Drumcoll appeared once as a witness to royal charters under the Great Seal in 1463, some five times in 1464 and over twenty times in 1465. He was appointed as one of the commissioners to treat with the English ambassadors on 11th April, 1464(8) and was again one of those appointed in parliament in January 1464-5 to pass under safe-conduct to Newcastle(9). On 28th November, 1465 he was again one of the Scottish envoys appointed to meet the English ambassadors at Newcastle(10). In 1466 he was appointed instructor in knightly exercises to the young king(11), and he was also Governor of Edinburgh castle.

55-69 The rise of the Boyds to their position of pre-eminent ascendancy in Scotland is involved in considerable obscurity and difficulty. Robert Lord Boyd himself had recently played a less/

(1) A.P.S. Suppl. (2) Ibid. (3) A.P.S.II. (4) Ibid. (5) A.P.S. Suppl. (6) These names are drawn mainly from the witnesses to charters in R.M.S. (7) Foedera. Rot. Scot. (8) Cal. Doc. Scot. (9) A.P.S. Suppl. (10) Cal. Doc. Scot. (11) Balfour Paul. Scots Peerage.

5-69 less conspicuous part in Scottish affairs than his knightly brother. On the death of James II. he had been one of the regents appointed during the minority and in 1462 he acted with Argyle as Justiciar south of the Forth. His name occurred as a witness of charters under the Great Seal once in 1463 and once in 1464(1). Along with his brother, Alexander Boyd of Drumcoll, he was one of an embassy to England for whom a safe-conduct was issued on December 5th, 1463(2). In April 1464 he was again one of the ambassadors appointed to treat of truce with England(3).

There is a persistent tradition(4) that, as Bishop Kennedy and his principal supporters became older and less assiduous, certain lords who were in intimate connection with the King practiced upon him the arts of flattery and adulation in order to secure their own ascendancy, encouraging the boyish monarch to devote himself to pleasures rather than to seek to understand the business of government. Buchanan states that previously the King's education had been carried on steadily and that his own assiduity and intelligence had given rise to great hopes for him, but that he was now plied with flattery so that, in the words of Ferrerius, he "accustomed himself to hear sterner but more rightful monitors with disdain". From this, it is said, resulted great dissension among the governors of the kingdom, some of whom greatly deplored the vitiating influences being brought to bear on the King, and much license of living(5).

It is said that this pernicious method of influencing the King was undertaken in the interests of the Boyds and that the chief offender in cajoling the youthful sovereign was Alexander Boyd of Drumcoll. Buchanan states that the Boyds sought to transfer all public offices into their own family, Alexander Boyd persuading the King by flattery to his will, so that "he could do anything he pleased with him". Other writers bear similar testimony and it is probable that Alexander Boyd used his position of intimacy with the King in order to influence his young sovereign to his own advantage.

Buchanan avers that Alexander Boyd insiduously flattered James with the suggestion that it was time for him to begin to govern for himself. Drummond also narrates that James was becoming impatient of his tutelage and of being under the governorship of others, wherefore, he says, "Many things are done without the advice of the Governours and occasion is sought to be disburdened of their authority". This in itself is not unlikely when the characteristic precocity of the Stewarts is taken into consideration.

65 The agreement was
Bishop Kennedy died in 1465, apparently on May 30th(6). Buchanan says of him that "the country seemed to weep for him as for a public parent" and his reputation has stood well with chroniclers and historians. Pitscottie speaks of his skill in civil law and his knowledge of affairs. He was ~~was~~ a sound administrator, with a thorough knowledge of men and affairs, and he governed Scotland on principles advantageous to the country. Nor did he neglect his ecclesiastical duties. He is said to have caused parsons and vicars to remain in their parishes, to preach and to visit the afflicted(7), he himself giving a good example by his assiduity in preaching, in forwarding charitable and educational work and in punishing clerical negligence. His foundation of the College of St. Salvators shows his interest in education. His great wealth is usually commented upon by the chroniclers but no imputations are made that he amassed it by methods dishonourable to his position. Major could find only two points about him that were unworthy of praise/himself unable to take any

(1) R.M.S. (2) Foedera. (3) Ibid. (4) e.g. Buchanan, Ferrerius. (5) Ferrerius. (6) This is the date given by Graye. Kennedy's death must at any rate have fallen between May 24th and July 18th, 1465. S.H.R.25. p.148. (7) Pitscottie.

praise - his holding of the Priory of Pittenweem "in commendam" and the costliness of his tomb.

Dissension between the Boyds and the opponents of their ambition may have broken out before the death of Bishop Kennedy but it was after he had ceased to preside over affairs that they resorted to more violent courses. The Bishop's brother, Gilbert Lord Kennedy, may have at first opposed the Boyds but later he evidently found it to his advantage to become a party to their designs.

6

On February 10th, 1465-6 a band(1) was entered into at Stirling between Robert Lord Fleming on the one hand and Gilbert Lord Kennedy and Sir Alexander Boyd "of Duchol" on the other. By this the contracting parties obliged themselves, their kin, friends and men to stand by and support each other in all their causes and quarrels, lawful and honest, for all the days of their lives, excepting only their allegiance to the King and their obligations under former bands. There were specified in exception the bands made by Lord Fleming with Lord Livingstone and with Lord Hamilton and those made by Lord Kennedy and Alexander Boyd with Patrick Graham, Bishop of St. Andrews, the Earl of Crawford, Lord Montgomery, Lord Maxwell, Lord Boyd, Lord Livingstone, Lord Hamilton and Lord Cathcart. It was stipulated that Lord Fleming should remain in the King's special service and on his Council as long as Lord Kennedy and Alexander Boyd should be in his special service and council (i.e. as long as they should keep the King in their power) and that he should faithfully adhere to his band with them during that time. Lord Fleming was furthermore obliged neither to know of nor to consent to the removal of the King's person from Lord Kennedy and Alexander Boyd or their deputies and that if he should gain any knowledge of any such project to remove the King he should warn Kennedy and Boyd, or their deputies, thereof and do his utmost to hinder any such attempt. Lord Fleming was also to use his influence with the King to induce him to favour Kennedy and Alexander Boyd and their children and friends. Fleming was to have his reward in the gift to him of any office or emolument in the King's gift that should become vacant, "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 compociciom befoir udir". Lord Kennedy and Sir Alexander were to have Tom of Somerville and Wat of Tweedy "in special maintenance, supply and defence" in all their actions, causes and quarrels for Lord Fleming's sake and for their services done and to be done, "next yair awyn mastiris yat yai wer to of befoir". The agreement was ratified by oath and interchange of seals.

This document possesses numerous interesting features. It is a good example of the practice of entering into bands prevalent among the Scottish nobility, it shows how widespread was the system of alliances among the nobles, it evidences the unprincipled grasping for power, the corruption and venality of the Scottish baronage and it contains an interesting reference to maintenance which is probably more than a chance phrase. It is, however, in some respects rather puzzling. The chroniclers represent the Boyds and the Kennedys as having been bitterly hostile to each other, yet here we find Lord Kennedy and Alexander Boyd, at this time probably the most prominent members of their respective houses, well embarked on a career of unprincipled collusion for their own advantage. Other members of both parties also are represented as having come to agreements. The most obvious inference would be that on the death of his brother, the Bishop, Lord Kennedy and others of his partisans found themselves unable to make headway against the ascending influence of the Boyds and decided that they could best serve their own interests by acting in conjunction with that rising family. It might on the other hand be supposed that Kennedy was at this time unaware of the full extent to which the Boyds were to aggrandise themselves and that it was only when the full magnitude of their ambitions/

(1) Printed by Tytler - History of Scotland, Vol. IV. append. Letter G.

69 ambitions were revealed that he actively opposed them. As against this, however, Bishop Kennedy is always represented as having participated with his brother in the opposition to the Boyds and the Bishop was by this time beyond the reach of public affairs. It might even be conjectured that Kennedy with an excess of subtlety merely pretended to act in collusion with Alexander Boyd so as to be better able to discomfit his schemes, but it would be unwise to attribute such a course of thin spun cleverness and such altruism to a medieval Scottish baron of the type of Lord Kennedy. Opposition to the Boyds on the part of the Kennedies is, apart from the statements of the chroniclers, in itself likely. The sanest supposition would therefore be that the death of the statesman-bishop left his brother and others of his party with insufficient power and still more insufficient principle to continue the struggle and that they consulted their own interests by coming to an understanding with the Boyds.

66 The band here mentioned was evidently only one of many and it affords a significant insight into the methods by which the Boyds engineered their rise to power. The next move in the game was in line with established Scottish methods. With control of the person of the King went control of his government and the abduction of a minor king was a perniciously characteristic feature of Scottish history. Having prepared the way as far as possible the Boyds produced their coup d'etat by kidnapping the youthful James III. In June 1466 James was at Linlithgow where an audit of Exchequer was being held. On July 9th(1) Lord Boyd, Adam Hepburn heir of Hailes, Lord Somerville and Andrew Kerr, son and heir apparent of Andrew Kerr of Cessford(2) decoyed the King away from his guardians on the pretext of a hunting party and rode away with him to Edinburgh castle, which was under the Governorship of Alexander Boyd. It is said that Lord Kennedy on perceiving what was afoot made a show of resistance, laying his hands on the King's bridal and imploring him to return to Linlithgow. In view of his recent association with Alexander Boyd it is difficult to believe that his intervention was anything more than a feint or his subsequent brief imprisonment on account of it in Stirling castle anything more than a concession to appearance. His protestations are said to have been cut short by a blow from the staff of Alexander Boyd but Alexander is not mentioned at all in the confirmation under Great Seal of the act of parliament exonerating the abductors of the King, a fact which affords strong presumption against his having been there at all. On the other hand it is possible that it was only now that Kennedy realised how far the Boyds meant to go and that his opposition to their extreme action was genuine. Or it may be that the Boyds stole a march on him. From the band of February, 1465-6 it appears that Kennedy and Alexander Boyd had agreed that they should together have the keeping of the King's person. Now, however, the Boyds were carrying away the King in their own private interests, Kennedy could feel that their pledges to him were ignored and that he was likely to be ousted from all influence. His opposition to the Boyds would thus be consistently explained and this is probably the most reasonable view. This explanation, too, would add credence to the statements of Drummond and Buchanan that the Kennedies vigorously/

(1) Extract from the trial of the Boyds - Crawford, Officers of State p.316. (2) R.M.S. Both Buchanan and Drummond place the abduction of the King before Kennedy's death. Buchanan, whose historic merits were severely criticised by Pinkerton, has recently gained more credit owing to the discovery of Cran's letter to the Count of Guisnes stating that the young King of Scots had been carried off by Hailes in the interests of the Queen (Wavrin 3, 163). This, however refers to a quite different episode. Cran wrote in July 1463 - the kidnapping of James by the Boyds did not take place until 1466.

dire retribution might have been meted out to them had they not had striven to place a favourable interpretation on their action and to make themselves as secure as the prompted declarations of the King and the authority of written documents could make them. They were later to learn to their sorrow how flimsy was the security/

(1) A.P.S. II. App.

5-69

vigorously opposed the Boyds, pressing for a continuation of the minority as against the Boyds' contention that it should be brought to an end, that the question was hotly debated in parliament, that the Boyds prevailed and that the Kennedys retired from court amid the derision of their successful opponents. Considerable weight is added to their statements by the fact that whereas for some years Kennedy had been one of the most frequent signatories to charters under the Great Seal, after the first half of the year 1466 his name completely disappeared from the Great Seal records. He seems to have retired entirely from public life and did not even attend parliament until 1472. It thus seems likely that, whether or not he was in earnest in his opposition to the abductors of the King, Kennedy became definitely estranged from the Boyds on their gaining supreme power.

66

The Boyds at once set themselves to stabilise their position. Parliament met at Edinburgh on the 9th October, 1466, Discussions were held as to the marriage of the King and of his brothers and sister, the Queen's dowry was assigned at a third of the King's rent of assize (i.e. of lands and customs) and there was important ecclesiastical, economic, financial, judicial and social legislation. On October 25th two writs were issued under the Great Seal confirming certain proceedings which had been undertaken in parliament. By the first of these writs it was declared that the King on October 13th in presence of his Three Estates, in parliament at Edinburgh, and with consent of the Lords of his Council, constituted Robert Lord Boyd governor of his own person and of his brothers and of the royal strongholds until he should attain his lawful majority at the age of twenty one years, forbidding anyone to act in contravention of this ordinance under pain of the penalties he might incur towards the royal majesty. In the second writ it was related that Lord Boyd appeared in parliament on that same day, October 13th, and, humbly kneeling before his sovereign, in presence of the Three Estates, besought the King to state whether he had conceived any rancour or indignation against him (Lord Boyd) for "riding with him" from Linlithgow to Edinburgh after the session of Exchequer. The King on mature reflection declared clearly in presence of the Estates that he had taken no offence against Lord Boyd or his accomplices, Adam Hepburn, heir of Hailes, Lord Somerville, Andrew Kerr, heir of Cessford or others, and would not do so at any future time, that they should be regarded as exempt from all blame for their action, undertaken, it was stated, at the King's command, that he regarded them as his faithful lieges and highly esteemed them and that none of them at any future time should suffer any prejudice, loss or molestation on account of what they had done ("ex huiusmodi equitatu"). Boyd then desired this declaration on the part of the King to be placed upon the records of parliament and to be entered under the Great Seal.(1).

It was decided in parliament that lords should be appointed having power of parliament in certain matters and it was probably in connection with the political situation that they were given authority to judge persons who held castles from the King or the Duke of Albany. The Boyds were presumably using their position of control of the King and his brothers to force their opponents into submission by interpreting opposition, or giving warning that opposition would be interpreted, as directed against the King or the Duke of Albany.

The Boyds had now secured their ascendancy. They had possessed themselves of the person of their youthful monarch and they had secured the appointment of the head of their house as Governor of the King and his brothers. They had, however, played for high stakes and the warning of history went to show that a dire retribution might await them. In face of the danger they had striven to place a favourable interpretation on their action and to make themselves as secure as the prompted declarations of the King and the authority of written documents could make them. They were later to learn to their sorrow how flimsy was the security/

(1) A.P.S. II. App.

69

security that their paper protections afforded them.

It is again noticeable that on the rise to power of the Boyds little change ensued in the more important administrative offices, the dignities that the Boyds assumed for themselves being of the less assiduous, though probably more lucrative type. Avandale continued as Chancellor, Argyle as Master of the Household, Whitelaw as Secretary. In the Register of Great Seal William, Bishop of Orkney is referred to as Keeper of Privy Seal on October 13th, 1465(1). This, however, is apparently a slip. William Tulloch, Bishop of Orkney was made Keeper of Privy Seal on March 26th, 1473 but James Lindsay was Keeper of Privy Seal on January 16th, 1465-6 and retained his office for some time(2). James Lord Livingstone, who played a prominent part in the Boyd conspiracies, retained his office as Great Chamberlain until his death in 1467. On 25th August, 1467 Robert Lord Boyd was constituted Lord Chamberlain for life(3). David Guthrie succeeded Sir John Colquhoun of Luss in the office of Comptroller before October 15th, 1466⁴ and was himself succeeded in that office, between March and May 1468, by Adam Wallace of Crago(5). Sir William Knolles succeeded David Guthrie as Treasurer in 1468(6).

6-69

In the conduct of public business Avandale, Argyle, James Lindsay, Archibald Whitelaw and David Guthrie remained as prominent as ever. Thomas Spence, Bishop of Aberdeen became more so and Lord Boyd naturally figured very conspicuously in the affairs of state. Others who had been prominent in recent years became less so after 1466. The name of Kennedy disappeared entirely from the records. Lord Darnley appeared as a signatory to royal charters only once on 1467, once in 1468, twice in 1469 and there is no record of his appearance in parliament until November 1469. John Colquhoun also ceased to appear as a signatory to Great Seal charters during the years of the Boyds' ascendancy, though he was prominent both before 1466 and after 1469. The Earl of Crawford signed one charter under the Great Seal in 1467, one in 1468 and one in 1469 but he was present in parliament in October 1467 and in January 1467-8 and his son, Lord Lindsay, appears frequently on parliamentary committees, having been one of the Auditors of Complaints in the parliament of October 1466 and again in that of October 1467 while in the parliament of 1468 he was elected to the Committees of the Articles and of the Complaints and to the session of Edinburgh. Yet, though his son might undertake his share of public business, the Earl of Crawford, despite the fact that the Boyds seem to have made definite efforts to secure his support, indubitably figured much less prominently in the direction of affairs of state than he had done during recent years and than he was later to do again.

On the other hand men who during recent years had taken no part in public business became again conspicuous. Notable among these were Andrew Muirhead, Bishop of Glasgow and Lord Lyle(7). It is noteworthy that these men had been prominent in the business of state until the death of Mary of Gueldres and that thereafter they seem to have retired from public life. It is also to be observed that Adam Hepburn, the heir of Lord Hailes and the paramour of the late Queen, was closely associated with the Boyds.

(1) R.M.S. No.851. (2) R.M.S. (3) Crawford - Officers of state. Alexander Boyd had been described as Chamberlain in March 1465-6. (R.M.S.) (4) R.M.S. (5) Ibid. (6) Ibid. Crawford. (7) Andrew, Bishop of Glasgow had been witness to only one charter in 1464 and that early in the year. He was signatory to none in 1465 or 1466. In 1467 his name occurs as a witness to Great Seal charters thirty one times and some seventeen or eighteen times in 1468. Lyle signed no charters in 1464, none in 1465, 10 in 1466 and twenty in 1467.

(1) Buchanan, Force. (2) Crawford. (3) This list is culled from a logically from a synopsis of the Register of Great Seal and could be expanded.

69 Boyd himself had evidently been in close connection with the late Queen. He is mentioned as one of the Regents appointed on the part of the Queen to the Council of Regency(1) and in 1462 he was one of the Justiciars south of the Forth(2) but after 1463 he had suffered comparative eclipse. It might thus be legitimate to suppose that the Queen's party was resuscitated under Boyd and that he came to power at its head, or perhaps even that it did not require resuscitation, that it had held together all the time under the leadership of Boyd and that it secured its return to power under his aegis as soon as the opportunity offered. In the insufficiency of evidence it might be unwise to go so far as to predicate a direct continuance between the party of Boyd and that of the late Queen but it seems indubitable that those men who on the death of Mary of Gueldres had been extruded, or found it as well to retire from their "place in the sun" were glad to return there as the followers of Boyd and that his party was to a large extent drawn from them.

A study of the issues under the Great Seal for 1466 and the years immediately following might perhaps be instructive. On January 16th, 1465-6 a grant was made to Gilbert Lord Kennedy and his heirs male of 50 solidates of land in Carrick, Ayrshire, resigned by Marjory de Erth. There were further charters to Lord Lyle and to Argyle but the lands granted to Lord Lyle were resigned by himself and those which came into the possession of Argyle were resigned in favour of him and his wife, the daughter of the late John Lord of Lorne, by Walter Lord Lorne and by Mariota Stewart, Argyle's sister-in-law. On June 29th one document under the Great Seal was issued at Linlithgow and the next writs issued under the Seal were signed at Edinburgh on July 22nd. This is of interest in connection with the abduction of the King and thenceforth throughout the period of the Boyd's tenure of power the name of Lord Kennedy significantly disappears from the Register of Great Seal, both as a recipient and as a signatory of charters. Between this date and July 1468 numerous charters were issued conveying offices, lands, favours or confirmations upon notable figures in the kingdom, including the Earl of Crawford, Lord Gray, Lord Monypenny, the Earl of Errol, the Earl of Menteith, the Earl of Argyle, James Lindsay, Keeper of Privy Seal, Sir James Stewart, uncle of the King, Sir Robert Creighton of Sanquhar, the Earl of Huntly, Lord Borthwick, Sir John Ross of Halkhead and Lord Lyle(3). Many of these grants probably fell within the ordinary business of state and the volition for the gift often, perhaps usually, came from the person stated as making resignation. On the other hand it is unusual to find charters issued within so short a time so many notable figures among the nobility and important men of affairs and the grants of 1466-1467 especially might be argued to represent a definite policy on the part of the Boyds to win support or at least to secure acquiescence in their ascendancy or to confirm the goodwill of those who were already their adherents.

The Boyds had sought to stabilise their power by the formation of a system of bands among the nobility, by gaining control of the King's person, by the assumption of high office, by the obtaining of formal exoneration for what they had done and documentary guarantee that it would at no time stand to their prejudice and by the incitement of rewards to those who would support them. They further sought to confirm their position by the formation of powerful marriage alliances. On March 4th, 1467-8 Lord Boyd's daughter, Elizabeth, married Archibald, Earl of Angus. Far more ambitious was the marriage early in 1467 of James, the eldest son and heir of Lord Boyd, to Mary, the sister of James III. James Boyd was created Earl of Arran and on April, 26th, 1467 four charters were issued granting to him and his royal spouse certain lands which were incorporated in the Barony of Stewartoune, the lands of the Island of Arran, created into one free Barony of Arran and/

(1) Buchanan, Boece. (2) Crawford. (3) This list is culled chronologically from a synopsis of the Register of Great Seal and could be expanded.

and the lands and castle of Kilmarnock and numerous other lands resigned by Lord Boyd, some of which were incorporated in the free Barony of Kilmarnock(1).

The power of the Boyds had reached a dazzling height. They had raised themselves to the level of a marriage alliance with the royal house and no one could tell what bright prospects this might hold for the future if their family. It would be reasonable for them to congratulate themselves that in contracting affinity with the royal house they were forging the best guarantee for their own future security from retribution for their bold deeds. They probably hoped so, but in obtaining a royal bride for the heir of Lord Boyd they committed a grave mistake. The royal marriage seemed to lift the Boyds on to a visionary pedestal above the rest of the nobility and must have caused deep resentment among the members of the older baronage, who would in any case probably regard Lord Boyd as rather an upstart parvenu(2). It was also to raise against them the strong indignation of James III. when he came to more mature years.

In the meantime, however, the Boyds were supreme and "began to turn all to their advantage". Buchanan and Drummond of Hawthornden relate that they debarred Patrick Graham, half brother of the late Bishop Kennedy, who had been elected to the see of St. Andrews, from entering into his bishopric, whereupon Graham went to Rome and was re-established and confirmed as Bishop of St. Andrews by the Pope. They state that during his stay in Rome Graham was made primate of Scotland, St. Andrews being raised to the dignity of an archiepiscopal and metropolitan See, and the Pope's legate for three years. Drummond states that the Pope in question was Sixtus IV. and Buchanan avers that Graham, even after his confirmation by the Pope, was unable to return to Scotland owing to the hostility of the Boyds until after their fall.

The story contains as many difficulties as it contains statements. Sixtus IV. did not become Pope until 10th August, 1471. It was indeed during his pontificate that St. Andrews was made an Archbishopric but that momentous event took place after the fall of the Boyds(1472). Graham seems to have been in Scotland throughout the years of the Boyds' ascendancy(3). On August, 2nd, 1466 he was appointed one of the papal commissioners to make enquiries as to Coldingham. He attended parliament in October 1467, in January 1467-8 and in 1468, and there are further evidences of his presence in Scotland during these years. He had been mentioned in the notorious band of February 1465-6 as having already made a band with Lord Kennedy and Alexander Boyd and there is no evidence for the story of his persecution by the Boyds. The evidence, in fact, seems to incline the other way. Graham seems to have been rather a public figure during their tenure of power, he attended every parliament and was elected to the committee of the Articles in 1468.

The Boyds seem to have possessed considerable ability. Robert Lord Boyd himself was a sound man of affairs and must have been gifted with courage, resolution and decision. Alexander Boyd of Drumcoll was regarded as a "mirror of chivalry"; an adept at all knightly exercises, it is characteristic of the rather spurious nature of the chivalry of the later Middle Ages that he could stoop to the ignominy of forming degenerate "bands" or of selfishly subjecting the undeveloped mind of his young King to the baneful influence of his adulation. Of the Earl of Arran an appraisal survives in the Paston Letters(4). Encomiums are heaped upon him in a plethora of adjectives as "the most courteous, gentlest, wisest, kindest, most companionable, freest, largest, most bounteous knight".. or again "the lightest, deliverest, best spoken, fairest archer, devoutest, most perfect and truest to his lady of all knights that ever I was acquainted with". These praises are not above criticism - others/

(1) R.M.S. (2) Robert Boyd was the first Lord of his name and had been created only in the reign of Jas. II. (3) Herkless and Hannay. Archbishops of St. Andrews. Patrick Graham app. VII. (4) III., 47.

others, for instance, to take only one point, accuse this "truest to his lady of all knights" of having been addicted to light amours - but Arran no doubt possessed such courtly qualities as to impress those who came in contact with him.

The circumstances of the fall of the Boyds are at least as obscure as those of their rise. Their great elevation and assumption of power, and especially the marriage of Arran to the King's sister, gave rise to much discontent(1). Resentment was not confined to the nobles. Buchanan speaks of the popular opprobrium of the Boyds and Drummond says of the marriage of Arran to the Princess Mary "The nobles repined at it, and the common people (lighter than the wind and more variable than the rain-bow) made it the subject of their foolish discourses". Throughout the chronicles which deal with these years runs an account of violent doings in all parts of the country, of turbulence, faction and lack of governance. "From that time" says Ferrerius, referring to the rise to power of the Boyds, "things go on licentious in all provinces, robberies, homicides, rape go on unpunished". Buchanan tells of faction discords letting loose the reins of popular licentiousness and Drummond states that the commons turned "licentious and dissolute, contemning all government", while the nobles divided into factions, and that rapine, spoliation and maintenance were rife. The frequent legislation in parliament about this time upon judicial subjects may have been undertaken in an attempt to meet the evil(2). In 1468 it was ordained in parliament that sessions should be held at Edinburgh and Perth and that Justice Ayres should be lawfully held for the "gude of pece" even if part of them had been set in "feriale time"(when the courts were legally closed) and further regulations were made. In 1469 it was ordained that if sheriffs or judges refused to administer justice to the poor the litigant should apply first to his judge ordinary and then to King and Council. Culpable judges were to be punished, and further regulations were made for proceeding against judges who gave partial or wrong decisions and their punishment if guilty. Amid other judicial enactments one is significant as to the state of the country. In order to avoid the great slaughters right common of late among the lieges, since many committed premeditated murder, counting on the protection of the church and then took refuge in sanctuary, measures were proposed for the ascertaining whether the crime was premeditated or not and for the punishment of the perpetrator if it was. If it was unpremeditated the wrongdoer was to be returned to the church's protection. Sheriffs were charged to put in action the statutes of James I. regarding slaughter and fugitives with their regulations for the pursuit of malefactors(3).

For this state of violence and disorder the Boyds were not entirely to blame - the turbulence of medieval Scotland was beyond correction. In the insufficient state of evidence it would be impossible to substantiate a charge of misgovernment against the Boyds. Indeed they seem to have striven for the public good. They would be presumably be anxious to combat the disorder in their own interests and notable and salutary ecclesiastical, judicial and economic legislation was passed during their tenure of power - though it is unfortunate that Scottish legislation was often an expression of aspirations rather than an indubitable setting up of rules of public conduct. They must also have been largely concerned in arranging the royal marriage with Denmark, one of the outstanding achievements of Scottish diplomacy, and Lord Boyd seems to have been sedulous in pursuing a policy of peace with England(4). Apart, however, from the question of their misgovernment, as to which there is insufficient evidence to warrant a categorical statement, it is not to be doubted that the methods by which the Boyds came to power, the spectacle of their ascendancy and the growth of faction that that ascendancy encouraged, greatly contributed to the violence and unruliness which afflicted the country. This turbulence in turn would/

(1) Buchanan, Ferrerius, Drummond. (2) A.P.S. 2. (3) Ibid., 96.

(4) Supra. Diplomatic History.

would naturally re-act to the disadvantage of the Boyds by making their rule unpopular: the evils under which the country laboured would be attributed to the shortcomings of its governors.

Drummond and Buchanan relate that the Kennedies encouraged faction and disorder in order to discredit the Boyds, about whom they sedulously circulated injurious reports in order to fan the popular discontent. In view of the continued exclusion of Lord Kennedy from office, emolument or royal favour this in itself is not improbable.

At any rate there were evidently not wanting, nor is it to be expected that there would be wanting, men who sought to prejudice the King against the Boyds(1). They represented to the young monarch the ignominiousness of the tutelage in which he was kept; the overgrown powers of the Boyds were dilated upon and it was even hinted that they might, through the marriage of Arran to the King's sister, harbour designs upon the crown itself. James, a son of the precocious house of Stewart, was now growing up and his resentment seems to have been kindled against the arrogance and assumption of those who had by violent courses assumed the government of the kingdom, who had kept him in tutelage and who had been so bold as to take his royal sister as the bride of the heir of their house.

Upon the exact circumstances of the fall of the Boyds it is impossible to pronounce with certainty. The traditional account is that while the Earl of Arran was in Denmark as one of the ambassadors to negotiate the marriage of the King, his enemies succeeding in turning the King against his house, that the Boyds were summoned for treason, that Lord Boyd at first retaliated by preparing to resort to force, coming to parliament at the head of a large following, but that on the King evincing his intention of assembling an army against him he fled to England, that Sir Alexander Boyd of Drumcoll, being ill, had to remain in Scotland and was condemned and executed and that Arran on arriving at Leith with the Danish bride of the Scottish King was warned by his wife, who hurried at once to his ship, of the change in her royal brother's feelings towards him and that he immediately sailed back with her to Denmark. This account, however, presents some difficulties. The King's marriage took place on 13th July, 1469, in April of that year Lord Boyd, along with the Bishop of Aberdeen and Duncan Dundas had been on embassy in England(2) and the trial of the Boyds did not take place until November 1469.

Ferrerius and Hollinshed state that Arran had already been in exile in Denmark under the King's displeasure before the royal marriage was arranged and that when the Danish princess sailed he came over in her following, hoping for pardon amid the general rejoicing, but that on touching land he was met by his wife, who warned him of the King's inveterate hostility, and that he returned to Denmark. This story, however, will not stand a moment's examination. It would place the fall of the Boyds before the King's marriage and at a time when they were still at the height of their power. There are some half-grasped elements of truth in Ferrerius' account but it is, on the whole, vague and fallacious.

The most reasonable view seems to be that James began to meditate an attack on the Boyds while Arran was in Denmark but took no active steps in that direction, that his sister knew of his designs and hurried to warn her husband as soon as his ship arrived and that, realising the peril, they returned together to Denmark, that the King was then emboldened to summon the Boyds for treason, that Lord Boyd, after perhaps evincing a disposition to resort to force, fled to England and that the trial took place at the first meeting of parliament.

At all events the Boyds were summoned to answer for their treasons/

(1) Drummond, Buchanan etc. (2) Cal. Doc. Scot. IV. p.1383.

treasons in parliament in November 1469. Before the King sitting "pro tribunali" and the Three Estates, Robert Boyd and Thomas his son were arraigned in absence for treason in taking the King from Linlithgow against his will and in contravention of act of parliament, assuming the governorship of the King and his brothers in contempt and derogation of the royal authority and for other treasonable acts. The eloquence of David Guthrie, as Advocate for the King, was employed to accuse them, they were found guilty and sentenced to the forfeiture of their lives and of their lands, rents, possessions, superiorities, offices and goods moveable and immoveable, which were to be removed from them and their heirs and assigned to the use of the King and his successors. Alexander Boyd, who appeared in person, was accused by Launcelot de Abirnethy, as prolocutor for the King, of the same crimes. He denied the accusation and submitted himself to the judgment of an assize consisting of David Earl of Crawford, James Earl of Morton, William Lord Abernethy, George Lord Seton, George Lord Gordon, Alexander Lord Glamis, George Lord Haliburton, Walter Lord Lorne, John Dischington of Ardross, Archibald Dundas, John Stewart of Cragie, William Thane of Caldor, Alexander Stratoun of Lawrencetown, John Wardlaw of Richardtoun and George Campbell of Loudon, sheriff of Ayr. It was alleged in his defence that the charges against him had been remitted by parliament and even declared good service but the declarations of parliament were disregarded as having been extorted(1) He was found guilty and sentenced to be beheaded on the castle hill of Edinburgh, while his lands, rents, possessions, superiorities, offices and goods were to be forfeited from him and his heirs to the use of the King and his successors.

It was further decreed in parliament with the unanimous consent of the Three Estates that the lordship of Bute with the castle of Rothesay, the lordship of Arran, the lordship of Cowal, with the castle of Dunoon, the lordship of Carrick, the lands and castle of Dundonald, the barony of Renfrew with its adjuncts, the lordships of Stewarton, of Kilmarnock with its castle and of Dalry, and the lands of Noddisdale, Kilbride, Nairstoun and Cavertoun, and also Trarinzean, Drumcoll and Trabach with its fortress should be annexed and incorporated for all time to come to the first-born princes of the royal house of Scotland, while the land of Teling and the annual rent of Brechin, which formerly belonged to Thomas Boyd, were similarly perpetually annexed to the crown. It was declared that the King or his successor, or the heirs to the throne at any future time could not under any circumstances alienate any of these lands and castles without "the advice, mature deliberation and decree of parliament of the Three Estates", and unless it were to the manifest advantage of the King or his successors, Such alienations made without complying to these conditions were declared void and succeeding princes, heirs apparent, could revoke without the necessity of resort to judicial process any such alienations which might have been made.

The fall of the Boyds meant more than the ruin of a powerful baronial family which had usurped the government of the kingdom during the minority, it meant a permanent accession of strength to the royal house from their forfeited estates. It was a wise policy that settled these estates, with the exception of those reserved for the crown itself, perpetually upon the heir to the throne at any time instead of any particular person. The heir to the throne would always be the heir to the throne and his interests in any ordinary circumstances would be to keep the crown to which he was to succeed as strong as possible. Had these estates been settled upon any particular prince they might have helped to form an appanage that might become dangerous to the crown.

Alexander Boyd of Drumcoll paid with his life for his former greatness. Lord Boyd found a refuge in England where he was charitably received. He was granted a pension(2) and afterwards served/

(1) Crawford. Officers of State, p.316. (2) At Easter 1474 he received £50 in part payment of £100 under the Great Seal for this term. (Cal.Doc. Scot.) On 5th Aug. 1474 a warrant was issued for payment of the arrears of his pension of 200 marks. (Ibid).

served for England in the French wars(1). On July 13th, 1475 James wrote a letter to the Earl of Northumberland in which he complained of the reception of the traitor Lord Boyd in Alnwick "and the partis neire tharby", stating that he had on several occasions applied to the English King to deliver him up but that his requests were always evaded(2). On 13th February, 1476 Boyd received an annuity of 200 marks for seven years from the English King(3) and at Easter 1480 he received a gift of £20 from Edward IV. He seems to have died soon afterwards. His son, the Earl of Arran, found that Denmark under the present circumstances was no secure asylum for fugitives from the King of Scots. James III. evidently set his heart on securing the divorce of his sister from the unfortunate Earl. The princess Mary, who seems to have been strongly attached to her husband, was induced to return to Scotland, probably in the hope of obtaining a pardon for him. It is said that James hinted he might be induced to pardon Arran if his sister came to Scotland(4) but that when she came he virtually imprisoned her in Kilmarnock, summoned Arran to appear within sixty days and when he failed to do so declared his sister divorced from the fugitive Earl. The king at any rate evidently forced the divorce on his sister, whom he later married to Lord Hamilton - the head of a rising house. From this marriage, which took place probably early in 1474(5) sprang the contingent Hamilton claim to the crown which was to prove troublesome to at least one fair occupant of the Scottish throne. Of the Earl of Arran's subsequent career there are many accounts but little certainty. He seems to have wandered through Germany, France and Burgundy, perhaps even Italy. Louis XI. is said to have interceded on his behalf with the Scottish King(6), the Duke of Burgundy certainly did(7) and Buchanan relates that Arran did valiant service for the Burgundian Duke in his wars. Buchanan also avers that Arran died at Antwerp and that the Duke of Burgundy used his estate to build him a magnificent monument. Arran left two children by his royal wife. His son James was restored to some of the Boyd lands, including Kilmarnock, in October 1482⁸ and was described as "James, Lord Boyd"(9). He was soon afterwards killed in a feud and was succeeded by his uncle, Alexander Boyd, though there is no evidence that the latter ever bore the title of "Lord Boyd".

The assize that tried the Boyds is interesting. The presence of the Earl of Crawford adds weight to the supposition that he had been unfavourable to the Boyds. The other nobles on the assize had apparently of late years taken little part in public affairs, though some of them, such as Lord Glamis, had played a conspicuous public part in the early years of the reign and all of them were to figure rather more prominently later. Some of them, in fact, like Lord Glamis and Lord Gordon, who later became Earl of Huntly, were destined to appear very conspicuously in subsequent years of the reign(10). All of them would probably be favourable to the King's assuming the government for himself as against the continuance of Boyd rule.

The fall of the Boyds cleared the way for the King's personal influence in government. James had now grown up, he was a married man and there are indications that he was anxious himself to assume the government of the kingdom. In the lamentable lack of decisive evidence it will always be at least open to supposition that the government of the kingdom during the next few years may have been directed by a party in the country which had engineered the fall of the Boyds and triumphed in their ruin. This, however, does not appear to have been the case. There is no evidence in the records of a powerful party rising suddenly to power and directing the destinies of the country. On the contrary, the chief figures in the/

(1) Cal. Doc. Scot. IV. 1428. (2) Ibid. p. 409. (3) Ibid. 1440. (4) Buchanan
(5) T.A.I. XLII, 69. (6) Drummond. (7) S.H.R. 25, p. 391. (8) Boyd Papers.
(9) Ibid. R.M.S. 1483-4. (10) R.M.S. etc.

the administration remained those who had been prominent throughout the reign, reinforced by men who gained the royal favour, like Lord Hamilton, or otherwise became from time to time prominent in the direction of public business. Everything points to the conclusion that the King had now personally taken his place at the head of the government, and when next complaints are heard of private individuals becoming too prominent in the state, these complaints are levelled against royal favourites, who, it is alleged, turned the royal control of the government to their own advantage.

In the transaction of affairs of state several of those men who had figured prominently while the Boyds were in power, continued to do so after their fall. Notable among these were the Bishops of Glasgow and Aberdeen, Lord Avandale, the Earl of Argyle and smaller officials like David Guthrie and Archibald Whitelaw. Lord Lyle died in 1469. His son and successor, though we do not find him signing charters, was frequently appointed to committees of parliament. Other men became much more conspicuous than they had been of late, especially the Earl of Crawford, John Colquhoun of Luss, William Lord Monypenny and James Lord Hamilton. The Bishop of St Andrews signed several royal charters in 1470 but he soon went on his pilgrimage to Rome. Other magnates like the Earls of Athole, Buchan, Errol, Morton and Marischal, the Lords Gordon, Darnley, Erskine, Graham, Dalkeith and Seton and the Bishops of Moray and Ross appear periodically as witnesses to documents under the Great Seal. One gets the impression that these witnesses were drawn from a wider personnel than heretofore, while another noticeable feature is that as the years went on the proportion of clerics among the public men of affairs increased(1). During these years the Duke of Albany began to appear in a public capacity(2).

After the fall of the Boyds the most notable officers of state, apart from the Boyds themselves, remained unchanged. Avandale remained Chancellor, Argyle Master of the Household. Thomas, Bishop of Aberdeen had become Keeper of Privy Seal early in August 1468 and he retained the office for some time. He was succeeded by the Earl of Orkney who became Keeper of Privy Seal before the 8th August, 1471(3) retaining his office on his translation to the See of Moray in 1477. William Knolles, Preceptor of Torfichen, had been appointed Treasurer in 1468. Between July and September 1470 he was replaced in this office by John Laing, Vicar of Linlithgow(4) (later Bishop of Glasgow). Early in 1470 David Guthrie succeeded Adam Wallace of Crago as Comptroller(5) and was himself succeeded by James Shaw of Sauchie at the beginning of 1471(6). In July 1473 David Guthrie is described as Captain of the King's Guard. Archibald Whitelaw retained throughout the office of King's Secretary. By the forfeiture of the Boyds the offices they held became vacant. The Earl of Buchan succeeded Lord Boyd as Great Chamberlain(7).

James III. used part of the lands of the Boyds to reward some of those who had helped him to achieve their ruin. On February 7th 1469/70 the King in reward for faithful service granted to Lord Gordon and his heirs certain lands in his hands by the forfeiture of Robert, formerly Lord Boyd. Further grants were made to Lord Gordon in May of lands resigned by Alexander Seton of Tulibody. On June 25th a grant was made to the Queen "ad peplam et supportationem ornamentorum ejus capitis" for life of the lands and castle of Kilmarnock and other lands which belonged to Lord Boyd and all of which the King united in one Barony of Kilmarnock. Conveyances made during the Boyds' tenure of power were annulled. On September 4th, 1472 a tenement in Edinburgh was granted to Sir John Colquhoun, a former grant of the same tenement, to one Robert Mure made during the minority in the time of Robert, formerly Lord Boyd, being annulled. Other grants indicate the direction of royal favour, or perhaps of royal efforts to obtain support(8).

(1) These statements are based on a study of R.M.S., A.P.S., A.D.A., Foedera, Rot. Scot. etc. (2) A.P.S. A.D.A. T.A. (3) R.M.S. (4) Ibid. (5) Ibid. (6) Ibid. (7) Crawford, Officers of State. (8) All these grants from R.M.S.

The grant to Argyle on April 17th, 1470 of the lordship of Lorne, resigned by Walter, Lord Innermeath, may not be of political significance(1). In 1471 David Guthrie (and his heirs) was confirmed in possession of the lands and barony of Guthrie, its tenure being changed from ward and relief to the much more advantageous blench-farm; a royal grant was made to the Chancellor, Avandale, of the lands, rents and proceeds of the whole earldom of Lennox; Lord Darnley and the Earl of Crawford had charters confirmed; grants of lands were made to Lord Monypenny and the Earl of Argyle. In 1472 Monypenny received further lands, resigned by Lord Hamilton, and was confirmed in certain of his lands later in the year. Charters of the Earls of Errol, Huntly, and Crawford and Angus were confirmed, Avandale and his brother received charters of legitimation and Avandale himself received a confirmation of lands and a grant of further lands resigned by Lord Monypenny. In November 1472 the King gave to Alexander Hume de eodem a charter confirmatory of a former royal charter which itself confirmed a charter made to Hume by the prior and convent of the Monastery of Coldingham, conveying to him the office of bailiff of all lands and rents of the priory of Coldingham with a fee of £20 per annum for the said office, notwithstanding any alterations or innovations made or to be made in the said priory. In July 1473 Alexander Hume was made a Lord of parliament(2). Further royal grants of importance were made in 1473. Argyle was given for himself and his heirs the custody of the castle of Dunoon, with certain lands and the accustomed fees. He was also appointed to the offices of Justiciar, Chamberlain, sheriff and bailiff within the bounds of the King's lordship of King's Cowal. A grant was made to the Earl of Crawford, for his faithful service, of the lands of the lordship of Brechin and Nevare, with certain annual rents and with the castle of Brechin. He was further appointed to the custody of the castle of Berwick for three years to come. John Ross of Halkhead was made sheriff of Linlithgow for life. Grant of lands was made to the Earl of Huntly, and Lord Hamilton was given license to reclaim lands and to construct a castle. A resignation of lands by Lord Kennedy in favour of his son was confirmed as were also a charter of Lord Borthwick to his son and of Lord Oliphant to his kinsman, Thomas Guthrie. A royal grant was made to Sir John Colquhoun and lands were confirmed to Lord Darnley, here styled Earl of Lennox, and his heirs. Darnley on 23rd July, 1473 had been served heir to his great-grandfather, Duncan, Earl of Lennox, in the principal messuage, half the lands of the earldom and the superiority thereof. A rival candidate, however, appeared, the brief was revoked in January 1474-5 and Darnley did not definitely reassume the title of Earl of Lennox until 1488.

The Earl of Athole was the recipient of a grant of lands in March 1474(1473-4). In May the King, out of favour to the Earl of Argyle, made Inveraray a free burgh in barony. On July 12th two charters were issued in favour of Lord Hamilton and Mary Stewart, his wife, - the divorced royal consort of the Earl of Arran - confirming them in the lands, barony and castle of Kynneil and further lands and appurtenances, including such diverse sources of emolument as salt pans and advowsons of churches, all of which were resigned by Lord Hamilton himself. Charters of the Earl of Crawford were confirmed; a grant was made to Sir John Colquhoun; David Hume, son and heir apparent of George Hume of Wedderburn, was the recipient of a grant of the lands of Wedderburn and one husbandry in the town of Hutoun, resigned by his father, George Hume of Wedderburn; and a grant was made to Archibald Haliburton, son/

(1) It is difficult to estimate the exact significance of grants under the Great Seal as it is often impossible to know from whom the volition for the grant proceeded. Often the transfer was recorded under Great Seal just in order to procure a stronger guarantee for a conveyance made between private individuals.

(2) A.P.S.

of Strick with the town and the lands of Linlithgowshire and the place of Linlithgow and with the great customs and burghal farms of the burgh of Linlithgow.

son and heir of Lord Haliburton, and his heirs of the lands and castle of the barony of Dirleton and the lands of the barony of Boltoune resigned by his father and mother. On 6th December a grant was similarly made to Alexander Lindsay, son and heir apparent of David Earl of Crawford, of numerous lands and the office of sheriff of Aberdeen, resigned by his father, the Earl. In December 1475 Lord Darnley, designated "John, Earl of Lennox" was made Lieutenant within the bounds of Renfrew, Ayr, Wigtown, Kirkcudbright, the Netherward of Clydesdale and the islands of Bute and Arran. Argyle was given similar office within the bounds of Argyle, Lorne, Lennox, Menteith and numerous other districts, along with Lord Cliphant, John Drummond of Stobhall and William Stirling of Kere. The Earl of Athole was made Lieutenant within the bounds of the earldom of Athole, with convocation of the lieges within the lordships of the county of Perth and the Earl of Huntly was constituted Lieutenant in the counties of Kincardine, Aberdeen, Banff, Elgin, Forres, Nairn and Inverness. This appointment of Lieutenants was not without its particular cause; at present notice is confined to the men who were chosen.

The most important event of the first years of the decade following the fall of the Boyds was the erection of St. Andrews into an archiepiscopal see. The confused happenings which centred round that memorable transaction are not without their political significance, but as a whole they more probably concern the ecclesiastical history of the reign.

Meanwhile provision was made for the Queen. In June 1470 she had been granted, as already mentioned, the lands and castle of Kilmarnock and other lands which had belonged to Lord Boyd. On May 13th, 1471 a writ was issued under Great Seal ratifying the arrangements that had been made by the ambassadors who concluded the King's marriage for the "portion" to be granted the Queen; - that she should have, namely, the palace of Linlithgow and the castle of Doune in Menteith, with their pertinents, and that she should have the third part of the King's property, rents and income of all kinds if she should survive her royal consort; that in that event she should have full liberty within three years of her husband's death to depart from Scotland and in that case she should be paid 120,000 Rhenish florins in composition for her terce, the unpaid part of her dowry from her father, to wit 30,000 Rhenish florins and the Orkney Isles, which should then return to the Danish King without fraud, being deducted from this sum, provided that Queen Margaret should not marry the English King or otherwise join herself in any way to anybody of English race or allegiance. The King, therefore, with consent of parliament granted her the palace of Linlithgow and her other due endowments and ratified the other arrangements agreed upon. In parliament on August 2nd, 1473 the King with consent of the Three Estates promised to assign the Queen, in recompense for her dower, certain lands to the value of a third part of his property. In pursuance of this a grant was made to the Queen on the 11th October of the same year, "after mature deliberation" and with advice and consent of the Three Estates in parliament, of lands, lordships and emoluments in compensation for the third part of the royal property and rents promised her on marriage. To Margaret accordingly was granted the lordship of Galloway, on both sides of the water of Cree, with the customs and burghal farms of the burghs of Kirkcudbright and Wigtown and with the castle of Thrieve; the lordship of the Forest of Ettrick with the town and manor of Newark therein; the lordship of Stirlingshire and Tillycoultry with the castle of Stirling and the great custom and burghal farms of Stirling; the lordship of Strathearn with the great custom of the burgh of Perth; the lordship of Menteith, Strogartney and Balquhiddy with the castle of Doune in Menteith; the lordship of Kinclevin; the lordship of Methven with the castle of Methven; the lordship of Linlithgowshire and the palace of Linlithgow and with the great customs and burghal farms of the burgh of Linlithgow.

The Queen was in the meantime fulfilling her feminine function for the continuance of the royal line. A prince, later James IV., was born on March 17th, 1473(1) and other children followed.

The royal position in the north was strengthened by the annexation of the earldom of Orkney to the crown. In 1469 James III., having acquired the Orkney Isles in pledge for his Queen's dowry, laid a claim against William Sinclair, Earl of Orkney and Caithness, for "the profits of his nonage" and the earl was imprisoned until he acceded to the King's terms(2). For resigning his island earldom Sinclair received substantial compensation. On September 17th, 1470 the King, by advice of his council, granted to William, Earl of Caithness, the castle of Ravenscraig and the lands adjacent to it in Fife, pertaining to the King by the death of his mother, in partial recompensation for the castle of Kirkwall and the "entire right" of the earldom of Orkney. Six further charters were issued under the Great Seal to the Earl of Caithness on the same day. The first promised that the grant of the castle of Ravenscraig and the lands adjacent to it should not be revoked, notwithstanding the fact that it was made before the King was twenty-five years old. The second was a letter under Great Seal given to the Earl of Caithness upon an annual pension of fifty marks for life from the King's great customs of the burgh of Edinburgh. Further letters under Great Seal were granted to the Earl. He was to be allowed to reside where he pleased within the realm of Scotland or without, except in England, his farms and rents being brought to his place of residence without impediment during his life-time, and he was to be free from attendance at all parliaments and general councils and from any service in embassies, wars, hostages, Justice Ayres, sheriffs' courts and all offices and services of the King except at his own free will. A royal letter of quittance was issued quitclaiming him for Christian, King of Denmark, his predecessors and successors, and for the King of Scots and his heirs and successors, of all sums of money, exactions, questions, claims, demands or debts whatsoever claimed or to be claimed upon the Earl of Caithness by the King of Denmark. A further letter promised for the King and his successors that they would receive from the Earl of Caithness resignation of his lands, rents and possessions which he held of the King in chief whenever the Earl would resign them in whole or in part into the royal hands, and, after such resignation, that they would grant the said lands by charter or seisin to the Earl of Caithness, his heirs or assigns, as should appear best or most expedient to the Earl, to be held as freely as before the resignation and without doing anything to the King therefor — in other words without the exaction of a royal commission for the favour. A final charter "in minori forma" confirmed and approved all donations made to the Earl of Caithness by the King or his predecessors of the offices of Justiciar, Chamberlain and sheriff within the county of Caithness. Tenure was to be as free in all respects as was set forth by charter and evidents(3). In May 1471 the grants to the Earl of Caithness of the castle of Ravenscraig, the lands of Wilton, Dubbo and Carberry and the pension for life (here stated at 40 marks) from the customs of Edinburgh were ratified in parliament at the request of Lord Borthwick, Procurator to the Earl of Caithness. In parliament in February 1472 Orkney and Shetland were annexed to the crown, with stipulation that they should not be given away in time to come to anyone but the King's lawfully begotten son. They were soon afterwards granted in assedation to William Tulloch, Keeper of Privy Seal who became Bishop of Moray in 1477 and on April 28th, 1478 they were consigned in assedation to Andrew, Bishop of Orkney, the former letters to the Bishop of Moray being revoked(4).

(1) T.A. I. pp. LV., 49. Dict. Nat. Biog. (2) Balfour Paul - Scots Peerage.
(3) All from R.M.S. (4) R.M.S. No. 1376.

(1) A.D. (2) T.A. (3) T.A. (4) Ibid. (5) Ibid. (6) A.P.S.
(7) Ibid.

Throughout the years 1470-1475-- and later - parliament met regularly and assiduously promulgated wise, though, it is to be feared, often ineffectual, legislation on ecclesiastical, financial judicial, legal, administrative, social, military and diplomatic subjects.

About the middle of the decade it was decided to try conclusions with the doughty Earl of Ross. On August 5th, 1473 the Earl of Ross appeared as a litigant before the Lords Auditors at Edinburgh. He was present in person and won his case(1). On May 9th, 1474 Robert Hunter pursued the Earl of Ross before the Auditors for wrongous withholding of the lands of Culmore and the mails^{the} for thirteen years bygone, for wrongous and masterful appropriation of the same lands to himself in contravention of many acts and decreets of parliament and council and for contempt of and disobedience to the King's commands and injunctions. Ross did not appear, judgment was given for Hunter and it was ordained to distrain Ross's nearest lands for the sum(2). Ross was at feud with the Earl of Huntly and on March 21st, 1473-4 a messenger, William Nevin, was sent to the belligerent Earls with letters "for stanching of the slachteris and herschippis committit betuix thare folkis"(3). The Earl of Ross evidently replied for a courier of his was at court in July, 1474 and was given further letters for the Earl of Ross on his return(4). Another courier of his appeared at court in August(1474)(5).

In the now friendly relations with England the full extent of the Lord of the Isles' treason with Edward IV. had evidently come to the knowledge of the Scottish government. In 1475 the Earl of Ross was summoned to appear in parliament to be held at Edinburgh on December 1st in order to answer for his treasons. The list of these included his conspiracies with Englishmen, with Edward IV. and with the exiled Earl of Douglas; his issuing safe-conducts to Englishmen, thus arrogating to himself royal power; his assumption of royal authority in the north, ordering the inhabitants of Inverness and Nairn to obey his bastard son, Angus, and his counsellors, giving Angus power to punish those who disobeyed; his appropriation of the burghs of Inverness and Nairn; his convoking the lieges to war; his besieging the King's castle of Rothesay; the slaughters committed by him in the King's lands of Bute and Arran and many other transgressions(6). In the summons it was announced to the refractory Earl that justice would be done whether he appeared or not and a copy of the summons was sent to Alexander Dunbar of Westfield, Arthur Forbes and Unicorn Poursuivant, specially constituted sheriffs of Inverness. The summons was duly served by Unicorn Poursuivant at the Earl's castle of Dingwall and at the town crosses of the burghs of Inverness and Dingwall(7); parliament met in November but the Earl of Ross refused to appear. On the 1st December, however, parliament proceeded to pass judgment on the absent malefactor. Avandale as the King's constituted representative stated the case for the prosecution, the Earl of Ross was unanimously found guilty and sentence was passed upon him that he had forfeited his life by his crimes and that his lands, rents, possessions, superiorities and goods, moveable and immoveable, should be forever taken from him and his heirs for the use of the King, his heirs and assigns.

It was decided to resort to active measures against the contumacious potentate of the Isles. In December 1475, as has been already noted, Darnley, Argyle, Athole and Huntly were made Lieutenants in various parts of the kingdom. Argyle was given commission to proceed against the Lord of the Isles with fire and sword. It was decided to wage war against the Earl of Ross both by land/

(1) A.D.A. (2) Ibid. (3) T.A. (4) Ibid. (5) Ibid. (6) A.P.S.
(7) Ibid.

land and sea, Athole being given command of the land force, Crawford of the naval arm(1), and it is said that the King contemplated taking the field in person(2). In face of such formidable preparations the Earl hesitated to resort to the hazard of war, while it is probable that the government would not be over anxious to come to blows with this redoubtable subject - a course which would have meant nothing less than civil war. Athole offered his mediation and by his exertions the Earl of Ross submitted to the King(1476)(3).

In parliament on July 1st, 1476 the terms of settlement between the King and his turbulent subject were promulgated. It was stated that whereas John "de Ila", formerly Earl of Ross, had been declared in parliament which met in November, 1465 to have forfeited his life, possessions and emoluments for his crimes, that now at the special prayer of Queen Margaret and the Three Estates, and with their expressed consent, he was restored to his honours, life, fame and dignity. On the same day John of the Isles in presence of the King and the Estates personally renounced, "of his mere and spontaneous will", for himself, his heirs and assigns forever to the King and his successors, the earldom of Ross and the lands of Knapdale and Kintyre with their pertinents, the sheriffdoms of Inverness and Nairn "with all and singular pertinents, his castles and fortresses;" abandoning all right, claim, propriety and possession of or to them which he or his predecessors had had. The King then approved and ratified all grants of lands within the earldom of Ross formerly made by him (the King) to Elizabeth, Countess of Ross, notwithstanding the revocation of former alienations made in this very parliament. "John de Ila, Lord of the Isles" was created by the King a "baron, banrent and lord of parliament". The King with consent of the Estates annexed the earldom of Ross "to his heirs and successors and royal crown" in such a manner that it could not be alienated, divided or diminished, save only that the King or his successors might grant the earldom to the lawfully-begotten, second-born son of the King.

Again the crown had utilised the discomfiture of an over-mighty subject to strengthen the territorial position of the royal family and again the possibility of subsequent alienation was strictly limited, this time being confined to the opportunity left open of making a grant of the annexed earldom to the second son of the reigning King. James (II) later granted the earldom of Ross to his second son, James.

John of the Isles had gained something in having his title "Lord of the Isles" officially recognised and in becoming a lord of parliament in its right. But if he had gained a recognised lordship he had lost an earldom and even in the Isles he would perhaps lose as much as he would gain by the fixing of his title. Hitherto, as Hill Burton points out, he had been an island potentate, his strength had lain in the vagueness and hence the expansiveness of his title, now he was merely a baron of Scotland. Too much, however, should not be made of this. To his island vassals he would still be Macdonald of the Isles, the high chief, the appointed recipient of their clan allegiance, whatever his title in the peerage might be. To England he might appear now as a less valuable ally but England would be willing to intrigue with anyone, even if he had no pretention at all to high title, who would raise trouble for the Scottish King. On the other hand the Lord of the Isles had been definitely shorn of a considerable part of his dignity.

The submission of the Earl of Ross was a distinct triumph for the crown. It did not mean indeed that the island Lord had been completely tamed and his dominions continued for many years to be a hotbed of trouble for the occupants of the Scottish throne. Yet his/

(1) Hollinshed, Lesley, Ferrerius. (2) Buchanan. (3) Buchanan, Lesley. Hume Brown quotes a document dated Edinburgh, July 15th, 1476 in which John gave in his formal submission on the terms offered him by the government. (History of Scotland I. p.268. Note 2.)

all these matters. (4) Gregory - History of the Highlands.

his discomfiture proved that no Scottish subject could hope to resist unaided the power of the King when he earnestly exerted himself. The hey-day of the Scottish palatinates as mere self-concerned entities and nothing more was over.

Already on February 8th, 1475-6 a grant had been made to Elizabeth, Countess of Ross, wife of John "formerly Lord of the Isles", for her honourable sustentation, of lands which she had held in conjunct feoffment with the said John before his forfeiture, and also because of her services to the King's progenitor and to his wife, and because she was innocent of her husband's crimes, she was granted further lands for life (1). On July 15th, 1476 a charter was issued under the Great Seal in favour of John of the Isles, stating that despite his forfeiture in parliament in 1475 he had, on the request of the Queen and of the prelates, barons and commissioners of burghs in parliament at Edinburgh on 15th July, 1476 been restored, from the King's special kindness, to his mundane honours and dignities and personal good fame and created anew Lord of the Isles, to be so called for all time to come. Furthermore he was granted new enfeoffment of the lands of Islay and the Isles and other specified lands and generally all other lands, islands and possessions held by him in Scotland before his forfeiture, except the earldom of Ross, the lands of the lordships of Knapdale and Kintyre, with their castles and fortalices, the office of sheriff of Inverness and Nairn and all other offices within the said earldom and lordships, which the King reserved to him and his successors. These regranted lands were to be held by John and his legitimate heirs male, whom failing remainder was reserved to his natural sons, Angus and John. On December 14th, 1476 the King confirmed and renewed the charter formerly granted by him, after the forfeiture of the Lord of the Isles, conveying lands, rents and ecclesiastical advowsons to Elizabeth Livingstone, the wife of the Lord of the Isles, and affixed a declaration that the revocation of the grants of the minority made by him in the last parliament did not extend to this donation. On January 31st, 1476-7 the King, as tutor to his eldest son, the Duke of Rothesay, confirmed a charter (dated Islay, 20th August, 1476) of the Lord of the Isles assigning lands in Carrick in feufarm to John Davidson "suo nativo armigero et alumpno". A further confirmation of the grant of lands for life to the wife of the Lord of the Isles was issued on October 15th, 1467(2).

All seemed to be going smoothly, but the Isles were not long in a state of calm nor their lord in a condition of tranquil obedience. In parliament on April 7th, 1478 it was stated that John, Lord of the Isles had been summoned to appear for his treasonable assistance to the rebels and traitors in the castle of Castleton, for rebellion against the King and making war on the lieges, for treasonable support of the rebels, Donald Gorm and Neil MacNeil and other offences(3). The sacrifices made by John in 1476 had been unpopular in the Isles. A faction arose hostile to the Lord of the Isles and found a leader in his turbulent son, Angus. Angus embarked on a career of violence and feud(4) and at one time even fought a battle against his father's forces near Tobermory in Mull. It was doubtless out of these circumstances that the occasion for the summons of the Lord of the Isles before parliament arose. He did not appear and the summons against him was continued until the 2nd June next following, with continuation of days, to the parliament that was then to be held in Edinburgh. Parliament did meet in June but the only reference to the summons of the Lord of the Isles was that that question along with other matters was referred at the end of the session to a committee of eight/

(1) Favours would be the more readily extended to the Countess of Ross from the fact that she was not on good terms with her husband. On 24th April, 1488 she had a papal bull anent exemption from ordinary jurisdiction during the controversy between her and her husband. — Cameron, "The Apostolic Camera and Scottish Benefices". (2) R.M.S. for all these charters. (3) A.P.S. (4) Gregory- History of the Highlands.

eight persons from each estate, who were to advise and conclude thereon. The Lord of the Isles evidently satisfied the King of his innocence for on December 10th, 1478 a charter was issued regranting to him, after the general revocation of the grants of the minority, the lands assigned to him after his forfeiture (that is all his lands and possessions except the earldom of Ross, the lordships of Knapdale and Kintyre and the sheriffdom of Inverness and Nairn) (1). On February, 4th, 1478-9 a charter of the Lord of the Isles, dated 22nd December, 1478, to his kinsman, Alexander Leslie, was confirmed and a further charter of his was confirmed in July 1480 (2). In 1481 the Lord of the Isles was present in the army which James III. led against England and on August 11th, of that year he received a grant of numerous lands for his services (3).

In parliament at Edinburgh on July 10th, 1476 the King, in presence of the Three Estates, annulled and revoked all donations, alienations and infeudations of lands, rents and advowsons, all gifts of land to be held under whatever tenure, blench-farm, ward and relief, feufarm or regality, all gifts of the custody of castles for long terms, especially ~~as~~ such castles as were "keys" of the kingdom, and generally all kinds of alienations prejudicial to his royal majesty, his heirs, successors and crown, in any way, or against good conscience.

As a result of this general revocation several regrants were made. In 1477 lands were confirmed, for instance, to the Earl of Buchan, to the wife of the Lord of the Isles, to Ross of Montgrenan, to the Earl of Athole and others, including Ross Herald (4). On January 3rd, 1477-8 a regrant, after the general revocation, was made to the Queen, of the barony and castle of Kilmarmock (5). In 1478 there was evidently a further general revocation on the King's attaining his "perfect age" of twenty-five years (6). Further confirmations followed, of which the most important concerned the Queen. On February 7th, 1477-8 the King, after the general revocation and with deliberation of the Three Estates committed to the Queen the rule, custody and wardship of James, Duke of Rothesay, for five years, as well as the custody of Edinburgh castle for five years, granting her the annual pension formerly customary for its keep (7). On February 20th the King "in perfect age", after the general revocation and with the deliberation of the Three Estates, granted to the Queen the lands, castles and incomes formerly assigned to her (8), this time specifying in addition that she was to have the profits of Justice and of Chamberlain Ayres, sheriff and ballival courts and the right of patronage of all benefices and churches within the lands in question, in recompense for the third part of the royal property and rents promised her on marriage (9). In parliament in June 1478 these grants to the Queen - the lands for her marriage portion, the guardianship of the Duke of Rothesay for five years, the custody of Edinburgh castle for a similar period and the accustomed pension therefor - were ratified by the King with the assent of the Three Estates, the Bishop of Moray, Keeper of Privy Seal, demanding on the Queen's behalf that a notarial instrument should be drawn up thereon and subscribed with the seals of the King and of other prelates, barons and commissioners of burghs present in parliament.

(1) R.M.S. (2) Ibid. (3) Ibid. (4) Ibid. (5) Ibid. (6) Dict. Nat. Biog. Drumcoll had been granted to Lord Carlyle in 1477 after the 1476 general revocation. It was regranting in June 1478, "after all revocations, general and special," the former grant being said to have been made in the King's tender age. (7) R.M.S. (8) Ibid. (9) Ibid.

(1) R.M.S. (2) Ibid. (3) Ibid. (4) Ibid. (5) Ibid. (6) Dict. Nat. Biog. Drumcoll had been granted to Lord Carlyle in 1477 after the 1476 general revocation. It was regranting in June 1478, "after all revocations, general and special," the former grant being said to have been made in the King's tender age. (7) R.M.S. (8) Ibid. (9) Ibid.

-79

Throughout the years 1476-79 the business of government continued to be discharged mainly by Lord Avandale, the Chancellor, the Earl of Argyle, Master of the Household, the Bishop of Orkney, later of Moray, Keeper of Privy Seal, the Bishops of Glasgow and Aberdeen, John Colquhoun (who was granted the custody of Dumbarton castle in 1477)(1), Lord Hamilton, Archibald Whitelaw, the Secretary, Alexander Inglis, Clerk of Rolls and Register, and William Scheves, first as Archdean, later as Archbishop of St. Andrews. From 1477 onwards Lord Carlyle became more prominent. In October 1477 the concession was made to him that if he should die while his heir was under age his assign or assigns constituted by him should have the marriage of his minor successor and the ward of his lands, rents and possessions, which should legitimately pertain to the King. If his heir, William, should die a minor the assigns were to have the marriage and wardship of the succeeding heir or heirs.(2) In the same month Carlyle was granted the lands of Drumcoll(3); the grant was confirmed in 1478(4) and Carlyle became a notable figure in public affairs. Other men appeared more occasionally, as, for instance, the Earl of Buchan, who was both Great Chamberlain and Warden of the Middle Marches, the Earls of Huntly, Athole, Angus, Morton, Errol and Marischal, the last two of whom were respectively Constable and Marshal(5), Lords Creichton, Borthwick, Lyle, Stobhall, Erskine and others, and lesser men like Ross of Montgrenan, David Guthrie or notable figures among the minor clergy.

Grants and confirmations of charters continued, though less numerous, to members of the higher nobility, but it is impossible accurately to gauge any significance they may have had.

Internal violence and turbulence were rife in the country. The Islands and Highlands were kept in perpetual commotion by the belligerent activities of Angus Og of the Isles(active from 1476-1490). In the Border counties there was much unrest and the state of the country at large is illustrated by the resolution of the Estates in March 1478-9 that remedy should be provided for the great "brek" apparent in different parts of the realm. The more noteworthy of these feuds are mentioned. In Angus, the Earl of Buchan and the Earl of Errol, with ^{their} abettors and followers, were at strife, as were also the Master of Crawford and Lord Glamis. Deploring allusion is made to the great trouble in Ross, Caithness and Sutherland and the feuds in Nithsdale between the Lord Carlaverock and the Laird of Drumlanrig, in Teviotdale between the Rutherfords and the Turnbulls and between the sheriff of Teviotdale and the Laird of Cranston. Throughout the country acts of murder, homicide, (6) robbery, spoliation and every kind of violence were daily perpetrated.

Towards the end of the decade those troubles between the King and the magnates of his realm began to develop which give the reign of James III. its characteristic position in the annals of Scotland. In the sparse, conflicting and obscure accounts of this troublous time that have come down to posterity it is as difficult to assign with confidence causes and motives as it is impossible to trace with certainty the sequence of events. It is said that the King vegetated in ignoble seclusion, surrounding himself with favourites who pandered to his vices and to his avarice(7), devoting himself to the spineless pursuits of the dilettante to the neglect of affairs of state and of the government of the kingdom. Such government as there was, it is alleged, was conducted by the advice of men like Cochrane, reviled as an upstart architect whom James later is said to have made Earl of Mar. These men we are told engrossed the court to the exclusion of their betters, causing grave misgovernment and oppression of the lieges. Cochrane especially/

(1) R.M.S. (2) Ibid. (3) Ibid. (4) Ibid. (5) Ibid. (6) T.A. Exch. Rolls. A.D.C. A.D.A. (7) Pitscottie asserts that Cochrane maintained his ascendancy by giving money to the King.

especially is held up to anathema as the issuer of debased coinage, the cause, it is alleged of the country's economic woes.

These circumstances, we are led to understand, inspired the public spirited nobles with a righteous zeal for amendment. They communed together and sent to the King, desiring him to abandon "young counsel and dishonest" and to turn from the error of his ways(1). The King returned but unsatisfactory answer but the Lords "bore fair till they saw their time"(2). The lead in the opposition to the King was taken by his two brothers, The Duke of Albany and the Earl of Mar, knightly and popular men, the antithesis of their inactive and seclusion-loving brother. The courtiers, it is said, proceeded to poison the King's mind against his brothers, sorcerers were set up to prophesy against them, James was led to believe that they harboured ambitious designs against his throne and were conspiring with the evil one against his life. Pitscottie alleges that those from whom the policy of prejudicing the King against his brothers arose were the Humes and the Hepburns, who, he avers, had always been checkmated in their ambitious schemes by Albany and thought themselves to rule the King unhindered if his vigorous brother were removed. The King's suspicions and superstitions, we are told, proved stronger than his fraternal love, Albany and Mar were arrested, Mar died in prison, not without suspicion of fratricidal murder by the royal command, Albany, like the bold knight he was, escaped from his cell in Edinburgh castle by letting himself down from his window by a rope and made his way to France.

Consideration of the veracity of such an account would perhaps be wisely postponed until an attempt had been made to trace more clearly the course of events. It seems likely that by 1478, or at all events by the beginning of 1479, the King was aware that a strong opposition to him existed and as a counterstroke tried to make his government more efficient. In parliament in 1478(June) it was ordained that, since slaughter, treason, violence, theft and other trespasses were and had been so common, and as it was supposed that the chief cause of this was the ready granting of respites and remissions by the King to the perpetrator, that therefore no respite or remission should be granted for three years for any slaughter committed since the King was twenty-five years of age or to be committed in the future. It was decided that the country should be put in good rule and that no remissions for common theft should be granted. Further legislation attempted to amend the financial and economic plight of the country and various administrative measures were passed. The resolutions of the parliament which met in March 1478-9 have even more the air of a royal reply to opposition. The Estates were given to understand that the King was "of good mind and disposition to the putting forth of justice throughout all his realm" and that he should in future with the advice of the Lords of his Council attend diligently thereto by setting and holding Justice Ayres in all parts, and otherwise as should be thought expedient and profitable. It was also said that remedy was to be provided for the feuds apparent in various parts of the country, as already mentioned(3). The most notable of the persons described as at feud were the Earls of Buchan and Errol and it is interesting to note that on March 11th, 1478-9, in presence of the Lords of parliament, the Earl of Buchan for himself and his brother, the Earl of Athole, on the one hand and the Earl of Errol on the other assured each other until the 1st day of May next to come, for themselves and their parties, Buchan and Errol promising to appear before the Lords of Council on the 1st of April next to answer to each other and underlie the decision of/

(1) Pitscottie. (2) Ibid. (3) Supra. A.P.S. Too much significance should not be attached to legislation for the improvement of government, for similar measures were often passed, but it does seem that at this time the King was making a definite effort to improve his administration.

of the Lords in all disputes between them(1). On the following day Douglas of Drumlanrig and Maxwell of Tynwald gave similar assurances(2).

As to the stages in the development of the antagonism between the King and his brothers we are completely in the dark but that such an antagonism existed by 1479 there is no doubt. The reason put most prominently forward by the chroniclers for the estrangement between the royal brothers was the influence brought to bear upon the King's mind prejudicing him against Albany and Mar. It is doubtful, however, if this alone would have led the King, who seems to have had strong fraternal affections, to take active measures against his brothers. It is quite possible that James credited his brothers with using the arts of sorcery against his life. He lived in a credulous and superstitious age when men gave much credence to the Black Arts and to communion with the powers of evil. Certain "witches and sorcerers" were arrested and convicted at the time of Mar's arrest who are said to have confessed that the Earl of Mar had induced them to use their arts in order to take away the King's life, by fashioning an image of wax which was to be cast into the fire in the belief that by necromantic agency the King's body would wear away as his effigy was consumed(3). This was a variety of the "corp-cre" a lingering belief in the malign effectiveness of which still persists in some parts of Scotland even to this day. The modern mind may scoff at the cloudiness of intellect which could put any belief in such practices but the historian should seek rather to project his mind into the circumstances of the age he discusses than to judge it by the canons of his own. In the fifteenth century there still persisted a strong belief in the potency of unseen powers and James III. would be but conforming to the tenets of his generation in believing that his life was really in danger by the magic arts practiced against him. On the other hand if Mar really did conspire with the practitioners of the Black Arts against the life of his royal brother, and it is very possible that he did, he too would believe that the sorcerers' activities would be successful - otherwise why should he expose himself to the trouble and expense of setting them in motion? In that case he was in intention guilty of the fratricidal treason of compassing the death of the King, his brother.

There were, however, more material causes for the antagonism between the royal brothers. Albany and Mar evidently took a leading part in the opposition to the King. Mar is said to have used "menacing and undecent speeches"(4) against the King and according to all accounts he gave vent to rash, uncautious and arrogant utterances. Drummond alleges that Edward IV. had kept up a secret communication with Albany ever since the latter had been taken by the English on his way home from Gueldres in the days of Bishop Kennedy. Such an intrigue would be in keeping with the characters both of Edward and, as the future was to prove, of Albany, and perhaps James's suspicions of an intrigue against him by his brothers were not altogether unfounded.

At any rate both Albany and Mar were arrested early in 1479. The Earl of Mar was present in parliament on March 1st, 1478-9 and his arrest must have taken place soon after that date(5). He was/

(1) A.D.C. (2) Ibid. (3) Drummond. (4) Ibid. (5) It might perhaps be argued that the Earl of Mar here mentioned could be Cochrane whom James III. is said to have raised to that dignity. No trace, however, appears in the records that Cochrane ever held the title of Earl of Mar. It has been supposed that his name was later erased from the official and peerage record but if so why was the name of Mar left here? It might be by oversight but the presumption amounts almost to certainty that the Earl of Mar here mentioned was the King's brother.

was taken to the castle of Craigmillar but was later transferred to a house in the Canongate where he died soon afterwards, having bled to death - in his bath according to some accounts. The death of a prince in such circumstances in medieval times always suggested the possibility of murder and succeeding chroniclers and historians have not scrupled to accuse James of having ordered his brother's death. A more probable account is, however, given by Drummond, who states that on Mar's imprisonment in Craigmillar "his anger turned into a rage, his rage kindled a Fever, and his Fever advanced to a Phrensie: This sickness encreasing, that he might be more near to the Court and his friends, in the Night he is transported to the Cannons Gate in Edinburgh; the King compassionate of his disease, sendeth his Physitians to attend him; they to restore his understanding which was molested, open some veins in his head and arms, in which time whether by his own disorder or misgovernment in his sickness, the bands being loosed which tyed the lancing, or that they took too great a quantity of blood from him, he fainted, and after sowning, died unawares amongst the hands of his best friends and servants". This appears to be the most probable explanation of Mar's death. His removal from imprisonment in Craigmillar to confinement in a house in the Canongate is narrated by several of the chroniclers, and renders likely the supposition that he was ill, while in the state of medieval medical knowledge the story of his death resulting from the attentions of the leeches is not at all improbable. Drummond drew his information from Bishop Elphinstone who was a contemporary of James and one well acquainted with the course of affairs. It says much in exoneration of James from the charge of conniving his brother's death that Elphinstone, whose name is remembered with honour, exculpated him of any complicity therein.

Some of the older writers(1)allege that it was on Albany stirring up the nobles to avenge the death of the Earl of Mar that he was himself arrested. As, however, Mar does not appear to have been arrested until after the beginning of March (1479)and as Albany had already made his escape before the month of May, it seems probable that the brothers were arrested at the same time. Albany was confined in Edinburgh castle but he made his escape by letting himself down by a rope(2) from the window of his cell in the darkness of night. According to some accounts he traded on the conviviality of his keepers in order to facilitate his escape, plying them with intoxicating liquor, of which they, like good Scots, took as much as they could get for nothing until they fell into a drunken stupor. Others relate that he resorted to harsher methods and killed his keeper. Albany escaped to France(3). Before his departure he had fortified his castle of Dunbar. Dunbar was one of the strategic strongholds of the kingdom and there was grave danger of its falling into the hands of the English. The King sent a force to reduce it, the garrison, on seeing there was little hope of a successful resistance, withdrew by sea to England(4)and Dunbar castle was taken by Avandale in May, not without casualties to the King's forces(5).

(1) Drummond, Ferrerius. (2) Pitscottie tells that the rope was smuggled in to Albany in a wine cask from a French ship, Ferrerius that he improvised it by tearing up and knotting together his bedclothes. Probably Albany did obtain a rope but added to its length by the impromptu means described by Ferrerius. (3) Drummond, Lesley, Buchanan, Hollinshed, Ferrerius and Pitscottie all give accounts of Albany's escape. The liveliest story is given by Pitscottie, though he places it at the time of Albany's second estrangement from the King - 1483. (4) Ferrerius, Drummond, Lesley, Buchanan, Hollinshed. The fact that members of the garrison were summoned to answer for treason while there is no record of anyone appearing for trial gives some substantiation to their statements. (5) A.P.S. Lesley states "thair wes slaine thaireat of the Kingis syd thre knychts, the laird of Luce, Sir Johne Shaw of Sauchie knycht and the laird of Cragywallace with the schot of ane gun; and John Ramsey wes slane sic lik with stanis". So also Ferrerius and Hollinshed.

1479

Dunbar castle having been taken the terrors of the legal arm were set in motion against its contumacious recent defenders. Orders were issued to the sheriffs of Edinburgh and Berwick and their deputies to summon John Ellem of Buttirden and a score of accomplices to attend in the parliament to be held at Edinburgh on 27th July next with continuation of days, to answer for their treasons in the traitorous provision, fortification and supplying of the castle of Dunbar with men, victuals, bombards and armaments of war; in treasonably holding the said castle against the royal majesty and in contravention of act of parliament; in cruelly killing certain royal lieges and servants in the resistance they made in Dunbar castle against the royal authority and in many other traitorous transgressions against the King. The summons was duly served at Dunbar, it being impossible to summon the culprits personally. Parliament met in October, (1479). On the 4th day of that month the accused were "oft tymes callit and not comperit" and the summons against them was continued to the 7th. On the 7th October the King sitting "in his place Riale his thre estatis gaderit" the offenders were again "oft tymes callit". They did not appear and the King, "be his Chanceler and Advocatis" requested parliament to proceed to judgment in their absence. The Estates, after their accustomed weighty and mature deliberation, unanimously pronounced them guilty and sentence was passed upon them that they had forfeited their lives, lands, possessions and goods, moveable and immoveable, to the King and his successors.

Parliament had a further opportunity for the exercise of its forensic skill. Albany had been summoned to answer in parliament at Edinburgh on July 13th, with continuation of days, for his treasonable munitioning, provisioning and fortification of Dunbar with men, victuals, armaments, bombards and apparatus of war; for his treasonable injunctions and assistance to the rebels in Dunbar in holding that castle against the royal majesty and authority; for his violating the truce with England, by homicides, rapine and depradations, even though he held the office of Guardian; for complicity in the cruel doing to death of the liege, John Skougale, and for numerous other treasons and transgressions. The summons was endorsed under the seals of Hector Meldrum and Unicorn Poursuivant, sheriffs of Edinburgh and Berwick "in hac parte specialiter constiti", and no less than three instruments by public notaries attested that it had been duly served. Legal circumstance had done all it could do but the summons served at Dunbar and Lochmabenstone failed to bring the recalcitrant Albany from France.

On October 7th, after sentence had been passed upon his retainers in Dunbar, he was "oft tymes callit" to judgment but failed to appear. Albany was less sumarily dealt with than his humbler associates who had been condemned in absence for doing his bidding. On the Duke's failure to appear before parliament the King with consent and "at the great request, instance and supplication" of the Three Estates continued the action against him until the 17th day of January following, with continuation of days, in the same force as at present.

Yet another process came before the busy Estates on this notable 7th day of October. George Hume of Wedderburn, Patrick Hume of Polwarth, Andrew Hume and numerous others had been duly summoned to attend in parliament on July 27th to answer for treason in assisting the rebels in Dunbar castle, violating the truce with England, traitorously slaying Englishmen and other transgressions. These too failed to appear to answer the summons and the King with consent and at the request of the Three Estates continued the action against them in the same force and effect as it then stood to the 17th day of January next following with continuation of days. The association of the Humes with Albany in his treasons seems to militate against Pitscottie's statement that they had been mainly responsible for sowing discord between him and the King.

1480

On March 13th, 1479-80 parliament was held at Edinburgh by specially deputed commissioners, having sufficient power. Albany, Patrick/

1480 Patrick Hume of Polwarth, Andrew Hume and the rest were oft-times called to answer for their offences but did not appear and the actions against them were continued until the 4th of May. It is noticeable that George Hume of Wedderburn was not this time included among the Hume malefactors and his name does not again appear in the process. On May 4th parliament was again held by commissioners, Albany and the other recusants were called, failed to appear and the actions against them were continued to June 1st. In this way parliament continued to be held at intervals by commissioners, Albany and the other malefactors were on every occasion duly called to judgment but they never appeared and the actions against them were always continued to a further date. Thus on June 8th they were continued to July 3rd. From this time the name of Patrick Hume of Polwarth disappeared from the list of Hume malefactors. On July 3rd, after due calling of the culprits, the actions were continued to August 2nd, on August 2nd to October 2nd, on October 2nd to November 6th, on November 6th to January 15th (1480-1) on January 15th to February 12th, on February 12th to March 19th, on March 19th to April 2nd. In April a full parliament was held, Albany and the rest were again called to judgment and on their non-appearance the actions were continued to May 2nd. On May 2nd parliament was held by specially deputed commissioners, the accused were summoned, did not appear and the actions were continued to June 18th; on June 18th they were similarly continued by commissioners to October 1st, on October 1st to November 5th, on November 5th to February 4th, (1481-2) and on February 4th to March 11th. After that the processes were allowed to drop. The next parliament, which met on March 18th, (1481-2), appears to have been a very baronial one and no mention was made of the processes against Albany and against Andrew Hume and his associates. The next following meeting of parliament was in December (1482) and by that time Albany himself had become the preponderating figure in the government of Scotland. This continuous postponing of Albany's trial may have been due to royal leniency. It may be that the King was unwilling to take too strong measures against his brother, On the other hand it may have been due to baronial pressure. Albany had been prominent in the opposition to the King, his fellow sharers in that opposition may have been responsible for the constant shelving of the process, "the request" of the Three Estates may have been really the influence of the barons and James may not have been very well able to resist.

82 During these fateful years, 1479 to 1482, the men most prominent in affairs were still those who had been so for some years past. The most frequent witnesses to charters were the Archbishop of St. Andrews, the Bishop of Moray, Keeper of Privy Seal, the Bishop of Glasgow, the Chancellor, Avandale, the Earl of Argyle, the Earl of Crawford, Lord Carlyle, Archibald Whitelaw, the King's Secretary, and Alexander Inglis. Sir John Colquhoun and the Bishop of Aberdeen were prominent signatories until their deaths respectively in 1479 and 1480. The names which appear most prominently on sederunts of council, until the record breaks off suddenly in August 1480, are those of the Chancellor, the Earl of Argyle, the Bishop of Aberdeen and, after his death, his elected successor, the Bishops of Glasgow and Dunkeld, William Elphinstone, Whitelaw, Alexander Inglis, John Ross of Montgrenan, Adam Cockburn, the Archbishop of St. Andrews, Lord Carlyle and Lord Darnley. The Earl of Buchan and Lord Gray appeared at times, while others like the Earls of Angus and Morton, the Earl Marischal, Drummond of Stobhall, the Lords Erskine, Kilmaurs, Lyle, Oliphant and others sat on one or two occasions.

82 The Register of Great Seal from 1479 onwards shows a marked increase of grants and confirmations to prominent members of the baronage. It seems likely that the King, in face of opposition, was making a bid to secure support. In 1479 a grant of lands was made to Argyle in January. In February a grant was made to the Earl of Buchan and his heirs of lands and rents which had belonged in/ removal of his brothers from the scene. The King, says Drummond, "fell

089-82
179 in turn to various people, including Lord Boyd, and which had been resigned after the recent general revocation by their latest holder, William Roger, "familiaris armiger". In April further letters of legitimation were granted to Lord Avandale and his brothers, Walter and Arthur, an especial grant being made to Arthur of the succession to the lands and lordship of Avandale, and to Walter to succeed Arthur in the same lordship. On the following day the lands and lordship of Avandale were confirmed to the Chancellor, with remainder to his brothers, Arthur and Walter. In October a regrant, after the general revocation, was made to the Earl of Angus of the lands and castle of Tantallon and other lands, "considering his faithful service", and a few days later an old charter to the Earls of Argyle was confirmed. Lord Seton and the Earl of Crawford had charters of their confirmed.

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79-82"fell upon two extreames. In his demeanour and conversation too familiar with his old Domestick Servants and Favourites, which rendered them insolent..... and too retired, reserved and estranged from his Nobility which made them malicious". At all events the baronial opposition to the King continued. In the conditions of medieval Scotland the contest could be decided in one way and one way only,— the resort to force. Parliament was but the obedient instrument of whatever party could command the greater force at the moment. Things done in parliament on one occasion were undone the next, its laws afforded no security, its guarantees no sacrosanctity. The nobles realised that the real arbitration would be by the strong hand. To facilitate their designs, to help to place the King at their mercy and to afford a legitimate excuse for the gathering of their forces they did their best to force on war with England, assisted in this by the intrigues of Louis XI. The Lords, says Pitscottie, "bore fair till they saw their time, knowing they could do nothing more in the matter till they were together in the field in camp or battle. To that effect some of them caused the Borders to be broken.....wherethrough came great reif and herryships in all countries...." Similar testimony is borne by other writers and there are further considerations which add to the conviction that the nobles for their own ends forced on war with England(1).

182 By the beginning of 1482 the war with England and the opportunities it afforded to the baronage seem to have given the nobles a position of preponderating influence, so that they were able to make the King accede to their will. Their influence appears to have been supreme in the parliament which met at Edinburgh on March 18th, 1481-2. The attendance was strongly baronial; the Earls present were Angus, Athole, Buchan, Errol and Morton, the barons were the Lords Graham, Erskine, Darnley, Borthwick, Oliphant, Maxwell, Cathcart, Gray, Kilmaurs, Glamis and Haliburton, with various "Masters" and smaller men. Neither Argyle nor Avandale were present. The acquittal of Lord Lyle by a baronial assize on a charge of treasonable correspondence with England, and a declaration by the King absolving his uncles, the Earls of Athole and Buchan, both of whom were later prominent in the baronial ranks, from all blame and all liability to prosecution for the taking of Edinburgh castle in his tender age, an action undertaken, it was stated, at the King's command, are themselves suspicious of baronial influence. Regulations were made for the prosecution of the war and the King declared his intention, probably inculcated by baronial preceptors, of causing justice to be equally administered to all his lieges by the advice of his prelates, lords and wise, discreet persons, and of putting all parts of the realm in good rule.

184 Before the end of June an English army commanded by the Duke of Gloucester and renegade Duke of Albany moved northward for the invasion of Scotland. Probably in July(2) a Scottish force with the King at its head moved southwards to meet it and encamped at the town of Lauder. According to Ferrerius the disaffected nobles led in a larger force to Lauder while the King was encamped there. Ferrerius' account of the events which befell at this time seems to be fairly reliable, but, whether the nobles arrived suddenly at the head of a rival force, or whether they had accompanied the King, the troubles between them and the court came to a head at the fateful town of Lauder. This was no sudden outbreak, it was the culmination of an opposition that had long been going on, it was probably too the final step in a baronial ascendancy that had been establishing itself for some time. On the other hand it is possible that the lust for blood once kindled and the intoxication of success may have carried the nobles further than they had intended at the outset to go.

King was placed under
by Conflicting accounts remain of the events of that day, or night, of violence, but the main outlines are clear enough. Pitscottie states that the most prominent figures among the insurgent lords were the Earl of Angus, Lord Avandale, the Earls of Argyle, Huntly, Orkney/

(1) Supra. Diplomatic History. (2) Chronicle at end of Winton.

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Orkney, Crawford and Bothwell (sic); the Lords Hume, Fleming, Gray, Drummond and Seton along with certain Bishops. Pitscottie's narrative is, however, highly untrustworthy. It is very improbable that either Avandale or Argyle were in the councils of the nobles. Both had long held high office under the King and had given him faithful service. What is more significant, both of them ceased in any way to participate in public business after the nobles came to power and both of them were superceded in office at that time. A more trustworthy list of the leading figures among the baronial malcontents is that given by Ferrerius, Lesley and Drummond, who narrate that the chief members of the baronial party were the Earls of Angus, Huntly, Lennox and Buchan, Lords Gray and Lyle "and several other noble and illustrious men". The nobles met in conclave, Lord Gray told the tale of the mice who wished to bell the cat but could find no one bold enough to do so. The magnates of Scotland, however, had more in common with the redoubtable rodents of Hamelin city than with the timid mice of the tale. "Delay not as to that", Angus is said to have exclaimed "leave me to bell the cat!" The King's sins were dilated upon, his addiction to "young counsall of unworthye vyle persouns" like Cochrane and the rest, the issue of a debased coinage, for which Cochrane was blamed, the exclusion of the nobles from the royal presence, the King's voluptuousness, who "had lychtlyit his awin nobill quene and intertanit ane howir callit the Daesie in her place"(1), the alleged murder of the Earl of Mar and the banishment of Albany. This was the baronial statement. The nobles did not stop to enquire whether the company of the King's associates might not be more salubrious than their own, whether they might not have brought it upon themselves that the King shunned them, whether their own morals were of so high an order that they could afford to censure others, whether the King was really guilty of Mar's death and whether both Mar and Albany had not deserved retribution at the King's hands.

Some of the chroniclers relate that the nobles sent an embassy to the King to point out to him his delinquencies and to exhort him to amend the error of his ways. Their most noteworthy demands were that the new coinage should be abolished and that the favourites should be handed over to the nobles for punishment. Faced by these arrogant behests the King, it is said, abandoned all thought of moderation, or of proceeding with any reforms that he had meditated and indignantly refused the barons' requests. These zealous reformers thereupon took the law into their own hands, executed the favourites and seized the King. Others narrate that when the nobles were busy with their colloquy, Cochrane, sent by the King to see what was afoot, arrived in their midst. He was subjected to insult and indignity, seized and bound. A movement in force was then made upon the royal quarters, the other favourites were seized and with Cochrane at their head were summarily despatched to seek favour in another world.

Whatever the circumstances it is evident that at Lauder the baronial Nemesis overtook the favourites. It is alleged that there perished on that occasion Cochrane, the martial and much exalted architect, Roger, the musician, Torpichen, the adept in the use of arms, Leonard, the cobbler, Preston, who is described as "a distinguished noble" and others. The older historians relate that only one of the favourites escaped, the youthful Ramsay, who was spared on account of his noble birth, his own exertions in self defence and self intercession, and the special intervention of the King. It is clear, however, that James Hommyle, the King's tailor, also escaped for his name frequently appears in later documents(2), doubtless to the great embellishment of the art sartorial. The King was placed under restraint, or in other words made prisoner by his own nobles, and was led back to Edinburgh castle where he was placed in confinement under the custody of his uncle, the Earl of Athole.

(1) Lesley. (2) Exch. Rolls. etc.

What then did the nobles rebel against? The traditional account is that the patience of the barons had been tried beyond bearing by the addiction of the King to low favourites whom he advanced to dignity and power and in deference to whom the royal authority was misused to their advantage, while the nobles were excluded from the King's presence. That the King took delight in the arts and crafts and showed himself favourable to those who were skilful in practicing them there is no reason to doubt, nor is it difficult to believe that he found the society of his boisterous nobility distasteful. Passages illustrative of the King's tastes, his love of building, his encouragement of medicine and so on, occur from time to time in the records but there is absolutely no authentic evidence for the alleged engrossing by the favourites of power, privilege and government. In the Treasurer's accounts it is noticeable that the chief recipients of James's charities, besides ecclesiastics and the poor, were the members of his household, his henchmen and pages. Of gifts to favourites merely as such there is little trace. Nor is there any trace of extensive gifts to his favourites before 1482. Cochrane is reputed to have been created Earl of Mar but no account of the creation, nor reference to Cochrane as Earl of Mar, survives in the records and there is no official account of large grants of lands or dignities either to him or to the other favourites. Neither do they appear to have been active in government. Their names appear neither in embassies, committees or sederunts of parliament, sessions of Council nor in the lists of witnesses to charters. On the other hand the chief figures in government seem to have been noble men like Argyle and Avandale, politically active clerics like the Archbishop of St. Andrews, or the Bishops of Glasgow or Moray, and men like Archibald Whitelaw, Alexander Inglis, Ross of Montgrenan or Duncan Dundas. It has been suggested that the names of the favourites were erased from the records after their fall. This may well be and it is probable that several royal gifts to them were obliterated in this way. On the other hand, however, if the favourites had been so very prominent in the business of state surely some record of their activities would have survived. In the sphere of diplomacy, for instance, their names could not have been erased from the English records.

One charge laid against the favourites, and especially against Cochrane, can hardly be maintained — that of causing debasement of the coinage and thus producing dearth. The deterioration of the coinage had been causing grave concern long before James III. succeeded to the throne and it continued to do so throughout his reign. As early as 1465 and again in 1466 regulations were made in parliament in an attempt to deal with the currency question. In the Middle Ages there was a constant shortage of specie. Enactments were therefore passed by the Estates to prevent money being sent out of the realm and to ensure that a certain amount of money should be brought in in exchange for exported commodities. It was also decided to issue a new copper currency in order to ease the financial situation (1466). In 1467 further currency regulations were made, necessitated by the low value of Scots money in comparison with that of other countries, and it was ordained that all coinage of "black pennies" should cease and that all utterers of "black" money should be punished. In January 1467-8 extensive regulations were made as to the currency and it was decreed that thenceforth there should be taken in payment only twelve pence of the "black money" in the pound. The financial question was constantly before parliament and regulations on similar lines continued to be issued. The issue of the famous "Black Coinage" cannot therefore be laid at the door of Cochrane. He may have issued a new coinage of his own, though there is no evidence outside the chroniclers for the circulation of the "Cochran-palk", but even if he did the financial crisis did not owe its origin to him and his new coinage, if any, may have been issued in an honest, though misguided, effort to improve the financial situation. Scarcity of specie and currency fluctuation hampered exchange, caused withholding of goods, gave occasion for roguery and induced great/

great hardship. But the economic plight of Scotland, a plight so serious that facetious economists called this "the time of starvation", was due to deeper causes than questions of coinage and concerned real wealth, not merely the media of exchange. For this plight the favourites could not be held responsible, but it is easy to believe that those who felt the grip of economic stringency would in blind anger attribute the distress and dearth to the supposedly malign practices and influence of the favourites at court.

It is impossible to prove that the favourites arrogated to themselves the government of the country but the charge might be laid against them that they engrossed the attention of the King and that he devoted his time and interest to them and to a dilettante's attention to their pursuits rather than to the business of government, the result being royal ineptitude and chronic misgovernment. No doubt there is considerable truth in this accusation. James may have given insufficient attention to the business of his kingdom and too much to a pursuit of the arts, and there was certainly much internal disorder and violence. Turbulence, however, was endemic in medieval Scotland. It had prevailed under the Boyds, who were, according to all appearances, able men, and it had been active even under the belauded Bishop Kennedy. For this state of affairs no one was more responsible than the nobles themselves and by rebelling against the King they were resorting to violence and license on a high scale. Resort to force may be justified when it is necessary in order to correct the perversity of an otherwise incorrigible authority. The arbitration of the strong hand might be the only method to correct the misgovernment of a bad King in medieval Scotland, but the hazard of force should be resorted to only very reluctantly and as a last resort. The Scottish nobles were too ready to resort to arms, and very much reliance cannot be placed upon the purity of their motives - that they were actuated by selfishness would be a safer assumption than that they were inspired by public spirit. Nor were their methods to be commended. They subjected national to party aims. Whether they tried to force on a war with England or not, and it seems probable that they did, they certainly struck their coup d'etat at a time of national emergency and their action left Scotland at the mercy of the advancing English army. Nor was to outrage the King and to murder his intimates a course well calculated to allay violence and misgovernment.

Furthermore it is difficult to believe that the King was a mere ~~ne'er-do-weel~~. A study of the records does not give the impression that James was a mere fatuous trifler, taking no interest in affairs of state, and there is evidence that he could exert himself on occasion. He had rid himself of the Boyds, he had checkmated his brothers and he was later on effectually to assert himself against Albany. His reign too had hitherto been prosperous enough, the Orkneys and Shetlands had been annexed, the Lord of the Isles had been curbed and the administration was improving - the growing infrequency, for instance, of intromissions with the royal revenue from farms and customs, as compared with former reigns, is indicative of advance in government.

If the King had been a mere cipher, too, the nobles would not have needed to resort to such active measures. They would rather have been glad to have a puppet King placed over them under whose nominal rule they could have indulged in an orgy of struggle for power and place. It would have been merely a welcome prolongation of minority conditions. The party disappointed in the struggle might, of course, rebel against the successful party, but that was not the nature of the baronial revolt of 1482. The government since the King's majority had been royal government, not the government of a successful baronial clique.

It is difficult then either to substantiate the view that the favourites assumed entire control of government or to maintain the case that they monopolised the King's attention with their frivolous pursuits so that he gave no heed to affairs of state. It might be held/

held that a middle view would be the correct one, that the favourites had too much influence with James as a King who was still the centre of the administration, but evidence would be hard to find and it would have to be determined whether, if such were the case, the influence of the favourites were sufficiently pervasive and sufficiently subversive to justify the action of the nobles.

Other factors, however, perhaps entered into the case. If it is difficult to find any trace of the influence of the maligned favourites in government it is obvious that the work of government in its administrative, diplomatic and supreme judicial functions, was to a very large extent carried on by a group of administrators surrounding the King. These men of affairs were partly drawn from the baronial ranks, as were Avandale and Argyle, or from the episcopate. The higher officers of state, like the Chancellor or Great Chamberlain, were always nobles or exalted clerics, and other nobles, who had no particular office, appeared from time to time in the transaction of state business. Especially prominent, however, were the smaller men, drawn from among the lower clergy or the lesser baronage, men like Archibald Whitelaw, William Knolles, James Lindsay, Ross of Montgrenan, Duncan Dundas and the rest. These men could almost be said to form a definite administrative class; some of their number were always included in the lists of witnesses to charters, on sederunts of Council, usually in diplomatic embassies and often on committees of parliament.

When Buchanan and Drummond wrote, in explanation of the baronial rebellion, that James had managed everything by his Cabinet Council, they were probably doing more than merely using a chance phrase. There seems to have been a great development of conciliar influence and power about the time of the reign of James III. The Council's new prominence in the realm of justice is well known. The continual council always had possessed judicial functions but it now succeeded to the powers of the Lords of Session, and the Lords of Council and Session became along with the parliamentary Auditors the supreme judicial tribunal. The very full terms in which cases were sometimes continued from parliament to council show how great were the judicial powers of the latter. The council, moreover, was evidently very prominent in the administration as well. Important matters of state were often left to be determined by King and council, knotty problems were frequently relegated by parliament to their discretion and the King and his council figured as the originating centre of government. The membership of council was small and was drawn mainly from the group of administrators that surrounded the King.

On the other hand the feudal position had undergone a definite change. The fall of the Douglasses and the discomfiture of the Earl of Ross proved that no single noble was strong enough to maintain himself against the King. The object of the magnates' ambition was no longer the creation of a palatine "liberty" - that, if used with the license needed to make it attractive, would probably be crushed by the King. Some compensation must be found. If government was going to control them should they not therefore try to control government? Nobles were always present in parliament and they were always represented on its committees; we find individual nobles intermittently signing charters and sitting at council meetings, when they chose, or were able, to present themselves at court.⁽¹⁾ Yet parliament had little of the prestige that its name implies today. It was the occasional general meeting, so to speak, at which great affairs and broad outlines of policy were discussed and particular grievances redressed. Its function was to advise and guide, perhaps to correct, government rather than to carry on government itself, and at any rate its dictates were often disregarded. At the same time, though individual nobles appeared occasionally at court or council, they could not give sufficiently assiduous attendance there and they would not be there in sufficiently large numbers on any ordinary given occasion to make their influence have enough weight. The nobles therefore seemed to be drifting towards something like political/

⁽¹⁾ That the nobles claimed a right to sit on the Council is proved by their claim during the minority of James III that prelates and great barons were to sit on the continual council at their coming as of right.

political insignificance. They, by traditional feudal theory the natural counsellors of the king, would probably resent the prominence of men of affairs drawn from classes lower than their own; they would, as their fellow-barons did in England, bear ill with the prominence of a royally controlled council in government. They might wish to oust both curialist administrators and sedulous council and run the government themselves, or perhaps they would merely wish to control them, especially when the teaching of experience would demonstrate to them that trained men and assiduous institutions were needed to conduct the work of government.

In the elusiveness of evidence, the absence of definite foundations for positive and unhesitating conclusions, it is wiser to suggest than to dogmatise. Any of these causes may have been responsible for the baronial revolt, perhaps, and more probably, it was due to all of them, or some of them, working together, perhaps it was due to some cause altogether beyond the ken of history, lost motives hidden in the night of time, while private feelings of discontent, resentment, revenge, ambition, envy, spite and the rest no doubt helped to swell the tide of faction.

Pitscottie narrates that during the King's imprisonment in Edinburgh castle nothing was derogated from his royal state. No regent, he states, was chosen, but every lord within his own bounds was sworn to do justice and enforce the peace. James, however, was a prisoner in his own capital city - even Pitscottie himself tells that he could not get out without giving pledges to his goalers, and that this he refused to do.

Meanwhile the way had been left open for the advance of the English army. The nobles in real or feigned opposition assembled in some force at Haddington but resistance was seen to be hopeless, the nobles abandoned their designs of opposition and the English army, under Albany and Gloucester, advanced to Edinburgh. There negotiations began with the Scots. James, it is said, maintained complete silence, refusing to answer the English demands(1). On August 2nd, 1482 the Archbishop of St. Andrews, the Bishop of Dunkeld, the Chancellor, Avandale and the Earl of Argyle undertook that if Albany would be faithful to James they would obtain his restoration to his lands and offices and secure pardon for him and his associates, save those specially excepted by the King by open proclamation in the last parliament(2). Tytler supposes that hints as to the designs of Albany and Angus to place the former on the throne had caused a separation of parties and that the main body of the nobility would show themselves hostile to any such project. That the greater part of the nobility would oppose the setting up of Albany as a puppet king under English suzerainty is very probable, but it is doubtful if any steps had been taken in this direction. It would be difficult to find evidence as to the hints alleged to have been thrown out by Angus and it is uncertain how far Albany seriously entertained the project of setting himself up as King of Scotland. That would be a useful attitude to fall back upon in time of need but for the present he would probably be well pleased to obtain pardon and restitution to his lands and offices under circumstances that augured well for his influence in the kingdom. The baronial opposition, of which he had been one of the first leaders, had triumphed; the way was open for him to reach a position of supremacy in Scotland if he once regained his old position there. This was exactly what did happen. Surely this betokens rather a return of Albany to his old position at the head of the baronial party than a division of interest among the nobles and a general distrust of Albany and Angus. The division of interest was rather between the supporters of the King and the baronial opposition. The Archbishop of St. Andrews, Avandale and Argyle saw that the position was hopeless and that some settlement must be come to with the English/

(1) Buchanan, Drummond. (2) Foedera.

(3) The question is fully discussed by Berkley & Hannay Arskot.

English and with Albany. How little favour these men enjoyed with Albany and the nobles of his complexion is shown by their removal from office and from participation in public affairs almost immediately afterwards.

The negotiations with England have already been dealt with. Parliament did not meet until December, (1482), there was no recorded sederunt of Council between October 2nd, 1480 and April 23rd, 1483 and in the register of Great Seal there are no entries for July (1482), only two for August and none for September. It is always very possible that the records may have been lost or mutilated but in view of the circumstances it seems probable that there was some¹⁸⁵ of an abeyance of ordinary government. Neither of the charters issued in August, on the 16th and 25th respectively, appear to be of any political significance. The first was a confirmation of a charter of William M'Gye selling lands to Blanche of Lennox, widow of Fergus Macdowell, and no list of witnesses to it survives. The second, a grant to George Lauder, son and heir apparent of Alexander Lauder of Haltoun, and to Catherine his wife, of lands resigned by the father, Alexander Lauder, was attested by John, Bishop of Glasgow, described as Chancellor, James, Bishop of Dunkeld, Andrew, Bishop elect of Moray, described as Keeper of Privy Seal, John, Earl of Athole, James Earl of Buchan, Great Chamberlain, Archibald, Abbot of Holyroodhouse, Treasurer, Thomas Lord Erskine, William Lord Borthwick, Archibald Whitelaw, Secretary, Patrick Leich, Canon of Glasgow, Clerk of Rolls and Register. The list is interesting as showing some of the leading lights of the baronial party. The successful nobles had evidently made new appointments to the chief offices of state. They had set up the Bishop of Glasgow as Chancellor instead of Avandale, the Bishop elect of Moray had been made Keeper of Privy Seal. The Great Chamberlain, the Earl of Buchan, was himself one of the insurgents and naturally continued in office. It is noteworthy that the Earl of Argyle, hitherto a constant signatory of charters, does not appear among the witnesses and that when next we have notice of a charter under Great Seal, on October 10th, 1482, the Earl of Crawford had succeeded him as Master of the Household. It is clear that, in spite of Pitscottie's statement quoted above, Avandale and Argyle were not in the councils of the insurgent nobles and according to all appearances they seemed to have remained faithful to the King. It is interesting to note that the smaller men, the Abbot of Holyroodhouse and Archibald Whitelaw, were continued in office. They were probably regarded as less dangerous, they would be looked upon as instruments whom it would be sufficient for the nobles to control without the necessity of replacing them.

There is a persistent tradition that the kingdom was now administered by Albany, Avandale, Argyle, Athole and the Archbishop of St. Andrews(1), but that on the later liberation of James by Albany these men fled in trepidation to their homes and that Scheves was replaced as Archbishop of St. Andrews by Andrew Stewart, Provost of Lincluden, while Scheves was relegated to the see of Moray. This statement is, however, untrue to the facts. The Archbishop, Avandale and Argyle retired from court as soon as Albany came to power. Avandale had already been replaced as Chancellor on August 26th and Argyle was probably removed from office about the same time. The alleged removal of Scheves from St. Andrews was not due to the King at all. The Archbishop had been forced to make a pretended resignation, being constrained by force and fear, and the man who was doing his utmost to succeed him as Archbishop of St. Andrews was Andrew Stewart, Bishop elect of Moray, associate of Albany and Keeper of Privy Seal under Albany's government(2). Scheves had manifestly remained loyal to the King, and Albany, despairing of attaching the primate to his cause, had associated himself with the ambitious and unscrupulous Bishop elect of Moray in an attempt to remove Scheves from the archbishopric(3). The withdrawal of Avandale, Argyle and Scheves from court and from participation in the government/

(1) Ferrerius, Lesley, Drummond. (2) A.P.S. Index VOL. p.31.

(3) The question is fully discussed by Herkless & Hannay-Archbps. of St. Andrews.

government was with the withdrawal, or perhaps the expulsion, of men loyal to the King on the unequivocal advent to power of Albany and his party. They may have remained active in government even after the catastrophe at Lauder in an attempt to maintain the King's interests; their negotiations with Albany and the English were a recognition of the inevitable and an attempt to make the best terms they could for the King in an almost impossible situation. Their removal from office and influence at once on the advent of Albany to power proves that they were unpopular with him and his supporters and the natural ground for their unpopularity would be their loyalty to the King.

Albany soon determined upon a rather bold stroke in order to strengthen his position. With the help of the citizens of Edinburgh, who on several occasions showed themselves possessed of commendable public spirit and loyalty to the King, he set free his royal brother from his imprisonment in Edinburgh castle, restoring him to his royal dignity. Albany may, as the older writers allege, have been encouraged to take this step by the entreaties of the Queen, but his action brought certain definite advantages to himself. It at once placed him in a position of advantage over the other nobles, who may perhaps have given some signs that the prince who had returned to Scotland at the head of an English army was not so popular as of yore; he could calculate on the King's gratitude establishing his position in the country and he could hope to maintain himself as the real ruler of Scotland with the King as his puppet - a position that both looked better and offered greater security than the ascendancy of a successful faction who had rebelled against and imprisoned their King. Perhaps the King's "liberation" was merely a courteous expression, as unreal as his former "liberation" by the Boyds from his duration under his guardians. The results at any rate were not dissimilar. According to the chronicle at the end of Winton the King's confinement ended at Michaelmas (September 29th). For a time the two brothers remained on terms of the utmost cordiality, apparent or real, and Albany reaped rich reward in office and emolument from the King's gratitude, real, feigned or constrained. Perhaps the King was really grateful to Albany and genuinely wished to reward and honour him, perhaps he merely feigned goodwill to his ambitious brother, biding his time until he could assert himself against him, perhaps Albany had the King entirely under his authority so that James had perforce to acquiesce in his brother's assumption of power.

In any case the ascendancy of Albany was indubitable. On November 16th (1482) the King granted, renewed and confirmed to the corporation and community of the burgh of Edinburgh and their successors forever, the customs and issues of the port of Leith, for their services in helping Albany to liberate the King from Edinburgh Castle, where he had been detained against his will. The charter stated that the citizens had placed their lives in peril in besieging the castle but no doubt Albany would see to it that the difficulties and perils of the enterprise would be dilated upon as much as possible, no casualties are recorded and perhaps the liberators of the King did not meet with much resistance. On the same day, November 16th, a letter under Great Seal was issued to the burgesses and community of Edinburgh, granting them the privilege that the provost elected by them should always be sheriff within the bounds of the burgh while the baillies should be his deputies. (1) The requital of his accomplices in freeing the King from confinement reflected to the renown of Albany, who assuredly did not lack his own reward. In parliament on December 11th, 1482 the anxious Estates decided that since the Borders were daily invaded and ^{the English} oppressed by the English, and since it was not in accordance with the King's honour to put his person daily in danger, that therefore it should please his majesty "to speak to his brother the Duke of Albany to take upon him to be Lieutenant General of the realm" in order to defend the Borders and to resist the King's enemies both of England and others at all times of need. Advice was to be taken how Albany should/ (2) Ibid. (3) Ibid.

(1) R.M.S.

82 should be "supported to bear the great charge and costs of the said
office etc. according to the King's worship". In January 1482-3
83 a charter was issued in which it was stated that the King, considering
the faith, loyalty, love, kindness, brotherly charity and other
virtues of the exemplary Alexander, Duke of Albany, Earl of March,
Lord of Annandale and Man, Lieutenant General of the King, Admiral
of Scotland, Guardian of the Eastern and Western Marches, shown the
King in liberating him from imprisonment in Edinburgh castle,
Albany thereby exposing his person to great danger, granted, with
deliberation of his great council, to the Duke of Albany and his
heirs the lands and earldom of Mar and Garioch, with all lands and
lordships pertaining to them, with the castle of Kildrummy and
other fortresses, to be held in free regality(1).

2— Albany was the real ruler of the kingdom. At once on his
2-3 accession to power a change took place in the personnel of those
who conducted the affairs of the kingdom. After October 1482
the most prominent witnesses to charters under the Great Seal were
the Earls of Athole and Buchan, the Earl of Crawford, Lords Borthwick
and Erskine, and to a lesser extent Lord Darnley, the Bishop elect
of Moray, the Bishops of Glasgow and Dunkeld and the Abbot of
Holyroodhouse. Archibald Whitelaw continued to be a frequent
witness and a new and prominent figure was introduced into the
administration in the person of Patrick Leich, Canon of Glasgow, who
became Clerk of Rolls and Register. No records of sederunts of
council survives. The episcopal and baronial representatives on
the Committee of the Articles in Albany's parliament of December, 1482
were the Bishop of Dunkeld, the Bishop elect of Moray, the Secretary
Whitelaw, the Dean of Glasgow, the Earls of Huntly and Crawford, Lord
Borthwick and Lord Cathcart. The Bishop of Glasgow was Chancellor,
being appointed before August 29th, the Bishop elect of Moray,
appointed before the same date, was Keeper of Privy Seal, the Earl of
Crawford became Master of the Household, Buchan remained Great
Chamberlain, Whitelaw continued as Secretary and the Abbot of
Holyroodhouse as Treasurer(2). Bishop Laing of Glasgow died on
January 11th, 1482-3 and was succeeded as Chancellor by the Bishop
of Dunkeld(3).

Some documents under the Great Seal are worthy of note. On
December 13th, 1482 the custody of the castle of Dundonald was
entrusted to Lord Cathcart and his heirs, Cathcart receiving therefor
the domain lands of Dundonald and other lands adjacent to the castle,
which John Ross of Montgrenan formerly held of the King for custody
of Dundonald castle. On December 16th a grant was made to Alexander
Gordon, heir of the Earl of Huntly, and to his wife, the daughter
of the Earl of Athole, of lands "which the said Earl resigned".
Charters of the Earl of Crawford and Lord Gray had been confirmed
in October. On January 10th, 1482-3 Lord Abernethy received
confirmation of various lands, incorporated by the charter in one
free barony of Abernethy. The Earl of Angus had numerous charters
confirmed in the early part of the year 1483 and Lord Kennedy and
his wife, Elizabeth, Countess of Errol, received a grant of lands
in January.

13 The cordiality between King James and the Duke of Albany did
not last very long. Albany seems to have been much less popular
than he had been in the past. His treachery with England, as to
the full extent of which some knowledge was evidently leaking out,
could not but lower his prestige and good fame in the eyes of his
countrymen and the other nobles would probably resent the manner in
which he had stolen a march upon them by liberating the King.
Before long Albany was again in treasonable communication with the
King of England. On January 12th, 1482-3 he commissioned the Earl
of Angus, Lord Gray and Sir James Liddale of Halkerston to treat
with the English King on the subject of the agreements made between
them at Fortheringhay. On February 11th a treaty was concluded
between/

(1)R.M.S. (2) Ibid. (3) Ibid.

between Albany's commissioners and the Earl of Northumberland, Lord Scrope and Sir William Parr, as commissioners of Edward IV., by which it was agreed that Albany should do his utmost to obtain the Scottish crown with English help and that he should thereupon enter into close dependent alliance with England. It was promised on behalf of Albany that he would never be reconciled to James, and his ambassadors declared that if Albany and his heirs should de cease they would live under no other allegiance save only that of the King of England. Two constructions might be placed upon Albany's conduct. On the one hand it might be supposed that he had never abandoned his designs of obtaining the Scottish crown with the aid of England and that he resumed his activities in that direction as soon as he had established his position in Scotland. On the other hand it could be argued that James soon began to assert himself against Albany, whether their fraternal reconciliation had been real or feigned, though in this case the latter would be the more probable supposition, and that the Duke, seeing the weakness of his position and understanding that his ascendancy was in danger of being brought to an end, returned to his old designs and resorted again to treason with England.

There is a unanimous tradition among the older historians that certain persons set themselves to poison the King's mind against the Duke of Albany. This may be so but it would surely need no exhortation from others to convey to James a realisation of the indignity of his position or to convince him that Scotland was rather too small to contain him and his ambitious brother in comfort. He evidently set himself to reduce Albany from his dominant position and to assert himself against him. Details are obscure and hard to come by but it seems that James exhibited considerable tenacity of purpose while the majority of those who counted in the country were evidently not sorry to see Albany suffer a reverse of fortune. The King was evidently able to bring pressure to bear upon Albany. By January 1482-3 he had managed to secure the return to court of the Archbishop of St. Andrews, who from that time continued to be a frequent witness to royal charters. The Earl of Argyle and Lord Avandale reappeared as witnesses to documents under Great Seal in March, but by then the fortunes of Albany had suffered a serious decline.

The courses adopted by Albany in face of developing adversity were ill-calculated to improve his position or his credit. His treasons with Edward IV. have already been noticed. At home he accused the King of hatching, or at least countenancing, a plot to poison him(1) and even arrested certain persons whom he alleged the King had commissioned to destroy him(2). It is said that he even made an unsuccessful effort to seize the King(3).

Albany's star was on the wane. On 16th March, 1482-3 an indenture was drawn up between the King and Albany which was signed by the former at Edinburgh and the latter at Dunbar on March 19th(4). By this it was agreed that the King should take Albany in "heartly love, favour and tenderness in time come", that he should forgive him his crimes and trespases and give him letters under Great Seal of absolution and rehabilitation. Albany's associates in delinquency were to have similar pardons and letters thereon, Albany being bound to forward their names to the Chancellor within twenty days and making faith not to ask pardon for any but those who had been associated with him. The King promised to give Albany letters under Privy Seal, guaranteeing him security in the future, and engaged that he should "stand in time to come good and gracious prince to him as to his tender brother and true liegeman, he keeping his loyalty" to the King. The Lords of council were also to give letters of security under their seals and signs manual that Albany should never suffer damage in life or person from them, their council or others, while he remained loyal, as far as they could prevent it. To allay the slanderous rumour that Albany "was poisoned" in/

(1) Indenture between the King and Albany, A.P.S. Index. Vol.p.31. Lesley, Holinshed. (2) Indenture between the King and Albany. (3) Lesley - De Origine, Moribus et Rebus Gestis Scotorum. Original letter of Jas.III.to Arbuthnot. Tytler. (4) A.P.S. Index Vol.p.31.

82 in the King's presence and palace. Albany was to declare in full parliament that he never had been poisoned "nor his deid be na maner of way imaginitt" by the King or any other persons by council, command, knowledge or consent of his Highness. Albany was to break all treasonable leagues, contracts and appointments made with the King of England and others "the time that he stood in the displeasure of our sovereign lord". The Duke was therefore to write letters under his seal to the King of England annulling the appointments made with him and these letters were to be delivered to the King of Scots to be forwarded to England at his pleasure. In similar fashion Albany was to renounce all bands with persons within the realms of Scotland or England, and especially he was to break off his unlawful contracts with Andrew, Bishop elect of Moray, the Earls of Athole, Angus and Buchan, Lord Creichton, Lord Gray, Sir John Douglas of Morton, Alexander Hume, nephew of Lord Hume, Sir James of Halkerston and all others with whom he had had unlawful collusion. The Earls of Buchan and Angus, Lords Creichton and Gray, and Sir James Liddale were to discharge themselves "by their letters and seals to the King of England and to all Englishmen" of all treasonable bands made with the sovereign or subjects of England and faithfully promise never to make any such bands in time to come. Because Albany had taken Alexander Hume and certain of his friends and kinsmen and kept them under detention "by information" that they should have taken or slain him at the King's command, which the King declared to be untrue, he was therefore to liberate them within twenty-one days. Albany was also to "oblige himself" that he would in no manner, secret or open, by night or day, come within six miles of the place of residence of the King without special license. The King on the other hand was not to charge him in future to come personally to him without his own consent. Albany was further to oblige himself loyally and truly to exercise his offices of Wardenry and Admiralty, both in peace and war, to punish trespassers and do his best to keep the country in peace and to check violence and depredation. The Duke in future was not to exercise in any way the office of Lieutenant General within the realm, but should "discharge him thereof now in continent". He was also to use his best endeavours, without dissimulation or guile, to procure peace with England and the consummation of the marriage alliance formerly arranged with that country. Albany was to "renounce and put from him" the Bishop elect of Moray, the Earls of Athole, Angus and Buchan, Lords Creichton and Gray, Sir John Douglas of Morton, Alexander Hume and Liddale of Halkerston, and not hold them in daily household in time to come; and he was to give the King letters of "manrent and lautez" under his seal and subscription manual, to endure for his life. The Bishop elect of Moray, the Earls of Athole, Angus and Buchan, Lords Creichton and Gray, Alexander Hume and James Liddale or any smaller persons who were summoned to parliament were not to come within six miles of the King unless they were granted special license(1). John Douglas should have license to come to his father's place but he was to come no nearer the royal presence. Buchan was to resign into the King's hands the offices of the Great Chamberlainship, the Guardianship of the Middle Marches, with the keeping of the castles of Newark and Methven and the office of baillery of Methven, with its fees, to be disposed of at the King's will. Angus was to resign the offices of Great Justiciar to the south of the Forth, the stewardship of Kirkcudbright, the custody of the castle of Threave and the sherriffship of Lanark, with the fees thereof. He was also to give over to the King the ward and marriage of the heir of Dalwalsey, to be disposed of by the King to Angus or others as he thought fit. John Douglas was to demit his office as sheriff of Edinburgh. The Earl of Buchan, Lord Creichton and Sir James Liddale were to remove themselves out of the realms both of Scotland and England and not return again to either within the space of three years, without special license of the King. They were to leave Scotland within eight/

(1) If the dwelling of any of the smaller persons were within that distance they would be given license to come there but no nearer the King on pain of death.

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eight days after the following Whitsunday. During the time of their banishment all actions against them were to be suspended until their return, but in the meantime, before their departure, they were to answer at law to the King and his subjects. Albany in order to please the King was to take into "heartly favour and tenderness" the Archbishop of St. Andrews, and to promise that he would not in future occasion him, or cause to be occasioned to him, any trouble or vexation in his person or benefice; and especially that he would not "take any part" against him with the Bishop elect of Moray, if he would tend to trouble or vex the Archbishop in his benefice "throw the pretendit procuratouris of resignacioun therof that he wes throw force aw and dreid compellit to constitut and mak as is notorly knawin". Albany was also to take into cordial favour, friendship and tenderness all the lords and persons of the King's council, they binding themselves "to keep their part to him as to our sovereign lord's brother and their loyalty as before expressed and shall be contained in their letters thereupon". For the "observing, accomplishing and fulfilling" of these engagements, the King, Albany and Lords of Council were solemnly to bind themselves by oath and the King and Albany were each to affix their seals to the part of the Indenture retained by the other.

Albany had suffered a great reverse of fortune. He had undergone the humiliation of having his crimes acknowledged, he had been compelled to forswear the company of his associates in treason, he had been deprived of his office of Lieutenant General, it had been insisted that he must in future behave as a good and faithful subject and he had been ordered to refrain from coming within six miles of the King. The last provision he had somewhat wrested to serve his own purposes by stipulating that he should not be called to the royal presence, where he had alleged his life was in danger, without his own consent, and, considering the magnitude of his trespasses, he had been treated with considerable leniency, receiving the royal pardon and being left in possession of all his offices except that of Lieutenant General. Experience had shown, however, that royal pardons and guarantees of security in medieval Scotland were not to be trusted in too confidently; they could be, and often were, revoked when the King felt strong enough or felt provoked to do so, and there was never wanting an excuse to give formal justification to such retrogression. Albany perhaps realised this and persuaded himself that his position besides being one to occasion some sensitiveness was also delicate and insecure. At any rate he did not long abide by his promises made in the Indenture, with its pledges of good behaviour and faithful loyalty. He withdrew to Dunbar and entered once more into communication with his partisans, Lord Creichton, Liddale of Halkerston, both of whom he had so lately solemnly promised to "renounce and put from him", and others(1). Liddale was sent to England to renew communication with Edward IV.(2). As a result the English poursuivant, Blue Mantle, was sent to Albany bearing written commissions(3). Soon afterwards Albany went himself to England(4), the better to prosecute his designs there. At his desire an English garrison was despatched to Dunbar and let into the castle by Gifford of Sheriffhall, whom Albany had instructed to do so. Albany busied himself with intrigue in England, concerting measures with Douglas and others(5). In Scotland Lord Creichton and John Liddale, eldest son of Liddale of Halkerston, were active in his cause, kept up communication with him and fortified their castles of Creichton and Halkerston respectively in his interests(6).

Claremont Parliament was held at Edinburgh on June 27th, 1483. Albany was summoned to answer for the treasons recounted above - sending Sir James Liddale with traitorous writings to England, receiving the/

(1) A.P.S. - Forfeitures of Albany and Liddale. (2) Ibid. (3) Ibid. (4) Ibid. (5) Supra. Diplomatic History. (6) A.P.S. Forfeitures of Creichton and John Liddale.

the English envoy, Blue Mantle, treasonably passing to England without the royal license in order to induce the English to invade Scotland, to the destruction of its King and his kingdom, these treasons having been committed by Albany after the graciousness recently shown him by the King in the matter of his former heinous traitorous delinquencies. On the same day Liddale of Halkerston was summoned to answer for his treasonable complicity in these crimes of Albany. Both Albany and Liddale were in England and naturally neither appeared to answer the charges. The summonses were accordingly continued and repeated almost daily until July 8th, Crawford and Argyle being Justiciars. On that day in the presence of the King and the Three Estates the letters of summons and their endorsements were presented, judgment was demanded by John Ross of Montgrenan as Advocate for the King, Albany and Liddale were declared guilty and adjudged to have forfeited their lives, lands, goods and all possessions whatsoever to the King.

On July 9th parliament was continued to the 6th October, power of the whole parliament in certain matters being entrusted to a commission. These "certain matters" included the proceedings against the persons who withheld Dunbar castle or any other castle from the King and who were under summons or whom his Highness should cause to be summoned. The Lords of the Commission were also to have power to annex to the crown such lordships and lands as they thought expedient of the lands which had come into the King's hands by the forfeiture of Albany and Liddale of Halkerston, so that thereafter his Highness might be advised how he would dispose of the remnant to the rewarding of his true lieges who had in the past done and would in again in the future do his Highness good and true service.

In February 1483-4 parliament was held again at Edinburgh. On February 19th "the court of parliament was affirmed in presence of" Thomas Lord Erskine, Thomas Lord Fleming, Laurence Lord Oliphant, Alexander Lord Glamis and John Lord Kennedy, commissioners of parliament "ad infrascripta". Four summonses were read. By the first Lord Creichton was summoned to answer for his counsel and assistance to Albany in sending James Liddale to England, in receiving the envoy Blue Mantle, in Albany's passage to England in order to machinate English invasion, for his treasonable sending of divers letters to Albany in England by a certain chaplain, Thomas Dickson, after Albany's forfeiture, for his fortification of Creichton castle and assistance to those who held it against the King's command. John Liddale, eldest son of Liddale of Halkerston, was summoned for similar counsel and assistance to Albany in his crimes, the list being the same as that in Creichton's indictment, and for his treasonable munition of the castle of Halkerston in contravention of the King's mandate under Privy Seal to the persons who were in the castle for the surrender thereof. David Purves ~~was summoned~~ was summoned for counsel and assistance to Albany in his treasonable fortification and supplying of the castle of Dunbar and in handing the said castle over to the English and also for accompanying Albany in his treasonable passage to England. Gavin Creichton and numerous others were summoned to answer for treasonable munition and detention of the castle of Creichton, in contravention of royal mandates and acts of parliament, and for "other treasonable crimes and rebellions". None of the parties arraigned appeared and the summonses were continued to the following day. On February 20th the summonses were again read in presence of the Earl of Argyle and Lords Avandale, Glamis, Oliphant, Cathcart, Fleming and Borthwick, as parliamentary commissioners, and, the accused not appearing, were continued to the following day. On the 21st the same process was repeated before Lords Erskine, Oliphant, Fleming, Borthwick and Glamis and again continued to the following Monday. On the 23rd. the delinquents were again summoned in presence of Lords Erskine, Oliphant, Borthwick, Glamis and Fleming and the causes of summons were again continued to the morrow. On February 24th, the Estates being assembled and the King present in person, letters of summons served on Lord Creichton were presented with certification that they had been duly executed, Lord Creichton was "oftymes callit" and failed to/

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to appear, Ross of Montgrenan, as King's Advocate, asked in the royal name and authority the judgment of parliament. Lord Creighton was pronounced by the Estates to be guilty of treason in all the points of the arraignment against him and he was sentenced to have forfeited to the King his life, lands, goods, offices and all possessions whatsoever that he had of the King within the realm of Scotland, these to remain with the King and his heirs forever(1). In the same way process was taken against and judgment was passed upon John Liddale of Halkerston, David Purves and Gavin Creighton and his accomplices in the fortification and detention of Dunbar and similar sentences of forfeiture were served upon them.

The subsequent career of Albany has been already dealt with. The death of Edward IV. happened opportunely for Scotland but Edward may in any case have been veering towards a policy of friendship with Scotland and thus may have been inclined to do less for that monarch's turbulent brother. At the beginning of Richard III's reign Albany and the exiled Douglas invaded Scotland at the head of a small body of Englishmen but they met with very little support in Scotland and were defeated at Lochmaben (July 1484). Douglas was taken prisoner and confined at Lindores. Albany escaped to England but being received there less cordially than heretofore he betook himself to France where he was killed soon afterwards at a tournament by a splinter from a shivered lance — an appropriate death for this "father of chivalry". On May 26th, 1485 process of forfeiture was led in parliament upon James Gifford of Sheriffhall for his treason in assisting Albany to levy war against the King, for his complicity in sending Liddale to England, in receiving Blue Mantle poursuivant, in surrendering Dunbar castle to the English, in taking part against the King's authority in the fight of St. Magdalen's day (Lochmaben) and for other treasonable transgressions. Gifford was found guilty and was sentenced to forfeit to the King his life, lands, goods, offices and all his possessions held of the King within the realm of Scotland, these to remain forever with the King and his heirs. Dunbar castle was held by the English until the death of Richard III., when it was recovered by the Scots.

And so the King had "come into his own again". After the uprising at Lauder and the ascendancy of Albany the government had returned to its normal state. But it was not as if the past had never been. It left memories that would be hard to allay, memories of baronial insurgence, of outraged royalty, of ruthless violence to those who had stood high in the King's esteem. James III. would have required to be more than human to forget entirely the indignities he had suffered and the murder of those who had experienced his favour. The nobles knew they had gone far in opposition to the King; the troubled waters had been quietened for the moment but the fear of royal retribution would always hang heavy over baronial heads. Rebellion had been tried and had proved for a time largely successful, the possibility and the fear of a repetition of that dread experiment would always be a skeleton in the national cupboard. A situation had been left which it would require the highest statesmanship to steer the nation safely through, which, perhaps, if the Nemesis of misfortune clouded the course of affairs, it might be beyond the power even of the most able men to bring to a happy issue.

Large changes in the official personnel followed the King's return to power. Before September 1483 the Earl of Argyle became Chancellor(2)his predecessor, the Bishop of Dunkeld, having died(3), the/

(1) It is said that Creighton was specially obnoxious to the king because he had seduced James's sister in retaliation for the seduction of his wife by the King. (2) R.M.S. (3) Crawford-Officers of State.

83-84 the Earl of Crawford, who had for some time been Master of the Household, became Great Chamberlain in succession to the discredited Buchan(1), David Livingstone, Rector of Ayr and later provost of Lincluden, had become Keeper of Privy Seal in January 1483(2), Alexander Scott became Clerk of Rolls and Register in succession to Patrick Leich(3), Archibald Whitelaw remained Secretary(4) and William Lord Borthwick became Master of the Household early in 1484(5). These men all continued in office until the closing days of the reign(6).

The King evidently did not neglect to reward those who had been faithful to him in adversity. On April 29th, 1483 a grant was made to Argyle of various lands in the King's hands by reason of the forfeiture of the Duke of Albany, the lands in question being united in one free barony of Pinkerton(7). Grants were made to the King's "familiaribus armigeris" John Ramsay, Stephen Lockhart, John Hume and others(8). Ramsay was given the barony of Bothwell and the grant was confirmed in parliament in February 1483-4. On January 11th, 1483-4 a grant was made to Alexander Hume of Hume and his heirs of the lands and patronage of Chernside, in the King's hands by the forfeiture of the Duke of Albany(9). Those who had opposed Albany and Douglas at Lochmaben were rewarded. For resisting Albany and Douglas and their English accomplices grants of lands, office or other favour were made to Herbert Johnston, Thomas Carruthers, Robert Creighton of Sanquhar, Edward Creighton and Alexander Kirkpatrick, the captor of Douglas(10). On September 27th, 1484 a grant was made to the Earl of Crawford of lands in the King's hands by reason of Albany's forfeiture.(11)

On February 7th, 1483-4 lands pertaining to Lord Creighton were granted to Lord Borthwick in lieu of a payment for spoliation which Creighton, who proved not distrainable in moveables, had been adjudged by the Lords Auditors to pay to Lord Borthwick, Creighton to have regression if he paid the sum in question within seven years. Further appropriations of lands to successful litigants in pursuance of judicial sentences against them were made from Lord Creighton and the Earl of Buchan(12). It may perhaps be significant that these sentences against them were passed and retribution exacted in the days of their adversity.

84-88 The most prominent witnesses to charters during 1484, 1485 and 1486 were the Archbishop of St. Andrews, the Bishops of Glasgow and Aberdeen, the Earls of Argyle and Crawford, Lords Avandale and Borthwick, David Livingstone, Keeper of Privy Seal, Archibald Whitelaw, Secretary, and Alexander Scott, Clerk of Rolls and Register. After 1485 the Bishop of Dunkeld became a frequent witness. Others appeared much less often. In 1487 and the early part of 1488 the Bishops of Aberdeen and Dunkeld, the Earls of Argyle and Crawford, Lords Avandale and Borthwick and the officials, Livingstone, Whitelaw and Scott, remained among the most frequent attestators, along with the Earl of Errol, Lord Carlyle and Lord Bothwell - the favourite Ramsay, who, as Lord Bothwell, had signed one charter in 1484 and one in 1486. Others who became more conspicuous towards the end of the reign were Andrew, Bishop of Moray, James Bishop of Dunblane, the Lords Kennedy, Forbes Kilmaurs, Maxwell and Lindsay of the Byres. The Earl of Athole signed three charters in 1488, the Earl of Angus three, the Earl of Morton two and the Earl Marischal two. The most prominent figures on sederunts of Council in 1484 and 1485 (after which for the rest of the reign no record exists) were the Archbishop of/

(1) R.M.S. (2) Ibid. (3) Ibid. (4) Ibid. (5) Ibid. (6) Ibid. In a charter, May 15th, 1485, the Earl of Buchan is again designated Great Chamberlain - probably a slip in the R.M.S. (7) Ibid. (8) Ibid. (9) Ibid. (10) R.M.S. (11) Ibid. (12) A.D.A. R.M.S.

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of St. Andrews, the Bishop of Aberdeen (Elphinstone), the Bishops elect of Glasgow and Dunkeld, the Earl of Argyle, the Earl of Morton, Lords Avandale, Oliphant, Hailes, Gray, Carlyle, Kennedy, Lyle, Erskine, Stobhall and Ogilvie of Airlie, John Ross, Richard Lawson, Archibald Whitelaw, The Provost of St. Andrews and the Preceptor of Torfichen. Those men who were most notable as witnesses to charters or as members of council were also among the most prominent figures in the lists of those who attended parliament or served on its committees.

The King was probably not unaware of what the baronial revolt against him signified and portended. On his re-emergence to his royal dignity and authority he seems to have determined to adopt a policy of firm and good government as a retort to the baronial position. It may have been his advisers who saw that such a course was desirable and set themselves to obtain it. At any rate the acts and decisions of parliament seem to indicate something of a reconstructive royal policy.

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In parliament held at Edinburgh in February 1483-4, the same session in which Lord Creichton, John Liddale, David Purves and the rest were judged and forfeited, various acts were passed in an attempt to improve the state of the country. Regulations were made for the gathering of the lieges, accoutred for war, to the King or his Lieutenant on eight days notice, for the holding of wapinshaws, the punishment of delinquents and the preparation by the sheriffs of a muster roll of defensible persons within their respective shires. Arrangements were made for the siege of Dunbar castle. It was thought expedient that the King should do justice on such persons as had assisted Albany in his treasons, and that inquisition should be made in all parts in order to find out such persons as had given assistance or favour to treason so that they might be punished with such rigour, according to justice, that their fate would be a deterrent example to others in time to come. The Lords of the Estates, also, considering the great treason, slaughters, reiving, thefts and other enormities so commonly perpetrated, and the disobedience to and contempt of the King's authority, thought it expedient and counselled the King that he should cause Justice Ayres to be set and held generally throughout the realm, with such authority that trespassers should be punished without favour. They also advised that the King should, with advice of the Lords of his Council, commune with certain Lords and headmen of the Borders and others for the apprehension of masterful trespassers, fugitive from the law, and perpetrators of violence, and that Wardens should hold Wardens' courts as often as should be required and punish malefactors without favour. Allusion was made to the necessity of providing a Warden for the West Marches; it was declared that the King had "closed his hand" from the giving of remissions or respites in time to come to those committing treason, slaughter, forethought felony, common theft or manifest reif within the country for three years to come.

An attempt was made to infuse vigour and order into other branches of the administration. In the matter of the withholding of the King's mails, rents and farms, upon which his estate and household should be maintained, parliament thought expedient that the Master of Household and the Comptroller should find out where the King's rents and farms were being withheld and that the Master of Household and other Lords of Council should go and distrain the officers in these parts and bring to the King those persons who disobeyed his authority and withheld his rents. Attendance at parliament was also a subject of consideration. The Estates declared their understanding that Estates and Lords who did not come to parliament to give counsel for the welfare of the realm had defaulted and were worthy of blame and referred "the blame of them to the King's Highness". In view of the divisions and discords between/

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between the lieges, barons and others, it was thought expedient, in order that a united front might be maintained against the English enemy, that the King should cause the great Lords to be summoned before him and his council and put them in friendship and concord before they left his presence. The King was to command his Justices and Lords serving on Justice Ayres similarly to call before them all smaller persons and obtain freindship, unity and corcord between them. Sheriffs, bailiffs and other officers were to take a copy of these articles before they should depart so that they could not shelter behind the excuse of ignorance of them.

In the old question of impetrations made at Rome contrary to the King's alleged privilege during episcopal vacancies, the Estates decided that all former acts on this subject should be put in execution against offenders therein. The Chancellor was required to write the Pope "of the realms behalf" in defence of the King's patronage when so required.

Regulations were made for the issue of certain new coins, the standardisation of the currency, the reappointment of the financial officers of Warden and Coiner with their fees, the inbringing of bullion, the prevention of the export of undue sums of money to Rome by clerks in pursuit of promotion or pleas in the papal Curia and the putting in execution of former acts as to the searching at all ports and havens for money being exported.

Parliament was evidently doing its best to find remedies for the various ills that beset the country. It is doubtful, however, how far the suggestions of the Estates would be carried out in practice. Parliamentary legislation in medieval Scotland was more honoured in the breach than in the observance. A period of strong, active and firm government would undoubtedly be immensely to the general benefit of the country but it is doubtful if it would be acceptable to certain interests therein. In particular the more turbulent and ambitious spirits among the nobility might not be disposed meekly to underlie the law or quietly to submit to the firm rule of royal government.

Ferrerius states that after the King's recovery of power the nobles who had leagued themselves against him at Lauder retired from the centre of affairs and "betook themselves in different directions to secret places to wait there until some more auspicious opportunity should offer whereby they could return into favour", and that, though the King seemed to have forgotten the past, those who had rebelled against him could not trust him. This distrust, he avers, grew greater and more pernicious until at last it produced the civil war that ended the reign. Drummond of Hawthornden maintains that James in his last years turned "exceeding religious", began to suppress oppressors and defend the rights of the poor, sat in council daily and was assiduous in government. The King, says Drummond, thus winning the love of the people, the nobles were driven to "new meditations" against him and turned again to discontent and rebellion. Buchanan states that James reverted once more to his old courses, to voluptuousness, favouritism and exclusion of the nobles. He avers that the King thought of nothing but revenge, and, seeking to obtain it by subtlety, made grants and feigned friendship to his intended victims. At any rate it is clear that the events of the memorable years which began the decade had left their legacy of suspicion and distrust. Men would have to tread warily if the malign influences that these years had left behind them were to be prevented from breaking forth anew into virulence and strife.

In the parliament which assembled at Edinburgh in May 1485 there was further legislation seeming to betoken an attempt at vigorous government. It was ordained that the freedom of the church should be maintained as under the King's progenitors. Clerics suffering injury were to complain to the King and council, reformation and amends were to be made and the culprit was to be duly/

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 duly punished. It was thought expedient to maintain a peaceful policy with England and various regulations were made for negotiations with that country. Recommendations were made for the holding of Justice Ayres twice a year in all parts of the realm until the country should be brought to good rule, for the arrest and punishment without remission of notorious trespassers, for the prohibition of the granting of respites and remissions in future except in specified cases (~~though the possibility of issuing respites was rather illogically tacitly admitted in the act~~). The Estates recommended that, since an embassy was required to be sent to Rome, and since the Archbishop of St. Andrews was going there in any case and had offered to go at his own expense, he should therefore be commissioned as ambassador along with such other persons as it would please the King to send along with him. The commissioners were to seek certain favours from the Pope. They were to desire confirmation of the alliances with France and Denmark, they were to "impetrait" an erection of Coldingham Priory to the King's Chapel, they were to do their best to obtain the promotion of Alexander Inglis to the Bishopric of Dunkeld and of John Ireland to succeed him in the Archdeanery of St. Andrews, when the vacancy should occur, and they were to inform the Pope that the King would not suffer the pretended promotion of Master George Brown to the Bishopric of Dunkeld but that he found acceptable the advancement of Blackader to the see of Glasgow, of Elphinstone to that of Aberdeen and of John Hepburn to the dignity of Prior of St. Andrews. They were to present further requests of ecclesiastical significance which will later be more fully commented upon - to pray the Pope to silence "barattors" who questioned royal promotions to benefices during episcopal vanancies, to desire his Holiness to delay for six months disposition upon any vacant prelacies or dignities elective, so that the King might be able to place supplication before the Pope for the promotion of persons acceptable to him, and they were to strive to obtain confirmation of old privileges and indults to the see of St. Andrews and to seek such new ones for St. Andrews and other sees as should be to the honour and profit of the King and realm. The King was to be advised if there were any further matters he should desire from the Pope, such as nominations for the promotion of his familiars and clerks, and he was to give commission to the envoys thereupon. Special letters of supplication were to be sent to the Pope exhorting him to have consideration of the great trouble made to the church of St. Andrews and the great debt owed to the Chamber in consequence by its Archbishop. Further letters were to be written to the Pope in the name and on behalf of the King that all benefices elective which by common law pertained to the election of chapters, such as deaneries and others, should be confirmed by the ordinaries, notwithstanding rules of the "Chancellarie" made or to be made to the contrary, saving always the King's privilege during vacancies.

Various administrative measures were promulgated. A new act, with an ascending scale of penalties, was passed against ferrymen who charged extortionate fares; another act was directed against fraudulent goldsmiths; regulations were made for the striking of new coins, for conforming other coins to them, for setting up a Warden and for the inbringing of bullion.. An act was passed enforcing the penalties of the act of James II. against those who should purchase benefices at Rome to which the presentation belonged to the King, the see being vacant, and their abettors, and there were further acts dealing with the grave financial and economic situation.

There is no record of another meeting of the Estates until October 1487. No account remains of any outstanding political events during the interval but the situation was developing which brought the reign of James III. to its unhappy close, The same men continued to be prominent in the government of the country who had been so for some years, the same kind of business continued to be transacted. Grants to noblemen became less frequent but it is difficult to come to/

587 to any definite conclusions from the evidence of the unrevealing official records. On March 2nd, 1485-6 the king made a grant to his third son, John, of the lands and earldoms of Mar and Garioch with their castles and other appurtenances(1).

Causal sequences leading to the final crisis of the reign are difficult to disentangle. Some writers, like Buchanan, declare that James fell back again to his old ways, that he excluded the nobles, left the control of affairs entirely in the hands of his favourites and devoted himself to his pleasures, his amours and the amassing of treasure. The favourites, they allege, chief of whom was Ramsay, who had escaped death at Lauder and who had been created Lord Bothwell by the King, directed exclusively and in their own interests the affairs of the country. The exasperated nobles, we are told, were forced to make an attempt at reformation. At first they sought only the amendment of their sovereign but his obduracy forced them ultimately to seek his ruin. Other writers, like Drummond, assert that the King was doing his best to discharge conscientiously his sovereign office, that he turned religious, gave sedulous attention to business, sat daily in council, sought to check oppression and to improve and render more equable the administration of justice. Thus, they allege, he became beloved of the people and the hostile nobility were driven to conspire anew against him.

There is more evidence of the exaltation of Ramsay than there is for the preponderance of the ill-fated courtiers who suffered at Lauder. On 16th February 1483-4 he had a ratification in parliament of the lands and barony of Bothwell(2) and he sat in the parliaments of 1485 and 1487 as Lord Bothwell. He was an Esquire of the King's Chamber(3), an Auditor of Exchequer in 1484(4) and a commissioner for the letting of crown lands(5). On September 6th, 1483 he was granted certain lands which came into the King's hands by reason of the bastardy of Alexander Kennedy of Irwell(6). He was ambassador to England in 1486 and 1488 and along with the Bishop of Aberdeen met English ambassadors in Edinburgh in 1487(7). In parliament in January 1487-8 he was one of the four Lords nominated from among whom the King was to choose two Justices for the districts south of the Forth. As a witness to royal charters his name appears once in 1484, once in 1486, some dozen times in 1487 and about fourteen times in 1488.

Yet Ramsay was no more prominent in the administration than several other men, some of whom, like Argyle for instance, joined in the final insurrection against James III. Nor were the royal grants made to him greater than those conferred on other nobles from time to time. His position, as far as the evidence goes, was rather that of the King's confidant and administrator, the trusted public servant, than that of the all-engrossing and all-powerful royal minion, and apart from the case of Ramsay it is difficult to find in the records any proof of arrant favouritism on the part of the King.

Nor can the charge be conclusively proved against the King that he vegetated in voluptuous sloth. James, no doubt, did have his amorous propensities but this was a common characteristic of royalty and of the medieval nobility and it is something in extenuation of the unlucky sovereign that, unlike most of the members of his house, there is no record of his having left any illegitimate children. On the other hand there is distinct evidence that James had genuine feelings of piety and the reforming statutes of his later parliaments suggest that a definite attempt was made to improve the government of the country. There are indications also of an increase in the King's personal influence in government during the latter part of his reign.

(1) R.M.S. (2) A.P.S. II.p.153. (3) R.M.S. 6th Sept.1483
(4) Exch. Rolls. IX.p.232 (5) Ibid. p.636. (6)R.M.S. (7) Foedera.
XXX Rot. Scot.

His victorious adversaries laid against James the charge of "the inbringing of Englishmen to the perpetual subjection of the realm". James certainly seems to have been anxious for friendship with England but surely that, if it were merely that, and there is no evidence that it was anything more, can scarcely be held against him as a fault. His son has been condemned for the reverse policy of unnecessarily entering upon hostilities with England. That James was subservient or schemed to bring about the subjection of his realm there is no evidence to prove. A policy of "peace with honour", when no equivocation is implied, should surely always be regarded as an estimable end of statesmanship and it was specially necessary in James's reign. James had already had one sharp lesson of the dangers of war with England in the disaffected state of the country, he could not count on the wholehearted support of his kingdom and if he adopted a strong attitude against England and invited its hostility he might be even more effectively engineering the subjection of his realm and of himself. The nobles themselves intrigued with England and it is at least even chances that their efforts in this direction were as prejudicial, or more so, to the welfare of their country as was the policy of the King. After James's death it would be a state necessity for his successful adversaries to make such aspersions as they could against him. Rebellion required some excuse to justify it.

There is no corroboration either for the stories that James amassed a huge treasure. It is probable that he found his income somewhat insufficient and that he watched his finances with a careful eye, thus giving rise to the charges against him of greed for money. The attempts made after his death to discover the great treasure he was reputed to have left behind him proved, however, singularly unsuccessful.

The reasons for baronial discontent which had contributed to the former uprising of the nobles would probably still remain operative. The nobles, who asserted themselves to be the natural counsellors of the King, had had their attempt at government after the affair at Lauder and had failed. The work of government was now again carried on by a comparatively small number of persons; curialist administrators and conciliar activity were no doubt as conspicuous as ever. To these causes were added the baneful influence of the legacy of suspicion and distrust left behind by the former rebellion. The country was uneasy, in the atmosphere of tension a small spark might cause a conflagration. Private grudges, ambitions and fears added their meed of motive to the disturbances that ended in the defeat and death of the King.

In this atmosphere movements might develop from small beginnings to portentous magnitude. This seems to have been what happened. The Humes, annoyed over the annexation of Coldingham, joined with their fierce allies the Hepburns in opposition to the King. As time went on the conspiracy grew. The nobles had already proved at Lauder that rebellion could be successful and this time there would be no Albany to step in between them and the rewards of success. Disappointed ambition, private rivalries, jealousies, distrust, the fear of retribution for past offences, the fear that if the present movement were successful those who did not participate in it would miss their share of the spoils, all these contributed to swell the tide of the gathering movement. The capture of the prince gave the conspirators something they could use as a kind of legal justification, though a hollow one; more important was the fact that it showed who would be masters in the country if James III. were dethroned, and made it advisable to seek their favour. The advancing success of the movement against the King constituted a potent argument for the persuasion of the waverers. Some of those men who had formerly supported James now joined the ranks of his adversaries, others who had opposed him in 1482 now saw it to their interest to support him, others perhaps tried to run with the hare and hunt with the hounds.

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The trouble started with the annexation by James of the Priory of Coldingham to his own foundation of the Chapel Royal at Stirling. Coldingham had long been a source of virulent disputes(1) but into that story it is unnecessary here to enter. The King's action was strongly opposed by the Humes who had long regarded themselves as the hereditary patrons of Coldingham in succession to the Priory of Durham. It may have been in connection with the consequent opposition of the Humes to the King that on 31st January, 1484-5 it was decreed by the Lords of Council that proclamation should be made at the market cross of Edinburgh, as well as those of Haddington and Lauder, that George Hume of Wedderburn, Patrick Hume his brother, David King and numerous other persons, including six men of the name of Hume, must restore the castle of Hirdmanstoun to John Sinclair of Hirdmanstoun under pain of rebellion.(2) The King sent a messenger to summon Lord Hume and his accomplices for "the wrongous withholding of the tiends and fruits of Coldingham, pertaining to our sovereign lord's chapel, and for the wrongous withholding from the clerks of the said chapel of the sum of £120 of three years bygone, taken and withheld by the said Lord Hume of the tiends and fruits of the Kirk of Stickell"(3). Lord Hume laid violent hands on the messenger and deprived him of the letters of summons so that they might not be executed(4). Hume was summoned to answer before the Lords of Council for his action but on February 8th, 1484-5 the summons against him was continued to March 23rd. The Lords of Council sat on March 18th and again for some days in April but the action against Hume was not discussed and there is no record of further sederunts of Council during the reign of James III.

James sought to strengthen his position by securing a papal pronouncement ratifying his annexation of Coldingham. In parliament in May 1484-5 when it was decided to send an embassy to the Pope the requests which according to the instructions of the Estates were to be besought from his Holiness included one that the ambassadors should "impetrait" an erection of Coldingham to the King's Chapel in the best form, either by commission or otherwise as should be thought most expedient or could best be obtained, along with decret of division of the same Priory into prebends "be extinccioun of Religioune and the ereccioun maid of befor be oure haly faderis predecessoris and umquhil the Cardinale of Rowane comissar and Juje in the samyn". Lord Hume and George Hume of Ayton were present at this parliament and Lord Hailes, the ally of the Humes, was a member of the Committee of the Articles.

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The controversy was not ended. The Humes in their turn may have appealed to Rome. At any rate in the parliament which met in October 1487 it was ordained by the King and Estates that inhibition should be given to all the King's lieges, spiritual and temporal, that none of them should take upon them to do or attempt anything contrary to the union and erection made of the Priory of Coldingham to the Chapel Royal, or to make any impetration thereof at the court of Rome, or to publish or use any other bulls or processes purchased or to be purchased contrary to the said union and erection under the pain of treason and forfeiture of life, lands and goods.

The opposition to the King was presumably gaining in strength. The Humes were winning over other malcontents and it appears that the King determined to hold his ground. Parliament produced a large body of remedial and perhaps precautionary legislation. The King promised to grant no remissions for three years to come in cases of treason, murder, incendiariism, rape, violent reif, premeditated slaughter, common theft and assistance to theft or false coinage. No remissions were to be granted to persons disobedient to the law who were taken by force and brought to justice/

(1) Cal. Pap. Reg. Rogers, History of the Chapel Royal of Scotland.
(2) A.D.C. (3) Ibid. (4) Ibid.

justice. One or two Justices were to be set up on each side of the Forth, fitted by capabilities and intention to execute justice, having power and strength of their own, along with support to be made to them by the King. Justice Ayres were to be set and held in all goodly haste in all parts of the realm. A long act stated, that, since the King had taken the counsel of his Estates in all things touching the common profit, the Lords, spiritual and temporal, barons, freeholders and representatives of the Estates of the realm promised and swore not to maintain or defend any traitors, murderers, thieves or other trespassers, either their kin or others, save that it would be lawful for them to stand in sober wise with their kin and friends in honest actions. Lords having jurisdiction or their baillies were required not to leave justice undone for love or favour. Each of them when required should make true relation to the King or his Chancellor or Justice of the persons who acted in contravention of this provision. Anyone convicted for breach of this regulation was to be punished according to the King's laws of "Regiam Majestatem" and the statutes made by James I. and James II. An act was made for the arrest of powerful delinquents: if the crowner was afraid or unable to make the arrest he should go to the Lord of the barony or to the sheriff and require him either to become surety for the appearance of the culprit to undergo justice or to assist the crowner in making the arrest or taking surety. Barons or sheriffs who refused were to pay £10 to the King at the next Justice Ayre on sufficient proof being made by the crowner. Former acts concerning the punishment of slaughter were to be put to execution and an addition made to them prescribing the procedure to be followed in the case of fugitive slaughterers. Persons who on being arrested could not find surety, and, because there was no castle or place to keep them until the Justice Ayre, managed to escape, were in future to be handed over to the sheriff, who was to keep them at the King's expense, regulations being made for the remuneration of the sheriff from the royal Exchequer (at the rate of 3d. per day) and for his punishment if he refused. An act was to restrain crowners from appropriating an undue share of the escheated property of condemned criminals. It was decreed that in future the Justice on the last day of his Ayre should give an assize to the sheriff and crowners "if they have used and done their office truly" and should these officers be convicted and found false they were to be punished according to the law of the land and their demerits. The act formerly made that persons should come to court in sober and quiet wise without arms or convocation of the King's lieges was to be put to execution in all points, with the addition that when the sheriff should be certified that any parties made convocation and gathering of arms to come to the courts he should by himself or his deputies or officers send to the parties and charge them to abandon and disband their gathering, according to the act. Should they decline to do so he should cease the court for that day and incontinent come and show the King what persons disobeyed him and thereafter call the persons and take knowledge of their disobedience. Those found culpable were to be punished by warding of their persons for a year and they were required to pay the expenses sustained by the opposing litigant through the deferring of justice occasioned by their disobedience and gathering. It was decreed that civil actions should be decided before judges ordinary, so that no actions should be pursued before the Lords of the King's Council save only actions specially concerning the King, actions and complaints made by clerics, widows, orphans, pupils and foreigners and complaints made against officers for default in the execution of their office, or cases in which an officer was himself a party. The procedure to be followed in actions against officers for wrong conduct in the execution of their office and the penalty to be inflicted, according as the officer or complainant were found at fault, were prescribed. It was stipulated that this statute should not interfere with the falsing of dooms and that all summonses then raised should be decided before the Lords of Council. Certain requests were laid before parliament by the commissioners of burghs. They desired that steps should be taken for the downputting of a letter/

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letter of mark given by the King of the Romans upon the Scots and it was decided to send an embassy to the King of the Romans at their instigation - and at their expense. They also requested parliamentary ratification for several measures of economic and burghal interest - former acts to restrain "simple, dishonest persons" from engaging in trade; to inhibit craftsmen from dealing in merchandise unless they would renounce their craft; the former act as to the election of burgh officers; regulations as to the freight and lading of ships, the necessary capacity of salmon barrels and the fishing of herring. Arrangements were also made for the meeting of commissioners of all burghs annually at Inverkeithing in order to treat upon mercantile and burghal affairs.

In the same parliament the earldom of March, the baronies of Dunbar and Colbranespeth with the castle of Dunbar and the tower and fortalice of Colbranespeth, the lordship of Annandale with the castle of Lochmaben, were united, incorporated and annexed to the crown for all time to come, with provision that they should not be alienated except with the mature consent of parliament. The King was to give his inviolable oath to observe this condition and all his successors were required to give a similar oath at their coronation.

Parliament was continued to January 11th. All who owed presence in parliament were strictly charged to be there present at that date to treat of several weighty matters including that "of our sovereign lord's chapel anent Coldingham".

1488

Parliament duly met again on January 11th, 1487-8 and was continued from time to time until January 29th. It is evident that in the interval the opposition had gathered strength. The King created his second son, James, Duke of Ross, Marquis of Ormonde, Earl of Edirdale and Lord of Brechin and Nevar and conceded to him the foresaid lands with their pertinents. This action of the King's has been held to imply an intention on his part to advance his second son as against the heir to the throne, the suggestion being that the latter was already under the influence of the barons of the opposition. In this connection it might be noted that the Scottish candidate most prominently put forward during recent years for a matrimonial alliance with England had been, not the Duke of Rothesay, but the Marquis of Ormonde, but on the other hand the King was at this very time negotiating with England for brides from that country not only for the Marquis of Ormonde but for the Duke of Rothesay and for himself as well. The barons may have been bringing some influence to bear upon the heir to the throne and James may have been aware of this but it is improbable that he suspected at this time that his son might be brought into the movement against him.

Other creations imply an effort to consolidate the party of the King's supporters. John Drummond of Cargill was made a Lord of parliament, in future to be known as Lord Drummond, Robert Creichton of Sanquhar was made a Lord of parliament under the title of Lord Creichton of Sanquhar; John Hay of Yester was made Lord of parliament as Lord Hay of Yester and William Ruthven of that Ilk was made Lord of parliament as Lord Ruthven. David Kennedy, son and heir-apparent of Lord Kennedy, William Carlyle, nephew and heir-apparent of Lord Carlyle, and Robert Cunningham of Polmayis were made knights on the same day. It appears that the King was making a bid, not in all cases successful, to entice support.

Parliament, as was usual with it, legislated with assiduity. Arrangements were made for sending an embassy to England to treat of the proposed royal marriages. Four persons, the Lords Bothwell, Lyle, Glamis and Drummond, were nominated of whom it was thought expedient that the King should choose two to be Great Justices to the south of the Forth. The Earls of Crawford and Huntly/

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Huntly were to continue as Justices north of the Forth. At the time of the Ayres the King was to send certain wise lords and persons of his council to act as assessors and counsellors to the Justices. It was recommended that the Justice Ayres then set should be dissolved and that all Justice Ayres should be proclaimed and set anew to be held at such times as should be thought expedient by the King and his council.

It was declared that, since an act had been passed in the last parliament condemning to pain of treason and forfeiture of life and goods those who did or attempted anything in contravention of the erection of Coldingham Priory to the King's Chapel, temporal persons who had so attempted or done contrary to the said statutes should be summoned "to a certain day of May next to come" to answer for their contumacy and that parliament should be continued to that day.

The Estates thought it expedient, in order to quell the slaughters, robberies, truce-breaking and other offences so common on the Borders and elsewhere, that the King should give sharp command to his Wardens, Justices and all his other officers to set Justice Ayres and other courts as often as should be necessary and to do their best to arrest and punish malefactors. The act of the last parliament that all actions must come before the sheriffs and judges ordinary was now repealed, because the King understood "it were deferring of justice to many parties that could not get law ministered to them before the ordinaries", and all parties were permitted to raise and pursue summons before the King and his council as they had been wont in the past. A further regulation was made as to the crowner's share of the goods of executed criminals. There was considerable legislation of importance on financial and economic subjects. The ecclesiastical statutes of this parliament, however, had probably more bearing upon the political situation. The re-enforcement of former statutes against clerics who made impetrations at the court of Rome of bishoprics, abbacies or other benefices contrary to the King's privilege, and especially to his claims during episcopal vacancies, and against those who purchased abbacies at Rome "that was not of old at the court of Rome", as well as the ratification and elaboration by the institution of searchers and otherwise of former acts inhibiting clerks, merchants and others from carrying money out of the country, were perhaps a reply to or an effort to prevent attempts by the Humes or others to implement the authority of the Pope against the King, or to circumvent the clerics of the opposition from seeking to secure papal aid against their temporal sovereign. It was probably for the same reasons that it was declared that the King should observe and keep his privilege, given by Bull to him and his progenitors, that he should receive no legate or messenger of the court of Rome into his realm without knowing of their coming and their business so that it might be understood that they brought no charges contrary to the weal of the King or his realm. A procedure was outlined in order to ensure that this regulation should be effective in practice in the case of any legates coming to the country at that time.

The King's right to present to benefices during episcopal vacancies was not only asserted but affirmed in practice. The Estates, considering the vacancy in the see of Aberdeen by the promotion of Robert Blackader to Glasgow, and declaring that the King and his predecessors had been accustomed and were entitled by right of the crown to present to benefices during episcopal vacancies, asserted that the King should maintain his clerk, David Abercromby, presented by him to the deanery of Aberdeen during the episcopal vacancy, unvexed and untroubled in the enjoyment of the deanery and that any persons who by impetration and purchasing of the deanery had made or would make any attempts in the contrary of this right of the crown should be proceeded against and punished.

Parliament was continued to May 5th., full power of parliament being committed to certain lords and prelates to proceed against persons/

persons secular who had acted in contravention of the statute made as to the erection of Coldingham to the King's chapel, and also to deliberate and conclude upon such matters as should occur in the meantime.

At the time of the meeting of the Estates it is evident that the King was aware of the existence of a strong opposition to him and there had probably been much negotiation and secret taking of sides among those who brought about his ruin. We hear of the disaffected nobles holding seditious meetings and surrounding themselves with large retinues(1) and of the King in retort making "choice of a Guard for the Preservation of his Person and Servants";(2) of which Lord Bothwell was made Captain(3). An edict was issued that no one but Bothwell and his retinue should bear arms in places where the King lodged(4). There is a persistent tradition that the King attempted to entice the Earl of Douglas to support him, promising him in return a full restoration to his lands and dignities, but that the aged earl declined. On the other hand the fact that there were present in parliament several of those men who were most conspicuous among the opponents of James III. in the final crisis of his reign, and that some of them, as, for instance, the Earls of Angus and Argyle, the Lord Lyle and the Bishop of Glasgow, were appointed to the parliamentary commission, shows that matters had not yet come to an open breach and that the final allignment of opponents had not been reached.

On February 21st a notice was issued that the King, by advice of his council, had for certain reasonable and great causes "disertit and dissolvit" his parliament that was formerly continued to the 5th May, the power committed to "special persons and lords" being likewise dissolved, while it was ordained that proclamations should be issued for a new general parliament to be held in Edinburgh on May 12th next following. The "reasonable and great causes" which prompted the King's action were the definite outbreak of the troubles between him and his opponents.

The opposition nobles now broke into unequivocal revolt. James had fortified the castles of Edinburgh and Stirling, placing his son, James, Duke of Rothesay, the heir to the throne, in the latter stronghold for safety, under the Guardianship of Sir James Shaw of Sauchie. The insurgent barons won over Shaw to their support and induced him to betray his trust. They brought the prince out of Stirling castle, employing all their arts of cajolery to influence his youthful mind, and made him the titular head of their party. In 1493 an act of parliament annulled all donations and infeftments of lands made by James III. from the 2nd February 1488 until his death, the 2nd of February being, it was stated, the day that James (IV.) came out of Stirling.

Lesley enumerates Angus, Argyle, Lennox, Hailes, Hume, Drummond and Gray as being the leading figures in the opposition to James III. Angus and Argyle, however, though they were latterly among the most prominent of James's opponents, remained at court for some time after Prince James had been taken out of Stirling. Perhaps they had hesitated as to what course they should follow until the more resolute conspirators, with the Prince now in their hands, persuaded the waverers; perhaps they merely dissembled. Argyle, as Chancellor, continued to witness charters until the 18th February(5). By the 21st of February, however, he had been superceded as Chancellor by the Bishop of Aberdeen and Argyle after that appeared as a signatory to royal charters only on four occasions - on the 11th, the 20th, the 21st and the 23rd of March. Angus continued to be a frequent witness to charters under the Great Seal until the 7th of March, after which date his name does not again appear. Perhaps, as several of the older historians aver, James had not yet become aware of the capture of his son by the

(1) Drummond, Ferrerius. (2) Drummond. (3) Ibid. (4) Fraser's Douglas Book II. (5) R.M.S. (6) Ibid.

rebels or of the extent of the opposition to him, perhaps, as Buchanan suggests, he dissimulated and pretended to show favour to Angus and other Lords suspected of rebellious tendencies in an attempt to win them over or to disarm their opposition. Perhaps Argyle may have broken with the King about the 20th of February while his subsequent short reappearance as a witness to the King's charters may have been due to a temporary reconciliation. At any rate Argyle was clearly suspect when he was deprived of his office of Chancellor. The opposition Lords when they advanced to demand that James III. should resign the throne in favour of his son professed to regard Prince James, later James IV., as the rightful King and asserted Argyle as Chancellor.

Ferrerius and Lesley recount that James tried everything before resorting to warfare. They relate that he sent representatives to the insurgents and that he sought the mediation of the Kings of France and England and of the Pope(1) but that the insurgents uncompromisingly demanded his resignation in favour of his son. At any rate active measures were soon forced on James. The disaffected party found its main strength among the powerful Lowland and Border barons and the King withdrew himself to the more loyalist country north of the Forth. Royal charters were signed fairly regularly at Edinburgh until May 23rd. After that a lapse occurred until May 18th which presumably dates the King's withdrawal to the north(2). It was on the 23rd of March that Argyle's name appeared for the last time as a witness to the charters of James III. and it was in all probability about this last week of March that the final parting of the ways was come to and that James, seeing conflict to be inevitable, went to seek support in the north.

Pitscottie, whose grand-uncle, David, second Lord Lindsay of the Byres, was one of the most prominent supporters of James III., and who may in consequence have had reliable sources of information, tells that James went to Leith and embarked on a ship of Sir Andrew Wood's which was bound for Flanders. Some of the conspirators who had pursued him to Leith and captured, we are told, "part of his coffers with money and clothing", believing the King to be going to Flanders, were in consequence, says Pitscottie, "more hardy in spoiling his servants". The King, however, landed in Fife and from there proceeded to Aberdeen, leaving instructions to the sheriffs of Fife, Strathearn and Angus to make proclamation to "all men, betwixt sixty and sixteen, spiritual and temporal, as well burgh as land, that they should be ready at a certain day, at his coming, to pass with him, where he pleased, to danton rebels and conspirators against him". The barons in opposition took/

(1) The Pope's efforts on behalf of James against his barons will be dealt with later (Ecclesiastical History). The fact that the Pope did remonstrate on James's behalf and that the relations between them at this time were evidently cordial seems to prove that the ecclesiastical regulations of parliament in January 1487-8 were less directly anti-papal than anti-baronial — they were presumably directed against possible implementation of the papal arm by the opposition barons. It might be maintained that the election to the commission of Angus, Argyle, Lyle and the Bishop of Glasgow betokens that the disaffected party controlled this meeting of the Estates and that the ecclesiastical legislation was levelled by them against the King, to prevent appeal to Rome. This supposition, however, will scarcely stand examination. Supporters of the King were equally prominently represented both in parliament and on the commission, the King evidently used parliament to/ (Continued over page)

(2) The habit grew up of stating certain types of charter to be signed at Edinburgh whether they were actually signed there or not but the above assumption seems to be justified in this case.

took the Prince to Linlithgow and, as Pitscottie avers, issued proclamations "to all manner of men that would come and defend the Prince". The insurgents then advanced against the King who was coming with a large following from the north, the men from Ross, Sutherland, Caithness, Mar, Moray, Buchan, Mearns, Angus, Gowrie, ~~Fife~~, ~~Strathern~~, Stirlingshire, Athole and Argyleshire. Pitscottie tells that on the way James picked up the men of Fife, under Lord Lindsay of the Byres, and of Strathearn under Lord Ruthven. According to Pitscottie James at once proceeded to Stirling castle but was refused access by its suborned governor(1) He then demanded to see his son but his request was refused and he was told that the Prince was with the Lords. "Fy, traitor", exclaimed the King "thou hast deceived me; and if I live, I shall be revenged on thee, and thou shalt be rewarded as thou hast served".

Pitscottie's account is not very trustworthy for he omits to mention the pacification of Blackness and gives a condensed account describing the battle of Sauchieburn as following at once on James's return from the north. The King, however, certainly went north. He was at Aberdeen on April 16th when he made a grant there for faithful service to Andrew Stewart, Bishop of Moray, formerly the associate of Albany but now one of the supporters of James III.(2). The charter was witnessed by the Bishops of Aberdeen and Orkney, the Earls of Crawford, Huntly, Errol, Marischal and Buchan, Lords Glamis, Forbes, Innermeath and Ruthven. Drummond relates that James went also to Inverness, where he held a court, and that Lord Creichton, the associate of Albany, submitted to him there and was pardoned(3). Drummond also narrates that during the King's absence the insurgent barons surprised Dunbar and overran the land south of the Forth. The custody of Dunbar castle had in June 1486 been entrusted to the favourite Ramsay, Lord Bothwell(4). In his trial before the parliament of James IV. in October 1488 Bothwell was accused of framing and sending a commission to the Earl of Northumberland, Warden General of the Scottish Marches, and to Sir William Tyler, Governor of Berwick, that they should grant remissions (evidently in the name of James III.) to all Scots who fought on the side of England against the Scottish insurgents. This action on the part of Bothwell might be construed as part of his efforts to obtain support in holding Dunbar castle against the rebels.

About the end of April James returned from the North and took up his position at Blackness(5). Ferrerius enumerates the more important/

(Continuation of note (1) page 144)
to try to consolidate his position by the conferring of dignities and legislation was specifically directed against those who opposed the erection of Coldingham to the King's chapel. The presumption is that Angus and the rest had not yet openly joined the King's enemies, that the insurgent party had not yet assumed its final form and probably that it was not yet suspected that the movement would assume such great dimensions.

(1) Sir James Shaw of Sauchie. (2) Registrum Episcopatus Moraviensis p. 234, Bannatyne Club. (3) Creichton, it is said, died soon afterwards. (4) Exch. Rolls. IX., 523. (5) Blackness castle was held by James's supporter, Sir John Ross of Halkhead. Exch. Rolls X. 33.

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important of the noblemen in the King's following as being the Earls of Huntly, Errol, Athole, Crawford, Rothes, Sutherland, Caithness and Marischal, the Lords Forbes, Ogilvy, Grant, Fraser and others. At Blackness James and his rebels came face to face and a pacification was arranged(1). In parliament in October 1488 a commission of James III. was cited which outlined the articles of the pacification. James authorised his representatives, the Bishop of Aberdeen, his Chancellor, the Earls of Huntly and Errol, the Earl Marischal, Lord Glamis and Alexander Lindsay, to treat with the Bishop of Glasgow, the Earls of Angus and Argyle, Lord Hailes and Lord Lyle, as the baronial representatives. They were to agree that "the King's high honour, estate, royal authority be exalted, conserved and borne up that he may exercise justice universally to all his lieges in all parts of his realm, (the stress on universal justice is interesting as suggesting the King's platform and corresponds with the legislation of recent parliaments), that the royal person should be at all times in honour, security and freedom and that prelates, lords, barons and other persons of wisdom and prudence, unsuspect to the King and his lieges, should be constantly about the King "to the good guiding of his realm and lieges". One item stated that the persons who were "about my lord Prince" and who had "in time bygone done displeasure to his highness" should make honourable and agreeable amends to the King according to the wisdom and discretion of the Lords who were to advise his Majesty, a proviso being added to safeguard their lives, heritages and honours by excepting them from the scope of the amends. The King was to give honourable sustentation and living to the Prince "at the consideration of the said Lords". "Wise Lords and honourable persons of wisdom and discretion" were to be constantly about the Prince for his good governance and the security of his person in his tender age. The Lords were to discuss and conclude how the Prince should at all times be obedient to the King and how filial affection should be preserved between them, how the Lords who followed the Prince should have the King's grace and forgiveness "and their persons to be in security as best can be devised by the said Lords for any displeasure done to the King's highness in any time bygone". The Prince was to take into "heartly favours" all Lords spiritual and temporal and all other persons who had "been with the King's highness in council or other service now in this time of trouble". All dissensions and discords between Lords and great persons of either party were to be composed according to the wisdom "of the said Lords", and especially the contention between the Earl of Buchan and Lord Lyle. The constant recurrence of mention to baronial feuds taken in conjunction with the considerable shifting of sides since the affair at Lauder is significant of the nature of the civil commotions under James III. A man would probably support the cause which was opposed by his chief enemy and the feuds of the nobles were in all probability a great causal factor in the troubles of the reign.

It was stated in parliament that these articles were "divers times granted to and broken by the perverse counsel of divers persons being with him(Jas.III.) for the time who counselled and assisted to him in the inbringing of Englishmen and to the perpetual subjection of the realm".

(1) Buchanan, Drummond. It is said that the pacification was brought about chiefly by the mediation of Athole.

Buchanan and Drummond relate that Athole gave himself up as a hostage for the preservation of the pacification made at Blackness and that he was sent to Dunbar(1) The terms, however, were distinctly unfavourable to James III. His actions were to be supervised by a council of nobles, a humiliating condition for a sovereign monarch. The rebel barons, on the other hand, were to make only such amends as should leave untouched their lives, heritages and honours. The possibilities of effective retribution were thus distinctly limited. Moreover the retention of the person of Prince James by the insurgent nobles deprived the truce of any effective value.

It is not surprising that the truce was soon broken. The arraignments of the Earl of Buchan, Lord Bothwell and Ross of Montgrewan in the first parliament of James IV. give the best account of the various stages in the final struggle between James III. and the barons. It was stated in parliament that the pacification of Blackness was broken by the advice of Buchan, Bothwell and Ross and that the Earls of Huntly and Errol, the Earl Marischal, Lord Glamis and others in consequence desisted from their support of the King and returned to their homes. Again the opposing armies met at Blackness and after a skirmish(2) a new pacification was arranged. This time the Earl of Buchan, Lord Ruthven, Thomas Fotheringham of Powry and William Murray of Tullibardine were given up by the King's party as hostages for the observation of the truce.

This second pacification must have taken place early in May. On May 18th James was in Edinburgh and issued two charters conferring upon Thomas Turnbull of Greenwood and his heirs the lands of Traringzean in Ayrshire for his services "in campo bellico apud Blackness"; where Turnbull had been the King's standard bearer(3). On the same day David, Earl of Crawford, because he had often exposed himself to perils in defence of the King's crown and person, and especially against the rebels at Blackness, was made Duke of Montrose(4). On May 20th the King made a grant of lands to James Dunbar of Cumnock and his heirs for his service, especially in defence of the royal person. A proviso was added that Dunbar should faithfully serve the King and that he should stay with the King and his servants during the time of the present discords.(5) On May 23rd William Lord Graham had a confirmatory charter of the barony of Kincardine with its castle and of other lands, baronies, mills and emoluments(6), and on May 24th a grant of lands was made to the King's henchman, James Innes, for his many services in the past and also in the King's army at Blackness; a proviso being added that Innes should faithfully serve the King and stay with him during the whole time of the present discord(7). On May 28th Lord Kilmaurs was created Earl of Glencairn and granted certain lands by the King(8).

The witnesses to royal charters under Great Seal issued between the skirmish at Blackness and the end of the reign were William, Bishop of Aberdeen, Chancellor, Andrew, Bishop of Moray, the King's uncle, the Earls of Crawford, Athole and Morton, Lord Maxwell, Lord Kilmaurs, Lord Carlyle, David Lord Lindsay of the Byres, Archibald Whitelaw, King's Secretary, and Alexander Scott, Clerk of Rolls and Register. This gives an estimate of the King's most prominent supporters(9).

(1) This, however, does not appear to have been the case for Athole signed royal charters in May.

(2) R.M.S. (3) Ibid. (4) Ibid. (5) Ibid. (6) Ibid. (7) Ibid.

(8) Balfour Paul - Scots Peerage. (9) Whitelaw and Scott perhaps represented a more or less detached civil service.

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In the summons against Ross of Montgrenan it was stated that he and other persons, notable among whom was Lord Bothwell, persuaded James III. to break the recent pacification, (the one for which Buchan and the others had been given up as hostages), that Lord Bothwell was sent to England to seek assistance there and that the King was persuaded to lead his forces out of Edinburgh and to advance to Stirling where the Prince was. The Estates under James IV. represented the intransigence of the most intimate advisers of James III. as being the rock whereon all attempts at a peaceful accommodation foundered. This, however, was the statement of the successful party, whose members would naturally lay all the blame on their late opponents, and on the other hand it is significant that there is a persistent tradition among the chroniclers that James III. tried all things before he resorted to force. They represent him as negotiating with his adversaries and receiving the uncompromising answer that he must resign in favour of his son and some of them state that the same answer was given to the ambassadors who were sent by the monarchs of England and France in the interest of the Scottish King. James certainly seems to have preferred negotiation to war as long as he could. When he first met the rebel army at Blackness his numbers were, according to all accounts, much greater than those of his opponents and Drummond points out that James threw away a great advantage in agreeing to a suspension of arms. The King's forces, says Drummond, were larger, Blackness was for him, his ships held the Forth and a successful battle would have recovered his lost reputation. Yet James forbore to avail himself of his strong position, preferring the doubtful advantages of negotiation to a battle.

James, it is said, had shut himself up in Edinburgh castle, waiting for re-enforcements from the north(1). According to Buchanan his advisers persuaded the King to advance to Stirling as being the fittest point for the conjunction of the forces he was awaiting from various quarters. Entries in the register of Great Seal cease after May 24th, implying a breakdown of government. James made his way to Stirling, closely followed, Buchanan asserts, by the rebel army. One object of James in coming to Stirling may have been to attempt to possess himself of the person of his oldest son but he failed to gain access to the Prince and Shaw of Sauchie, who had been won over to the support of the rebel barons, refused to admit him to Stirling castle. By coming to Stirling, also, James would be nearer his ships in the Forth,

The rebel army was pressing forward and James, being refused entrance to Stirling castle, gave battle before his expected re-enforcements from the North arrived. At Sauchieburn, near the historic field of Bannockburn, the two armies met on June 11th. Lesley states that in the King's army were the Duke of Montrose, the Earl of Glencairn, the Lords Ruthven, Maxwell and others(2). Drummond mentions the same persons - Montrose, Glencairn, Maxwell and Ruthven - as being with the King and states that "his good subjects of the North, as the Forbesses, Oguilbyes, the Graunts, Frazeres, Meldrums, many of the Gordounes, Keethes, and others who adhered to him out of affection and duty, were advancing towards him". In another place he states that the Earl of Menteith, Lords Erskine, Graham, Ruthven and Maxwell commanded the van of the King's army. Pitscottie estimates the strength/

(1) Buchanan, Drummond. (2)As he states that the Earls of Huntly and Crawford had not yet arrived from the North and as the Earl of Crawford and the Duke of Montrose were the same person his account is not over trustworthy.

(1) Balfour's whole was imprisoned by Jas. IV. but was liberated before 1439. (2) Pitscottie. (3) Lesley, Drummond and Ferrerius.

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strength of the King's army at about 30,000 men and that of the baronial forces at about 12,000 horse and 6,000 foot but the numerical estimates of the older historians should always be treated with caution. The Earl of Athole acted as Commander of the King's forces(1).

It is unnecessary to enter into the details of the battle. James had girded himself with the sword of Bruce, but little of the spirit of the soldier-king descended to the unhappy Stewart. The King rode the "great grey courser" which had been given to him by Lord Lindsay of the Byres - the steed which its donor had promised "should war all the horse of Scotland; at his pleasure, if he would sit well"(2). Whether from the unmanageableness of his charger or, as seems more probable, from his own fearfulness, James fled precipitantly from the field. The royalist army was defeated, the Borderers in the rebel army having especially distinguished themselves. On the King's side were slain the Earl of Glencairn, Lord Sempill and others.

Prince James had issued strict injunctions that nobody should lay violent hands on his royal father(3), but his orders were of no avail. As the fugitive King was hurrying through the village of Bannockburn, probably making for Andrew Wood's ships in the Firth of Forth, his horse shied, startled by a woman who was drawing water, the King was thrown from his saddle and carried, badly bruised, into a mill. Drummond of Hawthornden recounts that despite the Duke of Rothesay's orders that none should presume to pursue his royal parent, the King in his flight was followed by Lord Gray, Robert Stirling of Keir and Andrew Borthwick, a priest, the last mentioned being commonly believed to have been the one who stabbed the King. Buchanan tells that James was pursued by Patrick Gray, Stirling of Keir and a priest, Borthwick, Pitscottie's vivid narrative of the King's death is well known. He relates how the King, lying bruised in the mill, cried for a priest to confess him, making to the miller's wife the fatal admission "I was your King at morn", how the miller's wife went out clapping her hands and crying for a priest for the King, how a priest came by, supposed by some to be Gray's servant, went in to the King, and, on learning from him that he had hopes of recovery, stabbed him four or five times with his "whinger". At any rate, whatever the exact circumstances, James was murdered in cold blood on the evening of the battle. The unhappy King was buried beside his wife at Cambuskenneth.

In parliament in October 1488 the Estates had debate upon the causes "of the field of Stirling" in which the late King "happened to be slain". They seem to have adopted the attitude of professing to regard the death of James III. as a regrettable misadventure, they attributed the blame for the recent disturbances to the late King and his advisers and declared themselves to be "innocent quhyt and fre of the saidis slauchteris feild and all persute of the occasioun and cause of the samyn". The document which they prepared in order to exonerate themselves was to be signed under the seals of members of each estate of parliament and under the Great Seal of the King and it was to be shown to the Pope and the Kings of France, Spain, Denmark and other realms. The murder of the King, however, was not forgotten in the country, for in parliament in February 1491-2 it was ordained "for the eschewin and censing of the hevvy murmor and voce of the peple of the ded and slauchter of unquhile our souerane Lordis faider and progenitor, to offer a reward of 100 marks of land to anyone who would discover those who had slain James III.

The successful party acted with leniency towards the supporters of James III. After the battle of Sauchieburn the pursuit of fugitives does not seem to have been pressed and the supporters of the late King were not seriously molested. The Earl of

(1) Balfour Paul. Athole was imprisoned by Jas.IV.but was liberated before 1489. (2)Pitscottie. (3) Lesley, Drummond and Ferrerius.

of Buchan, Lord Bothwell, Ross of Montgrenan and Cuthbert Murray of Cockpool were indicted in the first parliament of James IV. Budhan, who alone of the defendants appeared, submitted to the mercy of James IV. and received a full pardon and Ross of Montgrenan, though he was found guilty in parliament and sentence of forfeiture passed upon him, was also reinstated before very long. In this first parliament of James IV, regulations were made for the restoration of goods taken from poor people before the battle of Sauchieburn and for the re-deliverance to burgesses, merchants and unlanded men of all goods taken from them by obligation, surety, band or otherwise since the said battle, except only the goods that were taken "in the said field of Stirling". It was further ordained "anent the entry of the heirs of them that died in the field against our sovereign lord that now is at Stirling", that the King, of his grace and pity, should grant briefs to the heirs of all who died in the battle and regulations were made to reconcile this with the technicalities of the brief and to counter the objection which might be made that the predecessors in question had not died in the King's peace.

This, however, is to overlap into the subsequent reign. There is much in the history of that reign that is significant in relation to what went before and indeed the reigns of James III. and of James IV. are in many ways a significant commentary on each other. Similarities and differences both help to explain each other, and political forces repeat themselves or are diverted by altered circumstances into new forms. The underlying causal factors which made the reign of James III. what it was did not by any means all end with his death. But on the reign itself the curtain rings down with the tragedy enacted in the mill of Bannockburn.

ed and determined position in the ... recipients, later part of the ... must pay for the advantages conferred upon them by his ... The bearings of the situation are well illustrated in the matter of papal provision. In course of time the original practice of confirming by papal authority the appointment of bishops and other high dignitaries of the church had been transformed by the Curia into the right of "providing" or appointing these posts the pope to his own use. At the same time the payments made to the pope by the prelates on their promotion, at first voluntary, had been systematised and made compulsory. In the case of the greater ecclesiastics, provided in consistory, these payments consisted of the "Common Service", and the "Little Services". The Common Service was exacted from all dignitaries of rank for a sum equal of the Camera in annual value, it was a part of the yearly revenue and was shared between the pope, the Curia and the Cardinals who took part in the consistorial provision of the prelate. The five "Little Services" were each estimated at the value of one Cardinal's share in the Common service, on the basis for purposes of calculation, after Paul II's bull of 1470, of there being fourteen Cardinals present at the provision in consistory. These payments were at first unique in that they were paid at Rome instead of to papal collectors in the provinces.

The system of obligations to the Camera did not stop here. Papal provision was not confined to major benefices and other provisions were exacted. The term "annates" was used to denote all payments made to the pope as a result of provision but strictly the word denoted the payments exacted from those who obtained by papal provision benefices of value between twenty-four and one hundred marks. These payments were estimated at half of the value of the benefice for the first year. Appointments to these benefices were made in consistory and the Cardinals did not share in the revenue derived from them (that is, the annates) until after they were excommunicated, after which they were shared, on the basis of the number of Cardinals living. The rest of the whole matter of papal provision and that was extended even to benefices.

5. Ecclesiastical History.

Certain broad forces underlie and give its character to the ecclesiastical history of the later Middle Ages. It is with reference to these general movements, and, in large measure, as being manifestations of their working, that the church^{history} of Scotland at this time, in common with that of the other countries of Western Europe, can best be studied.

In the first place there was the constructive, centralising policy of the papacy. After the anxieties and humiliations of the periods of the Schism and the Councils, the papacy embarked upon a policy of assertion and development; it turned its energies to making the pope the real and effective head of the church universal. The means to attain this end was a thorough and general policy of centralisation. Separate and outlying countries were no longer to be treated as rather autonomous ecclesiastical provinces subject to the supreme suzerainty of the pope, they were to be organised as integral and graded parts of an universal ecclesiastical empire of which the pope was the effective and controlling head and centre. Other motives as well as the desire for assertion contributed to this policy on the part of the papacy. One was that of finance; the expenditure of the Camera was greater than its income and the pontifical Exchequer was faced with a chronic deficit. The chief source of papal revenue was derived from the oblations of the faithful and their payments for benefits received. It had therefore to be insisted that the supreme governing head of the church was the papacy, that papal favour or indulgence was the one authority that, in the last resort, granted and determined position in the church, and that recipients, under pain of the most potent spiritual censures, must pay for the advantages conferred upon them by His Holiness. The bearings of the situation are well illustrated in the matter of papal provision. In course of time the original practice of confirming by papal authority the appointment of bishops and other high dignitaries of the church had been transformed by the Curia into the right of "providing" or appointing ipso facto the prelate to his benefice. At the same time the payments made to the pope by the prelates on their promotion, at first voluntary, had been systematised and made compulsory. In the case of the greater ecclesiastics, provided in consistory, these payments constituted the "Common Service", and the "Little Services". The Common Service was exacted from all benefices of over 100 florins gold of the Camera in annual value, it comprised one-third of the yearly revenue and was shared between the papal Camera and the Cardinals who took part in the consistorial provision of the prelate. The five "Little Services" were each estimated at the value of one Cardinal's share in the Common service, on the basis for purposes of calculation, after Paul II's bull of 23rd. November, 1470, of there being fourteen Cardinals present at the provision in consistory. These payments were at first unique in that they were paid at Rome instead of to papal collectors in the provinces. and concerns, were to a large extent of the system of obligations to the Camera did not stop here. Papal provision was not confined to major benefices and with provision went exaction. The term "annates" was often used to denote all payments made to the pope as a result of provision but strictly the word denoted the payments exacted from clerics who obtained by papal provision benefices whose yearly value was between twenty-four and one hundred florins, gold of the Camera. These payments were estimated at half of the income for the first year. Appointments to these lesser benefices were not made in consistory and the Cardinals did not share in the emoluments derived from them (them). Payments were at first made locally but later they were made at Rome, often by bankers and under regress, on the model of the Common and Little Services. The root of the whole matter was papal provision and that was extended even to benefices/

benefices of lower annual value than twenty-four florins. The practice was extended by the large reservations of benefices to papal provision made by the various popes. Reservations and the payment of Common Services and Annates caused great discontent, they were attacked in the Councils of Constance and Basle and they were among the abuses most strongly animadverted upon and most summarily swept away at the Reformation. In the system of provision can be seen very clearly the working of the papal policy of centralisation and the assertion of the pope's authority.

On the other hand just at the time when the papacy was engaged upon its far-reaching forward policy the "new monarchies" were beginning to spring up throughout Western Europe. National frontiers were becoming determinate, national consciousness was growing up. With the growing recognition of the independent and sovereign nation went a growing realisation of its independent and sovereign government. That government was at this time vested in the King. Monarchs began to aim at being supreme governors, the fountains of law and justice, the directors of the administration. They began to regard their kingdoms as self-sufficient, independent entities and to aspire at making them so, while they also set themselves to make their own authority supreme within their dominions. These aims might, neither attained nor even promulgated but towards them the Kings of Western Europe were constantly and increasingly striving.

Between these two ideals of human organisation, the universal church, with its centralised yet all embracing tendencies super-imposing itself over and breaking through national barriers and royal authority, and the growing new monarchies, with their insistence on independent nationalism and the sovereignty of the King, it was inevitable that there should be conflict. The problems of the relationship of church and state are intricate and weighty. The organisation of the people in their spiritual aspect, the problems of religious belief in relation to temporal activities, the difficulties of adjusting, perhaps of reconciling, the duties to God and to Caesar, must always give concern to secular government, especially where religious feelings are strong. But in an age when the church was all-embracing, when every subject was a member of the church one and universal, when the catholic church was something like a vast ecclesiastic empire that did not hesitate to pit itself against secular governments even in things temporal, when competing jurisdictions and clerical privilege withdrew a large part of the national life and a large proportion of the national subjects from the ken of the law of the land, it was inevitable that collision should occur between the secular and ecclesiastical powers, both in the ideals of government and in fact. Growing nationalism would oppose the universal church with its de-nationalising tendencies. The King could never be supreme within his kingdom when so large a part of it as its whole ecclesiastical life depended not on him at all but on the papacy. The church was a powerful corporation, possessing much land and many privileges in every country. Churchmen, their lands and concerns, were to a large extent withdrawn from the authority of the King and the ordinary exercise of government. The spiritual and the temporal could not be clearly determined and rigidly kept apart. There was much intrusion of the one into the realm of the other, much conflict, many anomalies and abuses. The ideals of the King wishing to be supreme in his own house and of the pope seeking to organise his position as head of a universal and centralised church were, in short, incompatible. It is unnecessary here to detail how that incompatibility worked itself out in practice. It showed itself in many aspects, instances of conflict are many and the types of it diverse. To treat them in full would require an expansive study of the relations of Church and state in the Middle Ages.

In the case of papal provision there were other particular factors/

factors besides the extension of papal authority which would induce temporal monarchs to oppose the powers claimed by His Holiness. The more important ecclesiastics held large estates in every kingdom; for this reason alone the King would naturally wish to have some influence in their appointment, and, in an age when churchmen had practically a monopoly of education, when clerics exercised an influence something like that of the modern press as well as that of the pulpit and when bishops and other dignitaries of the church occupied an important place in government, it was of great importance to the King that he should have some means of control over his clerical subjects and that his influence should be felt in the appointment of prelates. Furthermore the large sums of money sent to Rome as fees for papal provision constituted a serious drain on the monetary resources of medieval kingdoms, in an age when there was a chronic scarcity of specie. The system of provision moreover had given rise to a disgraceful system of traffic in benefices, litigation, with its attendant expenses, simony and abuse.

The inevitable contest between the papacy and the developing "New Monarchies" soon made itself felt throughout Western Europe and in each case papal provision and papal exactions were among the chief points at issue. In France the Pragmatic Sanction of Bourges (1438) laid down the rules to be observed in relation to the papacy while similar arrangements for Germany were agreed upon by the Resolutions adopted at Mayence in 1439 and the Concordat of Vienna (1448). England characteristically dealt with the situation in a different way. By the Statutes of Provisors (1351) and Praemunire (1363) the rights of English patrons were safe-guarded, provision was made for the forfeiture of all benefices secured by papal nomination and heavy penalties were decreed against all who should withdraw from the realm pleas which should be heard in the King's courts - a blow at the practice of appeal to Rome. Scotland had neither the proximity to Rome nor the diplomatic weight to extract from the papacy a Diplomatic Sanction of Bourges; she proceeded on the English model by legislation. Scottish legislation did not have the weight and prestige behind it that accrued to that of the English parliament and if the statutes of Provisors and Praemunire were often neglected in practice and tended to be insisted upon or disregarded according to the exigencies of the political situation, the enactments of Scotland, with her smaller resources and habitually less observed legislation, would still less direct the future.

In his parliament in 1424 James I. ordained that no cleric should either go himself overseas or send a procurator without obtaining royal license and he forbade the purchase in future by any cleric of "any pension out of any benefice religious or secular". James sought to subject the negotiations of Scottish ecclesiastics with Rome to royal supervision. His legislation against "barratry" decreed the penalties of deprivation and exile against those who should purchase benefices or pensions at Rome without license. By his legislation to limit the amount of money sent out of the realm James sought to remedy one of the unfortunate consequences of recourse to the pope - the constant drain of money from Scotland to Rome.

The legislation of James I. provoked the opposition of the pope. It is unnecessary to detail here the stormy ecclesiastical history of James's reign. His death gave the pope the advantage and at the accession of James III. papal provision, papal exactions and appeal to Rome were more rife than ever, though the anti-papal legislation of James I. was still unrepealed.

During the reign of James II. another aspect of the situation had been prominent. The Scottish crown claimed that it had an ancient/

ancient right to administer episcopal sees during vacancies and especially to exercise the episcopal patronage. It was also claimed that bishops had no power of testament and that at their death their moveables might be appropriated by the King. David II. sought by granting a right of testament to gain recognition of his privileges during episcopal vacancies, but his proposals were not observed by his successors. On 24th January, 1449-50, however, James II., as the result of deliberations in parliament, issued a charter in which he granted to his bishops the right freely to dispose of their moveables. On the other hand the King's right to the temporalities, during episcopal vacancies, including the patronage of the see, was clearly stated, though it was declared that the King should not meddle with spiritualities or tithes which the vicar general was to administer and answer for (1).

The right claimed by the King was twice re-affirmed by Provincial Council - in 1457 and 1459. The first recorded ecclesiastical legislation of the reign of James III. was a declaration drawn up in parliament on October 19th, 1462 and attested by the seals of the King and of members of the Three Estates which asserted that the Scottish Kings had exercised so long that there was no memory of a time when they had not done so, the right to present to benefices falling vacant during episcopal vacancies and in the collation of the ordinary of the vacant see, until the new bishop should be admitted to the temporalities, even if such benefices had been reserved to another, even to the Roman Curia itself, by general or special reservation. Penalties of deprivation and inhibition were decreed against any Scottish cleric who should presume to have himself provided to such benefices by the Apostolic See, in virtue of expectative graces, or by ordinary authority in derogation of the King's right. The Bishop of Aberdeen, Conservator of the privileges of the Scottish church, addressed a letter to the clergy affirming that in a clerical council held at Perth in 1457 exercise of patronage during episcopal vacancies had been found to be an ancient and indubitable right of the crown.

Parliament's declaration was emphatic but it did not prove to be the last word on the matter of royal rights during episcopal vacancies. In April 1481 it was declared by the Estates that the King, during episcopal vacancies, should have the right of presenting to benefices which were subject to collation by the bishop of the vacant see at all times until the new prelate should cause his bulls of provision to be shown to the King and to the Chapter. Should the King, through special grace and favour, admit any prelate to his temporality before the showing of his bulls this was not to prejudice the King's right of patronage. In parliament in March 1481-2 this act was re-affirmed and the former act of parliament for the punishment of those who acted in contravention of the King's privilege was extended to accessories - procurators and persons giving financial assistance - as well as principals. All who should in future raise or purchase at Rome a commission of presentation to a vacant benefice during an episcopal vacancy were to be esteemed violators of the King's privilege and transgressors against the act of parliament and they were to incur the pains contained in the act.

In February 1483-4 parliament decreed that the acts concerning the King's privilege during episcopal vacancies should be put to execution upon all who should contravene the royal privilege in question by making impetrations at Rome while the see was vacant. The Chancellor was to write under his seal to the Pope, "of the realm's behalf", in defence of the King's right of patronage, when so required, according to the King's letters sent to the Pope for defence of his patronage. In May 1485 when it was decided in parliament that the Archbishop of St. Andrews should be constituted the King's ambassador to the Pope his instructions included a request/

(1) A.P.S. II.

request to his Holiness to silence "barrators" who questioned, vexed and troubled those promoted to benefices by the King during episcopal vacancies. In the same parliament an act was passed for enforcing, on the testimony of worthy clerks, the penalties of proscription, rebellion and treason prescribed by the act of James II. against all who should purchase at Rome benefices to which the presentation belonged to the King on account of episcopal vacancies, unless the offenders should demit the benefices in question on being so required. The same penalties were to be incurred by any who should assist them in this breach of act of parliament and who would not desist therefrom on being so required. In parliament in January 1487-8 the King's right to present during episcopal vacancies to benefices in the ordinary collation was affirmed in practice. The Estates deliberated upon the vacancy in the see of Aberdeen caused by the translation of Robert Blackader to Glasgow and the King's consequent right to present to the Deanery of Aberdeen, vacant by the promotion of James, Bishop of Dunkeld. Considering the Pope's Bulls and other writs they declared that the see of Aberdeen had been vacant since the translation of Blackader to Glasgow, that the King and his progenitors were entitled and accustomed to present to benefices falling void during episcopal vacancies and that Sees were vacant until the papal bulls of provision and promotion of the bishops were presented to King and Chapter. They therefore asserted that the King should maintain his clerk, David Abercromby, in peaceable enjoyment of the Deanery of Aberdeen, since the King had presented him thereto and obtained collation, and that any persons making attempts in contravention of this by impetration and purchase of the said deanery should be summoned by the King, made to show the impetrations and punished according to the law.

Papal provision had meanwhile grown apace. A glance at the Calendar printed by Miss Cameron in her book "The Apostolic Camera and Scottish Benefices" shows how wide the papal net had been flung and how far the system of centralisation and been developed. Provision in consistory was applied not only to the bishoprics but to the larger monasteries; appointments were made by the Pope in conclave with his cardinals and payment of Common and Little Services was exacted. To the smaller livings, whose annual value was from 24 to 100 florins, gold of the camera, papal provision also extended and annates were charged. How thorough was the papal policy is evident from the fact that his Holiness did not disdain to provide even to benefices of lower annual value than 24 florins and how numerous were the livings and religious houses affected is clear from Miss Cameron's book. Election by the chapter was being pushed entirely out of court and from the practice of papal provision numerous evils resulted. Simony and nepotism were among the first and most obvious of these abuses and there is evidence of corruption in high places. Another evil was that of plurality. The Pope granted livings to be held in commendam by the recipient or decreed unions or annexations of benefices. It is unnecessary to multiply instances of such grants in commendam or of unions of benefices, which the Calendar of Papal Registers and Miss Cameron's work(1) show to have been as numerous as pebbles on the beach, but attention may be drawn to an instance, selected at random, of the evils that were likely to result. About the year 1461, John Haliburton, priest, and ^{the} parishioners of the parish church of Elstanfurde (Athelstaneford) in the diocese of St. Andrews sent a petition to the Pope in which they stated that though the revenues of the nuns' Monastery of Haddington were amply sufficient for its upkeep, yet the prioress and convent thereof caused the parish church of Elstanfurde, which was one of the churches united to their monastery, although its annual value was £16 sterling and/

(1) Miss Cameron prints a list of such unions, actual or contemplated, on page LXXIV. of the Introduction to her book.

and its parishioners about 200 in number, paid their personal and praedial tithes to the prioress and convent, who exacted mortuary dues and other emoluments according to custom, to be served only by a priest removeable yearly at their pleasure, contrary to the canons and to the great prejudice and hurt of the parishioners. His Holiness was therefore requested, in order to obviate the peril of souls that might arise in consequence, to provide a remedy - the suggestion being that he should institute a perpetual vicarage (1) Agglomeration of revenues in the hands of one cleric or religious house, who often gave no adequate return in service, religious or otherwise, to the community, and conversely the impoverishment of parish priests were the unfortunate results of the practice of incorporations of benefices. Parish priests were left to live on a pittance with the result that the standard of the parochial clergy was lowered. Men quite unfitted for the task were often the only ones who could be found to undertake it under such stunted circumstances and they were often forced to supplement their meagre incomes by questionable means. Parochial needs were neglected, the work of the church failed just where it was most needed, among the common people, and feelings of reverence and respect for the church could not but be damaged in consequence. Some unions were strongly opposed by the clergy themselves, especially where the rights of a mother church over its satellite were abrogated by the appropriation of the latter to another foundation.

Benefices were much in dispute in the later Middle Ages. When a vacancy occurred rival claimants to the living sprung up, asserting conflicting claims. The result was litigation, intrusion, debate and strife. Nor did the contestants always confine themselves to words or to the arm of the law, and there are frequent instances of forceful dispossession and resort to violence. As a result of papal provision much of this litigation was withdrawn to Rome. In the case of benefices in which provision by the Pope was asserted litigants had to betake themselves to Rome, either in person or by procurator, in order that the case might be laid before the papal Curia. This occasioned much inconvenience and expense and withdrawal of pleas to Rome was a grievance constantly animadverted upon in Scotland and productive of much preventive legislation, somewhat after the fashion of the English statute of Praemunire. In litigation as to the right to benefices, however, the papacy did not as a rule concern itself much with the course of the suit; its concern was to ensure that the successful claimant should be duly provided by the papacy and that he should pay his Common Services or his annates. It was not so much a case of the papacy asserting one candidate, backed by provision at Rome, against another backed, let us say, by election by the chapter. What usually happened was that the contestants had rival claims before reaching the Pope, that both applied for papal provision and, since the main concern of the Camera was the collection of its financial dues, that the papacy issued Bulls of promotion to both claimants (probably under regress) and exacted the Common Services or annates, as the case might be, from the successful contestant (2).

(1) Calendar of Papal Registers. (2) Instances of rival bulls of provision are very numerous. Miss Cameron's book for instance shows rival provisions to the canonry of Strabok (St. Andrews diocese) in 1462, to the deanery of Caithness in 1463, to the parish church of Kirkintilloch in 1465 to the prebend of Menmowr in 1466 to St. Bothans in 1470, to the Archdeanery of Rayne in 1480. These instances serve to show the prevalence of the custom and their number could be very greatly added to. The papal practice is well illustrated by a case in 1480. Egidius Boys, canon of Moray bound himself for the annates of the canonry and prebend of Murthil in the Church of Aberdeen and also of the precentorship of Moray, and it was related that there were in the Camera no less than two bulls of new provision of the said benefices. Bulls of provision were very frequently rendered at mandate because another had already had provision and had paid the annates (which was the Camera's primary interest).

Litigations were frequently ended by the parties coming to an agreement that one of them should have the benefice while the other in return for giving up his suit should be assigned a pension charged upon the revenues of the living which had been in dispute. Such "pensions for concord" were very numerous. On July 9th, 1471, for instance, Thomas Hasty received a bull granting him an annual pension of a third part of the fruits of the Church of Lynton, Glasgow diocese, on occasion of his cession into the hands of the ordinary of a certain presentation of himself by the patrons of the Church(1). In 1473 John Wallace, clerk, had a pension of £100 Scots assigned to him by apostolic authority on the fruits of the priory of St. Andrews on occasion of cession of the suit and cause anent the said priory made by John at the Apostolic See, by virtue of a certain concord between him and the prior of St. Andrews, and instances of a similar kind could be multiplied indefinitely. The Camera safeguarded its financial position by exacting annates for such pensions when they were above the stipulated value of 24 florins. When they fell below this sum the papacy still had the annates of the benefice itself unchanged. Pensions assigned by the Pope on the revenues of livings were awarded for other causes than concord in litigation. They might, for instance, ^{be granted} out of favour, in reward or in supplement of income, especially where the recipient had duties to perform for the Pope for which he was inadequately paid, and these pensions constituted one of the grievances constantly voiced against Rome.

Another adverse result of the extension of the system of papal provisions was the opportunity it afforded for the intrusion of foreigners into livings in Scotland. Thus on May 25th, 1478 the Pope in consistory provided Prosper Camulio of Genoa, apostolic prothonotary, to the church of Caithness, void by the death of the last bishop. It may have been papal appointment of Englishmen to livings in Scotland, or apprehension of such appointments that led the Scottish Estates in October 1466 to declare that no Englishman should hold a Scottish benefice, after the form of an act of Robert the Bruce.

Papal provision of any individual cleric does not necessarily imply direct conflict with the chapter(2). There was not, usually, in any given case a direct fight between papal provision and some other type of nomination - such as, for instance, capitular election. The papacy usually provided the man who had already been elected by Chapter. It might provide also another claimant who asserted another claim. In that case it would usually treat the successful candidate as the rightful possessor and exact its Common Services or annates from him. The papal policy might be described as one of providing anybody and everybody, thus ensuring that the man who ultimately got possession had duly had papal bulls of provision and that the financial charges of the Camera could be exacted from him. This was not a very exalted or single-minded line of policy but it ensured the extension of the system of provision and when a cleric obtained possession of a benefice which the papacy considered subject to its provision without having obtained papal bulls of provision the Pope was not slow to proceed against him. Even if he had been duly elected by the Chapter he was stigmatised as an intruder. In Miss Cameron's Calendar almost every other entry has a reference to intrusion and often the "intruder" seems to have the better right. The process of deprivation was frequently put into execution against those who were regarded as holding benefices upon insufficient authority.

Apart from the constructive and centralising policy of the papacy the extension of the system of papal provision was helped by conditions in Scotland itself. There was constant competition for benefices and any authority that strengthened a claimant's right/

(1)A.I. Cameron - The Apostolic Camera and Scottish Benefices.p.169

(2)There often was such conflict, however, as for example when the Pope, by virtue of special reservation provided and appointed Richard Wylie/ - (Continued in next page)

right would be welcomed. It was this fact that gave recourse to Rome its potency and its prevalence. A canonically elected cleric for instance might find himself opposed by a rival who asserted other claims. The latter might have had papal provision, the former to protect his position might apply for similar bulls of provision - and the Pope would probably grant them. Thus from the necessities of the situation papal provision was recognised, even if the recipient of it disapproved of it in general and persuaded himself that it was an unessential precaution, not the necessary condition of appointment, that he sought it. Clerics collated to benefices by Scottish Bishops often sought papal confirmation, feeling their position to be insecure(1). The Chapter might invoke the aid of papal provision against a lay patron, the lay patron against the Chapter and the King against both. The attitude towards the papacy would depend much upon the circumstances of the particular case. Each of the authorities in question might persuade themselves that papal aid was invoked in this case only and that in general they disapproved of it. But once papal provision was invoked it became increasingly difficult to avoid it and the papal custom of issuing bulls to all claimants at once safe-guarded and extended the principle of provision.

Yet in general the system of papal provision was bound to arouse opposition. It was an extension of papal power and as such was a challenge to crown and Chapter alike. It was opposed by incipient nationalism and by many forces in the church itself and it was attended by many abuses and hardships. Lesley bewails the ecclesiastical decadence that resulted from papal provision. "And sua the Abbayis come to secular abussis;" he writes "the abbottis and pryouris being promovit furth of the court, quha levit courtlyk, secularlye, and voluptuoslye: And than ceissit all religious and godlye myndis and deidis, quhairwith the secularis and temporall men beand sklenderit with thair evill example, fell fra all devocioun and godlyness to the workis of wikednes, quhair of daylie mekill evill did increase". The promotion of unfit persons was an undoubted result of the supplanting of Chapter elections by papal provision. The manner in which Kings obtained rich livings for their dependant relatives, especially for their natural children, is well known. Large and important benefices were held by mere boys. The Calendar of Papal Registers abounds with dispensations issued to minors to hold benefices, while the same record shows that one of the most usual methods for obtaining a means of livelihood for the illegitimate sons of the nobles and of priests themselves was to secure church livings for them.

The spread of the practice of papal provision and resort to Rome with its consequent abuses aroused strong opposition in Scotland. The anti-papal measures of James I. have already been noticed and during the reign of his grandson restraining legislation continued.

(Continuation of note (2) page 157.)

Wylie, Archdean of Brechin, to be Abbot of the Monastery of St. Mary, Kelso, and the Chapter elected a monk, Robert Ker as Abbot. Ker obtained de facto possession and in May 1469 the Pope ordered the Bishop of Glasgow to summon Ker and all others concerned and if he found the facts to be as stated to declare all elections by the convent, after the papal reservation, and their consequences to be null and void and to put Wylie in possession. (Calendar of Papal Registers).

(1) Numerous instances in Cal. Papal Registers.

showed how far the King was prepared to go in order to secure papal provision when it suited his interests. Requests were to be made to his Holiness for the translation of benefices to the King's chapel and for the reservation of royal clerical preferments. An article of the instructions to the embassy, however, by which confirmation was to be sought of old privileges and incidents to St. Andrew's.

In October 1466 parliament struck at some of the particular abuses of the system. It was enacted that no "commends" should be tolerated within the realm. The King's lieges were forbidden to purchase commends or to hold ones formerly purchased of benefices either religious or secular, under the pains of forfeiture of their temporalities and the commend and of rebellion, except in so far as it was lawful for the ordinary to commend for six months. Another act ordained that no pension "of new nore aulde" should be taken, either without the realm or within it, of any benefice, religious or secular, without the consent of the possessor, giver and taker, under the same pains. Pensions were again the subject of legislation in December 1482, when it was ordained by parliament that former acts as to the purchase of pensions from benefices, secular or religious, should be put to execution and that no man should use any process of any pension impetrated contrary to the said acts, under the pains of the same - to wit rebellion and proscription of the realm.

The question of holding benefices in commendam was probably particularly prominent in 1466 owing to the doings of Patrick Graham. Further development of the same dispute may have been the occasion which prompted the Scottish Estates in May 1471 to pass an act against the purchasing of benefices at Rome which were never before so purchased and against the purchasing of the office of Collector and raising extortionate sums from the clergy. Clerical payments to Rome, it was ordained, should in future be made according to the old valuation of Bagimond's Roll. The Act also forbade annexations of benefices to bishoprics, abbeys and priories and declared all such annexations made since the accession of James III. to be void and undone. Persons acting contrary to these resolutions were to be deemed as traitors, though an exception was made that lords and barons might purchase annexations of any benefice they could thus obtain, to be united to secular colleges founded or to be founded.

Much, however, depended on particular circumstances at any particular time and the practice of annexations was tacitly recognised when in October 1479, when a more favoured man presided over the See of St. Andrews, the King, with consent of the Three Estates, confirmed and approved all gifts, grants and privileges made formerly to the See of St. Andrews and William (Scheves) its Archbishop, and confirmed all unions and annexations of benefices to St. Andrews by the Pope. The Pope's right to delegate his confirmatory power was recognised when in 1469 the King and Estates enjoined the Lieges to observe and pledged themselves to protect the indult granted by the Pope to the bishops of St. Andrews to confirm persons chosen to be Abbots and Priors within the diocese of St. Andrews, though room was found to include a stipulation that no lieges should purchase any benefice without the realm that was always accustomed to be presented within the realm by the patron or ordinary of the diocese. The act confirming the papal indult to St. Andrews was ratified on March 9th 1478-9 and again in March 1482.

In May 1485 it was decided in parliament that special letters should be written to the Pope in the name and on behalf of the King that all benefices elective which by common law pertained to the election of Chapters, such as deaneries and others, should be confirmed by the ordinaries, notwithstanding the rules of the "Chancellarie" recently made or to be made to the contrary, saving always the King's privilege during vacancies. Yet when in the same parliament it had been decided to nominate the Archbishop of St. Andrews as ambassador from Scotland to the Pope, his instructions showed how far the King was prepared to accede to the practice of papal provision when it suited his interest to do so. Requests were to be made to his Holiness for the erection of Coldingham to the King's chapel and for the promotion of royal clerical protégés. An article of the instructions to the embassy, however, by which confirmation was to be sought of old privileges and indults to St. Andrews/

St. Andrews and such new ones as could be obtained were to be solicited for St. Andrews and the other bishoprics of the realm, included the proviso that no annexations or unions should be made to bishoprics or abbeys, or pensions or commendations granted in contravention of the former acts and statutes of parliament. The King was quite ready to negotiate at Rome for an appropriation of Coldingham to the Chapel Royal but others also could have recourse to his Holiness and James tried to prevent his opponents from invoking the papal arm by an act of parliament in October 1487. The King and his Estates ordained that none of the lieges, spiritual or temporal should attempt anything contrary to the union of Coldingham Priory to the Chapel Royal, or make any impetration thereof at the court of Rome or publish or use any other Bulls or processes purchased or to be purchased contrary to the said union under the pain of treason and forfeiture of life, land and goods. The validity of papal provision or papal pronouncement was not called in question, it was merely decreed that the penalties of treason should be incurred by those who would have recourse to the papacy against the King. In the following parliament, in January 1487-8, regulations were made for summoning and proceeding against such persons, spiritual or temporal, as had broken the statute by making attempts contrary to the erection of Coldingham to the Chapel Royal. In the same parliament it was ordained that there should be put to sharp execution former acts made by the King and his progenitors as to ecclesiastics who made impetrations at the court of Rome of bishoprics, abbeys and other benefices, contrary to the privilege of the King, the right on his crown and the common profit of the realm, and especially with regard to the King's privilege during episcopal vacancies, and also former acts as to those who purchased abbeys at the court of Rome "that wes nocht of ald at the court of Rome", such as Melrose, Dundrennan and others. It was also thought expedient by this parliament that the King should "observe and keep" the privilege granted by special Bull to him and his progenitors that the King should receive no legate or messenger of the court of Rome into the country unless the causes of the legate's coming and the charges he bore were made known to King and council before the papal envoy entered the country, so that it should be understood that he brought no charges or mandates prejudicial to the King and the common welfare of the realm. The Lords of the Articles advised that if any legate were now coming, or should in future come to Scotland, the King should send to the Borders of the country and cause the papal legate to remain outwith the realm until he should make known to the King the causes of his coming and the charges he bore. In the same parliament the King's right to present to benefices during episcopal vacancies was asserted and James was advised to uphold it in practice by maintaining his clerk, David Abercromby, "unvexed and untroubled" in the Deanery of Aberdeen. The ecclesiastical measures of this parliament, which might be held to evince an anti-papal tinge, were elicited as a retort to possible implementation of the papacy by the Humes and other opponents of the King in the matter of Coldingham. It was necessary for the King to furnish his defences in order to prevent if possible appeal to Rome by his opponents and to provide a "locum standi" for himself if such appeal were made.

Following the methods of James I. attempts were made under James III. to limit recourse to Rome, and to remedy one of the outstanding grievances which resulted therefrom, by limiting the amount of money that a cleric could take or send out of the realm. The financial motif was a constant one in papal politics. Privileges emanating from Rome had to be paid for and one of the chief reasons for the expansion of the system of papal provision was the financial benefits which accrued to the Camera. In Scotland, with her chronically embarrassed finances, the constant drain of money to Rome was naturally regarded as a great grievance and many attempts at remedy were made.

In October 1466 parliament ordained that no person, lay or cleric, should take or send money out of the realm on pain of forfeiting/

forfeiting to the King a sum of £10 and as much money as he took out of the country. Clerks leaving the country were to come before their ordinary and make oath that they neither took nor sent money out of the realm, except so much as would suffice for their expenses (estimated at one English noble for each person) and secular people were to make a similar oath before the King's deputies to be appointed in every haven. All who failed to take this oath were to be fined £5. Several further regulations were made from time to time for the import of bullion and the keeping of specie within the realm which did not primarily concern ecclesiastics and it was periodically ordained that Searchers and inquisitors should be appointed to prevent the undue export of specie. In February 1483-4 the Estates, in order to avoid the great damage sustained by the country through the "having money forth of the realm" by prelates and clerks for promotions and pleas in the court of Rome, ordained that in future each prelate or clerk who should go or send to the court of Rome for promotions or pleas should come to the King's Exchequer and before the Auditors thereof prove and make known his finance in merchandise of the realm to the avail of the sum he should spend at the court of Rome, so that it might be clearly understood that he should neither spend nor take money out of the country except as much as was allowed by former acts of parliament. Anyone failing to give the said knowledge and proof was to be punished as a "havar of mone furth of the Realme", according to the form of the said acts. These acts were to be sharply put to execution in the matter of making search for money of this kind in all ports and havens within the realm. In January 1487-8 it was enacted in parliament, that, in order to prevent the export of money from the realm by clerks, merchants and others, the King should cause Searchers to be chosen at every port and haven of the realm who were to be sworn to exercise their office conscientiously, receiving for their fees one-third of the money that should fall escheat by their searching. Any other persons proving that money was being withdrawn from the realm were to have a reward of half the sum in question while those found guilty of the offence were to be punished by confiscation and escheat of their goods to the King and imprisonment of their persons at the king's will.

Scottish legislation, however, was more honoured in the breach than the observance. Anti-papal statutes, moreover, have usually to be read in the light of the politics of the moment and the attitude of today might be by no means that of tomorrow. The acts of the medieval Scottish parliaments did not carry with them the plenary and lasting authority associated with modern legislation. Acts of parliament partook rather of the character of resolutions than that of fiats of unchanging law. This can be seen by its frequent changes of policy and complete reversals of statutes. Parliament and its enactments formed a kind of buttressing authority that could be used at a pinch rather than a supreme directorate laying down binding lines of policy and unchanging laws. Much would depend on the personal attitude of the King as to whether the restraining statutes of the Scottish parliament should be observed or disregarded, and if the King had to choose in any given case between papal provision and election by the Chapter as methods of nomination to benefices he would probably, if there were no circumstances to influence him either way, choose the former. It was not often that election by the Chapter was free in any sense of the word. The electing bodies were much subject to the coercion of the baronage and the candidate elected by the Chapter was usually the nominee of the most powerful and vigorous local magnate - a result, of course, highly unsatisfactory to the King. Even where the Chapters were independent they might carry their independence to an extent displeasing to the King by electing a person distasteful to his Majesty. The Pope on the other hand could be, and was, approached and influenced to provide royal nominees to benefices. It is true that others too could approach the Pope but the King had both the/

the greatest facilities for doing so and the greatest inducements to offer to his Holiness to persuade him to accede to his wishes. The King would naturally oppose any increase of papal power that would prejudice or detract from the royal authority but in the extension of papal provision he might see not his detriment but his advantage. A direct clash with so potent an adversary as the occupant of St. Peter's chair was always to be avoided if an advantageous accommodation could be had instead.

Lesley recounts that, Dunfermline Abbey becoming vacant, the Chapter chose one of their own monks as Abbot but that the King disregarded their election, promoted Henry Creighton, Abbot of Paisley, to the abbacy of Dunfermline and that Creighton was preferred by the Pope at the King's request. Lesley also relates that Robert Shaw, parson of Mynto, was promoted by the King to Paisley Abbey and so, he bewails, began the promotion of seculars on the King's supplication and the frustration and disuse of "godlie elections", since the Pope, because of the great financial benefits that accrued to himself, listened to the King. Henry Creighton, Abbot of Paisley, was provided by the Pope to the monastery of Dunfermline in December 1471(1) while at the same time George Shaw(2) was provided in consistency to the monastery of Paisley. Ferrerius also speaks of the growth of the practice of papal provision of the King's nominees to benefices, the decline of Chapter elections owing to the connivance of Pope and King and the ecclesiastical deterioration that resulted.

There is abundant evidence that James III. often made supplication at Rome for the provision of his candidates to livings. In December 1467, for instance, the Pope, at petition of James, King of Scots, reserved to his own gift a canonry of Ross and the prebend of Kilmitell, for collation to the King's chaplain, Patrick Mason, (3). In March 1465-6 John Spalding, dean of Brechin, chaplain and member of the Household of James III., had a dispensation at his own request and that of the Scottish King, to receive another benefice along with his deanery, or two other benefices, even if incompatible, without his deanery(4). A similar dispensation was issued at the same time to John Otterburn, provost of Methven, at his own petition and that of the King of Scots(5). In March 1468-9 a papal mandate was issued to the Abbot of Culross to collate the priory of Inchmaholm to Thomas Dog, on whose behalf the King of Scots had petitioned to Rome(6). In June 1469 the priory of Monimusk was collated to Alexander Spence at the petition of James III. Spence had been elected unanimously by the convent and confirmed by authority of the ordinary but the election and confirmation were declared in the papal mandate to be without force(7). In this case, therefore, the King at least acceded to the assertion of papal provision as against conventual election. Instances of preferments made by the Pope at the Scottish King's request could be further multiplied and there was evidently much collusion between King and Pope in the matter of nominations to ecclesiastical dignities.

James would try to limit clerical resort to Rome and to subject it to royal supervision. He would insist on his own ecclesiastical privileges, as, for instance, the royal right to exercise the ordinary's patronage during episcopal vacancies. He would oppose the papal power on particular occasions when he felt himself aggrieved by it or feared that it would re-act to his disadvantage, as when, for example, impetrations were made at Rome during episcopal vacancies in defiance of the royal claims, when unacceptable prelates were provided, or when the King's opponents sought, or it was feared they might seek, to implement the papal arm in opposition to the King. On the whole, however, James and the Pope seem to have remained on terms of connivance. Papal provision of claimants sponsored by the King was a modus vivendi that reserved theoretic rights and that had in practice many advantages.

(1) Cameron. (2) Ibid. Lesley evidently mistook Henry for George.
(3) Cal. Pap. Reg. (4) Ibid. (5) Ibid. (6) Ibid. (7) Ibid.

advantages for both authorities. Throughout the reign of James III. there are frequent manifestations of the good relations that prevailed between Pope and King.

On May 2nd. 1472, for instance, two bulls were issued for the King of Scots(1). The first concerned the dissolution of the union of the hospital of St. Leonard, St. Andrews diocese, to the monastery of Holyrood and contained a mandate of provision of a rector for the hospital. The second granted the King of Scots the faculty of correcting and visiting, as well in head as in members, the Premonstratensian canons holding parish churches in Scotland. We find periodic references to communication between Scotland and Rome. There are frequent allusions to orators of the King of Scots at the court of Rome - Fergus Macdowall and Robert Blackader for instance both acted in this capacity. On June 25th, 1471 James III. constituted Henry, Abbot of the monastery of Cambuskenneth, his lawful and undoubted procurator, giving him full power and special mandate to present himself to the Pope in order to solicit, procure and act in the business of the King and kingdom of Scotland(2). The Treasurer's accounts record a payment in 1474 to Andrew Mowbray sent to the court of Rome to solicit "the King's matters". Both these communications with Rome were probably undertaken in connection with the disputes which centred round Patrick Graham. Conversely papal legates appeared periodically in Scotland. The nuncio who induced James to desist from his projected invasion of England in 1481 rendered Scotland very doubtful service(3) but the subsequent missions of the Bishop of Imola and Adrian Castalesi of Corneto were intended to benefit Scotland and her King. When James III. found himself at issue with his nobles he appealed to the Pope for support and in 1483 Sixtus IV. sent a letter to the Bishops and nobles of Scotland, animadverting against the seditious conduct of certain Scottish subjects and emphasising the duty of loyalty to the lawful sovereign(4). In 1485 the Bishop of Imola, papal legate, was enjoined by the Pope to reconcile James and his nobility and to bestow the Golden Rose upon the Scottish King(5). It is said that the legate was also commissioned by his Holiness to try to secure peaceful relations between England and Scotland(6). Imola's services, however, were not to be without their financial advantages to the Pope. Innocent VIII. in 1485 renewed the constitution of Pius II. as to unpaid annates and for some years the papal perquisites had not been duly forwarded from Scotland. The Bishop of Imola was Receiver-General in Scotland as well as legate *de latere* and on August 31st, 1485 he obliged himself to the Apostolic Camera to return a good, true, and legitimate account of all monies coming to him as annates of benefices provided by him by virtue of his faculties, as compositions for fruits unlawfully taken up, for licenses for witnessing, dispensations to hold livings in commendam, compositions for dispensations for marriages knowingly contracted within the forbidden degrees, and all other sums pertaining to the Apostolic Camera and coming to his hands by virtue of his commission(7). In particular the Archbishop of St. Andrews owed considerable sums to the Camera and the Bishop of Imola busied himself to secure payment(8). The financial claims of the papacy had probably considerable influence in determining the legate's mission.

Little is known as to the Bishop of Imola's legatine activities in Scotland. He evidently championed the cause of the King, (9) using drastic methods of ecclesiastical censure against his opponents. On May 3rd, 1486 he issued a public instrument of quittance to the Archbishop/

(1) Cameron. (2) R.M.S. (3) Balfour states that the "nuncio" was not a papal legate at all but a "knavishe mounke" trimmed up as a legate by Edward IV. to hoodwink the Scots. (4) Bellesheim - History of the Catholic Church of Scotland, quoting Raynald. (5) Bellesheim, Citing Theiner. (6) Lesley, Hollinshed, Ferrerius. (7) Cameron. (8) Ibid. pp.334 and 5. (9) Herkless and Hannay.

Archbishop of St. Andrews, acknowledging receipt of £400 grossorum, money of Flanders, from the Archbishop, according to his obligation made in the Apostolic Camera for the monies of the Crusade received by him according to the bull of Crusade. The money now paid was for the remainder of a greater sum, to wit £500 grossorum, because the Archbishop, as appeared from public instrument, had already paid 200 marks of Scottish money, amounting to £40, to Maria Franciscus, Doctor of Laws, then collector and commissary in Scotland(1). The financial difficulties between the Archbishop of St. Andrews and the Apostolic Camera are further explained by a proclamation issued on 26th August, 1486 to all and sundry by the Bishop of Imola as Receiver General in Scotland.(2) He recounted how he had received an apostolic brief from the Pope under the fisherman's ring relating that it had been learned that the Archbishop of St. Andrews, John Litstar, of the Order of Friars Minor and Simon Finlay, priest, collectors of Crusade money in Scotland, made a contract by which John and Simon should give the Archbishop from the Crusade monies 2,500 marks of the money of Scotland in gold, silver and black money, for which the Archbishop obliged himself to pay £500 grossorum, money of Flanders, to a person authorised by the Pope, and in event of not making payment as soon as possible he pledged himself to refund all expenses. John and Simon duly delivered 2,500 marks to the Archbishop who issued legitimate documents acknowledging receipt. The Archbishop, John and Simon thereafter made a second contract that all monies, gold, silver and black money, accruing from the Crusade, should be handed over to the Archbishop, who should be bound to deliver them to an authorised person. By reason of this contract John, Simon and certain others were unable to contract with any other person, because of the agreement with the Archbishop, and all the black monies in their possession were lost because they were called in and cancelled. The Archbishop was, therefore, declared (in the papal brief) to be bound to the Camera in the sum of 700 ducats, gold of the Camera, for the above sums of money, the value of black money which was lost and the expenses of Maria Franciscus, sent by Pope Sixtus to the Archbishop to exact these sums. The papal brief therefore enjoined the Bishop of Imola that, having informed himself summarily of the foregoing, he should compel the Archbishop to pay to the Camera, or in Lyons to John Nubrosio, merchant of Parma, the above monies or the value thereof, the expenses of Maria Franciscus and any other monies accruing to the Archbishop from the Crusade or any other cause, by interdict, excommunication and other remedies of law, with aggravation, re-aggravation and invocation of the secular arm, and with power to cause his goods to be sequestrated and sold to the highest bidder, notwithstanding all privileges granted to the Archbishop and all other things to the contrary. The Bishop of Imola recounted in his proclamation that on receipt of this brief the Archbishop of St. Andrews was warned that he was bound in 700 ducats, witnesses were summoned, enquiry made and due process was had up to, but short of, sentence. The legate, seeing that the Archbishop had suffered grievous loss owing to the revocation of the black money and that all things stated in the papal brief could not be substantiated, entered into a concord with him that the Archbishop should pay each year (or perhaps "for each year" - pro singulis annis) to the said legate or to the factors of the Camera at London in England 400 ducats, gold of the Camera, or 200 English nobles, or the true value thereof in legal money, and the interest and expenses incurred by occasion of the foregoing as well as all other dues whatsoever of the Camera, the remaining 300 ducats being remitted. By the present document quittance was given to the Archbishop of St. Andrews for 700 ducats.

It is significant in connection with the relations of James III. to the Pope that on the death of his Queen, Margaret of Denmark, a lady, according to all accounts, of exemplary virtue, the King and leading nobles of Scotland applied to the Pope for her canonisation(3). On June 10th, 1487 the Pope wrote to the Archbishop of/

(1) Cameron, *Diversa Cameralia*. (2) *Ibid.* (3) Bellesheim.

of St. Andrews asking several questions relative to the proposed canonisation but the troubles between the King and his nobles soon supervened and there is no account of any further proceedings in the matter.

The relations prevailing between Scotland and Rome are well illustrated by the instructions given in parliament in May 1485 as to the requests which ^{were to be laid before the Pope by} the Archbishop of St. Andrews and his associates, "gif it ples his hienes to adiune ony uthir to him", on embassy to Rome. A new Pope, Innocent VIII., now occupied the papal chair (1) and ^{the} occasion was no doubt considered a favourable one for the definition of relationships and the supplication of privileges. The Archbishop was stated to be going to Rome at any rate on his own account, evidently in connection with his debts to the Pope. Several of the matters to be solicited ^{at} Rome have already been commented upon - the confirmation of the Scottish alliances with France and Denmark, the impetration of an erection of Coldingham to the King's Chapel, the silencing of "barrators" who questioned and acted in contravention of the King's privilege of clerical appointment during episcopal vacancies. The ambassadors were also to make known to the Pope how the King had often written to his Holiness and his predecessors for the promotion of "his tender clerk and counsellor", Alexander Inglis, dean and bishop elect of Dunkeld, to the bishopric of Dunkeld and they were instructed to use their best endeavours to secure his promotion, and also for the promotion of John Ireland, Professor of Theology and clerk and counsellor of the King, to the archdeanery of St. Andrews when it should fall vacant by the advancement of Inglis to the bishopric of Dunkeld. The ambassadors were to "schew and declare determytly" to the Pope that the King would not suffer master George Brown or any others who had presumed to be promoted to the bishopric of Dunkeld, contrary to the King's "mind, will and special writing", to have any possession thereof. Royal letters under Privy Seal were to be written anew to his Holiness "of consent and deliverance" of the Three Estates "yet as of before" to the promotions of Alexander Inglis and John Ireland and to the retraction and reduction of "the said master George". The promotions ~~made~~ made by the Pope of Robert Blackader to the bishopric of Glasgow, of William Elphinstone to that of Aberdeen and of John Hepburn to be prior of St. Andrews were found acceptable to the King and his council and the Holy Father was therefore begged to defend them if any should cause them trouble. It was decreed by the Estates that the King should be advised "if there be any special matters that he will desire of our Holy Father, as nominations for the promotions of his familiars and clerks, that his highness will show these matters to the said commissioners and give them commission thereupon. And generally to do and solicit all other things that shall be thought expedient, honourable and profitable for his highness and realm". Confirmation was to be sought for all indults and privileges to the See of St. Andrews and new indults were to be sought for it and other benefices, provided no annexation, pensions or commends were created contrary to act of parliament. Letters of special supplication and request were to be written by the King to the Pope, "praying his Holiness to have consideration of the great trouble that has been made to the church of St. Andrews and the great debt" which its archbishop had formerly paid and was still owing to the Chamber through the said trouble, begging the Pope to show favour to the Archbishop in his debts and to grant him and his church such honourable privileges and indults as should be shown and desired by him at his coming before the Holy Father.

The Archbishop of St. Andrews did not at once set out for Rome, but, during the latter half of 1486, after the departure from Scotland of the Bishop of Imola, the archbishop and his brother/

(1) Elected 29th August, 1484.

brother commissioners undertook their mission to the Pope. They duly arrived and presented the obedience of their country to Innocent VIII., the Archbishop of St. Andrews acting as orator for the Scottish King(1). As a result of their mission the treaty made with Denmark on the occasion of James III's marriage, by which the Orkney and Shetland Islands came into Scottish possession, was confirmed by papal bull on March 31st, 1487(2). Scheves had meanwhile done well for himself. On March 27th, 1487 the Pope had made the Archbishop of St. Andrews a "legatus natus", with rights and privileges similar to those enjoyed in England by the Archbishop of Canterbury(3), thus adding the final touch of dignity and precedence to the Scottish archbishopric. Shortly afterwards the Pope renewed an indulgence to the see of St. Andrews which had been formerly granted by Sixtus IV. and revoked by the Bishop of Imola at the direction of Innocent VIII. himself. The new dignity conferred on the Archbishop of St. Andrews offended Blackader of Glasgow, who was at Rome along with Scheves, and began the notable quarrel between the two prelates. On June 6th, 1488 Blackader had a bull from the Pope exempting him and his see of Glasgow, his church, city, diocese, chapter, clerics and religious from all superiority of the Archbishop of St. Andrews(4). The bull ratified a verbal exemption from the authority of the primate previously granted by the Pope to Blackader.

Most important of the results of the Scottish mission to Rome was the concordat arrived at between the Pope and the King of Scots in the matter of episcopal promotions. On April 20th, 1487 Innocent wrote to James III. stating that in view of the tried devotion of the Scottish Kings he had determined to grant the privilege, already conceded verbally to Scheves and Blackader, that when a vacancy occurred in a cathedral church or a church of greater value than 200 florins, gold of the Camera, to which churches he said, the Popes were accustomed to provide, papal provision would be delayed for eight months so that there might be time for James, or his successors showing a like obedience, to communicate with his Holiness, intimating the candidate of his choice. This arrangement, while it acknowledged papal provision, conferred a double advantage on James. It enabled him to make supplication at Rome on behalf of his nominees and it prolonged episcopal vacancies - to the evident advantage of the King as administrator of the temporalities and of patronage. This compromise was the nearest attempt to systematic settlement with the Pope that the Scottish King attained to and the indult of 1487, granting that provision would be delayed for eight months and royal petitions listened to while the Scottish King remained a faithful son of the church, was in some sense a weak Scottish analogy to the Pragmatic Sanction of Bourges or the Concordat of Vienna.

The indult of 1487 did not by any means end all controversy between the Scottish Kings and the Pope. Even in January 1487-8 we find parliament making regulations in restraint of resort to Rome and to control the entry of papal legates into the kingdom. These measures were, however, apparently dictated by political circumstances within Scotland - they were a reply to or precaution against the possibility of resort to the Pope by the King's opponents. No breach with the papacy resulted and when hostilities broke out between James III. and his nobles the Scottish King is said to have applied to the Pope to use his influence in his favour and we are told that the Pope ordered his legate, Adrian Castalesi of Corneto, to proceed to Scotland in order to mediate between the King and his rebels(5), though the legate apparently was too late in coming to be of service.

(1) Herkless and Hannay. (2) Ibid. Liber Pluscardensis. (3) Ibid. Raynaldus. (4) Cameron. (5) Bellesheim, Lesley, Hollinshed, Ferrerius, Buchanan, Drummond.

The relations of Scotland with Rome help, in part at least, to explain the mistifying circumstances which surround the outstanding internal ecclesiastical event of the reign of James III. - the erection of St. Andrews into an archiepiscopal see. This memorable step conferred a new dignity upon Scotland and its church, it ended the claims of York, politically dangerous, to ecclesiastical supremacy over Scotland and it brought the bishoprics of Galloway, Orkney and the Isles securely into the Scottish church. One would have expected that the man who obtained this benefit for Scotland would be rewarded with acclamation and honour, yet he met only with opposition and persecution that ended in his deprivation.

The older historians tell similar stories, with particular variations, as to the circumstances that attended the creation of the Archbishopric of St. Andrews. They relate that, on the death of Bishop Kennedy, Patrick Graham (Kennedy's nephew but described by Buchanan and Drummond as his half-brother) was appointed to succeed him as Bishop of St. Andrews. They recount that the Boyds, who were then all-powerful in Scotland, opposed the appointment, sought to debar Graham and tried to prevent his going to Rome to obtain papal confirmation. Graham, however, according to Buchanan, went privately to Rome and was duly confirmed. While he was at Rome, we are told, the question of the liberty of the Scottish church was discussed, St. Andrews was made an archbishopric, Graham was made primate and papal legate for three years, yet he dared not venture home until after the downfall of the Boyds. After the fall of the Boyds, say the old histories, Graham returned to Scotland, published his bulls and at once met with strong opposition from the clergy, who are said to have given the King money in order to support them. Recourse was had to Rome, a papal inquisitor was sent to Scotland and Graham was deprived. Buchanan, in explanation of the opposition encountered by the new primate, invests Graham with the character of a reformer. The King, he says, had begun to dispose of clerical appointments himself, all things, sacred and civil, were brought to court and bartered as at a fair, Graham alone tried to stop the ruin of the church, depending on his kinship to the King. Publication of the bulls creating the archbishopric, Buchanan avers, aroused envy against Graham; those who had purchased offices at court were frightened that they might lose them and traffickers in benefices were especially enraged. They conspired against Graham and complained to the King; Graham was forbidden by order of council to exercise his office until the King should hear the complaints against him; the King and his advisers were bribed and resort was had to Rome. Meanwhile, says Buchanan, a new enemy to the archbishop, the bitterest of all, arose in William Scheves, a man skilled in astrology and in favour at court. The reason for his animosity was that Graham refused to admit him to the archdeanery of St. Andrews. Scheves consulted with John Lock, Rector of schools at St. Andrews, and both exercised their wits to secure the overthrow of Graham. Buchanan then goes on to tell the complicated story of the persecution of Graham by his enemies, of his excommunication and the loss of his reason, of Scheves being appointed his coadjutor and inquisitor to enquire into his conduct, of the "ridiculous charges" against him, of his deprivation and confinement. A man of no known vice, says Buchanan, his fate discouraged good men from seeking church preferment.

Buchanan's account presents many inaccuracies, as will appear from a study of the actual career of the first archbishop of St. Andrews. It is impossible to pronounce with finality on the character of Graham. As a scion of the nobility, the nephew of Bishop Kennedy and the relative of the King, he was born with the proverbial silver spoon in his mouth and he certainly does not appear to have despised the loaves and fishes of clerical life. Probably through his uncle's influence prebends were reserved by the Pope for him and Hugh Douglas in 1450 and when he was a mere youth at the University he was described as Canon of Aberdeen and Moray(1). He held the priory of Pittenweem and the Abbey of Paisley in/

(1) Herkless and Hannay.

in commendam and both as Bishop of Brechin and as Bishop and Archbishop of St. Andrews he showed himself vigilant in advancing his financial interests. Yet worldliness was so characteristic of the ecclesiastics of the time that Graham may have seen no contradiction in his attitude. Even the good Bishop Kennedy held the priory of Pittenweem in commendam and he appears to have exerted himself in the interests of his relatives, including Graham himself. Graham may have been anxious for reform in other directions though he was willing to profit by some of the abuses of the clerical system; he may even have been anxious for power in order to enable him to make reforms. If he objected to Scheves' astrological pursuits on theological grounds it may show that he set himself to purify ecclesiastical life. At the end of his career he was evidently a megalomaniac but the form his derangement took was an extravagant desire to pose as a reformer and this may betoken that a thwarted zeal to bring about reform conduced to his mental disorder. On the other hand the worldliness of his ecclesiastical career shows that if he did wish for reform he was either insufficiently aware of the need for it, or insufficiently zealous, or both, and his methods were unfortunate in that they united against him the clergy and the temporal power. The easiest way to regard Graham's career is to look upon him as an ambitious ecclesiastic, who may have desired to remedy some of the abuses rampant in the church, but who certainly was not averse to his own advancement or advantage, and who, meeting with opposition, resorted to Rome in order to secure for himself a position that would strengthen his hands against his adversaries. His success in securing that position, however, only strengthened the hostility against him, with the final result of his derangement and deprivation. How far the opposition to Graham was a personal matter is shown by the ease with which Scheves succeeded as archbishop of St. Andrews, acceptably to crown and clergy.

It is unnecessary here to enter into a detailed account of the life of Patrick Graham. His biographers(1) have commented upon the circumstances of his University career and his financial zeal as Bishop of Brechin. In 1465 the see of St. Andrews became vacant by the death of Bishop Kennedy. On November 4th of that year the Pope issued a bull translating Patrick Graham from the church of Brechin to that of St. Andrews and the new bishop of St. Andrews offered on November 29th through his agent, Gaspar de Ricasolis of the Bank de Medicis, 3,300 florins for his Common and Little Services(2). There is no evidence for the statements of Buchanan and Drummond that Graham was debarred by the Boyds and had to go secretly to Rome to obtain papal confirmation. On the contrary Graham was at Rome at the time of his promotion(3), royal letters were written to the Pope in his favour(4), proving that the advisers of the young King supported rather than opposed him, and there is no authentic trace of opposition to his promotion.

It is noteworthy that in the band made at Stirling between Lord Fleming, Lord Kennedy and Sir Alexander Boyd of Drumcoll Patrick Graham, Bishop of St. Andrews, was one of the persons excepted owing to a previous band made with him by Lord Kennedy and Sir Alexander Boyd. Nor did Graham remain in Rome, as Buchanan alleges, throughout the period of the ascendancy of the Boyds. On January 25th, 1466 James Inglis acted as Graham's procurator at Rome, showing that the Bishop was not there himself(5). On August 2nd, 1466 Graham was one of the commissioners appointed by the Pope to make enquiries regarding Coldingham(6). He attended parliament in 1467 and again in 1468 and on the latter occasion he was one of the Lords of the Articles(7). In 1468 he was at Cambuskenneth(8) and in November he received a safe-conduct to pass through France, Brittany, Flanders and Picardy(9). That Graham was in Scotland during 1469 and the first half of 1470 is proved by the occurrence of his name among the witnesses to charters under/

(1) Herkless and Hannay. (2) Cameron. (3) Herkless and Hannay. (4) Ibid. (5) Cameron. (6) Herkless and Hannay. Vatican Transcripts. (7) A.P.S. (8) Herkless and Hannay. (9) Ibid.

under the Great Seal. Buchanan's account is therefore erroneous and the opposition to Graham cannot be attributed merely to partisan hostility on the part of the Boyds.

In addition to his bishopric of St. Andrews Graham received from the Pope grants in commendam of the priory of Pittenweem and the Abbey of Paisley and in both benefices he met with opposition. The priory of Pittenweem had had a long association with the church of St. Andrews and it had been held in commendam by the late Bishop Kennedy. On Kennedy's death Walter Monypenny, Prior of Lochleven, had himself provided to the priory of Pittenweem, or May, by the Pope on July 7th, 1465(1) and on 22nd September he entered into an obligation for the payment within six months of the annates due from the priory. Monypenny's right was already disputed, however, for he showed intrusion by witnesses. A litigation for the priory resulted between Monypenny and John Wodman, canon of St. Andrews, in which Monypenny won a definitive sentence against Wodman but resigned the priory without having had possession, in favour of Patrick Graham, Bishop of St. Andrews, who alleged that the Pope had made a grant of it to him in commendam on the death of Bishop Kennedy(2). In 1467 the priory of Pittenweem was united to the episcopal mensa of St. Andrews for life(3). The union for life was made perpetual to Graham and his successors by bull of Sixtus IV. in 1473(4). [Despite the perpetual union, however, the priory after Graham's deprivation was held by John Wodman who later became Bishop of Ross. On his promotion to the see of Ross provision of the priory of Pittenweem was made to Walter Davidson, canon of Holyrood on 27th June, 1477(5). In parliament in 1479 when all former grants to the see of St. Andrews and all unions and annexations of benefices formerly made thereto by the Pope were confirmed by King and Estates, Walter Davidson, prior of Pittenweem, protested that this grant should not prejudice him nor the priory of Pittenweem for his time and William Scheves, Archbishop of St. Andrews, granted that the said unions and annexations should not prejudice the prior of Pittenweem nor any other "in any benefice united or annexed as said is for the times". On 26th June, 1487 the Archbishop of St. Andrews entered into an obligation for the payment of the annates of the priory of May or Pittenweem, formerly united in perpetuity to the archiepiscopal mensa of St. Andrews and now united anew in perpetuity on cession or decease of the incumbent(6).]

Though the priory of May had been held in commendam by Graham's predecessor and was again to be provided to his successor in the see of St. Andrews, Graham's obtaining possession thereof after provision had been made to Monypenny and in the face of rival claims would naturally arouse some unpopularity against him. Still greater opposition was excited by his appointment to the Abbey of Paisley. Henry Creighton had been provided to Paisley Abbey in 1459(7) but he was deposed on account of his refusal to pay a pension assigned on the revenues to the Cardinal of St. Marks. Patrick Graham, Bishop of St. Andrews, was provided to Paisley Abbey by papal bulls on 10th January, 1466. Graham was to hold Paisley as a commend for life, the sentence against Creighton having been confirmed in consistory(8). On 25th January James Inglis as procurator for Graham offered 600 florins for the Common and Little Services of the commend(9). On the same day James Inglis as procurator obliged Graham for the faculty of depriving outwith the Camera "in forma juris" his adversaries whatsoever in the matter of the monastery of St. Mirren of Paisley, of collating to the benefices of the deprived, of receiving annates in name of the Camera and of granting quittances(10). He also promised in name of the bishop to return a true account to the Camera of annates received in its name(11).

(1) Cameron. (2) Cal. Pap. Registers. (3) Ibid, (4) Cameron.
(5) Ibid. (6) Ibid. (7) Ibid. (8) Ibid. (9) Ibid. (10) Ibid.
(11) Ibid.

It was to be expected that Graham's appointment to Paisley would arouse opposition. Creighton had acted in some sense as the champion of Scottish interests, he had opposed the grant of a pension assigned on the revenues of a Scottish benefice to a foreign Cardinal, he had taken his stand against the export of money from the realm, the abuse so often legislated against. The Pope in opposition had deprived him, an action which would offend all who were averse to papal absolutism and which might naturally excite the opposition of national sentiment, of those who upheld clerical privilege against the Pope and of the temporal government, whose legislation was contravened. An act of parliament of 1424 had prohibited the purchase or payment of such pensions and statutes had been made to inhibit the withdrawal of money from the realm. Graham, provided by the Pope to the Abbey, would be looked upon as a papal instrument, an upholder of papal assertion, an interloper and a greedy ecclesiastic who held the premier bishopric in the realm and yet showed himself unsatisfied. When he obtained a papal instrument empowering him to deprive his adversaries in the controversy and to collate anew to their benefices he showed still more clearly his identification with papalist interests. Creighton was still regarded in Scotland as rightful Abbot and as "Henry, Abbot of Paisley" he signed charters under the Great Seal on March 25th, 1466 and February 15th, 1466-7. The reply to the papal action came in the parliament of October 1466. Creighton had refused to pay a pension to a foreign Cardinal, he had been deposed and Graham provided in commendam to his living. Accordingly when parliament^{me} it forbade commends to be sustained or purchased, save only as it was lawful for the ordinary to commend for six months, under pain of rebellion and forfeiture of his temporality by the offending cleric, and it was enacted under the same penalties that no pension "of newnor old" should be taken or put, without the realm or within it, of any benefice religious or secular without the consent of the possessor, giver and taker.

The faculty granted to Graham in January 1465-6 to dispose of dignities and benefices in his gift becoming void in the months of February, April, June, August, October and December, provided they were not specially reserved to the Pope(1), though in reality it did not convey very much, is probably indicative of papal favour. Graham, however, did not retain the Abbey of Paisley. On February 27th, 1469 Henry Creighton was again provided by papal bull to the Abbey of Paisley(2), it being stated in the bull that Graham had made free resignation. Graham, however, in making the resignation did not neglect to do well for himself, since a pension for him was assigned on the revenues. In making the resignation Graham may have been actuated by a desire to come to terms with the Scottish government. In several instances papal influence had shown itself more unsatisfactory to the Bishop of St. Andrews during recent years. In March 1467-8 the Pope issued orders to collate David Swinton to the chaplaincy of Corstorphine, after the lay patron, Alexander Forstar, had presented Swinton to the Bishop of St. Andrews, who had apparently refused or neglected to institute, the benefice being stated to be still void(3). On March 8th, 1467-8 an erection made of St. Giles into a collegiate church and confirmed by the Bishop of St. Andrews was declared by the Pope not to hold good, though his Holiness ordered a new erection to be made by papal authority(4). In March 1468-9 a collation made by the Bishop of St. Andrews was declared invalid by the Pope(5), in May of that year collation of a perpetual vicarage was made to a priest by papal authority (one of those who received the mandate to collate being the Abbot of Paisley) after the Bishop of St. Andrews had refused to institute him(6) and there were further instances in which/

(1) Cal. Pap. Reg. (2) Cameron. (3) Cal. Pap. Reg. (4) Ibid. (5) Ibid. (6) Ibid.

Chancellor of the University of St. Andrews, was implicated in a dispute between the University and St. Salvator's College. It is unnecessary to enter into details but the alleged animosity to Graham of John Lock, who was one of the principal disputants,

(1) Cal. Pap. Reg. (2) Cameron. (3) Cal. Pap. Reg. (4) Ibid. (5) Ibid. (6) Ibid.

which Graham's authority was over-ruled at Rome. These less cordial relations with Rome may have induced Graham to seek to improve his standing in Scotland and to become more friendly with the government. His resignation of Paisley Abbey was perhaps a concession to secure this and it was probably as a "quid pro quo" that parliament in November 1469 confirmed the papal indult to the bishops of St. Andrews empowering them to confirm the persons chosen to be abbots or priors within the diocese of St. Andrews. The indult had been revoked by Paul II. but it was promised in parliament that the King and his successors and the Three Estates would defend the privilege and rigorously punish those who made attempts against it. At any rate, whether there was a definite coming to terms or not, it is evident from the confirmation of the indult that Graham was now more popular with the government and his resignation of Paisley would doubtless contribute thereto. It is significant that in 1469 and 1470 Graham acted as a witness to charters under the Great Seal and that he had never done so before.

On the other hand Graham still received favours from the Pope. On May 24th, 1469 the Pope granted him faculty to make a will up to a sum of 5,000 gold florins of the Camera of his own personal property, and also to make provision from property gained by means of his church or churches for his servants or kinsmen and otherwise to convert it to pious and lawful uses(1). On the same day the Pope also granted him faculty to reconcile churches, monasteries, chapels, cemeteries and other places, secular and regular, in his city and diocese by a fit priest, the water having first been blessed by himself or other bishop(2).

Bishop Graham's careful regard for his material interests is illustrated by two disputes in which he was involved in 1469. The executors of the will of the late Bishop Kennedy complained to the Pope that Kennedy had left divers utensils, sums of money and so forth, of his own personal property to be applied by his executors to pious uses; nevertheless Patrick Graham, Kennedy's successor, alleging that the late Bishop had no power to dispose of the property in question and that it therefore belonged to the church of St. Andrews, had admonished the executors under pain of excommunication to surrender it to him. The executors appealed to the Apostolic See and the Pope on 6th March, 1468-9 ordered the Bishops of Dunkeld and Dunblane to summon Graham and the others concerned, take cognizance and decide what was just without appeal(3). Judgment was not given until March 22nd, 1470, when John de Myrtoune, official of Dunkeld, as judge-subdelegate gave judgment against Graham, declaring that he must pay the costs and deliver £942.4.10d to the executors(4). In 1469 John Home, prior of Coldingham, complained to the Pope that the Bishops of St. Andrews were accustomed to visit the priory of Coldingham, that an arrangement had been come to between the Prior and the Bishop in regard to procurations for such visitation, about caritative subsidy and the other dues of the bishop from the prior and convent, that in consequence of this agreement the prior and convent assigned to the bishop a certain church belonging to them and had not been in the habit from time immemorial to pay such procuration nor were bound to do so, but that Patrick Graham, the present bishop, had suddenly admonished them to pay such a sum under pain of excommunication. The prior therefore appealed to Rome, but Graham, in contempt of the appeal, of which he was not ignorant, had excommunicated him. The Pope therefore ordered the bishops of Glasgow and Aberdeen and the abbot of Melrose to summon Graham and others concerned, to absolve Home "ad cautelam", hear both sides, decide what was just without appeal and cause their decision to be observed, by the bishop by the Pope's authority, by the others by ecclesiastical censure(5). About this time too Graham, as Chancellor of the University of St. Andrews, was implicated in a dispute between the University and St. Salvator's College. It is unnecessary to enter into details but the alleged animosity to Graham of John Lock, who was one of the principal disputants/

(1) Cal. Pap. Reg. (2) Ibid. (3) Ibid. (4) Herkless and Hannay.

(5) Cal. Pap. Reg.

disputants, might conceivably have resulted, in part at least, from this controversy.

In 1470 Malcolm Brydy made complaint to the Pope that he had been imprisoned by the bishop of St. Andrews and released only on payment of a sum of money. He complained that the bishop in his visitations was accompanied by a hundred or even two hundred horsemen, thus imposing too severe a strain on the goods and finances of the abbey. The full circumstances and the final result of the case are unknown. Brydy was evidently deposed, Richard Guthrie being elected abbot on November 3rd, and Brydy sought letters from Graham for an appeal to Rome. Graham's confirmation of Guthrie as abbot gave offence to the Pope, who wrote to the King stating that it was not for the bishop to confirm and that he himself appointed Guthrie. To Graham himself he wrote a reproofing letter, rating him for his presumption, declaring that if he pretended to any such confirmatory authority it was annulled, and warning him not to trespass in like manner in future(1). About the same time Graham received another papal reprimand for failure to pay his annates for the priory of Pittenweem and the bishops of Glasgow and Aberdeen and the prior of Coldingham were commissioned by papal letters to see that payment was made(2).

Graham may have deferred payment owing to the act of 1466 against commendations. It may have been in retort to that act that in 1467 the priory of Pittenweem was united by the Pope to the episcopal mensa of St. Andrews for life(3). In 1471 Graham's tenure of the priory was further threatened by an act of parliament forbidding the purchase of benefices at Rome which were never before so purchased and declaring all annexations of benefices to bishoprics, abbeys and priories made since the accession of James III. to be void and undone and that persons acting contrary to these resolutions would be deemed as traitors. The statute may or may not have been directed specifically against Graham but at any rate he was threatened by it. It was probably this double set of circumstances that inspired his decision to go to Rome. He had recently excited papal reprimand, he would wish therefore to make explanation and fully to re-instate himself in the papal favour. By doing so he could hope to obtain a platform that would enable him better to withstand his opponents in Scotland.

It may have been to Graham's advantage that a new Pope, Sixtus IV. reigned at Rome when he arrived there. About the time of the bishop's departure for Rome the King on June 25th, 1471 constituted Henry, Abbot of Cambuskenneth, his procurator at Rome, (4) - probably in order that he might represent the King's interests as against Graham. A royal confirmation on August 12th, 1471 of all gifts and possessions made to the church of St. Andrews by the King's progenitors and of the charter of its privileges, the specified list of these including Pittenweem, is rather difficult to explain. It has been suggested that the grant referred to the monastery, not the bishopric, but "church" was the word habitually used to denote the bishopric. It may be that the charter was intended as a sop to the Pope whose union of Pittenweem to St. Andrews was recognised. If the Abbot of Cambuskenneth was appointed procurator to the Pope in order to represent the King's interests against Graham the confirmation to Andrews, recognising the Pope's union, may have been made in order to induce his Holiness to look more favourably upon the King and therefore less favourably on Graham. On the other hand the confirmation may have been due to some particular cause of which we know nothing and which may have had nothing to do with Graham's journey to Rome.

On coming to Rome Graham set himself to supplicate the elevation of his see to archiepiscopal dignity. Ferrerius states that James III. had petitioned to Rome by counsel of all the orders of

(1) Herkless and Hannay. (2) Ibid. (3) Cal. Pap. Reg. (4) Elected 10th August, 1471. (5) R.M.S.

of his kingdom that the Pope should choose one of the Scottish bishops to be primate, so as to end the claims of the archbishop of York, whom Ferrerius regards as having been "until that day primate of Scotland". There is no trace of any such step being taken by the Scottish King, nor of any revival of Yorkist claims inducing a petition for a Scottish primacy. Such protest as was made by the archbishop of York was made after the event because the subjection of the diocese of Galloway to the metropolitan authority of St. Andrews withdrew that see from the jurisdiction of York, under which it had been hitherto(1).

Graham no doubt represented to the Pope the danger of the claims of York. The need for a Scottish primate was apparent, St. Andrews was the premier Scottish see and Graham hoped that as archbishop and metropolitan he would secure an accession to his dignity which would more than compensate for the opposition he had encountered. It was represented in consistory that complaints against the ordinaries and appeal to Rome involved expense and difficulty, so that justice was often either followed in wrong places or not followed at all; that the absence of a metropolitan gave room for excess on the part of the consequently unrestrained ordinaries and that the church of St. Andrews, Cathedral of a city which was the residence of Scottish Kings, the most famous of Scottish churches, was most worthy to be metropolitan.

There were strong arguments for the erection of a Scottish archbishopric and these doubtless had weight with the Pope. Sixtus might also calculate that the step, as ending forever the politically dangerous claims of York and conferring a new dignity on the Scottish kingdom, would be acceptable to the King and people as well as to Graham. He probably hoped that the concession would please all parties. Besides compositions for papal favours constituted one of the chief sources of papal revenue and the creation of a Scottish archbishopric would add to the papal assets. On April 2nd, 1473 Graham paid 3,000 florins of the Camera as part of the composition for the erection of St. Andrews from episcopal to archiepiscopal dignity(2) The papal exchequer was chronically embarrassed and Sixtus wanted money for his projects of crusade. The financial side of the transaction would doubtless have no inconsiderable weight in influencing his decision.

On August 27th, 1472 Sixtus IV. issued a bull making St. Andrews an archbishopric, with all the privileges attendant upon that dignity. To the jurisdiction of St. Andrews, as metropolitan church of Scotland, were subjected the twelve Scottish sees, including Galloway, which had been subject to the archbishop of York, and the sees of Orkney and the Isles, which had been suffragans of Drontheim. Both the archbishop of York and the archbishop of Drontheim protested to the Pope but their protests were in vain(3). In addition to his other dignities Graham was appointed papal nuncio for three years in order to collect money and levy men for a crusade against the Turks(4). In order to support the expense of his new dignity Graham received a papal bull in December 1472(5) uniting the priory of Pittenweem in perpetuity to the archiepiscopal mensa of St. Andrews, for bishop Patrick and his successors. For this favour, it was stated by papal letters on 4th August, 1473, Graham ought to pay 100 florins of the Camera as composition made by the lords of the Apostolic Camera(6). On 24th August, 1473 Graham paid 250 florins (g.c.) for Common Service of the monastery of St. Thomas the Martyr of Arbroath, of which he had been made administrator or commendator by apostolic authority by bulls of Pope Sixtus IV.(7). In February 1473 the Pope had united the parish churches of Lasswade, Tynningham, Forteviot, Inchbrioch, Tannadice, Fettercairn and Kynnell, the total fruits of which amounted to £240 sterling, in perpetuity to the mensa of St. Andrews/

(1) Bellesheim. (2) Cameron. (3) Bellesheim. (4) Buchanan, Herkless and Hannay. (5) Cameron. (6) Ibid. (7) Ibid.

St. Andrews, on cession or decease of the present rector, or dimission in any way(1).

Graham received further favours from the Pope. He represented to his Holiness the disadvantages that resulted from the exemption of the abbot of Kelso from his jurisdiction and that were likely to follow from the exemption of Holyrood, St. Salvators and St. Giles. He urged the desirability of revoking such exemptions and the Pope appointed commissioners to revoke these grants of immunity from jurisdiction.

The biographers of the archbishops of St. Andrews have pointed out how Graham's implication in the dealings as to Coldingham priory "ensured no cordial welcome for him when he returned to Scotland". The papal registers show that there had been much dispute and litigation concerning Coldingham. Pius II. had granted the priory in commendam to Patrick Home, archdeacon of Teviotdale, On the petition of James III. Coldingham priory had on April 6th, 1472 been united "in eventum" to the Chapel of St. Mary the Virgin, St. Andrews, the union to take place on cession or decease of the holder of the priory in title or in commend or on its dimission in whatsoever way.(2) On May 22nd the abbot of Cambuskenneth obliged himself as procurator of the King of Scots for the annates of Coldingham.(3) Later James petitioned for the erection of Coldingham into a collegiate church. The request was granted but Graham had evidently sought to turn the negotiations to his own advantage and he supported Home in his candidature for the deanery of the Chapel Royal, against the King's wishes.

Graham evidently, as Buchanan asserts, published the bulls erecting St. Andrews to archiepiscopal dignity, before he himself arrived in Scotland. Intense opposition was at once aroused. Buchanan avers that the fears of traffickers in benefices were excited, but Graham himself had been "assiduous and successful contractor for benefices at Rome. Graham may have desired some reforms but he did not deserve Buchanan's eulogies. The clergy may have feared that he would be a severe taskmaster and in view of the alleged extravagances of his later days it might not be unreasonable to suppose that he had already shown signs that his authority might perhaps be irksome. The bishops would resent the promotion of one of their compeers to a position of superiority over them. Those who opposed undue assertion of Rome saw here a fresh instance of collusion with the Pope to the benefit both of the Pope and of the recipient of his favour. Graham's adversaries would oppose his promotion as giving him a new and stronger platform against them; The temporal government would observe that he had obtained commends and annexations of benefices at Rome in defiance of the acts of parliament. Graham in soliciting the erection of St. Andrews to archiepiscopal status had evidently proceeded without reference either to the King or to his brother clergy. The erection seems to have been a definite move in a contest between Graham and his opponents and as such the creation of a Scottish archbishopric, which might in other circumstances have been welcome, aroused strong opposition.

Buchanan and Lesley both allege that the bishops granted money (Lesley states it at "a taxacione of XII. thousand merkis") to the King in order to enlist his support against the new archbishop. On 24th May, 1474 John Pennycuke was sent to the diocese of Glasgow "for the inbringing of the King's last tax granted by the clergy" and on June 21st Spardure was sent on a similar errand.(4) This tax may have been granted by the clergy to the King in order to induce him to support them against Graham. At any rate hostility to Graham made itself at once apparent. A general/

(1) Cameron. (2) Ibid. (3) Ibid. (4) T.A.

general council was summoned "twiching the archbischof" and in October 1473 a messenger was sent to the north with letters concerning its assembly(1). In September 1473, when Graham was at Bruges on his way home, Carrick Herald was sent to him with certain charges of the King(2) - "the charges" doubtless being a summons to attend the general council. The King wrote for a chaplain to St. Andrews "anent certane materez anent the bischof of Sanctandros" and it was doubtless in the same connection that Boware was sent with letters to the prior of St. Andrews in October and that "the yong clerk of Gillnlande" came from St. Andrews to Edinburgh(3). Orders were issued for the arrest of ships passing to the Bishop of St. Andrews(4), showing that he was being openly treated as an offender. No authentic account of the findings of the general council survives but Buchanan states that his enemies sought to interpose delays so that Graham's popularity with the people might decline and that Graham was sent to his church and forbidden to assume the style of an archbishop or to exercise his new office until the suit should be decided. On February 4th, 1473-4 a payment was made "to Henry Mare..... passande to Sanct Andros, a notare for the intimacione of the Kingis appellacione fra the Bischof of Sanctandros"(5) and letters under Privy Seal were at the same time addressed to the sheriffs of Fife, Forfar and Aberdeen "for the necognicione of the Bischof of Sanctandros temporalite and to retour the names of the personis that brek the first recognicione"(6). These steps indicate that the King intended to take possession of the temporalities of the see of St. Andrews. Seizure of lands by the King was in feudal times the penalty of treason and the evidence suggests that Graham had been declared, or was regarded as, guilty of treason. The confused scraps of information that we possess show that there was much negotiation concerning the archbishop of St. Andrews. On February 9th, 1473-4 letters were sent to the Earl of Crawford and Sir David Guthrie "anent the Bischof of Sanctandros"(7) and it may have been for the same reason that letters were sent to Albany and that the Earl of Huntly was summoned to come to the King at Edinburgh(8). Alexander Inglis was sent on some errand to St. Andrews(9). Andrew Mowbray was sent to Rome to solicit "the king's matters" there(10), the matters being doubtless to secure papal sentence against the archbishop. It appears also that resort was had to the Receiver in Scotland for Boware and Chatto were both sent to him with letters early in 1474.(11).

It is evident that the King regarded Graham as suspended from his episcopate but the archbishop continued to discharge his clerical office. Buchanan states that Graham's friends offered money to the King and that in consequence James for some time affected reconciliation with the archbishop. The letter preserved in Martin's "Reliquiae", in which Graham as archbishop forgives John Martine "in our sovereign lord's name and ours", may be evidence of such a reconciliation, or the use of the King's name may be mere formalism. At Any rate if there was any such reconciliation it was neither thorough nor long-lived and the King seems to have continued to administer the temporalities of St. Andrews(12).

Buchanan tells that Graham had failed to pay his dues to the Pope, that he was in great distress for want of money, since most of his own revenues and the sums raised by his friends had gone to the King. The collectors of papal dues came to Graham, we are told, seeking payment, and, when the archbishop was unable to satisfy them, they excommunicated him. Buchanan relates that Graham had already been excommunicated by John Lock, rector of the University of St. Andrews, who had exemption from archiepiscopal jurisdiction. John Lock, stated to be a secret enemy of the archbishop/

Notes Nos. 1 to 11 inclusive are T.A.

(12) Herkless and Hannay, app. XIII.

and Hannay, Thonar. (3) Cameron. (4) Ibid.

archbishop, is said to have conspired with Scheves, whose animosity against the new primate Buchanan avers to have been roused by the latter's refusal to admit him to the archdeanery of St. Andrews, in order to secure the overthrow of Graham. Buchanan's statements may be true but there is a lack of authentic evidence. Scheves was provided by papal bull to the archdeanery of St. Andrews on May 14th, 1474(1), he had been a member of the King's Household and he would be a likely man to represent the royal opposition to Graham. He certainly found his opportunity for advance in Graham's decline.

Buchanan's story of the excommunication of Graham for failure to pay ecclesiastical dues is in itself quite probable. He was certainly laid under interdict at some time, for one of the charges later advanced against him was that he celebrated mass while thus incapacitated and the papal bull intimating his deposition stated that he had been repeatedly excommunicated and suspended. Meanwhile loud complaints about the archbishop flowed to Rome from the King, the clergy and the chapter, University and people of St. Andrews(2). Charges of irregularity, simony, blasphemy, grave misconduct, dissipation of church and mensal property and falsification of papal letters were laid against Graham and the Pope sent the Cardinals of Milan, Novara and Mantua to make enquiry and report as to the archbishop's conduct. On the strength of their findings it was deemed necessary at the Apostolic See to appoint a coadjutor and on 13th September, 1476 it was recorded in the papal register of obligations that the Pope, at the relation of the above mentioned Cardinals, had deputed William Scheves (Divulsat), dean of St Andrews, to be coadjutor at the pleasure of the Apostolic See to the archbishop of St. Andrews on account of the latter's demerits(3). At the same time another of Graham's appointments passed from his keeping. On November 4th the Pope, at the relation of the Cardinal of Mantua, provided in consistory George Boys to the monastery of St. Thomas the Martyr of Arbroath, void by resignation or in whatsoever other way(4). Graham had been administrator or commendator of the monastery and it is unlikely that he made a spontaneous resignation of it. The Cardinal of Mantua's inquiry evidently convinced the Pope that it would be better to remove the monastery from Graham's keeping.

The appointment of a coadjutor did not end the difficulties of St. Andrews. Adversity drove Graham to extravagant utterances and if the charges enumerated against him in the papal bull of deposition are true he must have been a maniac. It is quite probable that his misfortunes had driven mad and that thwarted desires assumed the distorted proportions of frenzy in his disordered brain. Complaints as to the archbishop's conduct continued to flow to Rome and on December 5th, 1476 the Pope commissioned Dr. John Huseman, dean of the church of St. Patroclus in the diocese of Cologne, to go to Scotland in order to hold an inquisition over the unfortunate archbishop. The results of his investigations were to be made known in consistory and there decision was to be taken. Huseman duly proceeded by interrogation of the accused and examination of witnesses and forwarded a written account of his findings to Rome. Graham was accused of misgovernment, tyranny to his subjects, lay and ecclesiastical, and to the University, falsification of papal letters, celebration of mass while under interdict in contempt of papal sentence, simony and blasphemy. He declared himself to be Pope and divinely appointed reformer of the church, he had made unlawful provisions, he had presumed to revoke papal indulgences.

On January 9th, 1478 the Pope in consistory passed sentence. Graham was deposed from his archbishopric and deprived of his orders. The Pope in his mercy declined to hand him over to the secular court, as/

(1) On 12th July, 1474 his agent paid 68 florins as composition for the annates of the archdeaconry of St. Andrews (Cameron). (2) Herkless and Hannay, Theiner. (3) Cameron. (4) Ibid. (3) Buchanan

as the archbishop's guilt was said to have merited, but decreed that he should be sent to a cloister, there to do salutary penance for his sins. On February 11th, 1478, at the relation of the Cardinal of Milan, the Pope in consistory provided William Scheves to the church of St. Andrews, void by the deprivation and deposition of Patrick, last bishop(1). Scheves succeeded, as far as is known, without opposition and the erection of St. Andrews to archiepiscopal status was accepted.

Graham was confined in the Isle of Inchcolm. Later he was removed to Dunfermline and from there again to Lochleven(2) where the unfortunate man died at last "the victim of years and miseries"(3)

It is important to study Graham's life in view of the momentous ecclesiastical event connected with his episcopate. The lives of other Scottish bishops of the reign of James III. well merit investigation but they are of less importance to a general study of the reign. A detailed study of the lives of Scheves, who rose from court official to archbishop and whose career reflected his early position, of Blackader, ambitious and grasping, of Elphinstone, learned and pious and their compeers would trespass further upon the limits of space than their general importance would warrant.

To treat fully the internal ecclesiastical history of the reign of James III. would require a thesis in itself and a rough survey of the ecclesiastical position is all that can be here attempted. All the older historians bear testimony to the decline in clerical morals and the records furnish ample evidence as to the unsatisfactory position of religion in Scotland at this time. There was little true religious zeal. Clerics strove after their own advantage and the loaves and fishes that the church could bestow rather than the immaterial things of the spirit. Persons totally unfitted entered the priesthood and obtaining of church livings was apparently one of the stock methods of providing for younger sons and illegitimate children. The result was inevitably a low moral character among the clergy. The church was a mighty corporation and Scottish ecclesiastics and religious houses had waxed fat on endowments and clerical privilege. The Treasurer's Accounts and Exchequer Rolls show that they had large assignments on the royal revenue. They had extensive endowments and much of the country's land and wealth was in their hands. How much of the country's wealth was in clerical hands can be gauged from the sums paid in annates and Common Services at Rome, yet the clergy gave no commensurate return. They had become worldly and grasping and often neglected their religious duties. Clerics often led immoral lives and committed grave crimes, while the privileges of the clergy safe-guarded them from trial in the secular courts unless the spiritual court itself chose to hand them over. This immunity applied not only to the professed clergy but also to the numerous persons in minor orders and gave rise to much abuse.

Reference has already been made to the traffic in benefices, itself a scandal and the parent of many abuses. Benefices were given to persons quite unfitted for the charge, the possessors of important dignities being often mere boys. Simony, nepotism, plurality and non-residence were rife. Dispensations permitting these abuses are so numerous in the Calendar of Papal Registers that it is unnecessary to select any in illustration.

Clerical worldliness is shown by the extensive participation of/

(1) Cameron. (2) Buchanan, Lesley, Drummond. (3) Buchanan

of the clergy in secular litigation, In a large proportion of the spuilzie actions recorded, in the volumes of the acts of the Lords of Council and the acts of the Lords Auditors, clerics were participants. It is true that in these cases the ecclesiastics or religious corporations concerned were more often the pursuers than the defendants (showing that the spoliations were more often committed against them than by them), but they could not always have been in the right and their extensive participation in litigation is in any case proof of their zealous regard for the things of this world.

The moral character of the clergy was undoubtedly low. A large number of the persons in holy orders were the illegitimate sons of priests and the mothers were often stated to be nuns. In 1466 William Douglas, prior of the Premonstratensian church of Whithorn was accused before the Pope of committing fornication with his married sister, of committing simony and of dilapidating and converting to unlawful uses the property of his church(1), and there were numerous cases of a similar kind. It might be alleged that it is unfair to judge the character of a body of men from the erring exceptions among^{com} the record of whose misdeeds has been preserved, but those who erred among the clergy were so numerous that the general moral character of that body must have been very lax and it is significant that when James III. in 1482 founded a perpetual chaplaincy in the church of St. Duthus in Tain he felt it necessary to stipulate that the chaplain should not keep a mistress or concubine(2). Clerics also indulged in other malpractices. James III. himself was, according to all accounts, murdered by a priest. Frequent charges were made against clerics of dilapidating the revenues of their churches(3). We hear of a priest participating in a spuilzie committed against Robert, son and heir of Lord Fleming(4); in 1480 the provost, canons and chaplains of St. Salvators were accused of "falsing a letter of changing of lands under a procured seal" of ~~Thomas~~ the late Thomas Forbes of Foulis(5) and in 1479 a cleric was found guilty of withholding evidence in prejudice of a widow and her son(6). In 1465 John Carrick, archdeacon of Dunkeld, was accused before the Pope of simony and wilful theft(7) and in 1466 the perpetual vicar of the church of Galston was accused of cutting off a layman's ear, wittingly and of malice prepense (8). These cases have been selected at random and many further instances could be given of clerical misdemeanours and vices.

It was inevitable that such aberrations on the part of the clergy should diminish the people's reverence for things ecclesiastical. Clerics were often treated with scant respect, as the frequent spuilzie actions in which they were engaged prove. In 1479, for instance, Alexander Lindsay, son and heir apparent of the Earl of Crawford, and others were summoned for the injury and damage done by them to the abbot and convent of Coupar "in the taking and halding of twa monkis of the said abbay and spulzeing of thare horsis perking at thare place and chasing of thare servandis(9) In October 1484 the Lords ordained that for the great contempt done the King by Archibald Douglas and several other persons "in the violent and cruel takin and handling of Sir David Purdy subchantor of Glasgw and of Sir Alexr. Panther his chaplane furth of their beddis in the nyt and having thaim to the feildis and there with boist and manasing compelland the said Sir David to mak assedacioun of his kirk and to remyt and forgif somez aucht to him with uthir divers grete Inuiris", the culprits in question should enter their persons in ward and remain there at their own expense until freed by the King. In 1480 it was proved before the Lords of Council that Walter Wallance "ger cast the tiend schefe of/

(1) Cal. Pap. Reg. (2) R.M.S. (3) Cal. Pap. Reg. (4) A.D.C.
(5) A.D.C. (6) A.D.A. (7) Cal. Pap. Reg. (8) Ibid. (9) A.D.C.

of pettedy in the furris" and would not suffer John Walch, farmer to the abbot of Holyroodhouse, to gather the said tiends "bot put his servandis therefra one force", and numerous instances of a similar bearing could be adduced. We hear of Holy Days and divine service being desecrated by the holding of fairs and by such very mundane activities as pounding for mails and ejection of tenants.(1) Holy buildings were profaned. In 1470 the Pope was informed that Patrick Piot, rector of the Church of St. Germanus in the diocese of St. Andrews had dilapidated precious moveables of that church, which had been wont to be held by brethern of the order of the "Cruciferi cum Stella" and where a poor hospital had been kept. It was complained that no hospitality was now kept, that no brethern of the order mentioned were maintained there but that the church was profaned, laymen being allowed to dwell therein with their wives and families, with occasional bloodshed and without celebration of the divine offices(2). On 3rd, February, 1484 by order of the Lords of Council secular persons were commanded to "devoid" the abbey and place of Jedworth and suffer Thomas Cranston, the abbot, to enter. Desecration even more nefarious is suggested by the faculty granted by the Pope in 1468-9 to the abbot of Dryburgh to excommunicate all who should commit theft, rapine, murder or arson in the monastery of Dryburgh or who should carry off its goods or do violence to its canons or servants(3). Sometimes regular fights occurred in monasteries, as, for instance, between rival claimants(4).

On the other hand no such great wave of anti-clericalism seems to have manifested itself in Scotland as swept over later Plantagenet England. It is true that sufficient disrespect was shown to individual clerics and religious bodies but the clergy and church as a whole were still in the main accepted without much question. When disturbances broke out in Scotland there was no such animosity shown against the clergy as a class as was manifested against them in the England of the Peasants' Revolt(5). Conversely there is no record of heresy in Scotland at this time. In March 1468-9 the Pope granted to the College of St. Salvators the privileges of the University of St. Andrews in respect of granting the degrees of master in theology and arts and it was said that the study of theology was necessary in the College of St. Salvators for the extirpation of certain heresies which the old enemy of the human race had sown in these parts, but it is quite evident that there was no strong body of heresy in Scotland during the reign of James III. There may have been a lack of true religious zeal but the church and its institutions were still accepted and its ordinances complied with. No one can read the official records without realising how large a place the church held in the life of the country. In almost every parliament it was sworn to maintain its privileges and on the whole the people conformed to its rules. Grants and gifts were still made to the church by the faithful and a large proportion of the charters enumerated in the register of Great Seal were issued to religious foundations. The King himself regularly performed his religious duties, he made various grants to the church and his subjects also made numerous grants to the ecclesiastical body. It is unnecessary, and it would not in any case convey very much, to multiply instances of the gifts of the faithful but on a rough calculation about seventy-five of the charters recorded in the register of Great Seal for/

(1)A.P.S. (2) Cal. Pap. Reg. (3) Ibid. (4) Ibid. (5) It is true there was no social rising in Scotland corresponding to the Peasants' Revolt but had the same bitter anti-clerical feeling existed it would have found sufficient opportunity to manifest itself in the disturbances of the reign of James III.

for the reign of James III. either conveyed new endowments or privileges to ecclesiastics and ecclesiastical bodies or confirmed former ones. New religious foundations were created. Franciscan houses, for instance, were founded, in Glasgow by Bishop Laing in 1472, in Ayr by the inhabitants about 1474, in Aberdeen by Bishop Spence in 1480 and in Elgin by John Innes(1). There were also numerous foundations of chaplaincies, hospitals and other religious offices(2). A noticeable feature of the era was the number of churches that were raised to collegiate status, showing that this type of religious foundation was still held in repute. Among the churches for which papal bulls of erection to collegiate status were issued were St. Giles, Seton(3) and Coldingham(4) and the recent erection of Kilmun was confirmed(5). James III's collegiate foundation of the Chapel Royal at Stirling is well known(6) and in 1487 the King for himself and for the Duke of Ross placed the Great Seal to a letter of the Bishop of Ross erecting the church of St. Duthus in Tain "in collegiatam ecclesiam"(7).

One matter that was apt to cause contention between the temporal and spiritual powers was the question of competing jurisdictions. The church claimed that clerics should be tried in religious courts and that all such actions as testamentary units, which were regarded as matter of faith, should also be tried in the ecclesiastical courts. No very notable jurisdictional struggle is recorded of the reign of James III. The judicial records show that numerous cases were remitted from the secular to the ecclesiastic courts as falling within the jurisdiction of the latter. In other cases the religious jurisdiction was overruled. In January 1479-80, for instance, the Bishop of Glasgow was summoned before the Lords of Council for proceeding in an action between the Laird of Halkhead and Thomas Stewart of Minto on the one hand and John Goldsmith and John Doby on the other for disturbance of the tenants of the former in the lands of Athurly for an annual claimed by the Faculty of Arts of the University of Glasgow to be owing to them from the said lands; letters were written to the Bishop of Glasgow and his official and commissars enjoining them not to "intromet"(or meddle) further with the matter.(8) In a case concerning an obligation tried before the Lords Auditors on 15th October, 1467 between Christian Erskine and David Ogilvy an exception proposed that the matter ought to be tried before the spiritual courts was disallowed and pronounced of no avail(9).

Another privilege of the church which caused much friction was that of sanctuary, which enabled many criminals to escape punishment. The question of sanctuary had caused much debate and strife in England and the disadvantages of the system were evidently felt in Scotland also. In parliament in November 1469, in order to avoid the great slaughters "right common among the king's lieges now and of late", since many committed premeditated murder, calculating on the protection of the church and took refuge in sanctuary, measures were proposed for the finding out by assize if the crime was premeditated (in which case the law did not allow the privilege of sanctuary) and for the punishment of the perpetrator if it were. If the homicide were unpremeditated the wrongdoer was to be returned to the protection of the church.

Parliament also legislated on other matters of an ecclesiastical bearing. In the same parliament, November 1469, an act enjoined that for the keeping of Holy Days and divine service, since these were greatly broken"for punding of malis and annualis incasting and owt casting of tenandis" which made great disturbances and discords/

(1) Bellesheim. (2) R.M.S.Cameron, Cal.Pap.Reg.&c. (3) Cal.Pap.Reg. (4) Herkless and Hannay. (5) Cal.Pap.Reg. (6) This matter is dealt with at length by Rogers - History of the Chapel Royal of Scotland. (7) R.M.S. (8) A.D.C. (9) A.D.A.

6. Administrative and Constitutional History.

A. The King.

The King, or at least the crown, was still the effective centre of administration and government in Scotland. It was his authority that vivified the other governing bodies. The whole system of government centred round the King as ruler of the kingdom. He was regarded as the ultimate holder of all the land of the kingdom and a new confirmation of their lands to his tenants in chief was an advantage much sought after(1). He was the fountain of justice. The courts of justice exercised their functions under his authority and it is significant of the position that in 1484 an action as to the tack of lands which was being considered before the Lords Auditors was stopped by special command of the King to the Auditors, who thereupon ceased to consider the case(2). The initiative in government lay with the King or his special advisers. The whole fabric of the administration depended on him for its motive force and as the older offices tended rather to be controlled by others, new and more intimate offices were created which safe-guarded the King's initiative. Thus the Signet grew up as the older seals tended to be controlled by the barons. The King himself was active in government. We find him dispensing justice, sitting "pro tribunali", he was often present in council and parliament, he guided diplomatic relations, the government was his government. Council and parliament had grown up as aids to the King in government, not by institution as rival sources of authority.

That the whole system hinged upon the crown can be shown in many ways. Everything in government was done in the King's name and a glance at the records shows how pervasive, in theory at least, was the royal authority. During minorities possession of the royal person gave the title to government. When a family or faction obtained possession of the King's person their position was supreme. When a King was unfit a regent was appointed to exercise his powers, and aspiring ambition found its best medium not in setting up a rival authority to the King but in seeking to obtain for itself as much of the royal authority as possible by being the "deus ex machina" which manipulated the royal power. When the insurgent barons rose against James III. they did not seek to do away with kingship; they felt it necessary to bring forward a new candidate for the throne which they maintained James was unfitted to occupy.

There was, however, growing up a distinction, felt if not expressed, between the personal, authoritative and lasting crown and the individual King. The crown it was that had to be venerated, obeyed and safe-guarded, the King only from his identification with it. In extreme cases the crown would have to be safe-guarded from prejudice or damage at the hands of any particular King. This was the idea that, in part at least, underlay the periodic revocation of royal alienations and the stringent provisions against alienation without consent that were attached to annexations of lands to the crown. The motive was, no doubt, largely that the King should live "of his own", and thus not require financial aid of his careful subjects but the underlying theory must have been that the lasting crown should not be prejudiced by the acts of any particular King. The crown was exalted above the King and it was inevitable that the paradox should result of the King's authority as the bearer of the crown being restricted. In this instance the King could not alienate without the consent of the Three Estates; another authority than the King's was adduced to safe-guard the crown. It was again the distinction between crown and King that gave its theory to the revolt of the nobles against James III. Not that the doughty barons worried about theory, but theory grows out of facts and the implied theory which underlay their action was that the King was unfitted to rule, that his incapacity/

(1) R.M.S. (2) A.D.A.

incapacity prejudiced his crown and that in order to safe-guard the crown the King must be deposed and a new one set in his place. It was the same theory of distinction between King and crown that underlay the growing emancipation of the offices of state from purely royal control. In early times the crown had been but the appurtenance of the King and the governmental system grew up out of the domestic offices of the royal household. Now the real authority was the impersonal crown. The crown it was that gave their status to the offices of state and these offices in the crown's interest must, if necessary, be controlled or asserted against the individual King. The royalist reply was the exercise of its inventive faculty in creating new and more intimate offices which received the motive force of government nearer its source and to a considerable extent stultified outside control of the older departments. This it was that supplied so much of the motif of administrative development.

From the accession of James I. royal power in Scotland had made considerable advance. James I. and James II. were both vigorous sovereigns and as a result of their exertions James III. succeeded to a much stronger monarchy than there had existed under the early Stewarts. After the ruin of the Douglasses there was no single magnate or family in Scotland strong enough to resist the King with any chance of success. Not even the redoubtable Celtic potentate, the Lord of the Isles and Earl of Ross, could withstand the King's power. It is significant of the stronger position of monarchy and the better enforcement of order in Scotland at the accession of James III. as compared with the position when his father succeeded to the throne that there was much less "intrrometting" with royal farms and withholding of royal dues during the minority of James III. than there had been that of James II. (1)

Though James III. was humiliated, and in the end defeated and killed by his insurgent nobles, his reign witnessed several accessions of strength to the crown. Leaving aside for the present the administrative side and the question of the organisation of a more curialist system in opposition to the barons, notice may be taken of several gains of the crown.

The capture of Roxburgh and the cession of the Orkney and Shetland Isles to Scotland were to the advantage both of country and King. The King's control over land developed. Periodic revocations of alienations of royal lands, superiorities and emoluments were made almost as a matter of course(2). It is difficult to gauge the exact significance of the land transactions recorded in the Register of Great Seal because so many factors, political and other, entered in and it is hard to estimate the exact bearing of grants. The Register shows, however, how wide was the King's influence in regard to land and how estates were falling into his hands from time to time under the workings of feudal law. It is noticeable also that in numerous instances holders of lands resigned them into the King's hands and received them back under a re-confirmed charter. The superior's consent to alienation was a maxim of feudal law and it helped to focus attention on the King's position in regard to land that transfers of land were often made by resigning the lands in question to the King, who granted them to the recipient of the transfer(3).

Apart from this, however, the royal position was strengthened under/

(1) Exch. Rolls. There was of course sufficient "intrrometting" in the minority of Jas. III., especially in the north where the Earls of Ross and Huntly exacted the royal dues (Ibid.) but there was much less usurpation of royal dues than there had been during the minority of Jas. II. (2) R.M.S. (3) R.M.S.

{ (2) R.M.S. and A.P.S. }

under James III. on several occasions. The discomfiture of the Earl of Ross was itself a triumph for the King, though the barons who took part therein may have thought that they were only exhibiting their own prowess. They may not have regarded the event as what in fact it was - the defeat of the most dangerous feudatory of the Scottish crown. The crown was strengthened in other ways. On the forfeiture of the Boyds it was ordained in parliament that numerous lands and castle which they had held should be annexed to the eldest born son of the King of Scots and to the crown and should not be alienated without consent of parliament. In February 1471-2 the King, with deliverance of the Three Estates, annexed and united the earldom of Orkney and the Lordship of Shetland to the crown, not to be given away to anyone but the King's lawfully begotten son(1).

In 1476 the Lord of the Isles surrendered to the King the earldom of Ross, the lands of Kintyre and Knapdale and the sheriffdom of Inverness and Nairn. The earldom of Ross was annexed to the crown so that neither the King nor his successors could alienate, except only to the son of the reigning King. Towards the end of the reign the King received a further accession of territories through the forfeiture of Albany and his associates, Lord Creighton, Liddale of Halkerston and the rest. In parliament in October 1487 the earldom of March, the baronies of Dunbar and Colbranespeth with the castle of Dunbar and the tower and fortalice of Colbranespeth, and the lordship of Annandale with the castle of Lochmaben were annexed to the crown for all time to come, They were not to be alienated except with mature consent of parliament, the King being required to give his inviolable oath to observe this condition and his successors to give a similar oath at their coronation.

The act of parliament of 1469 recommending that the King should appoint notaries whose instruments should have faith in all civil contracts within the realm, since his majesty had "full jurisdiction and free empire" within his dominions, and stating that notaries appointed by the Emperor's authority should have no faith unless they were examined by the ordinary and approved by the King, shows a new conception of royalty developing.

Yet the main point to be stressed is the weakness of the central government. The King was unable to enforce his peace or to keep the country in good order. As will later be shown, disorder, rapine, turbulence and license were rife and the royal authority had always to contend with the lawlessness of the age and was often treated with scant respect. The limits upon royal authority were actual and physical; it was monarchy tempered by violence.

B. Council and Administration.

There was at this time a great development in the prominence of the privy council. The development of the judicial functions of the council is well known. During the reign of James III. the parliamentary sessions fell into desuetude and the council shared with the Lords Auditors the position of the chief court of civil justice. An official record of the proceedings of the council survives from the year 1478, "The Acts of the Lords of Council in Civil Causes", but it is, as its title suggests, purely judicial. After the death of James IV. the record came to contain much matter of a political nature as well and it has been suggested, with great probability, that originally there were two records, one dealing with judicial business of council, the other with its political activities, but that after Flodden the whole system of record keeping fell into confusion and that only one record was kept, the political business of the council being recorded along with its judicial activities. In that case the original record of the political business/

(1)

business of council anterior to the death of James IV. would be numbered among the numerous lost records of Scotland - a likely supposition in view of the history of the Scottish records.

For the political activities of the council we are therefore confined to chance references in other records but it is evident that the council was active in government and that its competence was wide. It was the recognised organ for assisting the King in the discharge of his executive authority. We find it as the body surrounding the King, advising him in the work of government and in a large measure exercising with him the crown's authority. Matters were constantly referred to the discretion of King and Council and the King was continually representing himself as acting with the advice of his Council. There is extensive evidence as to the prominence and activity of the Council. As early as 1460 we find payment being made by mandate of the Lords of Council for certain secret business touching the King, or fines being remitted by their authority(1). Payment was made for the rent of a house in Ayr occupied by Lords of Council at the time of the Justice Ayre, and in 1463 consultation was had with them in a dispute about certain lands(2). We hear of the King, with advice of his Council, changing the market day of Brechin, making grants to Linlithgow, and issuing charters of various kinds, annulling an enfeoffment made by Patrick Dunbar of Cumnock, while of unsound mind, and taking action in other respects(3). Matters were constantly referred by parliament to the discretion of the Lords of Council. Thus, for instance, in 1464-5 parliament referred the question of the punishment of the rebels of Easdale to the decision of the secret Council. In January 1467-8 it was ordained that the ambassadors to Denmark should have such instructions concerning the Norway annual as should seem expedient to the King and his Council. With advice of his Council the King in 1467 granted leave to the merchants of his realm to go to Middleburgh in order to trade. In 1468 when sessions were appointed by parliament the King and his Council were authorised to make choice of fit persons to replace any of those appointed to the sessions who were unable to attend. In 1471, when parliament decided to send an embassy to labour for treaty and concord between France and Burgundy and to seek a convenient marriage for the King's sister, the drawing up of the embassy's instructions was referred to the Lords of Council and other Lords specially chosen for the purpose and in the same parliament it was stated that false or ignorant assizes might be summoned before King and Council. In November 1474 parliament advised that the King and the Lords of his Council should in all goodly haste arrange for the marriage of the King's sister. In June 1478 it was decreed by the Estates that all former acts as to the inbringing of bullion and the keeping of specie within the realm should be put to execution and that if it were necessary "sharp rules" should be taken thereupon by the King with counsel and advice of his Lords of Council. The importance of the Lords of Council is suggested by a further act of the same parliament which stated that they should have access to the goods of foreign merchants next after the King himself. In March 1478-9 it was promised in parliament that the King with advice of his Lords of Council should in future attend diligently to the putting forth of justice by setting and holding Justice Ayres. In February 1483-4 parliament thought it expedient that the King should cause great Lords who were at feud to be summoned before him and his Council and there put them in friendship and concord. In January 1487-8 when arrangements were made to send an embassy to England concerning the marriages of the King and his son the Lords of the Articles/

(1) Exch. Rolls. (2) Ibid. (3) All R.M.S.

Articles referred the question as to whether a longer truce should be concluded with England if the marriages were not agreed upon to the King and the Lords of his secret Council. In the same parliament it was decreed that the King should send certain wise lords and persons of his Council to be assessors and counsellors to his Justices on both sides of the Forth and that he should cause Justice Ayres to be set with advice of his Lords of Council. In February of the same year it was with advice of his Council that the King dissolved parliament, which had previously been continued to May 5th. (1)

The Council also in all probability prepared legislation for parliament. (2) It also possessed the competence of legislating itself. In 1487, for instance, the commissioners of burghs desired the former act of the King's Council as to herring fishing to be ratified and observed. The enactments of Council were chiefly of the nature of administrative ordinances but the Council possessed a definite legislative competence.

The importance of the Privy Council is indubitable. A difficult question arises, however, as to the exact relations of the council on the one hand and the barons on the other. The council had grown out of the assembly of intimate advisers of the King, it was a vehicle for expressing the royal authority and the idea of a Privy Council usually implies its use as an organ for the discharge of royal authority. The Council was certainly prominent under James III. and one of the charges laid against that unhappy monarch was that he discharged all matters by his "Cabinet Council" (3). Was the Council then the peculiar vehicle of royalty, the organ through which the royal authority was expressed and furthered, was it therefore obnoxious to the baronage and was the opposition to the favourites due to their prominence in or control of the activities of the Council? It would be possible to maintain that the baronial opprobrium was not in reality so much directed against the favour shown to a dilettante group of artists as against the prominence and importance in government of a new class of administrators. That such a class of administrators existed there can be no doubt. No one can glance through the records without realising the importance and prominence of men like Archibald Whitelaw, Ross of Montgrenan, Duncan Dundas, James Lindsay, Adam Cockburn, David Guthrie, Alexander Inglis, Thomas Fotheringham, Richard Lawson, Alexander Scott, Adam Wallace, John Ireland and others. These men and others like them, drawn usually from among the lesser nobility or clergy, or perhaps at times even from among the common people, formed a definite administrative class. A certain number of them were always included on diplomatic embassies, among the witnesses to Great Seal charters, on the judicial sederunts of Council and at meetings, and often on committees, of parliament. The major dignities of the church were often conferred on men of this type. Archbishop Scheves, for instance, had been a royal servant, Bishop Laing of Glasgow and Bishop Elphinstone of Aberdeen had both been prominent in the civil service and the King's influence in ecclesiastical appointments was used largely to reward servants of state. It is a possible supposition that these men were curialists, that they constituted the chief element in the Council and that baronial jealousy was directed against it accordingly.

On the other hand the favourite medieval method of controlling a King was by instituting a compulsory Council with reference to which he had to govern and which supervised and controlled his action. English history supplies numerous instances of this practice and there/

- (1) All these instances are taken from A.P.S. and the list could be further expanded. (2) Council certainly exercised this function later. (3) Buchanan, Drummond.

of the council there would be reported, as at least a portion of its members, met with a knowledge of the law. It appears that special sessions were held for judicial work

there is evidence of a similar ideal in Scotland. Thus the Estates used the Council to act as a check on the actions of David II. Under Robert III. the Duke of Rothesay, when he displaced Albany as the effective governor of the country, was required to act with the advice of the General Council, or, when the General Council was not in session, of a nominated Privy Council of twenty-one persons, and after the death of James III. the successful barons appointed a continual council to advise and control the young king James IV. It may be then that the nobles had established control of the council and through it sought to regulate the action of the King. The underlying theory would still be that of the distinction between the impersonal crown and the individual King. The council was a particular institution of government, it embodied and exercised a certain amount of the authority of the crown. Originally its authority and motive force came from the King but it could now be used as a check on the particular King. Its authority was exercised in the name of the crown but if outside control of the council were established that authority could be exercised in restraint of the King. Our governmental polity grew up from a monarchical system but as the duties of government had to be delegated and its offices became stereotyped institutions which had grown out of the exercise of any particular aspect of the King's power came to claim for themselves an authority as the instrument of the crown that could be controlled by others in restraint of the King. The furthest extension of this development can be seen at the present day when everything is done in the King's name but the King's direct personal authority in government counts for nothing.

It could, therefore, be maintained that under James III. the Council had come under baronial control. In that case the prominence of the council would be all to the advantage of the barons and it might be held that it was because the nobles were in control of the council that matters were so often referred to it by parliament. If that were so the King would naturally seek to go outside the council. Leaving to the barons the official council he may have governed with the advice of and through his favourites or curialist administrators. These men may have formed a kind of cabal with which the King surrounded himself to the stultification of the official council. If the barons had obtained control of the council and the King replied by going outside it and surrounding himself with a body of his intimates the hostility to the favourites of James III. could be explained as, in part at least, opposition to the near advisors and associates of the King.

Such a development would be in line with what constituted a recognised thread of administrative history - the barons capturing control of an old institution of government and the King retorting by having recourse to or producing a more intimate office or body, which, while leaving the older office formally intact, took away much of its potency. In this case the older institution would be the council, the new resort of the King would be those intimate advisers and administrators with whom he surrounded himself in government.

The absence of record evidence as to the political activities of council makes it much more difficult to estimate the exact position occupied by that body in the polity of Scotland in the latter half of the fifteenth century. If the exact composition of the council were known it might give evidence for more definite conclusions but our knowledge is confined to the judicial sederunts during the comparatively few years for which the record exists. Dispensing justice was a special function of the council, it would probably require rather formal sessions and, presumably, to some extent at least, a specialised personnel. It is to be supposed that for the judicial work of the council there would be deputed, as at least a portion of its members, men with a knowledge of the law. It appears that special sessions were held for judicial work and/

and the amount of cases considered at each sitting makes it probable that usually at least no political business was transacted on these occasions. The judicial sessions of council were a specialised, rather distinct, branch of its activity. A knowledge of those who sat on these sessions does not warrant the drawing of any very sure conclusions as to the ordinary Privy Council that was active in the government of the country. On the one hand it might be possible that the King handed over this branch of activity to a more formal council, (meaning not another council but the Privy Council made more formal for this purpose) and hence one less under his control, while his ordinary council with the aid of which he governed would be composed of his curialist administrators. On the other hand, however, the exercise of justice was an important function of government and the King would naturally wish to keep this aspect, as well as other aspects, of government under his control. If he had therefore a Privy Council which was peculiarly his own instrument then he would presumably try to keep the exercise of justice for that council, afforded perhaps by some experts. It is probable that there was considerable affinity between the judicial and the ordinary sederunts of council.

A list of all who sat on the various sederunts of council for judicial work recorded for the reign of James III. is given below (1). It does not convey very much and in fact is liable to give a wrong impression, for several of those mentioned sat only once or twice while others sat very often. The result is that the ratio of the smaller men to the nobles was much larger in any particular sederunt than it is in the list. Here, for instance, is a sederunt selected at random which is fairly typical of the rest; on October 10th, 1478 there sat the Bishops of Aberdeen and Moray, the Chancellor (Avandale), the Earl of Argyle, Lord Lyle, the Secretary (Whitelaw), William Elphinstone, Adam Cockburn and John Ross. On some occasions the number of nobles present was much larger - perhaps because they had some special reason to be present, either because the litigation happened to concern themselves, or because they happened to be at court, or perhaps because they were more insistent on the right of the King's natural counsellors to sit on the Privy Council (2) or for some other reason. On the judicial sederunts of council/

(1) List of those who sat on council:- Bishop of Aberdeen, Bishop of Moray, Chancellor (Avandale), Lord Hamilton, Lord Lyle, the Secretary (Whitelaw), William Elphinstone, John Ross, Earl of Athole, Abbot of Melrose, Earl of Argyle, Lord Erskine, Lord of Stobhall, Adam Cockburn, Lord Carlyle, William Knolles, Colquhoun of Luss, Lord Kilmaurs, Lord Somerville, Abbot of Dunfermline, Abbot of Cambuskenneth, Abbot of Holyroodhouse, Archbishop of St. Andrews, George Carmichael, Bishop of Glasgow (later elect), Bishop of Dunkeld (later elect), Official of Anselm Adournes, Official of Lothian, Earl of Buchan, Archdeacon of St. Andrews, Archdeacon of Teviotdale, Alexander Inglis, Earl of Crawford, Earl of Angus, Provost of St. Andrews, Earl Marischal, Lord Gray, Lord Oliphant, James Allirdes, William Edmonston, Lord Darnley, Lord Glamis, Preceptor of Torphichen, Andrew Stewart, Official of St. Andrews, John Ireland, Lord Cathcart, Keeper of Privy Seal, Thomas Fotheringham, Richard Lauson, Abbot of Paisley, David Livingstone, Rector of Ayr, Lord Kennedy, Lord Hailes, James Ogilvy, Lord Lindsay of the Byres, John Lioun, Clerk Register, Earl of Morton, John Murray (Tulchadam) Lord Seton, Abbot of Arbroath, Robert Douglas, Robert Lundy, Prior of St. Andrews, Coadjutor of Melrose, John Haldane (Glenegas) Lord Somerville, Alexander Lumsden, Abbot of Corsraguel, Bishop of Whithorn,

(2) The barons' theory in respect to council is illustrated by the fact that when a standing council was appointed in the minority of James IV. it was decreed that all prelates and great barons at their coming were to sit as of right.

council then there usually sat a few Bishops, a few nobles, including one or two of the great officers of state, and a few of the smaller administrators. It could not be said that the council, as organised for its judicial work, was composed mainly of curialist administrators. On the other hand the bishops and nobles present were probably in the main drawn from among the King's supporters at that time and the administrators present may have added to the bias in making the council a thoroughly royalist one.

Another feature that emerges is the close affinity between the lists of witnesses to charters under the Great Seal and the judicial sederunts of council. A list is given below(1) showing the close approximation in personnel on those occasions when sederunts of council happened to be held and Great Seal charters attested on the same day and the affinity at other times between the personnel of those who sat on the council and those who witnessed charters under Great Seal about that time is equally great. Similarly there was a fairly close relationship in personnel, especially in the case of the bishops and barons, between those who were elected of committees or commissions of parliament and those who sat in council about the same time. The work of government was done by a certain body of men, including, as was inevitable, both bishops and barons, but including also a percentage of smaller administrators. A certain number of these administrators were always included in embassies, in the lists of witnesses to charters under Great Seal, on sederunts of council, and, to some extent at least, on parliamentary delegations(2). They were not usually numerically predominant but they were always considerable. What conclusions then can be drawn? Were the bishops and/

(1) Council and Great Seal Witnesses:-

December 2nd, 1478 -

Council - Bishops of Glasgow, Dunkeld, Aberdeen. Chancellor, Argyle, Elphinstone, John Ross, Adam Cockburn,

R.M.S. - Bishops of Glasgow and Moray, (Privy Seal), Bishop of Aberdeen, Chancellor, Argyle, Crawford, Earl of Buchan, Colquhoun, Whitelaw, Alexander Inglis.

October 13th, 1479

Council - Bishops of Aberdeen and Moray, Chancellor, Argyle, Erskine, Carlyle, Secretary (Whitelaw), Elphinstone.

R.M.S. - Archbishop of St. Andrews, Bishops of Glasgow, Moray, Dunkeld and Aberdeen, Avandale, Argyle, Crawford, Whitelaw, Inglis.

October 29th, 1479

Council - Chancellor, Argyle, Lord Gray, Secretary (Whitelaw), Inglis, John Ross, Adam Cockburn.

R.M.S. - Archbishop of St. Andrews, Bishops of Glasgow, Aberdeen and Moray, Avandale, Crawford, Whitelaw, Inglis.

June 21st, 1480

Council - Bishops of Glasgow and Dunkeld, Chancellor, Lords Darnley and Carlyle, Secretary, Elphinstone, John Ross.

R.M.S. - Archbishop of St. Andrews, Bishops of Glasgow and Moray, Avandale (Chanc.), Argyle, Crawford, Carlyle, Whitelaw, (Secy), Inglis.

July 12th, 1480

Council - Bishop of Glasgow, Elect of Aberdeen, Chancellor, Secretary.

R.M.S. - Archbishop of St. Andrews, Bishops of Glasgow, Dunkeld and Moray, Avandale, (Chanc.), Argyle, Crawford, Carlyle, Whitelaw, (Secy) Inglis.

July 14th, 1480.

Council - Archb. St. Andrews, Bishop of Glasgow, Elect Aberdeen, Chancellor, Carlyle, Secretary, Clerk Register (Inglis), Elphinstone.

R.M.S. Archb. St. Andrews, Bishops of Glasgow and Moray, Avandale, (Chanc.) Argyle, Crawford, Carlyle, Whitelaw (Secy.), Inglis.

July 19th, 1480.

Council - Archb. St. Andrews, Bishop of Glasgow, Elect of Aberdeen, Chancellor, Argyle, Secretary, Clerk Register, William Elphinstone (John Ross).

R.M.S. Archb. St. Andrews, Bishops of Aberdeen and Moray, Avandale, Chancellor, Argyle, Crawford, Carlyle, Whitelaw (Secy) Inglis, Clerk R. (Note No.1 continued over page)

(2) They were less prominent in parliament since many of them had not the right to attend.

and barons thus prominent in these various functions of government royalists, were they selected for that purpose and was there no antithesis between them and the smaller administrators? Were they all alike members of a party favourable to the King, a party drawn from all the orders in the kingdom? Or was it that a certain number of bishops and barons must be included because they asserted a right to a share in government and because they had captured the great offices of state, and were the smaller men in that case the typically royalist or curialist element, included in the King's interest and perhaps in the hope of inclining the barons in his favour? Most probably to a certain extent it was both.

Analogy and evidence may be drawn from the history of the Seals in Scotland. Into the history of Chancery forms in Scotland it is unnecessary here fully to enter. As in the process of institutional evolution the Great Seal became the organ of a department of growing importance and independence, and as the Chancellor came to be an important figure in the state, it became necessary for the King to introduce a check on the Great Seal. Such a check was found in the Privy Seal, originally a supplementary and easily portable Seal which the King carried about with him, but later used to move the Great Seal. Warrants under Privy Seal were issued in order to authorise charters under the Great Seal. The process of evolution, however, repeated itself, the Privy Seal tended to become independent and a further check had to be brought forward. This was found in the Signet. Sir Thomas Craig relates that tradition attributed the introduction of Chancery forms as practiced in his day to James I., on his return from captivity in England. According to this form the process passed through six stages, firstly the/

(Continuation of Note No.1 on previous page)

October 20th, 1484

Council - Archb. of St. Andrews, Bp. Glasgow. Chancellor, (Argyle), Avandale, Hailes, Lyle, Borthwick, Privy Seal, Secretary, Clerk Reg. R.M.S. Archb. of St. Andrews, Bps. of Glasgow and Aberdeen, Argyle, Crawford, Avandale, Borthwick, Privy Seal (Livingstone), Whitelaw (Secy) Scott (Clerk Register).

November 16th, 1484

Council - Archb. of St. Andrews, Bps. Glasgow and Aberdeen, Chancellor, (Argyle), Avandale, Abbot of Holyrood-house, Secretary, Richard Lauson. R.M.S. - Archb. of St. Andrews, Bps. Glasgow and Aberdeen, Argyle, Crawford, Avandale, Borthwick, Livingstone (Pr. Seal.) Whitelaw (Secy), Scott, (Clerk Reg.).

January 19th, 1485

Council - Bishops of Glasgow and Aberdeen, Elect of Dunkeld, Chancellor, Earl of Morton, Avandale, Erskine, Gray, Oliphant, Lyle, Borthwick, Hailes, Secretary, Pæceptor of Torfichen, Provost of St. Andrews, Clerk Reg. John Ross, Richard Lauson.

R.M.S. Archb. of St. Andrews, Bps. Glasgow and Aberdeen, Earl of Argyle, Crawford, Avandale, Borthwick, Livingstone, Whitelaw, Scott (Clerk Reg.)

January 26th, 1485

Council - Archb. St. Andrews, Bps. Glasgow and Aberdeen, Elect of Dunkeld, Chancellor, Avandale, Kennedy, Gray, Lyle, Hailes, Oliphant, Pæceptor of Torfichen, Richard Lauson, John Ross.

R.M.S. Archb. of St. Andrews, Bps. Glasgow and Aberdeen, Argyle (Chanc). Crawford, Avandale, Borthwick, Livingstone, Whitelaw, Scott.

the Signature, secondly the Signet Warrant, thirdly the Privy Seal Warrant, fourthly the charter under Great Seal, fifthly the Precept of Sasine directed to the sheriff and sixthly the notarial instrument of Sasine. Scottish Chancery procedure had always followed that of England and it is very probable that James I. on his return from that country would reorganise procedure on the English model. Whether, however, this corresponded to the six stages set forth above is more open to doubt. The Scottish Signature does not appear to have been copied from English practice and differences of detail distinguish it from the Sign Manual. It was probably James I., however, who instituted the Signet as a check on the Privy Seal. The Signet had existed at least as early as the reign of David II. but it had probably been merely a supplementary private Seal of the Kings'. It was probably James I. who brought it systematically into Chancery procedure and set it as a check upon the Privy Seal by introducing the form of Signet Warrants authorising the Privy Seal to act. Here then was an example of administrative evolution, of older offices as they became stereotyped tending to become independent and of a check being found by going outside them and creating new offices.

From 1360 at latest there had been in Scotland an official known as the Secretary. For some time the Secretary had been Keeper of Privy Seal but at least from 1444 onwards the two offices were distinct. Later we know the Secretary to have been the Keeper of the Signet and it appears probable that the Signet was confided to him from 1444 onwards.

Under James III. the Secretary was one of the most prominent men in the kingdom. Archibald Whitelaw, the holder of this office, was one of the most frequent witnesses to charters, he was regularly present at the judicial sessions of council, he was very frequently included in diplomatic embassies, he was usually present in parliament and was often appointed to commissions and to the Committee of the Articles. There seems at the same time to have been a considerable development in the use of the Signet, though the evidence is disappointingly scanty. On 6th August, 1471, for instance, mention was made by the Lords Auditors of royal letters under the Signet having been sent to the sheriff of Lanark and his deputy discharging them of their office in the proceedings in their courts in any action belonging to John Lindsay of "Cowintoun". On 3rd March, 1471-2 reference was made by the Auditors to the King's letters "subscribed with his hand and under his Signet" charging Walter Lindsay of Beaufort for the relief of certain lands. In an action before the same tribunal on August 4th, 1473 it was stated that letters under Privy Seal had been sent to supersede upon distraint for a certain sum of money and that thereafter letters under the Signet were sent annulling the letters under Privy Seal and ordaining the decree for distraint to be put to execution. On February 21st, 1487-8, when the King dissolved the parliament previously continued to the 5th May, it was stated that special letters under the Signet would be written to all the prelates and great lords explaining the King's reasons for dissolving parliament.

The Signet and the red wax became associated with judicial summonses to council. The quarter Seal and the white wax had been used for summonses in civil actions before parliament, general council or the parliamentary sessions. Summonses before the council for spuilzie, cases of which were at this time very numerous, seem especially to have been issued under the Signet, while for other types of action (or at least some other types) the Quarter Seal was still used. Professor Hannay points out that five warrants for summons before King and Council survive for the year 1476. Two of these (one for error, the other for unorderly procedure upon inquest) are under the Quarter Seal and are written in Latin. The other three are concerned with spoliation, they are written in the vernacular, sealed under the Signet and two of them are said to be issued "ex deliberatione dominorum concilii".

The Signet then seems to have been specially associated with the council. It might therefore be urged that the prominence of the council, of the Signet and Secretary and of a recognisable class of administrators argues that there existed a definite body of curialist civil servants, that the King governed through and with the help of these men and that he used the council and the Signet as the nucleus of government as against the older offices and institutions of the administration, which had rather tended to become independent, and as against baronial claims to a large share in the control of government. On the other hand another view as to the position of the council has been sketched above. It is noteworthy also that the smaller administrators who figure so prominently seem to have developed a definite esprit de corps. They appear to have regarded themselves as civil servants, their primary loyalty being to the administration, irrespective to some extent at least of who was in political control. Archibald Whitelaw, for instance, continued in office and remained prominent in the administration throughout the vicissitudes of the reign, even during the ascendancy of Albany. A realisation of this fact may perhaps have induced the Scottish King to go outside even these administrators. Thus the Signature was probably introduced as a check on the Signet and it may have been introduced during the reign of James III. Too much, however, should not be made of these facts. These men were after all the King's servants, dependent upon him for their position. Particular circumstances would determine the complexion of the administrariat at any given time and in considering a case like that of Whitelaw the importance of such particular circumstances should not be lost sight of. These administrators did represent the royal interest, the curialist element.

How then did council and administration stand in relation to the King? In Lancastrian England, especially in the reign of Henry IV., the nobles had used both great council (and also parliament) and continual council as a check on the King and to express their own ideals of government. Council became peculiarly the instrument of the barons and by authority of council the Seals were controlled. Baronial failings of factiousness and selfishness, however, made themselves felt in council and administration and Henry VI. was able to reassert the royal authority against that of the council. He expressly reserved to himself the grant of offices and pardons, forbade the council to conclude important business without his advice and reserved to himself the final decision in cases of disagreement. The Privy Seal had been expedited by bills signed by councillors but these became less frequent and various forms of royal warrants took their place. The Sign Manual came much into prominence and council recognised that the King by Sign Manual or by Signature of the Chamberlain could move the Signet and that the Signet could then move the Privy Seal. Henry had recaptured control of the Seals from council and baronage.

There is no evidence to postulate a similar struggle in Scotland. Both Signet and Signature were probably used in Scotland about this time but there is no evidence, save that of conjecture, that they were introduced or used as a royal reply to baronial control of the council and of the older seals. Struggles for power in Scotland stood much nearer the physical realities and were much less apt than in England to veil themselves under constitutional or institutional forms. The favourite Scottish method of obtaining and exercising power was by physical compulsion, by usurpation of power and by compelling the governmental machinery from above as it were. Much would depend on the personal and political circumstances of the moment. The King in ordinary circumstances exercised the power of/

of appointment, he would therefore as far as possible select men favourable to himself to fill the offices of Chancellor and Keeper of Privy Seal and the other offices of state as well. The Administration in Scotland seems to have stood more as a whole - whatever party was in power tended to control the administration as an entity and conflict was between ultimate forces rather than between institutions representing these forces. The Signet and the forms of the English Chancery were probably introduced on the English model by James I. He probably saw the potential value to the crown of this method of procedure by stages and of checks upon the great officers, but the system, if it were introduced by James, should be read rather in the light of being copied from England than of growing up out of Scottish political conditions. The Signature may have been introduced by James I., it may have been introduced later as a check upon the Signet, it may have been introduced for some quite different reason; Signature and Signet may on occasion have been used as a check on the great officers or as a reply to baronial control but in the main the crown would seek to control the administration as a whole and there is no dependable evidence during the reign of James III. in Scotland of any prolonged institutional struggle such as had been waged in England.

A similar explanation, that the question that agitated men's minds in Scotland was not so much what body or institution should exercise power as what persons should have authority in government, probably underlies the position of the council in Scotland at this time. The root idea of the council was counsel, that the King might have counsel in despatching the work of government. As there were various types of counsel and as it might be needed in various degrees the idea of council was thus an elastic one. It is incorrect to think of the council as a fixed and defined body, definite in extent, functions, composition and membership. Rather it was an elastic conception pervading the administration and taking various forms in practice. Thus the small everyday council, the ad hoc council for special business, the (presumably) specialised judicial council, even the general council - council in its widest form - were all alike council. In the reign of Robert III. Rothesay as Lieutenant had a special council which was entitled to enlarge itself "for the comon profite eftir the qualite of caus". This was the medieval conception of council - a pervasive concept whose particular form would be determined by its business in any given case - and by circumstances. We always find the idea of council surrounding the King but while the King maintained that he could take counsel from whom he liked the barons came more and more to insist that they were the natural counsellors of the King. Thus the paradox suggested earlier disappears. Both King and nobles sought to add to the importance of council but the ideas of council they had in mind were materially different. The question in dispute between the King and the nobles would be, not as to whether or not the council should exercise power, but as to who should compose the council. The council was not a fixed and definite organ which one party had captured and wished to exalt and which the other party in consequence wished to depress, rather it was a vague conception to which both parties sought to give a definition suited to their ideals, and the importance of which both parties, having in mind their own particular idea as to what it should be, were ready to stress. The question at issue was not as to whether the council as a definite institution should or should not exercise such and such a power but as to who should compose the council that would exercise the power, what would be the requirements to which the vague body would have to conform to be authoritative council. This difference of opinion as to the membership of council may not have been often expressed but it was implied throughout. The King surrounding himself with a body of his administrators and familiars - "the" trusty counsellors" of whom incidental mention is often made - would regard this as council. With their advice he would govern and he would maintain that the authority of council would/

would attach to their actions. To the nobles, however, this would not be a true council but a perversion of it, a cabinet, a cabal - the "Cabinet Council" of Buchanan and Drummond. The barons would admit that the King should have a continual council but they would maintain that its membership should include a goodly proportion of nobles— their constitutional theory was expressed in the minority of James IV. when it was decreed that all prelates and great barons at their coming were to sit on the continual council as of right. Individual nobles sat in council from time to time, apparently when they chose, or were able, to present themselves at court, but a large number of them could not give assiduous attendance at council. They would hold, however, that some of their number should always be there; they would also probably maintain that the continual council should deal only with everyday matters and that by delegation. For the discussion of important questions they would assert that there should be larger meetings of council at which the nobles should exercise their right of attendance.

It is difficult to find evidence for any view that may be taken of the position of council during the reign of James III. but such a view as has been sketched above seems to be most in accordance with the facts as we know them and with the political thinking of the time. It explains how King and nobles might both insist on the importance of council and yet have very different ideals as to the practical working of that authority; how the King and nobles might oppose each other in practice and yet both seek to exalt conciliar authority, the reason being that they had quite different ideas as to what really constituted that pervasive but elusive thing, the council. If the King sought to govern by the advice of and through a circle of his associates, drawn mainly from the lower orders, regarding them as his secret council, it is easy to see how the nobles, with their ideals of being natural counsellors to the King and their pride of class, would regard the King's associates as anathema, that they would decry their low birth and unfitness to be the counsellors of a King, that they would look upon them as a pariah, that they would insist that this was not truly council and that they would assert their own right to the chief representation on and direction of the council of the King. Such a theory would explain in part at least the outcry against the low-born favourites(1) of James III. and the allegations made that the King directed all matters by advice of his Cabinet Council without reference to the nobles.

(1) The fact that the men hanged at Lauder were the artistic favourites of the King, who for the most part do not seem to have taken much share in government, might be explained in several ways. These men may have been prominent on the King's intimate council though no record survives. On the other hand even if they were not the nobles may have imagined that they were and attributed to them the blame for what was due to other causes. Then again baronial indignation may have been vented on them because they were with the King and could most easily be caught. They were the most outstanding example of the low-born intimates of the King - by their murder the barons might have hoped to strike terror into the King and to impress him with a sense of their power, while at the same time holding up a terrible warning to the associates of the King in government. The barons, trying to "tame" the King may have used the favourites as a scape-goat, or means of having a blow at the King, though their opposition might have been due to quite other causes

C. The Records.

The reign of James III. is important in relation to the keeping of official records. The regular parliamentary record begins in 1466. It is in book form, as distinct from the earlier roll form, an innovation authorised by act of parliament in 1469. Among the proceedings of parliament were recorded those of the Lords Auditors and the record of their acts thus also dates from 1466. The extant record of the acts of the Lords of Council dates from 1478 but in the seventeenth century there existed a record of their decisions dating from 1469 from which Sir Robert Spottiswoode drew his list "of these who were judges" from 17th May, 1469 to 22nd November, 1470. Considering the vicissitudes of the history of the Scottish records the exact date is probably merely an accident of preservation but it seems justifiable to suppose that the judicial^{rec^o} of the council began during the reign of James III., for it was at that time that the council came prominently forward as a judicial body. It is probable that another register was kept recording the non-judicial business of council, which has since been lost. The surviving register of Privy Seal began after the reign of James III. but it is noteworthy that the first entries in it date from a very few months after that reign had closed.

Apart from the question of surviving records there is evidence that the matter of record keeping received considerable attention during the reign of James III. In November, 1469 parliament ordained that the King's Rolls and his Register should be put in books and have such strength as the Rolls had formerly. A further act of the same parliament, decreeing the reduction of the King's laws, Regiam Majestatem, acts, statutes and other books to be put in a volume and authorised, also betokens attention to records. An act of parliament of 1473 for the drawing up of a book containing all the laws of the realm evidences a similar spirit.

The custodian of the records was the Clerk of Rolls and Register, who became a person of much consequence in the kingdom. He was very active in the administration and considerable importance attached to his office.

Giving attention to the keeping of records denotes the emergence of the idea of more settled and systematic government and the beginnings of a rudimentary bureaucracy. Both these ideas were very elementary in the reign of James III. when the central government and its administration were weak and disorder was rife. Yet the attention devoted to the keeping of official records is of importance in estimating the contribution of the reign of James III. to the polity and history of Scotland and to the position of kingship therein.

D. Administrative Order and Legislation.

The outstanding feature of the conditions prevailing in Scotland during the later Middle Ages was the general disorder and turbulence, the weakness of government and the lack of respect paid to its dictates.

On the power and turbulence of the nobles the political history of the reign is a sufficient commentary. Throughout Western Europe feudalism had entered upon a vicious old age. Nobles kept large armies of retainers and used them to enforce their wild will: the result was violence, private war, lawlessness, insecurity and hardship to the common people, and often the emergence of struggles that shook or even cast down the government, of the country. In England this decadent "bastard feudalism" rested especially on two institutions - livery and maintenance. By the practice of livery men bound themselves to the service of a particular lord, adopted his/

his badge and promised to support him in his quarrels against all and sundry. Not only the bands of a baron's retainers but also other barons adopted his livery, the result being to give him a private army and a position of pernicious strength. Maintenance was the practice whereby a Lord promised to maintain the causes of his friends and dependents in the courts and ensure that the verdict went in their favour. When it became a habit to overawe justice and to seek to make might right it is easy to see how the rein would be given to crime and violence and the disastrous results that would ensue.

In Scotland corresponding conditions prevailed. There too the nobles had their bands of retainers and their overgrown private power. The nobles were potentates in their own domains, more especially as they often engrossed into their own hands the royal offices in their part of the country as well as their own distended feudal power. If, in supplying their private forces, the mercenary factor was less prominent than in England this was compensated for by the strong feelings of feudal or clan loyalty in Scotland to the head of the district or family. The characteristic Scottish fashion of entering into bands, of which that between Lord Fleming, Lord Kennedy and Alexander Boyd of Drumcoll offers a notorious example, shows how strong was the spirit of faction. That the practice of maintenance and the overawing of justice were rife there is abundant evidence to prove. References to maintenance occur, for instance, in the instrument taken in parliament and council of clerics at Perth about the beginning of the reign⁽¹⁾ and again in the band between Lord Fleming, Lord Kennedy and Alexander Boyd. In July 1474 royal letters were sent to the Earl of Buchan and Lord Oliphant "to stanche thare gadering for the court of Forfare"⁽²⁾. The letters were evidently ineffective for in August⁽¹⁴⁷⁴⁾ further letters were sent to the Earls of Crawford and Buchan to summons⁽³⁾ them "for thare gadering"⁽³⁾. In parliament in 1487 the lords, spiritual and temporal, barons, freeholders and representatives of the estates of the realm promised and swore not to maintain, fortify, supply or defend, or be advocates for or stand at the bar with, any traitors, murderers, thieves or other malefactors, either their kin or others, except in so far as it would be lawful for them to stand with their kin and friends in sober wise in honest actions. In the same parliament it was ordained that the act formerly made as to coming to courts in sober and quiet wise, without arms or convocation of the King's lieges, should be put to execution in all points, an addition being made that when the sheriff should be certified that such convocation was made he should by himself or his deputies send to the parties, requiring them to disband their gathering, and if they refused to do so he should cease the court for that day and incontinent come and declare to the King what persons had disobeyed him. Those found culpable should be punished by warding of their persons for a year and they should also pay the expenses incurred by the party through deferring of justice. The act that persons should come to courts in sober and quiet manner was passed under James II. in 1457.

The results of this overgrown baronial power need not be here enlarged upon - the more important manifestations of it have already been considered. The system that could allow continued rebellion and usurpation of the royal rights like that of the Earl of Ross, or the turbulence and violence that characterised the reign of James III needs no multiplication of instances to prove its disorder and insubordination. Feuds and private war were rife. In March 1478-9, when it was stated in parliament that remedy should be provided for the great feuds apparent in different parts of the realm, those between the Earl of Buchan and the Earl of Errol, between the Master of Crawford and Lord Glamis, the great trouble in Ross, Caithness and Sutherland and the strife between the Lairds of Carloverock and Drumlanrig, between the Rutherfords and the Turnbells and between the sheriff of Teviotdale and the Laird of Cranston were mentioned as/

(1) A.P.S. Supplement. (2) T.A. (3) Ibid.

as especially notorious. In February, 1483-4 parliament in a further attempt to remedy such feuds advised that the King should summon the great Lords before him and his Council and put them in friendship and concord and that the Justices were similarly to summon smaller men and compose their differences. Apart from the regulations of parliament, however, the records are full of evidence as to the feuds and violence which prevailed and to these conditions must have been due much of the "wasting" of lands so often mentioned in the Exchequer Rolls.

Violence and crimes of all kinds were rife. The documents, especially the Treasurer's Accounts and the Acts of Parliament, bear testimony to the prevalence of "slaughter". Theft, rapine, arson, devastation and other crimes were equally common. We have numerous instances of the violent temper of the age. Walter Lindsay of Beaufort, for instance, pursued Alexander Irvine of Drum before the Lords Auditors for convocation and gathering of the King's lieges to the number of sixty persons, arrayed for war with bows and other weapons, on horse and foot, coming upon the said Walter under silence of night where he was in his bed at midnight "for the invading of him in breaking of the acts of parliament". Further illustrative of the conditions of the country is the action of Adam Johnston, son and heir apparent of Sir Gilbert of Johnston, against John Johnston of that ilk, concerning the slaughter of Patrick Walch and two brothers of the MacAllans in the rescuing of Ralph Weir's goods and letting of the said goods to borgh to the said John Johnston(1). Instances illustrating the violence of the times could be endlessly multiplied.

Notable in this connection is the preponderating prevalence of actions for spuilzie and wrongous occupation. Actions at law for spoliation were extremely numerous and bear evidence to the character of the age. Spuilzie or wrongous occupation actions, however, did not always imply forceful appropriation of property or violent occupation of territory and dispossession of its tenant. Often what happened was that two persons claimed the right to a piece of land or to some property. The claim might be made upon many grounds and under many different circumstances, but, for the sake of simplicity, let us suppose that the land or property had become vacant by the death or resignation of a former owner. Then one of the claimants would assert his claim and assume possession, the other on the strength of his alleged rights would at once pursue him for spoliation or wrongous occupation, though there had been no forceful dispossession. On the other hand, however, such actions were often due to forceful eviction and actual robbery. They were accompanied by violence, retaliation and strife and they show the prevalence of a low opinion of law and order. Trust was put in self-help rather than in the law and litigation usually followed only after force had first been tried.

The prevalence of such conditions meant great hardship for the common people. The spread of actions for wrongous occupation and of rival claims to land resulted for instance in the exaction of double mails, both claimants exacting the rents and dues from the unfortunate tenants. Sometimes the tenants sought redress at law. In June 1480, for instance, certain tenants of Stribrok pursued Sir Archibald Dundas and John Ross of Halkhead before the Lords of Council for exaction of double mails and Sir Archibald Dundas was ordered to restore to them the goods he had taken. Frequent cases recorded both in the Acta Minorum Auditorum and the Acta Minorum Concilii prove how common was the practice of exacting double mails.

Another unjust and injurious practice was that of distraining tenants for their lords debts. A realisation of the evils of the system/

(1) A.D.A.

system induced parliament in 1469 to pass an act forbidding the distraint of tenants for their lord's debts in briefs of distress further than their terms mail extended. Regulations were made for the procedure to be followed in briefs of distress. If the term's mail would not satisfy the debt the debtor's moveables within the shire were to be taken, failing that his goods or mails in any part of the country. Where the debtor had no moveables the sheriff was to cause his land to the avail of the debt to be sold, it being lawful for the original owner to have it back within seven years, on paying the sum in question. The Register of Great Seal shows frequent instances in practice of the sale of lands under distraint with regression to the original owner on payment within seven years. Parliament ordained that such sale was not to be to the prejudice of the inhabitants, who were not to be distrained for their lord's debts. It was enacted that if the lord obtained the land again within seven years and the creditor had meanwhile taken the mails by virtue of the brief of distress it would not be lawful for the lord to exact them again. If no one could be found to buy the lands the sheriff should choose an assize of thirteen persons of the worthiest in the shire, cause them to value a portion of the debtor's lands to the avail of the debt and assign that portion to the creditor within six months, the King to receive the creditor or other buyer as tenant. Failing that the sheriff was to tack the lands to himself and undertake the debt.

A noticeable feature of the conditions of the time is the extreme lack of respect, often amounting to contempt, shown to King and government. In 1466 certain persons were given full power of parliament to judge persons holding their castles from the King or the Duke of Albany. There was flagrant interference with and misappropriation of the royal revenues. The doings of the Earl of Ross in this respect were especially notorious, but the Earls of Huntly and Athole and numerous others also interfered with and withheld royal revenues and in 1483-4 parliament enacted that the King's Master of Household and Comptroller should advise and see where the King's rents and farms were withheld, in disobedience to the King's mandates, and that the Master of Household and other Lords of Council should go and distraint the officers in these parts and bring to the King those who disobeyed his authority and withheld his rents. On August 6th, 1479 the Lords of Council declared that one Thomas Joffrason should enter his person in ward in Blackness castle for contempt done the King in violently taking royal letters from the sheriff in that part. A week later a similar sentence (to enter his person in ward in Blackness) was passed upon Alexander Hume for contempt done the King by making disturbance in the sheriff court at Berwick and on October 13th Alexander Seton was ordered to enter ward in Lochleven castle for contempt shown to the King in striking and drawing blood from the King's servant. The sentence passed by the Lords of Council upon John Wemyss that he should enter his person in ward in Blackness for introuetting with the annual and mails of Dysart after he had been specially commanded and charged to desist therefrom illustrates the contempt that prevailed for the authority of government.

One cause which contributed to the prevalence of crime and violence was the lack of effective governmental machinery for the detection and arrest of criminals. Such organisation as there was depended largely on private enterprise and the strict performance of their duties by the lieges - and it was inevitable that both proved the reverse of reliable. Actions like the grant of lands by the King to John Kennedy of Blarequhan and his heirs for Kennedy's "grateful labours and services" in capturing certain rebels who were at the King's horn(1) or giving Lord Carlyle a sum of money to give to those who brought Lucas Bruce and Douglas to law for the slaughter of William Murray(2) show how far the government depended on

(1) R.M.S(2) T.A.

on the activity of private persons for the arrest of delinquents. Even the most potent sentence of all, that of outlawry, depended for its effectiveness on the co-operation of the lieges. Its idea was that every man's hand should be against the outlaw, but as men are human and as most men have friends it was inevitable that some men's hands should be not against the outlaw but for him and one imagines that it would be easy for the outlaw to conceal his identity and the fact that he was outwith the pale of the law. It was these facts that caused the numerous legislative acts against aiding, receiving or supplying criminals and which caused the punishment for abetting malefactors to be almost as severe as that incurred by the malefactors themselves. For the arrest of a criminal the performance of their public duties by the lieges was most important, they must therefore be encouraged to do their best to arrest the criminal and every effort must be made to make them refrain from giving him assistance. It would be natural, however, that neither aspiration would be very successful. The criminal would doubtless receive assistance from his friends and relatives and one would hardly expect the ordinary man to leave his work and go in pursuit of a criminal, whose crime perhaps did not much concern him - unless of course he joined in the hunt from a desire to participate in its excitement, as something that added to the variety of life and took away from its humdrumness, something of the spirit that animates the modern political procession or the football crowd. The sheriff was entitled to call out the men of the shire in pursuit of a malefactor and it was incumbent upon the King's lieges to join in the hue and cry, but each sheriff had to follow in the pursuit only to the boundaries of his own shire. There it was required that the chase should be taken up by the neighbouring sheriff and his men, but doubtless considerable time would be lost in the change in the relay and one imagines that the criminal would find it easy to escape when the pursuit was conducted on such a patchwork basis. Under such a system the chances of arrest were considerably remote and inducement was offered to crime accordingly.

These conditions, and especially the reliance on the efforts of the ordinary subjects, are apparent even in the measures by which parliament sought to remedy the situation. In 1469 parliament commanded that the sheriffs should put to execution the acts of King James I. as to slaughter and fugitives from the law - in brief that the sheriff on being certified that slaughter had been perpetrated should "raise the king's horn and his lieges within the bounds of his office" and pursue the malefactor until he should be caught or enter another shire; in the latter case the sheriff should send an officer to inform the sheriff of that shire and he was to raise the King's horn and lieges and the process of pursuit was to be repeated and so on from shire to shire until the trespasser were taken or driven out of the realm. It is to be believed, however, that the pursuit would have lost its motive force and effectiveness long before the fugitive was driven to the confines of the country. The acts further required that the sheriff of every shire where the fugitive was sought and not overtaken should go to the head burgh of the shire and proclaim on the King's behalf that such a man had committed the crime in question and was fugitive from the law, charging the lieges that none should harbour or help the fugitive on pain of forfeiture of life and goods; sheriffs "found culpable hereupon in the execution of their office" were to be punished at the King's will and removed from office for three years, sheriffs and other men found diligent in the pursuit of the malefactor were to be rewarded. In 1471 parliament prescribed a procedure for dealing with those who committed slaughter and came to give themselves up to the law. The sheriff was not to receive any such person to the law or give him delay of forty days unless he brought with him sufficient borrows (persons to stand surety) that he would come to underlie the law on the said day. In February 1483-4 the Estates advised the King with advice of the Lords of his Council to "comon" with certain lords and headsmen of the Borders and others for the arrest of masterful trespassers fugitive from his laws. In 1487 parliament decreed that one or two Justices General should be deputed on the south side of Forth and one or two on/

on the north side, being persons of wisdom and knowledge "that is of will and good mind to execute justice and that has power and strength of their own", with "part of supportation" from the King, so that the royal authority should be borne forth and trespassers brought to law. In the same parliament it was ordained that the former acts for the punishment of slaughter should be put to execution and an addition was made to them prescribing the procedure to be followed by the sheriff in the case of fugitive slaughterers. The sheriff or his deputy was to seek the slayer at his dwelling if he had any; if he had none, or could not be personally apprehended, the sheriff was to place his goods under arrest and then make proclamation at the market cross of the head burgh of the shire that the slayer or slayers should come to him within six days thereafter and find surety for their appearance to underlie the law. If the malefactors did not appear within six days the sheriff was to put them to the horn, denounce them as the King's rebels, escheat their goods and warn the neighbouring sheriffs that such persons had been put to the horn by him, charging them in the King's name to do the same or else to arrest them, if they could be apprehended, and bring them to law.

The difficulties of arrest and punishment of malefactors were increased by the privilege of sanctuary claimed by the church. As has already been noted parliament in 1469 tried at least to restrain abuse of the system by proposing measures for finding out by assize whether the crime was premeditated, in which case the law did not allow the privilege of sanctuary, and for the punishment of the criminal if it were. If the crime were unpremeditated the criminal was to return to the protection of the church.

Crime was also encouraged by the practice of making composition for offences after the event, the malefactor thus escaping punishment for a consideration, and by the grant of remissions and respites. The Treasurer's Accounts, for instance, show compositions with Lord Borthwick for a remission to his sons, with Sir Robert Abercromby "for a remissione of twa personis for ald slauchter", with Tom M'Quhonale for a remission for all actions except murder, treason and common theft, and various other compositions and remissions for murder, forethought felony and other offences are recorded. Nor was it only in relation to the King that the practice of making compositions for offences prevailed. Private revenge was as much to be feared as the retribution of the state and accordingly we find cases like that when on 7th July, 1480 the Lords of Council assigned William Lempatelaw and Elizabeth Lempatelaw the 2nd October with continuation of days to prove lawfully that the late John Scott bound himself and his heirs to pay the said William and Elizabeth the sum of £20 for "kynbute and amendis" for the slaughter of the late John Lempatelaw.

Parliament assiduously legislated in restraint of the practice of granting remissions. In 1478 the Estates supposed the chief cause of the prevalence of slaughter, treason, rapine, theft and other crimes to be the ready granting of respites and remissions by the King to the perpetrators thereof and decreed that no such respites or remissions should be granted for any slaughter committed since the King was twenty-five years of age or to be committed in the future for three years. The country was to be put in peace and rule and no remissions were to be granted for common theft. In February 1483-4 it was declared by parliament that the King had closed his hand from the giving of remissions or respites in time to come to those committing treason, slaughter, forethought felony, common theft or manifest reif within the country for three years next to come. In May 1485 parliament ordained that no respites should be given in future since they were more against justice than plain remissions. Respites already given were to be no prejudice to the parties in pursuing their rights. No remissions were to be given for common theft except in the first Ayres as for the Borderers. In parliament in October 1487 the King granted to his

Three/

Three Estates that he should not grant remissions to trespassers for seven years to come for criminal actions, to wit treason, murder, arson, ravishing of women, violent reif, slaughter of forethought felony, common theft and abetting of common theft and false coining. When any trespassers not obedient to the law happened to be taken by force against their will and brought to the King or his Justice, his Majesty should grant no remissions to such persons nor suffer them to be delivered or put from justice, but cause them to be punished extremely by the law according to their trespasses.

Other difficulties which stood in the way of effective exercise of justice were the lack of places of custody for arrested persons and the difficulties of arrest of powerful delinquents. In 1474 parliament enacted, since it was customary that persons arrested to the Justice Ayre would come in presence of the Justice and hold themselves outside the bar and would not enter for the payment of "a little unlaw of silver", which was great derision and lightlying of the king's highness, that therefore in future all persons arrested who might be apprehended at the time of the Ayre in the Tolbooth or the town where the Justice was, should be taken and delivered to the Justice for trial, so that the arrestment were made before the beginning of the Ayre. In 1487 an act of parliament concerning the punishment of those who, being arrested, could not find surety, and, because there was no castle or place to keep them, managed to escape, required that in future such persons should be delivered to the sheriff who should keep them at the King's expense. Lengthy regulations were made for the sheriff's remuneration therefor from the royal Exchequer at a rate of 3d. per day, and for his punishment if he refused to keep the arrested person.

In the same parliament an act was passed concerning the arrest of powerful delinquents. In brief if the crowner was afraid or unable to arrest the suspect he was to go to the lord of the barony, or, if it were not a barony, to the sheriff, and ask the lord or sheriff either to become surety for the appearance of the suspect to undergo justice or else to assist the crowner in making the culprit's arrest or taking his surety. Barons or sheriffs who refused to do so were to pay £10 to the King at the next Justice Ayre on sufficient proof being made by the crowner.

An important feature of the period, at once illustrative of and contributory to the disorder and violence of the times, was that of the malpractices indulged in by royal officials. There was little effective control of these men and they were often swayed by interest, favour, prejudice, greed, laziness or compulsion to use their offices in directions contrary to justice and to the prejudice of the lieges, or to leave undone the duties they should perform. The chief local officer of the crown was the sheriff, whose judicial, administrative, financial and military functions were very important. The great man of the district was usually the sheriff and in many cases the office had become hereditary in baronial families. Even when this was not the case the sheriff would be subject to the influence of powerful magnates, to the inducement of bribery or to the compulsion of force. Thus the office that was intended to serve ~~the~~ government and to extend order often became the instrument of misgovernment and oppression.

Much is heard in the records as to the malpractices or neglect of officials. Thus in May 1471 the Lords Auditors ordained letters to be written to the sheriff of Clackmannan, charging him "yet as of before" to execute the King's letters to distrain John Broys in pursuance of sentence of the Lords of Council; because the sheriff had disobeyed the King's mandate and letters several times in this matter and would not appear now to answer thereupon the Lords declared that he should enter his person in ward in the castle of Blackness within twenty days and remain there at his own expense until he should be freed by the King. In August 1476 the Lords Auditors decreed that, for the great contempt done the King by Robert Maidstone, John Bannerman and John Bog, baillies of Berwick, in the non-execution of their office as concerning certain letters directed/

directed to them for John Holland, and also for withholding the King's letters and for their disobedience because they did not appear now nor formerly, though they were summoned several times, letters should be written to the sheriff of Berwick and his deputies charging him to command the said baillies to enter their persons in ward in Blackness within twenty days, there to remain at their own expense till Holland were content and till they were freed by the King under pain of rebellion. In October 1479 similar sentences were passed by the Lords Auditors upon Humphrey Murray, baillie of Perth, for wrongous withholding of the King's letters and non-execution of his office in the same, and upon John of Brig, clerk of Perth, for denying and non-deliverance of the "Roliment" of the court, purchased by William of Cavers. In March 1481 Humphrey Colquhoun of Luss pursued Alexander Guthrie of that ilk before the Lords Auditors for the non-execution of his office as sheriff in regard to £30 recovered by the late Sir John Colquhoun, Humphrey's father, on Hugh Lord Fraser. The Lords decreed that the sheriff should pay Colquhoun seventeen marks which he admitted he recovered of Lord Fraser and assigned him the 8th May next with continuation of days to prove he was stopped by the King's letters from using his office for the payment of the said £30. Failing such proof he was to be adjudged debtor to Colquhoun for the remainder of the sum. On December 2nd, 1482 the action was again considered and the sheriff being not present was sentenced to pay £30 in default of producing his proof. On the same day an action came before the Lords concerning the disobedience of a King's servant in taking without command goods he had been commanded to let to borgh. In October 1478 a day was assigned to Robert Grahame of Fintry and Robert Creichton of Sanquhar, sheriff of Dumfries, to show how much goods were distrained from Lord Carlyle by Creichton, which goods ought to have been delivered to David Grahame, late father of Robert, for a certain sum owed him by Lord Carlyle. Should Creichton fail to prove that he had paid to David Grahame as much as he distrained from Lord Carlyle he was to make restitution to Robert Grahame. In January 1478-9 summons before the Lords of Council was served upon Thomas Simpson, sheriff of Fife, for non-execution of his office in failing to deliver and pay to Thomas Multrar certain goods, money and mailing obtained by the said Thomas upon George, Earl of Rothes. In October 1479 an action was pursued before the Lords of Council against the sheriff-depute of Argyll for wrongous serving of a brief of inquest. The verdict was given against the sheriff because he put persons from other shires on the inquest without necessity and also put suspect persons on it and not the best and worthiest as he was charged. Another sheriff, Alexander Guthrie, sheriff of Forfar, was condemned of wrongously serving a brief of inquest because he put upon the inquest persons that were of consanguinity and affinity to the principal party, while another sheriff was declared to have wrongously served a brief of inquest because he gave counsel beforehand to the purchaser, the principal party. On July 12th, 1480 the Lords of Council decreed that letters should be written to the principal sheriff of Linlithgow to distrain his deputy, John of Kincade, and others and compel them to restore three oxen to John Sandilands, because they were charged before to deliver again the said oxen and to show the cause why they were taken, which they had failed to do. A week later a sheriff was declared guilty of wrongous distraint and was ordered to restore the goods (A.D.C.). In 1484 the Lords of Council decreed that a sheriff who had been slothful in distraining should be himself distrained with liberty to recoup himself by distraining the first offender.

These instances of neglect or malpractice upon the part of royal and civic officials could be added to considerably. Officials, however, had their own difficulties to contend with. They were sometimes pursued at law apparently for doing their duty. Thus John Stewart of Buchan raised an action before the Lords Auditors against George Montgomery and John Barclay, sheriffs, for what he termed "inordinate process" led by them as sheriffs in that part, directed by the King's letters, in an action between him and Alexander Cunningham. The sheriffs were acquitted, the verdict being that they/

they had not exceeded their office. Distrainment too had its difficulties for the sheriff. Not only do we hear of cases of "deforcement" made upon them, like that made by George Hume on Robert Inglis, sheriff-depute of Berwick, in connection with the inbringing of Patrick Hume's escheated goods, but there were other difficulties as well. For instance on June 21st, 1480 the sheriff of Fife was assigned the 24th July, with continuation, by the Lords of Council to prove that the goods he distrained for the Laird of Fernie's debts and delivered to David Balfour of Caraldstoune were on the Laird of Fernie's lands and had his keel and mark. Sometimes the royal officer was the victim of the working of forces outside himself. If the officer did his duty against an offender and later the offender was reconciled to the King the sheriff was sometimes made the scape-goat and action was had against him for exceeding his office. At other times indignation against the government was vented upon the sheriff as being the nearest representative of the government.

The series of legislative enactments in restraint of royal officials constitute the best commentary upon their malpractices. Parliament in 1469 passed an act dealing with sheriffs and judges ordinary who either would not administer justice to the poor or who dispensed partial or wrong justice, allowing resort against them to King and Council. The question of defaulting judges ordinary was a chronic one in Scotland, it had demanded much attention in the past and continued to do so for a long time to come. In the same parliament it was enacted that all officers who executed the King's briefs and letters should endorse them by setting their seals or signets to them in the presence of witnesses and other ways of endorsing were to have no faith. A further enactment of the same parliament commanded that extortions by constables of castles, sheriffs and baillies of burghs in the shape of what they wrongly called "dues" and "fees" "in the keeping of faris parliament tymes and generale counsails" should cease under pain of punishment at the King's will and dismissal from office for a year. The exactions of sheriffs and constables at fairs had already called forth legislation under James II.

In December 1482 parliament ordained, since the Borders and a great part inward were manifestly wasted and destroyed by treason and theft, that the Wardens in all the Marches should hold Warden courts as often as they legally could and punish all trespassers, both traitors and thieves, with all rigour and without favour, according to justice. Sheriffs, provosts, baillies and other officers were required to minister their office, to do justice to all the King's lieges in civil actions and to punish all criminal actions such as theft, slaughter and spuilzie in so far as pertained to their jurisdiction, according to the law and statutes, as they would answer to the King and under pain of punishment in their persons, goods and office according to the said acts and statutes. (It was further ordained at the same time that Wardens' courts should be of continuation - to wit that Wardens could end their courts the first day or continue them as they pleased for three days or within - and that none of the King's lieges should break his safe-conduct, Wardens being forbidden to do so within the bounds of their office under pain of death.) In February 1483-4 parliament again decreed that the Wardens should hold their courts as often as was required and punish trespassers without favour. In January 1487-8, in order to staunch the slaughter, theft, reiving, harrying and other trespasses so common on the Borders and elsewhere, and to punish breakers of the truce, parliament advised that the King should give sharp command to his Wardens, Justices and all other officers to set Justice Ayres and other courts as often as was necessary, to "ger serch and seik for the arreisting and taking of the said trespassouris" and to punish them "extremely" according to justice, so that the terror and example thereof might act as a salutary restraint to others.

(1) Observations on the Acts of Parliament of Scottish Kings, p. 34.

(2) S.H.S. 16 p. 171.

Crowners seem to have been especially prone to helping themselves to undue perquisites of office. In October 1487 parliament passed an act against the practice of crowners in the case of criminals condemned to death going and escheating their goods, pertaining (by the escheat) to the King, and appropriating an undue portion thereof to themselves. In future crowners were not to meddle with such goods until the sheriff or his deputy should go with them and allocate to them their reasonable share and bring in the rest to the King and his Treasurer. Crowners acting in contravention of this enactment were to be punished as for reif. In January 1487-8 parliament again considered the crowner's due share of the escheated goods of executed criminals, and especially the point where it mentioned in the former statute thereupon "the dauntit hors unschod". Parliament decreed that in future this should be interpreted that the crowner should have "dauntit" (broken in) horses deputed to work and not to the saddle, that had never been shod. The privilege here mentioned was a very old one. Mackenzie in his "Observations" declares it to have been granted by Malcolm II., meaning, presumably, Malcolm the Maiden.

In October 1487 parliament enacted that in future the Justice on the last day of his Ayre should give an assize to the sheriffs and crowners to find out if they had executed their office truly. If they were convicted and found false they should be punished according to the law and their demerits. The necessity for some kind of control of the local officers of the crown was recognised.

One complaint made against officers of the crown is interesting and has caused considerable difficulty to historians. In 1475 parliament complained that there had been great abuse of law by sheriffs, stewards and other officers holding what Thomas Thomson has printed as "Courts of Guerra", to the "grete hereschip and skathe" of the lieges and of the King himself, since his Justice Ayres were spoilt by these courts. Parliament therefore forbade such courts to be held in future under pain of punishment "as for a man slayer and reiver of his goods and usurper of the king's authority". Mackenzie states that "Courts of Guerra..... seem to have been courts holden upon Neighbour-feid and riots"(1), probably taking his definition from enactments after Flodden. It has recently been pointed out by Professor Hannay(2) that the word in the original record is not "guerra" but "querra", the impression of a "g" being due to the flourish of a letter below what is really a "q", and what is unmistakably a "q" in the two succeeding instances of the use of the word. Professor Hannay gives a very probable account of the origin of the word, and the courts, as derived from "enquerre". In general council at Stirling in 1397, in view of the great distractions, harryings, incendiarism and homicides prevalent, each sheriff was to proclaim that no man travelling in the country should take with him any person "bot thaim that he wil mak ful payment for". The sheriff was then to take "diligent enquerrez" as to trespassers in this fashion and then arrest offenders, taking surety for their appearance at the next Justice Ayre. If no such surety could be found the sheriff should at once "gif knaulage of assise" and if the party were found guilty the sheriff should condemn him to death. In 1398-9 this enactment was added to, injured parties were allowed to lodge complaints and these complaints were to have the same force in causing arrests to be made as the "enquerre" postulated by the General Council at Stirling.

The trial by assize of persons thus arrested constituted in all probability the "courts of guerra" legislated against in 1475, though the system may have become, by this time further extended. It is easy to see why they should be unpopular. They allowed the sheriff a wide discretion and in the hands of an unscrupulous man they might become grim vehicles of oppression. The officer who was entitled to hold such courts might use his power to summon and/

(1) Observations on the Acts of Parliament of Scottish Kings. p.84.

(2) S.H.R. 16 p.171.

and obtain sentence against his own enemies and exercise his power in accordance rather with private than with public motives. Such a view would explain the legislation of 1475 but that legislation, as Professor Hannay points out, did not put an end to these courts.

The disorder in the country and the defects of government and justice were apparent to the men of the time. Parliament gave attention to the question from time to time, the remedy it usually proposed being the setting of Justice Ayres and the devotion of attention to the administering of justice by the King and his officers. There are signs, as has been pointed out, that the King himself made profession of his intention to cause efficient, assiduous and impartial justice to be dispensed one of the strong planks in his political platform.

In 1468 parliament ordained that for the "good of peace" the Ayres now set should be lawfully held for the doing of all justice, even though part of them was set in feriale time (i.e. the vacation time of the courts). In 1473 when the Estates sought to dissuade James from going abroad they stated their opinion that the best thing the King could do in the meantime was to travel in his realm and do such justice therein that his fame would go abroad. In November 1475 parliament enacted that Justice Ayres should be held thrice a year through all the realm and that sheriffs should execute the act of parliament of November 20th, 1469 as to fugitives. In March 1478-9 it was declared in parliament that the King was of "good mind and disposition to the putting forth of justice throughout his realm" and should in future with advice of the Lords of his Council attend diligently thereto by setting and holding Justice Ayres in all parts and otherwise as should be thought expedient and profitable. In parliament in March 1481-2 it was stated that the King declared his intention of causing justice to be equally administered to all his lieges with advice of his prelates, lords and wise, discreet persons, and of applying himself to putting all parts of his realm in good rule. In February 1483-4 parliament, considering the great treason, slaughters, reiving, thefts and other enormities, and the disobeying and "lightlying" of the King's authority that prevailed, thought it expedient and counselled the King to make Justice Ayres be set and held generally through the realm with such authority to pass with the Justice to the said Ayres that trespassers might be punished without favour. (1) In 1485 parliament passed a similar enactment that the King should cause Justice Ayres to be held universally in all parts of the realm twice a year, "once on the grass and once on the corn" until the realm were brought to good rule. The King was advised to call a part of the Lords and headsmen of his realm and take "ditta" of notorious trespassers without exception, who were to be taken and justified without remission. In 1487 parliament again passed acts for the deputing of Justices General and the setting of Justice Ayres. In January 1487-8 parliament thought it expedient that two persons from among four enumerated - the Lords Bothwell, Lyle, Glamis and Drummond - should be named by the King to be Great Justices south of the Forth, the Earls of Crawford and Huntly to be Great Justices north of the Forth. When Ayres were set the King was to send certain wise lords and persons of his Council with his Justices both on the south and north sides of the Forth to be assessors and counsellors to them. It was also thought expedient that the Justice Ayres now set should be dissolved and that all Justice Ayres, both north and south of Forth, should be proclaimed and/

(1) As referred to above the King, with advice of the Lords of his Council, was to hold conference with Lords and headsmen of the Borders and others for the arrest of fugitive trespassers and the Wardens were to hold courts as often as was required and punish trespassers without favour.

and set anew to be held "on the grass" at such days and times as should be thought expedient by the King and his secret council.

Throughout the reign measures were passed in parliament dealing with various aspects of the life of the country, mostly upon subjects which had already called forth legislation in previous reigns. One class of people who received considerable attention were ferrymen. In 1467 parliament enacted that for the ease of ferrying horses ferry-boats should be provided with "briggis of buirdis or portis" under pain of confiscation of the boat and forfeiture of the office of ferrying for a year and a day. This act was ratified in 1469 and it was ordained that those who had been negligent in keeping it should be punished. In 1474 a scale of charges was prescribed in parliament for the ferrymen at Kinghorn, Queensferry and Portincraig, ferrymen not adhering to the prescribed rates were to pay the King 40/- and suffer imprisonment at his will and ferrymen were again required to make bridges for their boats as stipulated by the former act. In 1478 it was enacted that ferrymen taking higher charges than those prescribed in parliament should forfeit £5 to the King and make amends to the party. In 1485 a new act with an ascending scale of penalties was passed against ferrymen who charged extortionate fares.

In 1469 a remedy was proposed in parliament for the "new invention" of selling lands by charter and seisin and taking again of reversions. It was enacted that if the buyer should resell the land the original seller should have recourse to the land sold by him under letter of reversion no matter to whose hand the said letter should come, having the same privileges against subsequent buyers on showing the reversion as he would have against the first buyer. The King was to cause reversions to be registered in his Register if required, at the expense of the party (at the rate of half a mark each) and the Register was to have the same force as if the principal reversion were shown.

In 1474 an act was passed requiring that the proving of arrestment on the north side of Forth by touching of wands should cease and that all proof should be by witnesses as to the south of the Forth. In the same parliament an act was passed concerning overlords who "in defraud and skaith" of their vassals and tenants deferred to enter into their lands and superiorities. In future overlords were required to enter into their lands and superiorities and do their diligence thereto without fraud or guile within forty days after being so required by their vassals or tenants. If the overlord failed to do so the tenants and vassals were to be entered to the King or other superior and should hold of him and the overlord who fraudulently deferred his entry was to forfeit his tenants for his lifetime and to pay any costs or damages sustained through his default of entry.

Parliament followed the example of former reigns in passing game laws. In 1469 an act was passed to prevent the destruction of salmon, grilse and trout by setting narrow mesh nets and other engines for their capture in rivers running to the sea or within the tide mark of the sea. Such devices were to be destroyed and put away for three years. In 1474 an act was passed forbidding the killing of game in time of storm or snow, or of young deer and other game until they should be a year old, under pain of a £10 fine. It was also enjoined that no one should hunt or kill game, birds or fish in another man's parks or preserves. Another act of the same parliament forbade the stealing of hounds or hawks "maide nor wilde out of nestis or eggis" from within another man's ground/

ground without license of the lord, under pain of £10, and in likewise no eggs were to be taken out of partridges' or wild ducks' nests under pain of 40/-. These enactments show the high estimation in which hunting and hawking were held and the value placed upon the instruments - and the victims - of the chase. Acts for the preservation of game imply that it was becoming scarce. In connection with the legislation for the preservation of red fish the economic motif was important for salmon constituted one of the chief Scottish exports but the passing of game laws signified the reservation by statute for the sport of the rich of what might have helped to satisfy the necessities of the poor, though the emphasis as yet was laid on the safeguarding of private preserves and the acts probably did not prevent the common people from hunting, fowling and fishing if they felt so inclined.

In 1478 parliament passed acts dealing with several subjects upon which there had already been legislation under James I. and James II. It was ordained that the act of James I. as to "cruvis" set in waters that ebb and flow to the destruction of fish should be observed under pain of a fine of £5 and regulations were made which must be complied with by those having similar erections in fresh water. An act as to moor-burning, which stated that it was then done in all months contrary to the law, forbade moor-burning from the last day of March until Michaelmas day under penalty of a £5 fine. The act of James I. was to be put to rigorous execution "for staincheing of masterfull beggaris and sornaris that daily oppressis and heryis the kingis pure liegis". Another act prescribed that smiths who through ignorance or drunkenness spoilt a horse by shoeing in the quick should pay the cost of the horse until it should heal and meanwhile provide another for its owner to use. Should the horse not heal the smith was to keep it and pay the price of it to its owner. In 1481-2 parliament made regulations for the improvement of slothful couriers.

E. Parliamentary History.

Scottish parliamentary history has received, especially in the work of Principal Rait, thorough and expert study. An examination of the reign of James III., therefore, is not so much calculated to bring to light new information as to show how parliament actually worked during a certain definite period, and even in the slightest sketch the debt to writers upon parliamentary history will be apparent.

Incidence. Parliament met frequently during the reign of James III. From 1466, when the parliamentary record began, to the end of the reign there are forty-eight recorded meetings of parliament, though several of these were continuations of previous parliaments, some were meetings of commissioners deputed to hold parliament and in some cases parliament met merely to be continued to a subsequent and proximate date. From chance references it could be deduced that during these years further parliaments met of which no record survives(1). It is impossible to discover whether parliament met according to any definite scheme. In most years two parliaments were held. A very usual time for meeting was January or February and parliaments were often held also in October or November. It may be that there was a scheme of holding two parliaments yearly, one in the late autumn and the other in January or February and that particular causes occasioned deviations in practice. On the other hand/

(1) e.g. In parliament in November 1469 it was enacted that the act made in the last parliament as to the reduction of hospitals to their first foundation should be put to execution. There is no record of such an act (except the act of 1466 as to hospitals) and there may be implied a parliament of which the record has been lost.

hand parliaments were not infrequently held in May, June or July and it may be that there was an ideal scheme of holding three parliaments a year at approximately the three great festivals of Candlemas, Whitsunday and Martinmas. Such a system had prevailed for the great courts of Curia Regis in early feudal times and a definite scheme of incidence had been introduced into England on the French model in the reign of Henry III. If there was any such scheme of sessions of parliament in Scotland, however, it fell very far short of being attained in practice.

Attendance. Attendance at parliament was not large. Only on two occasions during the reign of James III. were there more than a hundred persons present at a meeting of the Estates and even then the total did not mount to one hundred and ten. Often the attendance was less than fifty persons, sometimes less than forty and an average of attendances would work out roughly at about sixty persons. Evidently attendance was in general looked upon rather as a burden than a privilege and the average person would not wish to be present at every meeting of parliament. There were some who were frequently present but others availed themselves of their right of attendance only at infrequent intervals. Attendance was often rather enforced than sought. In February 1483-4 it was declared in parliament concerning the Estates and Lords who had not come to parliament to give counsel for the public welfare of the realm that the Lords understood them to have defaulted and referred "the blame of them to the king's highness". On October 15th, 1487, when parliament was continued to the 11th January following, all who owed presence in parliament were strictly charged to be present on that date. A stock phrase in the formal phraseology dealing with the opening of the session of parliament was that of the "calling" of those who should attend and of entering the names of absentees in the Rolls and adjudging them "in due ameracements". The whole system of commissions and committees grew up out of the unwillingness to attend parliament. Yet though such measures had to be taken to enforce actual attendance it is probable that the right, or privilege, of being able to attend would be prized. A person or corporation might value the right to attend parliament on occasion though they might be averse to attending frequently.

Composition. The Scottish parliament as the widest form of consultative council to the King and the great public opportunity for redress of grievances had early become merged with the idea of the Three Estates. The Three Estates of the Scottish parliament had become the clergy, barons and burgesses. The underlying theory was that attendance should be open to tenants in chief of the King and membership was thus confined to the major clergy, bishops, abbots and priors, baronial tenants in chief and the representatives of royal burghs. Some persons from among the minor clergy and baronage attended parliament as being the special servants of the King, attendance was open to officers of state and in course of time the privilege of membership was sometimes, though in rare instances, extended to burghs other than royal ones, whose wealth qualified them to share the national burdens. James I. in 1426 passed an act forbidding attendance by proxy, perhaps in an attempt to induce the smaller landholders to be present. If he had any such scheme in mind it failed and in 1428 he tried to introduce for them a representative system but his efforts were unsuccessful. In March 1457-8 it was thought expedient in parliament that no freeholders holding lands of the King "under the sum of £20" should be constrained to come to parliament or General Council unless he were a baron or else specially summoned by the King. Under James III. attendance usually came under the headings of Clergy, Barons and Commissioners of Burghs, but sometimes we find the fourfold classification of Clergy, Lords of Parliament, Barons and Commissioners of Burghs. The "barons" of this classification were the smaller nobility, the holders of lesser lordships (or lairds) and the heirs of peers. A certain proportion of these men sat in practically every parliament and their duty of attendance was recognised. In December 1482 parliament was continued to March 1st. and/

and it was ordained that all prelates, lords and great barons and all commissioners of burghs should be then present. No procurators were to be admitted for any man "that is of £100 of life, late or above". For those below £100 parliament granted leave to remain away "as for this time". In October 1487 all bishops, prelates, abbots, priors, earls, barons, freeholders, commissioners of burghs and all who owed presence in parliament were charged to be present in parliament on January 11th next thereafter.

The Scottish parliament was unicameral but sometimes an estate acted as a single entity. Taxation, for instance, was voted or assigned by Estates and we find, for example, the commissioners of burghs taking steps for the "downputting" of a letter of mark issued by the King of the Romans and laying certain acts and statutes before parliament which they desired to be approved and put into execution(1)

Competence. Parliament had a wide competence. It legislated on all matters of national importance, diplomatic, political, ecclesiastic, administrative, economic and social. Yet parliament did not enjoy a legislative monopoly nor does it appear to have claimed absolute authority for its acts as against all other authorities. The usual legislative formula was that the Estates "thought expedient" that something should be done. Parliament discussed and sought to set in order all matters of importance to the kingdom but it did not stand on its own authority as a perpetual institution with traditions, competence and rights which it could enforce against all and sundry. Rather it resembled an occasional general meeting where discussion could be had and policy suggested. Much would depend on personal characteristics but the motive force was elsewhere than in parliament - it lay with the King or those who exercised or usurped his authority. Parliament could be used to buttress a policy either in the King's interest or against him but it did not make a lasting stand of pitting its own authority, as the authority of parliament, against the King. No special sacrosanctity attached to its legislation. The exoneration of the Boyds pronounced in one parliament was annulled in a later one, parliament often legislated notwithstanding its own statutes of a contrary nature and the very repetition of its enactments shows how little they were observed. Many matters, as, for instance, those requiring special secrecy, were referred to King and Council, parliament being deemed unsuitable for their settlement(2). The centre of polity was still the King and parliament was but one of his many aids in government. By this time meetings of the Estates had become so habitual that a definite right of holding sessions of parliament would probably be claimed but the King could govern and legislate with whatever body he chose or found most convenient, secret council, afforded council, general council or parliament, though there would be definite divisions of business which would be regarded as more or less the particular province of one of these bodies as against all the others, and in the main reference would be had to them accordingly.

The judicial functions of the Scottish parliament were as important as its legislative ones. These continued to be exercised throughout the reign of James III. and Lords Auditors were regularly appointed. The judicial activities of parliament will, however, be dealt with in a later section.

(1) Parliament October 1487.

(2) Thus e.g. in 1471 it was ordained in parliament that the instructions of the embassy sent to labour for treaty and concord between France and Burgundy should be drawn up by the Lords of the secret council and other chosen Lords since the matter should not be exposed before the whole parliament.

Procedure. The reign of James III. shows the practice of appointing parliamentary committees and commissions well established. In most of the parliaments of James III. the nomination of Lords of the Articles is recorded and their appointment had now evidently become habitual. The members of the committee were invariably appointed from the three estates of clergy, barons and commissioners of burghs. Their numbers varied, sometimes three representatives were appointed from each Estate, sometimes four, sometimes five and sometimes six. Usually equal numbers of persons were chosen from each Estate to serve on the committee but in the parliament of May 1485 six clerics and six barons were appointed to the Articles but the record mentions only three burghesses. The Lords of the Articles enjoyed very wide powers and various references to their activity illustrate how large a part they played in the transaction of parliamentary business, though it is uncertain if they possessed the complete control over the initiation of legislation which they later enjoyed. Commissions to hold parliament were often appointed. In one case it was stated that nine persons would be a sufficient quorum of commissioners for holding parliament(1) but the average commission was much larger and sometimes numbered about fifty persons; eight persons from each Estate was a usual number. As in the case of the Articles members were chosen from all three Estates and royal servants and officials were often prominent among the commissioners. The powers of the commissions were very full but varied in different cases. Sometimes the matters with which the commission had power to deal were specifically defined, at other times they were given full authority to deal with any matters that might arise(2), in all cases they were given full power of parliament for the matters with which they had to deal. In 1469 the commissioners were required to refer their resolutions to the next parliament or General Council. Sometimes the decisions of the commission were promulgated in a prorogued meeting of the Estates - thus, for instance, the resolutions of the commission appointed in October 1466 were proclaimed in a "continued" meeting of the Estates in January 1466-7. What or who constituted these prorogued meetings of parliament is uncertain but in January 1467-8 "In our sovereign lord's parliament held at Stirling..... and continued before out of Edinburgh to the said day with continuation of days and power committed by the whole Three Estates to certain persons underwritten to advise, commune and conclude upon the matters after following" the enumerated commissioners pronounced their decisions in the matters in question. The commissioners described their meeting as parliament but they confined themselves to the matters committed to them and it is probably significant of their view of their own competence that they ordained that former acts as to the inbringing of bullion should be observed and executed until the next continuation of parliament, full parliament or general council. Prorogued sessions of parliament at which the resolutions of commissioners were announced were probably usually held by the lords "having power" and their competence was probably more restricted, in extent, or weight, or both, than that of a full parliament. The continuation of parliament to a certain day, then to be held by commissioners, was the most common phraseology used in appointing commissions. In May 1471, for instance, parliament was continued to August 2nd next to come at which day certain specified representatives of the Estates and all other prelates, barons and commissioners that they pleased to call to them were to have full power of "the whole Three Estates of this realm being gathered in this present parliament" to treat and conclude upon all matters concerning the welfare of "our sovereign lord" "opened" and unended in the present parliament and other matters arising during the interval. Sometimes at least the expenses of the persons serving upon a commission were sustained by the Estates. In November 1469 when a commission of four persons from each Estate was appointed it was stated that the prelates were "accorded for to make the costs of their four clerks and the barons to make the cost of their four persons and the commissioners for/

(1) July 1473. (2) e.g. In parliament May 1471.

for theirs for two months".

In the reign of James III. the practice of prorogation was well established. Continuations were numerous and trials for treason, especially that of Albany, show the working of the practice. The prorogued meetings were usually held by commissioners but those in which decision was taken were usually more formal than those whose business was merely to decree a further prorogation. Sometimes, however, prorogation applied to parliament as a whole. Parliament was continued from day to day in October 1467, November 1469 and on other occasions. In April 1478 the "court of parliament" was continued to the 1st of June next without any mention of a commission being appointed and parliament duly met again on June 1st. In December 1482 parliament was continued to the first day of the following March and all prelates, lords and great barons and all commissioners of burghs were charged to be personally present on that day. Parliament duly met again on March 1st, 1482-3 and was thenceforth periodically continued by commissioners. Again in 1485 parliament met on the 11th of April and was continued to the 15th April and on the 25th of that month (1) it was continued to the 9th of May, on which day a full meeting was held. In 1487 parliament met on October 1st and was duly continued to October 13th on which day there was a full meeting. On the 15th October this parliament was continued to the 11th of January next when all who "owed presence" were charged to attend. Parliament duly met again on the 11th January 1487-8.

taxation. In England parliament's chief instrument in advancing its authority was its powers in regard to taxation. English kings, following ambitious policies of foreign conquest, found themselves constantly in need of money and had to resort to taxation. Parliament by establishing its control over taxation found a lever which could be used with great effect against the King. In Scotland the same circumstances did not arise. There it was a maxim that the King should live of his own and the policy of the Scottish kings did not necessitate resort to taxation in the same manner as that of the kings of England. Taxation in Scotland was rare and was usually made as a gift to the King by his faithful Estates on special occasions. In January 1467-8, for instance, the prelates, in order to defray the expenses of the embassy to Denmark in connection with the King's marriage, bound themselves "and also for the remnant of the clergy that is absent through virtue of the power committed to them in the last parliament" to give, "not by way of tax nor contribution but of their own free will", £1,000 of the usual money of the realm. Similar sums of £1,000 each were promised by the barons and burgesses. For the taxation of the barons an inquisition was to be held as to "the avail of each man's rent" and the tax set more evenly. In February 1471-2 the prelates granted the King £2,000 for the passage of 6,000 men to France, the barons granted £2,000 and the commissioners of burghs £1,000. In 1478 the expenses of an embassy to Burgundy to confirm the former alliance with that country, to renew former trade privileges, to purchase new ones and to seek for reformation of damages were to be sustained by the "whole burghs". On March 6th 1478-9 the Estates granted James 20,000 marks (Scots) in subsidy for the marriage between his sister, Margaret, and Earl Rivers, 8,000 marks to come from the clergy, 8,000 from the barons and 4,000 from the burghs. Ten thousand marks were to be raised at the next feast of St. John the Baptist (24th June) and the other 10,000 by equal portions within three years immediately following. On April 13th, 1481 the Estates consented to make a contribution of/

(1) The record suggests that the 15th and the 25th might be meant for one day and that there was a clerical error in writing one of the dates.

7. Judicial History.

This section deals almost entirely with civil justice; criminal justice in the reign of James III. has already been touched upon in so far as that reign was important thereto. Even in the sphere of civil justice it does not seek to make a contribution to the wider question of the organisation of civil justice in Scotland. Rather it accepts the work that has already been done, especially by Professor Hannay in his article in "The Book of the Old Edinburgh Club", his introduction to volume III. of the Acts of the Lords of Council in Civil Causes and his recent work "The College of Justice". It is with this work in mind that it seeks to study the judicial aspect of the reign of James III.

One prime and pervasive fact underlies the history of the organisation of civil justice in Scotland and goes far to explain its development - the inefficiency of the ordinary judges. Often they could not be got to administer justice at all to the poor, at other times their judgment was partial and corrupt. The result was that people were forced to seek justice elsewhere.

The question of the inefficiency and corruption of the ordinary judges had been a pressing one long before the advent of James III. and it continued to be so long after his death. It was, for instance, a realisation of the inadequacy of the ordinaries that induced James I. to institute the judicial device of the Sessions, it was again from a knowledge of, and in an attempt to remedy, their shortcomings that James IV. passed his Education Act in 1496. The chronic question of the inefficiency of the ordinaries, in fact, underlies the whole development of civil justice in Scotland.

During the reign of James III. the inefficiency of the ordinary judges was as marked as at other times and various attempts at remedy were made. In 1469 an act of parliament as to sheriffs and judges ordinary who would not administer justice to the poor stated that a litigant must first apply to his temporal judge ~~an~~ ordinary. If he obtained justice there he must content himself, if he did not he was allowed to resort to the King and his Council, to summon his party there and also to summon the recalcitrant judge ordinary. If the judge were found guilty he was to be punished, put from his office for a certain time at the discretion of the King and council and he was required, (if guilty) to pay the expenses of the complainant. Similarly if a judge administered partial or wrong justice the litigant could summon him before King and council. If the judge were found culpable he was, if he held his office in fee, to be dismissed for three years, if he held his office for a time he was to be dismissed for good. In both cases he was to pay the party's expenses and to be punished at the King's pleasure. Conversely, if the complainant were found in the wrong he should pay the judge's expenses and be punished at the King's pleasure. Anyone having a proper action against a sheriff or judge ordinary might summon him before the King, or else he could make another officer in that part administer justice to him. Judges, sheriffs and other officers were to be held to answer for their deputies as for themselves. A proviso stated that it should still be lawful for the King at his pleasure, heretofore to take the decision of any action coming before him.

This act was reinforced in parliament in 1474 when sheriffs, provosts, bailiffs of burghs and judges ordinary were required to minister justice to all complainants according to its provisions and under its penalties. Litigants were to pursue before judges ordinary and not vex the King and council with any complaint unless it/

it were of an officer who would not do justice. In 1475 parliament enacted that in civil justice complainants should go first to the ordinary and he must administer justice. Should the ordinary fail to do so the complainant could summon both the judge and his opponent in the litigation in question before the King and his council and get justice there. In 1482 sheriffs, provosts, baillies and other officers "both to burgh and to land" were required by parliament to execute and administer their office and do justice to all the King's lieges in civil actions and punish all criminal actions. In 1487, when the members and representatives of the Estates swore not to maintain or defend traitors, murderers, thieves or other malefactors, parliament enacted that Lords having jurisdiction or their baillies should not leave justice undone for love or favour and that each of them when required should make true relation to the King or his Chancellor of the persons who acted in the contrary of this stipulation. Anyone convicted of breach of these points and articles was to be punished after the form of the laws, Regiam Majestatum and the statutes of James I. and James II. In the same parliament an act was passed which sought to limit resort to council and required, with the exceptions stated, that civil actions should be decided before the judges ordinary and outlined the procedure to be followed in actions against officers for wrong conduct in the execution of their office and the penalties to be inflicted on officer or complainant according as the case resulted. In the following parliament, January 1487-8, this act, that all actions, summons and causes should pass before the judges ordinary, was repealed "because the king's Highness understands it were deferring of justice to many parties that could not get law ministered to them before the ordinaries".

land. Similar legislation as to the ordinaries had been passed in former reigns but their inefficiency was incurable. The only possible remedy for those who suffered injustice or neglect at their hands was to apply for justice somewhere else. The great residuary source of justice was the King and the lieges might appeal to him against his officers, or when they could not secure a hearing elsewhere for their pleas. As the curia grew up around the King it exercised judicial functions, functions which might be rather hazardously defined as the delegated central jurisdiction of the King. As development in the curia worked to produce institutional development, as separate institutions began to appear, or the germs of separate institutions, manifesting themselves as separate manifestations of a concept and its material counterpart that was still regarded as elusively one, each of the tentatively separate bodies that began to appear possessed a jurisdiction of its own. The conception of one-ness peculiar to medieval constitutional thinking, the idea of one body, or perhaps one should almost say one function, with separate activities, helps to explain the attribution of jurisdiction to those bodies which developed through specialisation from one concept, whose individuality was at first tentative, vague and elusive, but which in the end hardened into separate institutions. The natural resort of the lieges for justice when the ordinary judges failed them was the King and council, whether council was the continual council, an afforced or special council, or council in parliament.

the When the ordinary judges in the localities were found wanting the only course left open to the disappointed subject was to appeal to the higher judicial competence at the centre. It is this appeal to central authority from incompetent local justice that explains the form of judicial development in Scotland. One resort to which the lieges might appeal was parliament. Parliament was the great opportunity for the redress of the wrongs of the public and there is abundant evidence, over and above the act of 1398 that parliaments should be regularly held so that the subjects might be "servit of the law", to prove that its judicial activities constituted one of the primary functions of parliament.

Parliament's jurisdiction, which applied both to criminal and civil/

civil suits, was of two kinds, appellate and first instance. Parliament was the final court of appeal and as such the "falsing of dooms" was regarded as peculiarly its province. Litigants in pursuing appeals were expected to apply from court to court in rotation according to their competence - from manor court to sheriff court, from burgh court to the court of four burgh and from sheriff court to Justice Ayre - but the final appeal was to parliament. Parliament was also a court of first instance. As such it was peculiarly associated with trials for treason but litigations of all kinds were brought before it as a court of first instance without any definite limitation of type. Many suits were doubtless brought before it because they happened to coincide in time with the holding of parliament, the public opportunity for redress of wrongs. Others would be brought before it because of personal influence - it was a decided advantage to have one's law-suit tried in parliament - others would be referred to it by royal officers because of the special importance, difficulty or interest of the case, others would come before it for other reasons. Resort to parliament was so great that constant efforts were made to limit it and to lessen the pressure of judicial work upon the Estates. Judicial authority was vested in parliament as a whole, including the three estates, but each estate was regarded as having a peculiar competence in certain matters. Questions of fee and heritage for instance were at least sometimes remitted to the baronial estate alone and questions of exclusively spiritual or economic interest were considered by the estates of the clergy and the burgesses respectively. In parliament in 1468 an act as to unlaws of Session ordained that the prelates ~~should have those of churchmen~~ appointed to the Session should have those of churchmen, the barons those of temporal men to landward and the burgesses those of inhabitants of burghs.

It appears to have been in order to execute its judicial work that parliament first resorted to the device of appointing committees. The judicial committee of parliament was that of the Lords Auditors. At first the Auditors were apparently intended to hear and report on cases without having themselves the power of decision; their position was comparable to that of the papal missi or auditors who were instructed to proceed "short of a decision". The Auditors were empowered to hear the suits and to report their findings to parliament. It was in parliament, on the last day of its session, that the final decision was taken⁽¹⁾. The report of the Auditors, however, would largely influence that decision and the auditorial body approximated more and more nearly to being a deciding body as well until finally the Lords Auditors became a body with authority to decide finally the suits they heard, without the necessity of reference to parliament. By the time of James III. the Auditors had certainly obtained this competence of decision, though appeal was sometimes made to parliament from their sentences and it is not impossible that occasionally the practice may still have been followed of the Auditors reporting their findings to parliament and the decision being taken there.

Throughout the reign of James III. there is evidence illustrative of the working in practice of the judicial competence and functions of parliament, both in itself and its committees. In parliament itself there were numerous trials for treason - the trials of the Boyds, the Earl of Ross, Albany and his accomplices, Lord Creighton and the rest. Nor are the examples of parliament's exercise of its first instance jurisdiction confined to cases of treason. On October 14th, 1467 in parliament the cause between the Abbot of Dunfermline and William Douglas of Sunderlandhall as to the lands of Cluny, was continued, with consent of the Abbot and of Douglas's procurator/

(1) Parliament did not usually reassemble in full for this purpose. Its composition on these occasions would probably be the Auditors themselves along with the members of the commission for general business. Yet, though its membership was thus limited, it was technically a parliament.

procurator, to the third day of the said parliament, "now to be continued and held without the burgh of Edinburgh with continuation of days"; to be decided where parliament happened to be continued and held. A commission was appointed to discuss among other things "dooms" left undecided by parliament and it was in this parliament that summons and causes left undecided in parliament were referred to be decided before the Lords of Council. On April 12th, 1481 parliament was held by a commission including members from the three estates and various judicial actions were considered. Of the first of these it was said that it "is continued by the Lords Auditors of the parliament to the third day of the continuation of this parliament that shall be next held with continuation of days". At this time parliament was periodically held by commissioners for the summons of Albany and others for treason and then continued to a later date; this explains the reference to the next continuation of parliament. In the second action it was merely said that "the lords" continued the suit, in the third (considered in an afternoon session) the action was said to be continued "by the lords of parliament", in the fourth judgment was given under the formula "the lordis decretis and deliveris". On the following day commissioners again sat. They voted a contribution for the victualling of Berwick, to be raised from "beneficed men, landed men and burghs". The next item in the record of the sitting states that the suit between Arthur Forbes and John Wemyss as to the possession of the lands and place of Reras "is continued by the lords chosen by the parliament" to the 20th June next following with continuation of days, to be declared by parliament who should be judge in the said matter and also to ordain which of the parties should be pursuer and which defendant. The only other business transacted on this day was to summon Albany and others for treason and the commissioners then continued parliament and all summons and actions depending on it to the 2nd May next to come. There was no committee of Lords Auditors in existence at this time, at least none that was a specially appointed Auditorial committee, deputed to the transaction of judicial work and nothing more, and the commission must have exercised the functions both of auditors and of general commissioners of parliament. The use of the words "Lords Auditors" already referred to shows that the members of the commission regarded themselves as auditors. The commission was authorised to transact both the judicial and the general business of parliament. On December 3rd, 1482 William, Lord Sinclair, personally pursued in parliament Sir William Borthwick, son of Lord Borthwick, Alexander Hepburn, sheriff of Edinburgh, and others for wrongfully serving a brief of fatuity on Lord Sinclair. Parliament gave decision that the serving of the brief was "out of due form" and decreed that all that followed thereupon was of no force or effect.

There are also instances of "falsing of dooms" in parliament. In November 1469 parliament upheld the judgment given for Robert Charteris of Amysfield against Walter Portar and Elizabeth Douglas his mother in the sheriff court of Dumfries and also the sentence against Walter Portar and his mother in the Justice Ayre of Dumfries and challenged by Adam Cockburn "forspekare" (advocate) for the said Walter, declaring both decisions to be "weile gevin and evil again callit". In October 1476 a doom given in the Justice Ayre of Edinburgh on the 12th day of the preceding July was falsed in parliament. In July 1478 parliament by the process of "falsing of dooms" reserved a judgment given in the Justice Ayre of Coupar before John Haldane, one of the Justices General north of the Forth, upon a brief of mort d'ancestor purchased by Andrew Bisset, and decreed the amercement of all barons and freeholders who had suitors in the said Ayre and assented to the doom. The suit here in question had been in progress for a long time. It had been considered by the Auditors and was by them on May 14th, 1471 continued to parliament. It was then said that it had been previously discussed in parliament and the same suit was again referred to in an act of parliament passed by authorised commissioners in August 1471, regarding the order and form of taking exceptions to briefs. By that/

that act it was declared that in future when briefs pleadable were followed before a judge (quhatsumever Juge) and one or more exceptions were proposed, "barowis and Recontraris" found and doom given and thereafter appealed against by either of the parties and afterwards discussed in parliament, if parliament's decision happened to be in favour of the pursuer (i.e. pursuer in appeal) then the parties should both pass again to the next Justice Ayre and the same brief and process made before should be read again and the pursuer make his claim. (That is if the appellant against the judgment were successful in having the doom falsed in parliament on an exception the case should be taken up again for consideration before the next Justice Ayre.) The defendant should have freedom and privilege to take one or more exception or exceptions dilatory or peremptory(1) as they followed in order next after the first exception proposed, upon which the doom was falsed. It should not, however, be lawful to take any exceptions that they omitted or let pass at that time but they should "pass orderly" from exception to exception as often as the doom should be falsed until the brief were brought to the recognition of an assize, if the party pleased to pursue so far. This procedure, it was stipulated, must be followed in the proceedings concerning the brief of mort d'ancestor purchased by Andrew Bisset against the Laird of Ardross and then depending in the Justice Ayre of Coupar.

The practice of appointing Lords Auditors in parliament had now become well established. Most of the parliaments of James III. appointed a committee, or two committees, of Lords Auditors at the beginning of the session. In a few cases there is no mention of the committee being appointed but this may be due (as it probably is in the case of the parliaments of 1462 and 1464) to the inadequacies of the record - the auditors may have been appointed but the part of the record dealing with their appointment may have disappeared, or the omission to appoint auditors may have been due to particular circumstances, as, for instance, the holding of parliament by commissioners, or perhaps because the session was held for special business and the usual procedure of appointing auditors was therefore not followed. Often two committees were appointed, one "for the dooms", or "ad Judicia contradicta", to exercise appellate jurisdiction, the other for "causes and complaints" (ad causas), to judge suits in the first instance. The auditorial committee represented the judicial competence of parliament and as such included members (usually in equal numbers) from all of the Three Estates. The committees varied in size. Usually they consisted of nine members, three from each estate, but sometimes four persons from each estate were appointed and in one case, 9th October, 1466, fourteen persons were appointed as "Auditores Querularum", five clerical and five baronial representatives and four burgesses. Often the auditors sat on for a considerable time after/

(1) "Thair ar twa kindis of exceptiounis or defensis: for sum ar dilatour, and sum ar peremptour. Dilatouris prolongis and delayis the actioun or clame to ane certane time, and thairfoir ar temporal, and sould be proponit befoir litiscontestatioun; quhairof sum ar declinatorie of the judgment, as exceptiounis of the incompetency of the Judge, or of litis pendentis; and utheris ar properlie callit dilatour, as quhen ony man cravis his debt befoir the time. Peremptour exceptiounis or perpetual; because thay stay allutterlie, and for ever cuttis away the actioun or clame, and resistis and stoppis the samin at all times, as exceptiounis of payment, sentence, aith, transactioun prescriptioun, and utheris." Balfour's Practicks page 343.

and quarrels that might be determined before the King's council. Presumably "council" was used in its wider sense and included the council in parliament but one of the duties of the institution of the new court was to diminish the judicial process upon what may be called the Privy Council.

This was the well known institution that was to receive the name of the "Session". The members were to be chosen from the Estates

after the general sessions of the Estates had ceased.

The judicial committees of parliament were no longer merely auditorial, they themselves gave decision in the actions that came before them. It was possible, however, to appeal to parliament against the decision of the Auditors. On April 11th, 1481 parliament was held by commissioners, a controverted decision of the Lords Auditors was considered, and "the lords.....chosen by the whole three estates to declare the said matter anent the giving of the said decret" gave decision that the Auditors had proceeded contrary to law and that their judgment in the case was of no avail, force or effect. Cases were sometimes referred by the auditors to parliament because of their special difficulties or because it was felt that parliament had a special competence or claim to deal with them. An example can be found in Andrew Bisset's lengthy litigation referred to above. Cases not requiring the full authority of parliament might be brought before the General Council, which was a kind of more "ad hoc" meeting of the Estates and was, like the more formal parliament, possessed of judicial functions.

The King's continual council also possessed jurisdiction and resort was had to it as well as to parliament from the negligence of the ordinaries. It is probable, however, that it was always sought to confine access to the council in its judicial capacity within definite limits. The act of 1487 stipulating that no litigations should come before the Lords of the King's Council except actions and complaints made by clergy, widows, orphans, pupils and foreigners, or complaints made upon officers for default in the execution of their office, or suits in which the officer was party himself, presumably re-affirmed older restrictions.

This judicial system, however, was found inadequate. The deficiencies of the ordinaries were notorious and there was extreme pressure upon the central bodies, with disadvantages both to litigants and to these bodies themselves. In the first place both parliament and council were given too much work to do. The pressure of judicial work was greater than either of them could adequately deal with and both of them had other functions to perform, often more pressing than their judicial work. They could not in the nature of things be sufficiently assiduous and the absence of any system of remuneration that had any pretence at adequacy was a chronic drawback. The disadvantages to litigants were equally apparent. Judicial procedure in parliament was cumbrous and slow, sessions were irregular and short, and General Councils possessed these deficiencies in an even more marked degree. Access to the Privy Council was restricted and the fact that it had not a fixed location but followed the King constituted another difficulty.

The inadequacies of the judicial system were apparent and when James I. returned, a man of ideas, from his English captivity he determined to make an attempt at improvement. His first effort was an attempt to make the action of the ordinaries more efficient by his act of 1425 ordering that complaints should be laid before the judges to whom their cognisance appertained and that these judges should be forced equably to administer the law. The ordinaries, however, were beyond correction by act of parliament and James, realising the hopelessness of the attempt, soon resorted to a new device. In 1426 an act was passed that the Chancellor and certain discreet persons of the Three Estates, to be chosen by the King, should hold three courts yearly, where the King liked to command them, to examine and determine all and sundry complaints, causes and quarrels that might be determined before the King's council. Presumably "council" was used in its widest sense and included council in parliament but one of the motives underlying the institution of the new court was to diminish the judicial pressure upon what may be called the Privy Council.

This was the well known institution that was to receive the name of the "Session". The members were to be chosen from the Estates/

Estates but by the King. Regular sessions were planned and it was stated that the expenses of the members of the court should be paid from the fines they imposed and otherwise as should be pleasing to the King. Under James II., in 1438, the number of sittings was reduced by an act ordaining that there should be "two sessions yearly".

Occasional references to the Sessions continued to be made for over forty years after their institution but the new device did not prove a sufficient remedy. Sessions were irregularly held and appear to have been resorted to as an occasional device rather than a matter of regular procedure. There was no scheme of remuneration for the judges and even their expenses were not provided for; it would thus be difficult to get men to serve. Towards the end of the reign of James II. the Estates sometimes themselves chose bodies of men to exercise civil justice when parliament was not in being. In 1458 provision was made for the "Lords of the Session" to have three sittings of forty days each at Edinburgh, Perth and Aberdeen after the dissolution of the meeting of the Estates which appointed them.

As the inadequacies of the parliamentary Sessions became apparent a new device was brought forward and litigants were allowed to resort to the King's continual council. Out of this practice there evolved the institution of "Council and Session" and it is in the coming into prominence of the Council as a court of justice that the chief importance of the reign of James III. in the judicial aspect is to be found.

The part played by actions for spuilzie in the judicial development of Scotland is important. In 1449 an act was passed defining the procedure to be followed by victims of spoliation who brought their case before King and Council. It was about this time that the Secretary came into prominence as a separate officer and as Keeper of the Signet and the Signet was evidently associated with summons for spoliation before the Council. Incidental references point to the growing judicial activity of Council(1). In October 1466 two actions were continued by the parliamentary auditors to be proceeded with before the King and his Council where his Majesty happened to be at the time(2). In parliament on October 9th, 1466 an act was passed that for the ease of the lieges summons peremptory should be abridged to twenty-one days "of all actions customable to come before the King and his Council that the summons be execute of the said time". In October 1467 parliament enacted that all summons and causes left undecided in the present parliament should be decided before the Lords of Council, the summons standing as they then did. A record of the decisions of Council was kept from 1469 which was extant in the seventeenth century but is now lost and from which Sir Robert Spottiswoode drew up his list of the persons who acted as judges from 17th May, 1469 to 22nd November, 1470. The extant record of the judicial activities of Council, the Acts of the Lords of Council in Civil Causes, is preserved from the year 1478 and furnishes abundant evidence as to the judicial work of Council.

The judicial prominence of the Council was of gradual growth; it was not suddenly created to replace the parliamentary Sessions, rather it came forward as a supplementary or alternative device that could be followed. The Sessions seem to have been at any rate a rather occasional expedient and they lingered intermittently on for some years after the judicial functions of Council had become prominent. The Auchinlek Chronicle records that the parliament which met in 1460 appointed sessions to sit at Aberdeen, Perth and Edinburgh consecutively. In 1464-5 three sessions were fixed, at/

(1) Cf. Supra. as to Council. (2) A.D.A. On 20th October 1478 the Lords of Council decreed that David Chambers should pay a sum obtained on his father in the Session.

at Edinburgh, Perth and Aberdeen, and the Lords sitting on the sessions were to "know upon all manner of debts, tacks and obligations both of old and of new and all spuillzies made since the time of the ceasing of the last sessions".(1) In 1468 parliament thought it expedient that a Session should be held like that last held. By a further act it ordained that there should be two sessions, one to sit at Perth for five weeks beginning from the first Monday in October, the other to sit in Edinburgh for a month, beginning from 25th November. Three persons from each Estate and the Clerk Register(2) were appointed to each of the two Sessions and it was declared that if any of the persons nominated should be sick or absent on the King's business in embassy the King and his Council should have power to choose another "such like discreet person" to replace him with similar powers. This is the last authentic instance of the appointment of parliamentary sessions but it may not have been the very last occurrence of the practice(3).

Under James III. the Council became the most prominent court of civil justice. Its judicial work was even heavier than that of the Auditors; it was the residuary court to which the Auditors continued the cases they were unable to conclude themselves. The recording clerks were evidently very familiar with the doings of the Lords of Council for on several occasions they wrote "Lords of Council" when they meant "Lords Auditors". Like the Auditors the Lords of Council evidently made a real effort to cope with the work and to settle as many cases as possible. Sessions were long and assiduous. Often the Lords of Council sat for many days consecutively, sometimes for almost a month on end; sometimes their judicial sessions, with but relatively short intervals between them, ran through several months and afternoon sittings, a device resorted to only on very special occasions in medieval times, were frequent. The cases that came before them were varied in nature, the bulk of them being land actions, cases for spuillzie and wrongous occupation. Cases falling under these definitions were varied in nature; cases of spuillzie, for instance, could include an action so interesting as that in which the Lords of Council in January 1484-5 decreed that Cuthbert Murray of Cockpool should restore to Alexander Stewart, son and heir apparent of William Stewart of Castle-Milk, an Englishman spuillzied from a servitor of the said Alexander's called Mathew Park. Other typical actions pursued before the Council were those for failure to discharge obligations, for error in inquest or actions against royal officers for misconduct in their office. Law-burrows were often drawn in Council and it also concerned itself at times with arbitration. It is difficult to place any definite limits on the competence of the Lords of Council and they seem to have dealt with any type of civil actions that the contestants managed to take before them. From time to time they referred cases dealing with fee and heritage to the secular ordinary and questions of spiritual significance to the ecclesiastical ordinary but it appears that some of the cases they themselves decided could equally, if the technicalities were seized upon, be said to concern fee and heritage, and their jurisdiction was both wide and rather vague.

In considering the relation between Council and Auditors the important thing to remember is that each of them got not too little but too much work to do. There was no jurisdictional jealousy between them, rather they stood shoulder to shoulder in the breach against the great wave of judicial pressure. Together they tried to do the work; they were allies, not rivals. They were supplementary courts together trying to get through the great press of judicial work. The very full terms in which cases were continued by the Auditors to Council show in how high a light the judicial competence of the Council was regarded. Thus on May 17th, 1471 the/

(1) A.P.S. XII. 31. (2) Specifically appointed only to the Perth Session. (3) e.g. Sir Robert Spottiswoode. On 5th October 1478 the Lords of Council decreed that David Chambers should pay a sum obtained on his father in the Session.

the Lords Auditors continued all actions then undecided to the 3rd August to the continuation of parliament but as an alternative parties were allowed to dissolve their summons and take new ones "til a schortar day" before the Council - Council or parliament were put forward as alternative courts. Very numerous cases were continued by the Auditors to the Lords of Council with full power to terminate them. Decisions of Council were upheld by the Auditors without question. Thus when it was shown before the Auditors that a letter of tack granted by Lord Boyd in Albany's name had been declared void by Albany with advice and deliverance of the Lords of Council the Lords Auditors gave judgment accordingly. On the other hand cases were continued by the Lords of Council to the Auditors, usually because the Auditors had already dealt with them and had heard evidence that had not been produced before the Council and often the option was given to the litigant of producing the same evidence before the Lords of Council who would thereupon give a decision (1). Cases were sometimes continued by the Lords of Council to "the whole body of the parliament". Appeal was at times made to the Auditors from decisions of the Lords of Council. Thus on 1st June, 1478 the Auditors re-affirmed a decision of Council and declared it to be "of avail". In the same way, however, appeal could be made to the Auditors from their own previous decisions and the fact does not therefore prove very much.

The affinity between Council and Auditors was very close. At times Lords of Council sat along with the Lords Auditors for the consideration of cases. On 17th May, 1474, for instance, there sat along with the Auditors the Bishop of Aberdeen, the Earl of Argyle, David Guthrie and Alexander Inglis. On May 18th and again on May 20th there sat along with the Auditors certain "Domini Consules Regii". Often in an action before the Lords Auditors it was decided that the next step should be taken before the Lords of Council. Thus as early as the 17th October, 1467 Patrick Lord Hailes appeared before the Lords Auditors and promised for himself and as procurator for his daughters that he would bring with him and deliver to the Lords of Council on the 26th day of that same October two charters under the Great Seal that the Lord Haliburton summoned him for and the Lords of Council were to give them to the party that they considered to have the right to them. Again on May 13th, 1471 the Auditors declared that, since the Earl of Rothes caused certain men to be summoned and did not appear either personally or by procurator to pursue them, he should not therefore be heard in judgment again until they were new summoned and he had paid their expenses "to be modified by the Lords of Council". In March 1481 the Auditors in considering a case ordered an inquest to/

(1) e.g. In an action of Robert Fokert versus the provost, baillies and community of Edinburgh for a sum of 100 marks formerly recovered before the Lords of Council by the said Robert upon the corporation and community of Edinburgh and alleged by them to have been paid, the Lords of Council, because the Auditors of Complaints had received certain proofs in the matter and closed the depositions but had not pronounced sentence, therefore declined to proceed to a sentence. If the provost, baillies and community, however, would produce the same evidence before the Lords of Council as they had already produced before the Auditors and allow Fokert in similar manner to rebut it they would consider the case. Otherwise the Lords would refer the matter to the next parliament, but in the meantime they were to cause their own former decision for Fokert to be put to execution, since parliament had not ended the action or passed sentence therein.

One or two parliamentary statutes are of interest in the matter of the judicial functions of Council. In May 1471 parliament enacted that in any action before the Lords of Council the party in the wrong should pay a fine of 40/- to be disposed with the Chancellor and that he should also pay the expenses of the winning party. In the same/

to be taken and the findings returned to the Lords of Council. Later the case came again before the Auditors and the findings of the inquest were said to have been "Retourit again close to the Lordis". The case illustrates the close connection between Council and Auditors, the ready alternation between them and the way in which the Auditors left responsibility to the Council when they themselves were not sitting.

On 13th October, 1466 a case was continued by the Auditors to "our sovereign lord and his council", the Lords of Council to have "full power of the parliament and of all other courts to the deciding of the said action". That was the judicial position of the Council. Parliament and its judicial committee were not sufficient to overtake alone all the work of justice. Another competent court was necessary to undertake judicial work when the Auditors were not in being and even to assist them when they were. The parliamentary sessions were declining and the court now put forward was the Council. There was no jealousy, no opposition between Council and Auditors; they reinforced, supplemented each other. Both had more work than they could cope with and if one body took up consideration of a case the other would be glad of the excuse to leave it alone - there were plenty more clammering for its attention. Council and Auditors worked together to dispense justice to the lieges. Reliance on each other, co-operation and interaction were the characteristics of their relationship, not opposition and jurisdictional jealousy.

The Council had much other work to do besides its activities as a court of justice and it evidently found its judicial labours at times rather more than it could conveniently cope with. Political considerations were always requiring its attention and it often had to leave its judicial work aside. On October 22nd, 1478 the Lords of Council "raised and dissolved their seat" and "continued all other summons both raised and to be raised to the 11th day of January and declared that they would not sit upon no summons until the said 11th day except only our sovereign Lords's own actions". They did not keep their decision, however, for they sat and tried judicial cases on several occasions before January.

Frequent attempts were made to limit the number of cases taken before the Council. Mention has already been made of the measures passed in parliament for the purpose of making the ordinaries more effective and enjoining the lieges to take cases before them, so as to diminish resort to King and Council. The most noteworthy attempt to diminish the judicial work of Council was made in 1487 when parliament enacted that civil actions should be decided before the judges ordinary, so that none should be called or decided before the Lords of Council except only actions specially concerning the King, actions and complaints made by clergy, widows, orphans, pupils or foreigners, complaints made upon officers for default in the execution of their office, or actions where the officer himself was party. Summons then raised or standing under continuation, depending or undetermined, should be decided and ended before the Lords of Council. The statute was not to hurt the process of falsing of dooms and was to endure until the next parliament. In the next parliament, January 1487-8, it was repealed, because the King understood "it were deferring of justice to many parties that could not get law ministered to them before the ordinary". Therefore the King with advice of the Estates declared that in time to come it should be lawful to all parties to raise and pursue summons before King and Council as they were wont in the past, notwithstanding the said statute.

One or two parliamentary statutes are of interest in the matter of the judicial functions of Council. In May 1471 parliament enacted that in any action before the Lords of Council the party in the wrong should pay a fine of 40/-, to be disposed with the Chancellor, and that he should also pay the expenses of the winning party. In the same/

same parliament it was ordained that false or ignorant assizes or inquests might in all cases except the assize of brieves pleadable be summoned before the King and Council and justice and retribution done according as the truth was found to be. In November 1475 an act of parliament outlined the procedure to be followed in detecting and punishing false assize in criminal actions. In brief it was enacted that if a trespasser were wilfully through favour or partiality acquitted by an assize where sufficient evidence was shown before them or where there was manifest knowledge of the trespass, it should then be lawful to the King and his Justice to call the assize and enquire if they were unanimous in their decision and how many opposed the verdict. Those suspected of forswearing themselves were to be accused before the King and his justice where and when it should please the King. If the accused confessed their fault they were to be punished according to the old law; if they made denial or advanced the plea of ignorance in excuse the King and his Justice were to give them a great assize of twenty-five notable persons, before whom the evidence was to be produced and the notorious knowledge of the trespass manifested in so far as it was shown to the first assize, and if the persons who served on the first assize were convicted of forswearing themselves they were to be punished according to the old law contained in the book of Regiam Majestatem. Nevertheless, though those who served on the assize were to be punished if they were found to have given a false verdict, the original trespasser upon whom the verdict was given was to remain either convicted or acquitted according to that verdict of the delinquent assize. Numerous cases for error in inquest were tried both before the Lords of Council and the Lords Auditors. Those guilty of error were usually punished by being required to enter their persons in ward (usually in Blackness) to remain there at their own expense until freed by the King. In the records, however, persons found to have wrongfully "passed upon the serving of a brief of inquest" are not invariably, though they are usually, stated to have been punished(1).

The personnel of the judicial sederunts of Lords of Council has already been dealt with. The composition of these judicial sessions would no doubt be rather different from that of the ordinary Council in its everyday work, since inclusion would presumably be made of persons representing legal knowledge, but it is uncertain how far specialisation and formalisation had been carried in the judicial aspect of the work of Council. Sometimes, in cases of unusual importance, for instance, judicial sederunts would themselves be afforded. There is no evidence as to the relationship in personnel between those who carried out the judicial work of Council and those who transacted its general business.

No burgh members sat among those who carried on the judicial work of Council. They would probably be glad of the release for it is likely that they would grudge the expense both of time and money that the judicial functions of Council required. Characteristically burghal affairs were dealt with in the Court of the Four Burghs and in the Chamberlain's Ayre and though both these courts were now declining they were still active. In March 1478-9, for instance, the Lords of Council ordained that the Chamberlain should call the parties to a burghal action before him either in his Ayre or the Court of the Four Burghs and there do justice.

In the account of Thomas Wardropare, receiver of the King's farms of Strathbraune and other districts, for the period 5th March, 1460 to July 12th, 1462 an entry occurs in which the official records his having paid £18.18.2d for David Guthrie "ad expensas dominorum de consilio in Perth"(2). The date is early and there is no indication as to the nature of the conciliar session at Perth but the payment towards the expenses of the councillors is interesting. There was, however, in Scotland no adequate provision even for defraying the expenses of those who acted as judges in the courts that were from time to time set up for the transaction of civil business/

(1) e.g. A.D.A. page 124. (2) Exch. Rolls.

business, far less for their remuneration. The absence of a system of payment for judges remained a drawback and one of the chief reasons for the failure of so many judicial projects in Scotland until Pope Clement VII. came to the aid of the Scottish government by his grant of the Great Tax of 1531.

Both Council and Auditors had a great pressure of work to face. It was therefore necessary that when they considered a case all concerned therein should be present so that the proceedings should not be held up and precious time lost. On the other hand the uncertainty of their sessions, and of any particular case being dealt with in any one session, led to much perambulation of the lieges in pursuit of justice and much disappointment and that in turn often resulted in default of appearance. Against this, to avoid the loss of valuable time, precautions had to be taken. Thus if a plaintiff did not appear to pursue his case it was usually decreed that he should not be heard again in judgment until he paid the opposing party's expenses and summoned him anew. A defendant who did not appear not only prejudiced his own case but was liable to be proceeded against for contempt of or disobedience to summons. Similarly efforts were made to secure the presence of witnesses. Witnesses who did not appear were usually in punishment required to enter their persons in ward. Sometimes they were merely re-summoned under pain of warding. On the other hand witnesses were encouraged to appear by provision being made for the payment of their expenses. There are numerous instances of the payment of witnesses, the sum that each witness usually received being 5/-. The loser of a case was usually required to pay the costs of the witnesses but in an action tried before the Lords of Council in June 1480 it was decreed that the witnesses should be paid 5/- each, those "that deponit" to be paid by the loser, those "that was repellit" by the winner of the case. In a case tried before the Lords of Council on April 22d, 1479 the loser, Alexander Lindsay, son and heir apparent of David Earl of Crawford, was required to pay two marks for the expenses of four witnesses who gave evidence and the winner, the Abbot of Coupar, to pay one mark for the expenses of two persons who came and bore no witness.

Only a person with a thorough knowledge of the law could pronounce with any certainty upon the nature of the justice dispensed by Auditors and Council. Their justice was certainly much superior to that of the ordinaries but one sometimes suspects that even here regard was had at times to other consideration than those of pure right. A litigant could himself appear as one of the judges upon his own case. Thus, for instance, on March 24th, 1478-9 Lord Carlyle sat among the Lords of Council who gave decision, favourable to Carlyle, in a suit between him and one Elizabeth Barcar. Similarly on January 20th, the Lords of Council, on whose sederunt was included the Earl of Argyle, decided that Lord Haliburton should pay the Earl of Argyle £50 and 35 marks owed to him by his obligations. The decision of the Lords may not have been affected but the fact of the litigant being allowed to sit among the judges would not, one imagines, make for independent judgment. In the same way the King often appeared as litigant and always one his case. Sometimes suits seem to have been decided rather according to inessential technicalities than to the simple rules of pure equity.

One device connected with the working of the judicial system and intended to secure its smoother functioning attracts considerable interest - the system of law-burrows. The signification of law-burrow was surety, assurance or pledge. It meant that somebody agreed to assign as surety a certain sum of money, or something else in which he could be liable, that somebody, either himself or another, would either do or not do a certain thing. Thus a man might draw himself, his lands and goods "to borgh" (in surety) that such and such/

such a person (his opponent) should not be molested by him except according to the law; or another person might stand law-burrow that a man would keep the peace; or if a man were summoned he could find persons to act as his law-burrows, they standing surety that he would appear to undergo judgment on the day specified in the summons. In the last case the law-burrow was a kind of bail but the law-burrow was much wider in scope than the modern bail. Its root idea was surety or pledge and it was applied in all kinds of circumstances. It was a practice very much in use and the records abound with references to "borgh" and law-burrows.

In October 1466 parliament passed an act dealing with the breaking of law-burrows. By this it was ordained that if law-burrows were broken upon any bishop, abbot or prelate of Holykirk, or Earl or Lord of parliament, that is if law-burrows were drawn that a person who fell within any of these categories should not be molested and if despite that he were molested either by hurting of his own person or that of his servants by the person for whom the surety was given, then the burrows, or persons who stood surety, should pay the King a fine of £100. If law-burrows were broken upon knights, squires or "great beneficed clerks" the fine was to be £50, if upon burgesses, yeomen or priests the sum was to be £30, and amends were also to be made to the injured party. These payments were to be made unless the law-burrow or burrows brought the trespasser to the King or his sheriff within forty days; if they failed so to deliver the trespasser they were to pay the sums above written. The King was to have the fine for all law-burrows that had been taken by his own officers "either to burgh or to land" and were subsequently broken, lords of regality to have the fines when such burrows were taken within their lands by them or their officers, in so far as they had privilege "after the form of their old infeftments and freedoms as they had of before and this to endure till the next parliament".

Suits frequently came before the courts concerned with unfulfilled obligations - bonds acknowledging debt and promising repayment and other commitments of that nature. In November 1469 parliament enacted that in future in the case of all obligations except those then depending at law the party to whom the obligation was made or who had interest therein should pursue the obligation at law (at any time) with the space of forty years and take document thereupon. If he failed to do so the obligation was to be of no avail after forty years had expired with no pursuit at law having been made.

Considerable interest was shown in legal matters during the reign of James III. In 1469 the Estates granted to a commission full power of parliament in certain matters. These matters included an item "of the reduction of the king's laws, Regiam Majestatem, acts, statutes and other books to be put in a volume and to be authorised and the lave to be destroyed". In July 1473 parliament gave its attention to the mending of the laws and the declaration of divers obscure matters "that are now in our laws and that daily occur" and "the lords, barons" beseeched the King that he should take two persons of wisdom, conscience and knowledge from each Estate "for the clearness of the said matters to be had and by their wisdoms to find good inventions that shall accord to law and conscience for to declare the daily matters that comes before the king's highness that as yet there is no law for the decision of them". Their recommendations were to be laid before King and Estates at the next parliament; if they were expedient they were to be ratified and approved by act of parliament and it was ordained that at that time a book should be made containing all the laws of the realm "that shall remain at a place where the lave may have copy and none other books/

books be used but of the copy of it for the great diversity now found in divers books put in by divers persons that are called men of law. And they that will use 'practik' that they use none other laws as for the laws of this realm but they that are found in that book under the pain of perpetual silence and punishment of their persons".

Nothing further is heard at to the results of the recommendations of the Estates for the amelioration and recording of the laws. The legislation of parliament possessing a judicial or legal interest has mostly been dealt with already under various headings but a few further enactments, interesting in relation to the law and the courts, may be noticed. In October 1466 parliament ordained that minors ("barnis") put in fee of lands while their father or grandfather was alive and in the realm should answer at law to a pursuer as if they were of perfect age. This enactment was to endure until the next parliament. In November 1469 it was decreed by the Estates that parliament, Justice Ayres, Chamberlain Ayres and other courts having continuation need not be continued from day to day but should be of such strength as though they had been so continued until they were dissolved. In 1474 it was enacted by parliament in relation to the brief of tutory that in future it should be understood that the nearest "agnet" (i.e. nearest of kin on the father's side) of twenty-five years of age or over, fulfilling the rest of the requirements of the brief, should be tutor, even if he should not be the nearest heir to the child owing to the latter's having younger brothers or sisters. In the same parliament an act dealt with the "heirship of moveable goods that the heirs of barons, gentlemen and freeholders shall have" and prescribed that the said heirs should have the best of everything "and after the statute of the burgh laws as is contained in the same". In 1475 parliament made regulations for the reform and improvement of the brief for safe-guarding against alienations made by idiots. Formerly the safe-guard had applied only to alienations made after the issue of the brief, not to those made before then, even though the idiot should be "as great fool and furious before as after" and should have made such alienations in his madness before the brief was served. Thenceforth a clause was to be put into the brief to enquire by inquest how long the idiot had been mad and alienations made by him from the time the inquest found him to be suffering from his malady should be of no avail and annulled in the same way as those made after the serving of the brief.

The system of tenure was a subject of great importance. The villain was bound to the soil, and his life was at the disposal of his lord. The lord's power was absolute, and he could do with his tenants as he pleased. The system of tenure was a subject of great importance. The villain was bound to the soil, and his life was at the disposal of his lord. The lord's power was absolute, and he could do with his tenants as he pleased.

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Scottish system.

8. Economic History. Social Conditions.

The population of Scotland in the later Middle Ages drew its living almost entirely from the soil. The towns were very small and even in them the agricultural motif was prominent, since the townsmen held lands outside the walls of their burghs. By far the greater part of the population was rural, dependent for its livelihood upon a backward form of agriculture.

The extensive forfeitures that followed the Wars of Independence had allowed the policy of Malcolm Canmore and his successors to be completed and feudalism to be thoroughly consolidated in Scotland. The strong Scottish feelings of family and local loyalty had become blended with the institution of feudalism, and, though in some ways this only accentuated the evils of the system, it made for closer harmony and more community of interest between the superior and his vassals.

The manorial system, as known in England, did not prevail in Scotland. In Scotland serfdom had for the most part early died out. The Scottish peasantry, unlike the English villeins, were not servile and by the time of James III. serfdom among the Scottish agricultural peasantry was extinct. The last case under the brief for recovering fugitive serfs apparently took place in 1464 (1) In later times colliers and salters in Scotland were serfs and were not fully emancipated until 1799. Of these, however, Cosmo Innes says "I see no reason to believe that the bondage of colliers and salters was a vestige, or at all derived from the medieval serfdom". The depression of colliers and salters was probably a new condition introduced as these industries developed. It is difficult to find evidence of their systematic bondage before the Act of Parliament of 1606, "which indeed," says Cosmo Innes, "from its phraseology, appears plainly to be the introduction of a new condition, and not the declaration of an old common law custom". Nor was the Scottish agricultural unit organised on the precise and standardised lines of the English manor, with its domain lands, its three open fields, its common meadow, pasturage and waste. The typical Scottish agricultural organisation was the one-field, run-rig system, by which each tenant held several scattered strips in the open field.

Though the Scottish peasant was more fortunate than the English villein in possessing the great advantage of personal freedom his position had corresponding disadvantages. The villein could not be removed from the soil and his rights were to some extent safe-guarded by the working of customary law. The Scottish peasant had neither of these safe-guards. Nor did he have fixity of tenure comparable to that of the English copyholder and insecurity of tenure was one of the greatest drawbacks of the Scottish system.

The typical Scottish holding, apportioned on the run-rig system, would be held either by one large tenant who sub-let it to a group of cultivators or by a group of joint-tenants. The position of these tenants was very insecure. Despite the Act of 1457 holding in feu-form was still extremely rare. Leases were uncommon, and, especially in the case of smaller holdings, they were usually granted only for very short periods. On their renewal large "grassums" were charged. One group of tenants, the kindly tenants, had more fixed rights in the land but their position is involved in obscurity and we do not know exactly what their privileges amounted to.

What we do know is that the position of tenants in Scotland was in the main very insecure. Evictions were common. In 1469, for instance, parliament, because Holy Days and divine service were greatly disturbed by pounding for mails and annuals and incasting and outcasting of tenants, ordained that in future all such/

(1) Cosmo Innes - Sketches of Early Scotch History.

such pounding and eviction of tenants should be deferred until the third day after Whitsunday or Martinmas without prejudice to anyone. In the unsettled political conditions of Scotland feudal superiorities were constantly changing hands, owing to forfeiture, failure of heirs and other causes. As each new superior entered into the lands he would doubtless have prospective tenants of his own for whom he would be anxious to provide, and existing conditions of occupancy would, in some cases at least, be considerably upset. Not only were they frequently forced to pay double mails but tenants were sometimes forcibly evicted by a candidate who alleged a right to the land they occupied. Thus on October 14th, 1479 the Lords Auditors decided that John Wilson, William Rutour, John Patrickson, Thomas Boware, William Sellars, William Paton and James Sellars should occupy and remain in the lands of Ballegerno, pertaining to the Laird of Kinnoule, as his tenants, considering that in presence of the Lords they granted themselves to be his tenants and that they were "throw violence and mastry" of Andrew Gray of Ballegerno "caused to remove with their goods and life his said lands". The Lords further decreed that Andrew Gray of Ballegerno should pay John Wilson £4, William Rutour 40/-, John Patonson 40/-, William Sellars £4, Thomas Boware £4 and William Paton 40/- for the damage done them in destruction and breaking of their houses and fuel, and that he should devoid to them half of the lands of Ballegerno pertaining to Robert of Kynnoule of Sanquhar, to be occupied by them for the terms contained in the letter of tack made to them by the said Robert. Even apart from cases like these the great majority of Scottish tenants were never secure against eviction by their landlord. They were also apt to suffer from his feuds when his lands were ravaged by an opponent or to be burdened by his liabilities. Parliament occasionally did something to safe-guard the tenant. Thus in 1469 as has been already mentioned an act was passed prohibiting the distraint of tenants for their Lords' debts, in briefs of distress, further than their terms mail extended.

These conditions were detrimental to agriculture in Scotland. Insecurity of tenure militated against the cultivator's taking a keen interest in the land and prevented his effecting permanent improvements thereon - why should a man sow where he might not reap? Joint tenure and communal cultivation on the open-field system also prevented experiment and advance in agricultural methods. Cultivation would be carried on according to tradition and the group would prevent the individual from acting as a pioneer in method. As a result agriculture was very backward. Rotation of crops was unknown and it was quite a common practice to grow the same crop on the same land year in year out until the soil would produce no more. Although "haining" was sometimes practiced there was exceedingly little attempt made at fallowing or land treatment. The manure of the holding would have to be disposed of and was no doubt used as fertiliser but anything approaching scientific fertilisation was unknown. Bad farming methods were no doubt largely responsible for the falls in the value of lands so often recorded in the accounts. The most progressive agricultural methods were practiced upon lands in the possession of religious houses but even there they were very backward. The instruments of agriculture were as insufficient as its methods, being few, crude and primitive.

Scottish agriculture was mainly subsistence agriculture - most of its production was consumed directly, not exchanged for money. Not that the agricultural community was entirely self-supporting but it did consume directly most of what it produced; it was only the surplus that was exchanged for other commodities and the purchases of the peasantry were few. Dues were still paid mostly in kind, though money "Reddendos" were becoming rather more common. The Exchequer Rolls show that lands often paid their farms partly in money, partly in kind. The agricultural services rendered by tenant to lord were an important aspect of the life of the time.

(1) Numerous instances in judicial records. Highlands produced an

The unquiet political condition of the country re-acted unfavourably upon its economics. The richest portions of the country were peculiarly open to invasion from England and the frequent warfare, raids and forays spread ravage and devastation abroad. Internal commotions, feuds and private wars had a similar effect. We hear much in the records of lands being laid waste. The only consolation was the melancholy one that men lived so near the margin of subsistence that the actual damage done was less than it would be in a more advanced community. He who must fly low has at least not far to fall.

Scottish agricultural production reflected these disadvantages. The chief crops were oats and "bere", a coarse type of barley. Throughout the Middle Ages the government from time to time made efforts to encourage the cultivation of other crops such as wheat, peas and beans, but with little success. Root-crops were unknown, Scotland, in fact, depended chiefly not on crops but on cattle. Cattle breeding provided milk, meat, hides and horn and oxen were still used for agricultural work. Hides constituted one of the chief Scottish exports and an export trade in live cattle was also carried on. In 1468 an act was passed in parliament that no cows, oxen, sheep or other cattle were to be sold out of the realm by any of the king's lieges under pain of escheat and that the warden should have no license to give power to the contrary. The act was probably an attempt to stimulate Scottish industries, such as those of the skimmers, leathermakers and others and those engaged in the woollen industry. If cattle and sheep were exported alive, they were exported, so to speak, in their composite state, and these various subsidiary industries did not get a chance to develop. The act may also have been prompted by fear of scarcity for Scottish cattle were poor in quality and they often died in large numbers. Sheep-farming and horse-breeding were also extensively practiced and pigs and poultry were reared(1). The agricultural peasantry practiced several by-industries. They would no doubt make a large part of their own clothing. They also engaged in fishing, at this time rather a declining industry, and the manufacture of coarse cloth but in both cases they were hampered by the privileges of the royal burghs and the guilds.

Life in medieval Scotland was depressed near to the level of subsistence. A bad year or the outbreak of cattle disease would cause great hardship; the danger of dearth was an ever present and often realised fear.

The cleavage between the Highlands and the rest of Scotland was a distinction increasingly present to the minds of the men of the time. Conditions similar to those prevailing south of the Forth spread northwards along the eastern coastal Lowlands but the Highlands proper were developing on lines of their own. The clan system was steadily growing and systematising itself. The government sought to regard the clan feudally, to compress it within the pattern of the feudal system by granting lands feudally to the chief and professing to regard him as the feudal superior and the clansmen as his vassals. The chiefs, eager to secure title to their lands, would be glad to accept the charters but the conditions prevailing within the clan and between the chief and his followers, where blood-kin and clan fellowship were insisted on, were very different to those of feudalism. Many chiefs held their lands by no title but that of the strong hand and it was common for Highlandmen to fight for the man whom they regarded as their rightful chief against their legal feudal superior. In the Border country, as well as in the Highlands, a clan system was developing itself.

The economic life of the Highlands centred itself round cattle. Cattle-rearing, cattle-droving, cattle-lifting - these were the typical Highland pursuits. The breeding and pasturage of horses and goats were also important (2), oats and other hardy

(1) e.g. Exch. Rolls, A.D.C., A.D.A. (2) The Highlands produced an indigenous type of pony. Goats figure prominently in the old Highland tales. Sheep-farming in the Highlands on the other hand is a comparatively recent development.

crops were cultivated. Fishing was carried on both on the sea and the rivers and salmon were an important export from the Highlands. Scotland as a whole was a very treeless country but woods were more common in the Highlands than in the Lowlands and timber was sent from the Highlands to the south.

Despite the demarcation between Highlands and Lowlands there was considerable economic intercourse between them. Highlanders came to the south to trade, coming to the towns, markets and fairs in order to sell and buy. Great droves of cattle were sent from the Highlands to the Lowlands as were also skins, fish and other products. On the other hand grain and other commodities were imported into the Highlands from the Lowlands and Lowland travelling merchants, or packmen, often made their way far into the heart of the Highlands.

Industry and manufacture held a very small place in medieval Scotland. Coal was secured in small quantities, not only from the outcrop of seams but also by mining. In 1478, for instance, John Haldane of Glenegask pursued certain persons before the Lords of Council, for wrongous occupation of the lands of Blare and taking away the coals of the same and the Lords decreed that the defendants and all others should cease from taking away coals under the earth in so far as the said John and his tenants occupied above the earth. There are several other references to coal in litigation; coal seams were regarded as valuable adjuncts to land in Scotland, owing probably to its lack of timber, used coal as fuel sooner than England did. The output of coal, however, was still very small, it was of no importance to industry or commerce and peat was the chief fuel. The Scots also engaged in the extraction of salt and there were salt-pans in various parts of the country. Scottish produced salt, however, was unsuitable for the curing of fish and large quantities of salt were imported. Lead ore was mined. The abbot and convent of Newbattle, for instance, pursued James Lord Hamilton before the Lords Auditors for the spoliation from them of 1,000 stones of lead ore. Scotland's iron deposits had not yet been discovered and iron from Spain and elsewhere constituted an important Scottish import.

The chief Scottish manufacture was the making of coarse linen and woollen cloths. In the Treasurer's Accounts payments occur for two and a half ells of "Scottish Black" bought to line a cloak for the Queen and for "Dunbertain" for lining and making hose for the King. These would be the more refined Scots products but in the main Scotland was dependent on import for the finer types of cloth.

In a society so primitive the common people doubtless would make many of their rude necessities for themselves. The trades were the monopoly of the craft guilds, which constantly strove to make good their privileges against outside workers. Their numbers were relatively small and the largest and most important craft guilds were those concerned in producing the everyday necessities of life—tailors, bakers, bonnet-makers, shoemakers and so forth. The numbers of those engaged in the production of goods of a commercial nature, like weavers, waulkers and others, were much smaller.

Fishing was a subsidiary industry of the Scots, which at this time was rather falling into decline. Salmon constituted an important Scottish export and various regulations were made by parliament for the preservation of salmon by prescribing times when they should not be fished, and upon such subjects as the proper capacity of salmon barrels. The Scottish government was strongly convinced that fishing was a most lucrative pursuit and made constant efforts to encourage it throughout the Middle Ages. The reign of James III. was not lacking in its crop of legislation to/

to this effect. In 1471 the Estates in parliament thought it expedient for increasing the country's wealth that lords spiritual and temporal and the burghs should make ships with nets and other gear for fishing. In 1487 the articles that the commissioners of the burghs desired to be read and ratified in parliament included one that the former act of the King's Council "anent the fishing and making of herring at the west sea" should be put to execution, kept and observed at all times, especially the present, and that strict searching and punishment should be made according to the tenor of the act. The same act was re-affirmed in the following parliament of January, 1487-8, with provisions that the king should not in future grant letters in breaking thereof to strangers or others and that those who had broken the act should be proceeded against and punished. Trade in salmon and herring ultimately came under the control of the Guild Merchants.

Commerce was much more important than manufacture in Medieval Scotland. The number of burgesses engaged in commerce was, in comparison with the craftsmen, relatively large, they had control of burghal government and they supported the main burden of burghal expenses. Scottish external trade was carried on chiefly with the Netherlands. It was there that the Staple was situated and a Conservator of the privileges of Scottish Merchants was maintained in the Netherlands in order to look after the interests of Scottish traders there. Under James III. the office was held by Anselm Adournes. In 1475-6 the king issued a charter replacing Adournes as Conservator by Andrew Woodman(1), but Adournes recovered the office. On January 29th, 1482-3, James III. constituted Thomas Swift for life Conservator of the privileges of the Scottish Nation within the dominions of the Duke of Burgundy, the office being vacant by the death of Sir Anselm Adournes(2). The relations between Scotland and Burgundy have already been dealt with. Numerous references survive in the records illustrative of the trade between Scotland and the Netherlands. The porter of Bruges, "Lowik Lars" frequently pursued Scotsmen before the Scottish courts for refusing to discharge their obligations to him. So also did the porter of Lille and there are numerous references illustrative of the connection between Scotland and the Netherlands. The trade with England was also important, though it was apt to be disturbed by political considerations. Numerous safe-conducts were issued for English merchants in Scotland and for Scottish merchants in England(3), and there was considerable economic intercourse between the two countries. There was also trade between Scotland and her "Auld Ally", France, but the tie between the two countries was political rather than economic. Scottish merchants were not always well treated in France and in 1482 the Scottish Estates ordained that letters under the Chancellor's Seal should be sent to the king of France and Parlement of Paris, declaring to them the complaints of divers Scottish merchants of mistreatment in France, as for instance, in the arresting and withholding of their goods and denying them justice when they sought it from king and council, and exhorting remedy. The letters were further to contain that any Frenchman having complaint and coming to show it should have justice and they were to expose that when Frenchmen came to Scotland they desired to have "galyais and conducts" before they landed, contrary to the alliance formerly made. Walter Bertrahame was chosen to carry the letters to France. Scotland also traded with the Baltic and economic interchange with Norway and Denmark would doubtless be increased as a result of the Danish marriage of James III. Trade was also carried on with Spain (4) and even with/

(1). R.M.S. (2) Ibid. (3) Foedera. Rot.Scot. Cal.Doc. Scot. R.M.S.

(4) In October, 1483, for instance, John Tapy, Merchant of Spain, pursued/ (Continued over page).

with regions further afield. On November 5th, 1476, for instance, the king received into his safe-conduct and protection "Jacobum Dini et ejus socios mercatores Florentinos" with their servants, goods and allowed merchandise, granting them license to sell their goods to Lords of Council and familiar servants of the king, and to carry letters close and open in Scotland and without, notwithstanding Acts of Parliament to the contrary(1).

Scotland, like England, had a foreign Staple port. The underlying principle of the English Staple was that of regulating commerce, forcing it into particular channels. Traded commodities were taken there in the first instance, the Staple acted as a distribution centre, and inspection of wares and supervision was thus rendered easier. Its origin and development was much bound up with the measures of the government for the easier and more effective collection of customs, and its location was a useful diplomatic weapon for the king. Scottish development was rather different. Scottish customs were collected in the part of export. Trade in what later became defined as staple commodities was the monopoly of the royal burghs, and within the royal burghs of the merchants. This organisation rendered easy the collection of customs (2). Each royal burgh had its customars for levying the customs dues and its tronar who found the weight or measure of the goods so that the customs due should be fixed. The major burghs all possessed "cockets", by which certification had to be made that the customs were paid before a ship was permitted to sail. The Scottish ideal of a Staple was a place where Scottish merchants would receive special protection and privileges and where in consequence they would repair with the major part of their trade. As time went on the idea of the monopoly of the Staple port became more sharply defined, while the privileges received by the Scots were correspondingly developed. That, however, is to travel beyond the limits of the reign of James III.

On January 31st, 1466-7 it was ordained in parliament that in future no ship freighted with Staple goods should sail from the realm "fra the fest of Symondis day and Jude⁽³⁾ on to the fest of the purificacioun of our lady callit candilmas" under penalty of a £5 fine. A further enactment stipulated that none of the lieges after the Feast of St. Peter ad vincula (August 1st.) should send any ships to the Swin⁽⁴⁾, Sluys, Damme, or Bruges under pain of forfeiture of their goods and banishment of themselves. All persons having merchandise or other goods in these places were to remove them thence before the said date "and fra thin furth that thai nothir by nor sel na mak merchandise in ony of the placis before writtin undir the panis forsaid". A further article stated that the king with advice of his council at Edinburgh on August 29th (the date given is the 29th Aug. 1467. As the Act was passed on Jan. 31st. 1466-7 this is manifestly wrong. Presumably 1466 was meant) granted leave to merchants of his realm to go to Middleburgh and do their merchandise there; - not to remain there as a staple but until the king should provide for a staple and until he should see what freedoms and privileges they should have in time to come at the place where they should be stapled, for which purpose persons should be sent in all goodly haste to bring answer again thereupon. The records of the parliaments of James III. contain

and no new customs, impositions or exactions were to be raised or taken of them, "bot efter the old use and accustomed". pursued Bartholemew Carnis and Oliver Labaddo, master of the ship "Mary of Guerrand" before the Lords Auditors for the sum of 405 crowns for fifteen tuns of wine bought by the said Bartholemew from Tapy and ferried by the said ship-master to Leith. All the parties being present the Lords decreed that Oliver should deliver the wine to Bartholemew and he should pay Tapy the 405 crowns: Oliver making up for any portion of the wine he did not deliver—i.e. that had gone to others, leaked, been drunk or otherwise lost.

(1) R.M.S. (2) Analogy might be suggested to the older home-Staples of England before the idea of a foreign Staple was definitely fixed upon. (3) The Feast of Simon and Judas which fell on Oct. 27th. The Purification of the Virgin or Candilmas was on Feb. 2nd.

(4) The channel leading to Sluys.

contain no further references to the location of the Staple. Ultimately (1541) the Scottish Staple was fixed at Campveere.

The exports of Scotland indicate its low economic development. The chief were raw products, hides, skins, furs, wool, wool-fells and salted fish, especially salmon. The only manufactured export of any importance was that of coarse cloth. Scottish imports, as was natural in a country whose productions were so few, were very varied. They included wine, fruits, spices and other luxuries, necessary materials which Scotland either did not produce at all or produced in insufficient quantities like iron, timber, pitch, hemp, tar, salt, dyestuffs and various kinds of manufactured goods. Grain and victuals were also imported and scarcity of provisions and fear of dearth often induced parliament to pass legislation encouraging foreign merchants to come to Scotland with victuals for sale. In the Middle Ages foreign merchants laboured under several disadvantages and were apt to receive unfavourable treatment; parliament therefore legislated for their "favourable reception". These enactments form a pathetic commentary on the condition of Scotland and shew how the spectre of dearth was ever present.

Thus in June 1478 parliament passed an Act relating that victuals were scarce " and the mast supportacioun that the Realme has is be strangeris of diverse utheris Naciouns that bringis vitalis", and because of various new impositions and arrestments laid upon these stranger merchants "thai mai nocht haf liberte and fredome to dispone apon ther awin gudis The quhilk cause dois thaim to forbere to cum to this Realme". Parliament therefore required that all stranger merchants coming with victuals and other lawful merchandise should be honourably received and favourably treated "fra thai haf enterit thir gudis as use and custum is in the towbuthe and that oure souverain lord be servit first and of the best And syne the lordis of his counsale and eftir that the price salbe maid with the merchandis and the remanent to be sauld ymang the kingis liegis. And that na truble nor arrest be put uppoun strangeris nor thir gudis bot that thai may have liberte and fredome till use and do thir lefull merchandice as use and custum has bene in tyme bigain". In Parliament in March 1481-2 the king, of his special grace, and his Three Estates, commanded that in future all "freindis strangearis and alienaris" of other countries coming to Scotland with merchandise and victuals should be favourably treated and "cherished" to the intent to cause them to come within the realm, considering that the merchants of Scotland were through wars "stoppit to exerce and use the course of merchandice", and especially to cause victuals to be brought in "sen ther is now skantnes therof". In December, 1482 parliament again passed legislation for the favourable treatment of strangers coming with victuals and needful merchandise. It was statute that in future all strangers should be treated honourably with all favours wherever they came to any port in the realm. None of the king's officers or lieges were to trouble them or put themselves, their ships or their goods under arrest, but they were to have full liberty "to dispone apon thair awin gudis" and sell them to free men without compulsion or violence. No price was to be set upon their goods but by buying and selling with their own consent and no new customs, impositions or exactions were to be raised or taken of them, "bot eftir the ald use and consuetude". "And quhare ony victualis or merchandice cummys ganyng for our souverane lord" his Comptroller or Receiver, after the price had been made with the strangers, should have "samekle of the first and best as is nedeful to oure souverane lordis propir use", for which they were to make "thankfull payment" without delay so that the strangers should not be deterred in default thereof. In future no persons under pretext of buying for the king's use was to take or receive more goods from the strangers in order to regrate and re-sell, under pain of banishment and forfeiture and escheat of their moveable goods. All strangers at that time present within the realm who had complaints of any goods being taken from them or of injuries done to them, should incontinent have payment made to/

to them and reformation done according to justice. Similarly if any strangers "that are now absent cummys hereeftir to complenye" they were to have reformation and justice of any persons within the realm without delay, so that through ministratioun of justice and favourable treatment of all strangers "thai sal have occasioun to cum and repare in the land in tyme tocum to the grete utilite of the hale Realme".

Scottish commerce was carried on largely on the basis of exchange of commodities for other commodities rather than on a cash nexus. Parliament, faced with the scarcity of specie in the country, and attempting to increase the supply of bullion, made several efforts to constrain merchants to bring money into the realm in exchange for commodities. Acts were passed In Jany.1464-5, Oct. 1466, May 1474, Feb.1483-4 and Jany.1487-8 requiring merchants to bring a specified amount of specie into the country for the goods exported by them. The usual requirement, though there were variations, was that four ounces of "birnt" silver should be brought back by merchants for each semplar of wool or skin exported by them, four ounces for each last of hides and two ounces for each last of salmon, cloth and other goods. This silver the merchants were required to deliver to the Master of the Money or the Coiner, receiving therefor payment at a specified rate, and Custumars were required to take surety from merchants for the bringing home of bullion before they gave the cocket to any ship. In 1473 parliament re-affirmed an act of James II. that no English cloth should be brought into the realm "be na merchandice considering quhare thaj myght haue gude money baith golde and silver for their salmound keling and utheris fischis thaj haue alanerly now bot claith"which injured both the king, in his customs, and the people, who were bare of money. The Estates therefore counselled that an inhibition should be made in the present parliament that no merchant, English or Scottish, should bring in such merchandise under pain of escheating the cloth and of undergoing personal punishment at the king's will.

Within Scotland also economic transactions, buying and selling, were largely carried on by exchange in kind. Thus, for instance, on October 22nd 1478 it was decided by the Lords of Council that certain persons should pay certain amounts of wool, as well as sums of money, owed by them to John Atkinson for merchandise.

Economic intercourse in the Middle Ages was attended by many risks. Standards of honesty were lower than they are now, there were more opportunities for concealment and evasion and commercial dealings were ventures in the real sense of the word. Numerous cases came before the Scottish courts in which persons were pursued for failure to discharge their obligations, such actions taking place both between fellow Scots and between foreigners and Scots. In the shipping conditions of the time cargoes were apt to be lost or damaged in transit and ship-masters sometimes dissipated or misappropriated their cargoes or delivered them to persons other than those for whom they were intended. A case illustrative of some of the practices of ship-masters is that already quoted in which John Tapy, Spanish merchant, pursued Bartholemew Carnis and Oliver Labbado, ship-master, before the Lords Auditors for the sum of 405 crowns for fifteen tuns of wine bought by Bartholemew Carnis from Tapy and ferried by Oliver Labbado to Leith, the Auditors giving judgment that Labaddo should deliver the wine to Carnis and that Bartholemew Carnis should within fifteen days thereafter pay John Tapy the sum of 405 crowns for the wine and four crowns and a half, after the form of his obligation, for the freight of each tun of wine. So much of the said wine as should not be delivered by Labbado was to be deducted from his freight ("defalkit to him in his fraucht") and if any of the wine were delivered by Labbado to any persons other than the said Bartholemew or his representatives, Labaddo was to make it/

it up to Bartholemew or else make payment to John Tapy for as much as he did not deliver to Bartholemew. Any leakage of the wine since the deliverance of it was proffered by Oliver to Bartholemew was to stand against Bartholemew while Oliver was to make up for any of it that had been drunk or spent by himself or his mariners.

In connection with shipping, Parliament in Jan. 1466-7 enacted that in future none of the lieges should freight a ship within or without the realm without a "charter party" containing several points: to wit that the master of the ship should find "sufficiand sterman tymmerman and schipmen convenient for the schip"; that the master should provide free for the merchant fire, water and salt at his cost; that in cases of dispute between master and merchant they should underlie the jurisdiction of the burgh where the ship was freighted without any exception; that no merchants' goods be torn or spoilt by unreasonable stowing ("unresonable stöllin as with spakis") and that no goods should be shorn nor "strikin up in na wise in to the maisteris default or his servandis" under the pain of loss of the freight and amending the loss to the merchant; that the master should take no goods on his orlop (the single floor or deck with which the hold of a ship was covered in - it later became the lower deck) and if he did so that the goods should pay no freight and that no goods taken on the orlop should be counted as part of the same cargo with those in the hold in case of loss of the former ("nor na gudis undir the ourlop to scot nor lot with tha gudis in case thai be castin"); every ship freighted with more than five lasts of goods should pay to the "chaplain of the nation" a sack freight, and within five lasts half a sack freight, under pain of £5 to be raised to the king's use of every person acting in the contrary hereof; no drink silver was to be taken by the master or his agents ("doaris") under the pain above written and a ton freight to the church work of the town. In 1487 parliament ordained that its former act as to the freight and lading of ships should be put to execution, that no goods should be taken by the master upon his orlop and that the merchants' goods should not be "strikin up" nor unreasonably "sperpalit nor riving" under the pain of £20 to the king's use. Search was to be made hereupon by the officers of the burgh and the head freightsmen of the ship, who should answer therefor.

Merchant ships had to face many dangers upon the high seas besides those of wind and wave. Encounters with pirates and enemies were common. Many of the mercantile sea captains were themselves half-pirates and sea-fights occasioned by national antagonisms and other causes were of very frequent occurrence. Combats between Scottish and English ships were especially frequent and regulations remedial of encounters at sea constituted a stock item in the various truces between the two countries. Their encounters with English ships sometimes led the Scots into difficulties with other powers. Thus Peter Smith as procurator for the Hanse Merchants pursued John Murray, Walter Bertrahame, Ninian of Peebles and Henry Caunt before the Lords of Council for spoliation of certain merchandise and goods to the value of £3,000g. out of an English ship of which the master was Thomas Anderson, the goods being taken by a Scottish ship of which David White was master. It was not only with the English, however, that Scottish sailors came to blows. Thus, for instance, James IV., writing in 1507 to Maximilian, King of the Romans, recounted how in the time of James III. a Scottish ship laden with precious merchandise and commanded by John Barton was taken by the Portuguese fleet, many men being killed in the encounter. Restitution had been sought in vain from the King of Portugal and letters of reprisal were issued (1). Letters of reprisal, though they were in a sense a rude attempt at retribution and would be hoped to act as a deterrant to outrage, were significant of and contributory to the difficulties that/

(1) Ruddiman, Epistolae Jacobi Quarti, p.89.

that beset economic intercourse. Authorising a kind of legalised preying upon the ships of the nation whose subjects had offended, they endangered the innocent and contributed to the extension of the original quarrel.

Ships wrecked on foreign shores were apt to meet with unfavourable treatment. Their cargoes might be purloined and the survivors held to ransom. An outstanding example was that of the "Bishop's Barge" and in the truces between England and Scotland regulations were made for the treatment of wrecks and of ships of either country captured by the vessels of an outside power and taken to the ports of the other party to the truce.

Merchants who fared abroad in the Middle Ages met with many difficulties. The Acts of the Scottish Parliament for the favourable reception of strangers are a commentary on the treatment that foreign merchants were liable to receive in Scotland. The letters of remonstrance which the Scottish Estates proposed in 1482 to send to the King of France and the Parlement of Paris show the difficulties that Scottish merchants had to contend with even in the dominions of an allied power. Significant in this connection also was the letter of mark granted upon the Scottish lieges by the King of the Romans. In 1487 the burgesses raised the matter in parliament, it was proposed to send an embassy to the King of the Romans and the commissioners of burghs desired that the seals of the king and of the lords who gave judgment in Scotland upon the "Cullonaris clame" should be appended to the said sentence and process thereof "for the verificacioun of Justice that thai got in Scotland quilk may be distruccioun of the said letter of marque" - a clause which gives the key to the reason for the issue of the letter.

The reign of James III. is important in relation to burgh history. Scottish burghs comprised two main classes - those which were and those which were not royal burghs. The organisation and privileges of the royal burghs formed the distinctive feature of Scottish burghal polity. Royal burghs received their charters directly from and held directly of the king. Each royal burgh was given economic control over a wide district within which it possessed a monopoly of buying and selling. All trade in what later became known as Staple commodities, confined by statute to the burgesses of royal burghs, foreign merchants were prohibited from trading with anyone except the burgesses of royal burghs and burgesses of one royal burgh were forbidden to trade within the bounds of another royal burgh without obtaining a license. This organisation had certain advantages for the government; it systematised the burghal estate and simplified the apportionment of charges and obligations, and, by forcing trade into particular channels, it facilitated the collection of customs, but it was detrimental to village development and domestic industries. The royal burghs were alone represented in parliament (though later one or two non-royal burghs were given representation in parliament owing to their wealth and importance), being regarded as corporate tenants in chief. On the other hand the royal burghs had the obligations of their privileges. They supported the charges of the burghal estate, contributing their share to taxation and defence.

Non-royal burghs were Burghs of Regality and Burghs of Barony. These burghs were erected on the estates of lords of regality or of barony, these lords often being churchmen, and held of the secular or religious lord of the land. They were forbidden to encroach upon the monopolies of the royal burghs but they had lesser privileges of their own. They served as smaller centres of exchange and were allowed to have weekly markets and producing craftsmen. Sometimes at least, too, they were allowed to hold fairs. Legislation and prescription, however, could not completely/

completely eliminate the working of economic forces. Not only did the non-royal burghs tend more and more to set up a trade in commodities to which the royal burghs had not succeeded in establishing their monopoly, but they sometimes encroached upon the trade of the royal burghs themselves. In some cases their position made this inevitable, as for instance in the protracted struggle between the Royal Burgh of Edinburgh and its unfree satellite, Leith. Under James III. in a dispute between Glasgow, a Burgh of Barony held of the Bishop of Glasgow, and the Royal Burgh of Dumbarton, decision was given by the Lords Auditors in favour of the former. The Bishop of Glasgow and the provost, baillies and community of Glasgow pursued the provost, baillifs and community of Dumbarton for the stopping and impediment made to the said father and people of Glasgow in the buying of certain wine from "peris cokate", Frenchman. Charters were produced and judgment was given for Glasgow. It was declared that Dumbarton had broken the privilege of Glasgow's "old infetment", granted by kings of old, that the charters showed the father, provost, baillies and community of Glasgow were the first buyers of the said wine and that Dumbarton should cease its injuries and be finished. This case was rather peculiar since Glasgow had had the trading privileges of a Royal Burgh since the time of William the Lion. Glasgow was even then the biggest town in the west, and disputes between it and the neighbouring Royal Burghs of Rutherglen and Dumbarton were chronic. It is significant, however, that Glasgow, though not yet a full Royal Burgh was able to establish its trading position,

at the Several Burghs of Barony were created during the reign of James III. On February 8th, 1466-7 the King, for his singular favour to Malise, Earl of Menteith made the town of Menteith a free Burgh in Barony, to be held by the said Malise and his successors and the inhabitants(1). On May 8th, 1474 the King, out of favour to the Earl of Argyle, made Inveraray a free Burgh in Barony. The privileges granted to it included full power and free faculty to the tenants and inhabitants of the Burgh to buy and sell in the said Burgh, power for the burgesses to elect baillies and license for them to have weekly markets and yearly fairs(2). Abernethy was made a Burgh in Barony in 1476, Kingussie in 1481 and Huntly in 1488(3). On December 10th, 1477 the King, for grateful services done to him by John Kennedy of Blarequhan, made the town of Myretoun, pertaining to the said John, a free Burgh in Barony(4). On October 20th, 1484 the King, since Sanquhar had of old been a free Burgh in Barony and since its charters had been lost, enfeoffed it anew as a free Burgh in Barony at the instance of Sir Robert Creichton of Sanquhar(5). One Royal Burgh, Kirkwall, was created in 1486(6).

Various grants and confirmations were also made to older burghs. On August 16th, 1464 the King renewed the charter of William the Lion to the burgesses of Moray and the charters of William the Lion, Alexander II., David II. and James I. to the burgesses of Inverness(7). On October 26th, 1465, the King granted to the provost, baillies, consuls and community of Aberdeen the lands of Cruvis, resigned by John Bannerman(8). On January 12th, 1465-6 the King, because of the many complaints to James II. and to himself by burgesses of Linlithgow of vexations caused to them and other lieges by the castle of Blackness, with mature deliberation of his council, decreed that the said castle should be cast down. He also granted the "mount and rock" of Blackness to the baillifs and community of Linlithgow to construct a port, allowing to them the stones and lime of Blackness castle for construction and repair of the new port(9). Despite the charter Blackness castle was not demolished. On 21st October, 1466 the King gave his consent to the petition of the provost, baillies, consuls, burgesses and community of Edinburgh for the erection of/

(1) R.M.S. (2) Ibid. (3) Ballard, Article in S.H.R.13, p. 16.
 (4) R.M.S. (5) Ibid. (6) Ballard. (7) R.M.S. (8) Ibid. (9) Ibid.
 (1) R.M.S. (2) Ibid. (3) Ibid. (4) Ibid. (5) Ibid. (6) Ibid. This is the text of the second charter. In the first there is probably a "nos" missed out, though it is just possible that in this case the extortion may be customs previously owed by arrangement.

of St. Giles as a collegiate church(1). On January 20th 1478-9, since the king understood the lamentable fact that the charters, evidents and enfeoffments granted by his predecessors to Berwick on Tweed had been destroyed by war, he therefore with advice of his council granted to the provosts, baillies and community of Berwick the said burgh "in liberum burgum pro perpetuo", with all its privileges - free passage of the ways to and from Berwick, power to have gatherings of the lieges of the whole shire of Berwick to come to the burgh for purposes of merchandise, faculty to have "cruce[m], forum et thronum" and to have weekly markets every Monday and yearly fairs(2). On August 5th 1480 the king granted to the inhabitants of Peebles exemption from responding in the courts of the Forest of Ettrick, forest offences to be judged in the Justice Ayre of Peebles(3). On October 1482 the corporation and community of Edinburgh pledged themselves to repay the sums advanced by Edward IV. as the dower of his daughter Cecilia and the citizens of Edinburgh also assisted Albany to liberate the king from his confinement in the castle. In return they received two charters on November 10th 1482(4). By the first the king granted, renewed and confirmed to the corporation and community of Edinburgh the customs and moneys coming from the port of Leith. By the second they were granted that the provost elected by the community of Edinburgh should always be sheriff within the said burgh and the baillies his deputies for ever. On December 2nd of the same year a grant was made to the burgesses of Dundee and their successors giving them faculty and power to import now and in the future "brasium" (grain used for making beer) and any saleable victuals at the port of Leith or any other place of residence of the king in support of his household and of the lieges coming there. It was also granted that the burgesses should be free for ever from the payment of dry multure claimed by the provost and community of Dundee - a rather curious provision probably intended to prevent the exaction of double multure(5). On December 10th 1482 and again in September 1483 the king granted to the burgesses and community of Aberdeen freedom from all payment of customs for salmon caught in the said burgh and caught in the rivers Don and Dee, excepting to the king the customs of salmon owed by strangers or burgesses not having freedom of the burgh(6).

Burgh history at this time is largely taken up with the struggle between the merchant and craft guilds. Merchant guilds had long existed in Scotland. Their privileges were numerous. Only members of the merchant guild could engage in commerce and many statutes were passed to safe-guard their monopoly. The reign of James III. was not lacking in its crop of legislation to this effect. In January 1466-7 parliament enacted that none should "sail nor pass in merchandise" out of the realm but free burgesses dwelling within burghs or their familiars, factors or servants, who were of their household, except only that prelates, lords, barons and clerks might send their own goods with their servants and buy again what they required for their own use. No craftsman was to "use merchandise" for himself, his factor or his servants, unless he should renounce his craft without dissimulation. No one was to "sail nor pass without the realm in any merchandise but a famous and worshipful man" having of his own half a last of goods or "samekle in stering and gouernance" under pain of a £10 fine.

These Acts were ratified in October 1487 when "the whole commissioners of burghs" desired certain Acts and statutes to be approved in parliament and put to execution. The former act as to the great multitude of "simple, dishonest persons" who sailed from all the burghs to Flanders, Holland Zeeland was ratified and it was again ordained that none should sail to these parts "in the way of merchandise" but famous and worshipful men having each of their own half a last of goods or so much in steerage and governance, under pain of £10 to be raised to the king's use. No one was to sail/

(1)R.M.S.(2)Ibid.(3)Ibid.(4)Ibid.(5)Ibid.(6)Ibid.This is the text of the second charter. In the first there is probably a "non" missed out, though it is just possible that in this case the exception may be customs previously owed by strangers and burgesses.

sail in merchandise except freemen of burghs and indwellers therein under the same penalty. Searchers were to be instituted having power to execute the Acts, to make search, raise the fines and bring them to the King's Exchequer. It was ordained that in each burgh the provost, baillies and customars should be searchers and answer therefor. It was also decreed that the former Act of Parliament as to craftsmen dealing in merchandise, should be put to execution, so that the craftsman should either forbear his merchandise or else renounce his craft without dissimulation, under pain of the escheat of the merchandise he dealt in while practicing his craft. This escheat was to be brought in by the searchers above mentioned to the King's use and account thereof was to be made in his Exchequer. Similar legislation was passed both by the predecessors and successors of James III.

Another important privilege of the merchants was their monopoly of burghal government. It was from their ranks that the burghal magistrates were drawn and the connection between the governing bodies of the burghs and of the merchant guilds was so close that some have supposed them to be identical. This, however, was not the case. "Burgess" and "guildsman" were not synonymous terms and not all burgesses were guildsmen(1). The governing body of the burgh was composed of the provost and baillies, that of the guild consisted of the Alderman, dean and ferthingmen. The burgh magistrates, however, were chosen from among the members of the guild merchant and there was a close connection between the officials of the burgh and those of the Guild-Merchant. There was a close connection between the two bodies both in personnel and function and it was natural that considerable overlapping between them should result. Thus, for instance, the Dean of Guild tended to become more and more a burghal officer..

Other aspects of the Guild-Merchant need not be dealt with here. Guilds had important religious and social functions, the provision they made for afflicted brethren being an important aspect of their constitution. Corresponding to their privileges the merchants bore the main share of the charges of the burghal community. It was on the goods they dealt in that the customs were exacted, fees for entrance to the freedom of the city were higher in the case of merchants than they were for craftsmen and the merchants bore a very major share of burgh taxation. It is significant that while levies were raised from the crafts as a whole the merchants were individually assessed.

The Guilds Merchant were aristocratic bodies. Members were expected to be men of some substance and were supposed, for instance, to keep a good horse. All who worked with their hands were excluded from membership and no craftsmen were admitted to the Guild Merchant unless they renounced their craft. On the other hand the financial burdens attaching to the Guild Merchant made its members anxious to distribute them more widely and consequently to encourage new members to join the Guild if its rules were complied with. Thus, for example, if a craftsman renounced his craft and conformed to the regulations of the Guild Merchant he would apparently be admitted to its membership without cavil.

Meanwhile there had grown up the craft guilds. Membership of these extended to those who practiced the craft in question in the particular burgh, and proofs of competence in the calling in question were often exacted before a new member was admitted. On the other hand the craft guilds had a monopoly in^{the} pursuit that the craft was interested in - that particular vocation was to be followed by them and by nobody else. They were constantly engaged in the struggle to enforce this monopoly against interlopers and non-members of the craft-guild who still took it upon themselves to/

(1) Gross - The Gild Merchant.

to exercise the craft, either within the burgh or outside it, and in their attempts to make good their monopoly the craft guilds had the support of parliament, of the burghs, both collectively and individually, and, despite their quarrels, of the merchant guilds. Duties connected with their industry naturally occupied a large place in the functions of the craft guild - the enforcing of a certain standard of workmanship, surveillance, the making and enforcing of regulations as to apprenticeship and other activities connected with the government of their crafts. Their religious duties were also important. They fulfilled some of the functions of the modern club and acted as mutual insurance societies. The craft guilds also took their place in the pageantry of medieval times.

Throughout the later Middle Ages there was conflict between the Guild Merchant and the craft guilds. One cause of dispute was the efforts of the craftsmen to engage in trade in contravention of the monopolies of the merchants. No doubt the craftsmen would be especially anxious to trade in the commodities they themselves produced and the privileges of the merchants would appear to them as a great hardship. The merchants on the other hand would be indignant at the attempts of the craftsmen to poach on their preserves. The acts of parliament passed under James III. to safe-guard the privileges of the merchants in trade and commerce have already been noticed.

A second subject of contention was the claim of the members of the craft guilds to choose their own deacon, the chief officer of the craft guild. In 1424 an Act of Parliament conferred this right upon the craft guilds but the Act was several times repealed and re-enacted.

The chief cause of conflict between the craft guilds and the merchants was the desire of the former to secure some influence in burgh government and some representation on the corporation. The question of the constitution of the governing bodies in the burghs in the fifteenth century is a difficult one and apparently there was considerable variation at different times and places. In 1469 parliament passed an act concerning the election of Aldermen, baillies and other burgh officers, declaring, because "of great trouble and contention yearly for the choosing of the same through multitude and clamour of common simple persons" that in future no officers or council should be continued "eftir the kingis lawis of burowis" for longer than a year. The procedure for choosing officers was prescribed. The old council was to choose the new council "in sic noumyr as accordis to the toune" and the new council and the old one together were to choose all officers pertaining to the town, such as alderman, dean of guild and others. Each craft was to choose a person "of the samyn craft" year by year to have voice in the election of the said officers for that occasion. It was also thought expedient that no captain nor constable of the king's castle in any town should bear office in that town as alderman, baillie, dean of guild, treasurer or in any other official capacity whatsoever. The polity prescribed by this act was certainly an oligarchic one, but it is difficult to say whether it created a new system or merely defined conditions that were already approximated to in practice. It sought to stop the influence of the common people upon, or at, the election of burghal officials, but it is hard to know how that influence was exercised, whether through legal right or merely by mob tactics, "through multitude and clamour". The act apparently shortened and prescribed the period of duration in office of burghal councils and officials. Probably conditions varied in different burghs and what the act did was to attempt to set a common standard and procedure to be followed by all of them. Perhaps in some burghs conditions were, theoretically at least, already the same, or something the same, as those prescribed by the act, in others they would vary. Oligarchic as the act was it may in some cases have modified existing practice and it gave the/

the crafts some small voice in the election of burgh officials. It is noteworthy as an act of national legislation dealing with all the burghs and seeking to set up a uniform system which was to apply to all of them. In 1474 parliament enacted that, notwithstanding the former act as to burghs, four worthy persons of the old council should be chosen yearly to the new council, "to sit with them for that year and have power with them to do justice". In 1487 one of the acts and statutes which the commissioners of burghs desired to be approved in parliament and put to execution was the former act of parliament as to the choosing of burgh officers, which they desired to be put into effect so that the election of burgh officers might be of the worthiest indwellers of the town and "not be percialite nor masterschip quilk is undoing of the borowis quhare masterschippis and requestis cummis". Into the struggle as to burghal government other factors entered as well as the question as to who should govern the burgh for the time and dispense justice therein. Most burghs possessed what was known as "The Common Good", common property, such as lands, mills, fishings and other sources of emolument, pertaining to the burgh as such, and constant complaints were made against burghal corporations for mal-administration and dissipation of the Common Good. There was a constitutional significance also for the burgh councils chose the burghal commissioner to parliament.

The king sometimes intervened in elections of burgh officers. Thus in 1479 the persons of the previous year's council of the burgh of Aberdeen and of this year's, were summoned for choosing Alexander Chalmers as alderman of the burgh contrary to the inhibition and command of the king's letters and for "falzeing of the ordur in the chesing of the said alderman". The Lords of Council, however, decided that they had not disobeyed the royal letters nor "falzeit in the chesing of the said alderman" and decreed that Chalmers was lawfully chosen and should remain in office(1).

Some burgesses attained to considerable wealth. We find them, for instance, making grants and donations to churches (2). Wealthy burgesses purchased land and thus worked their way into the landholding class(3).

Scottish burghs were small and poor. Even Edinburgh, described by Froissart as "the Paris of Scotland", was itself but a small town and the other burghs were smaller still. Yet in them civic consciousness was well developed. Burghal magistrates were not mere royal officials but a civic corporation and the burghs had in many cases compounded with the king for their own farms. The burgh could act as a whole. It possessed burghal property known as the Common Good and we have many instances of communal burghal action. Thus, for instance, in 1478 the provost, baillies and community of Edinburgh were adjudged by the Lords of Council to pay to Robert Folkert, son and heir of the late Thomas Folkert, 100 marks for which they were bound to the said late Thomas. Burghs as such often pursued actions at law. For instance on 16th October 1478 the baillies and community of the burgh of Inverkeithing won an action against William, Earl of Caithness, for raising a petty custom within the town of Dysart, which was claimed to be within the freedom of the burgh of Inverkeithing. The disputes between Edinburgh and Leith and the Canongate, and between Glasgow and the neighbouring royal burghs of Dumbarton and Rutherglen are well known.

A notable feature of the Scottish burghs was their strong tendency/

(1) A.D.C. (2) e.g. R.M.S.No.1544. (3) R.M.S. shows that lands were often sold to burgesses, e.g. Nos 1507 and 1508.

tendency towards common action and organisation. They had from early times a code of laws of their own, the Leges Burgorum, they were collectively under the jurisdiction of the Chamberlain and subject to his visitations in his periodic ayres. They had also a common organisation of their own, the Court of the Four Burghs. During the fifteenth century both the Chamberlain Ayres and the Court of the Four Burghs tended to decline, but they were still active in the reign of James III. The Exchequer Rolls show that Chamberlain Ayres were held and that the proceeds thereof were accounted for at the Exchequer. In March 1478-9, in an action pursued by John Spence and Elizabeth his wife against John Haddington, then Baillie of Perth, for wrongous and inordinate leading of a process upon a tenement of theirs in Perth, pursued by David Dunning, the Lords of Council ordained that the Chamberlain should call both the baillie and the parties before him in the Chamberlain Ayre or the Court of the Four Burghs and do justice. The Court of the Four Burghs was soon to fall into disuetude but it is interesting that in 1487 the Commissioners of Burghs collectively laid certain proposals before parliament. In the same parliament it was ordained by the Three Estates that yearly in future certain commissioners of all burghs both south and north should gather together once every year in the burgh of Inverkeithing on the morrow of St. James's Day, with full commission there to discuss and treat upon "the welfare of merchants, the good rule and statutes for the common profit of burghs and to provide for remedy upon the scaiths and injuries sustained within burghs". Any burgh not sending commissioners to represent it on the said day was to pay £5 to the costs of the commissioners, and yearly to have the king's letters to distrain therefor. This legislation failed to become effective but it is noteworthy as at least pointing towards the later Convention of Royal Burghs.

Even in the most tentative sketch of medieval economic life mention should be made of the fairs. Permission to hold yearly fairs constituted a stock clause of royal charters to burghs and these fairs were the great occasions for economic interchange. The fairs were scenes not only of buying and selling but of revelry, merriment and carousing, occasions of moment in medieval life, relieving its hum-drumness and giving rise to the spirit of festivity. Fairs were usually connected in their origin with the festivals of the church and they were often, in despite of protests, held on Sundays and other sacred days. In 1469 it was enacted by parliament that no fairs should be held on Holy Days but on the morning after them. Certain perquisites were claimed by authorities interested on the occasions of fairs and there was considerable extortion and hardship. In 1469 parliament passed an act stating that great abuse was found "in the keeping of fairs parliament tymes and generale counsails" owing to extortions taken by constables of castles, sheriffs and baillies of burghs in the shape of what they wrongly called "dues" and "fees" that were not owed to them, "like as of ilk laid of flesch fisch vittails meil or malt or sic like burdingis of foulis one mennis bakkis and uthir thingis borne in mennis handis to the quhilk thai haue na resone," and requiring such extortions to cease in future under pain of punishment at the king's will and dismissal from office for a year. A similar Act had been passed under James II. in 1456.

Parliament legislated frequently upon subjects of economic interest. One matter that engaged its attention was that of measures, about which there had already been legislation in previous reigns. In October 1467 parliament was continued, power being given to certain persons to conclude upon specified topics. These latter included an "Item to avis and conclude on mettis mesuris throu all the Realme and to provide for Reformacioun therof". In 1467-8 it was statute and ordained in parliament "anentis mettis and mesuris" that the Chamberlain and sheriffs should put the last Act/

Act made thereupon to due execution in all points as they would answer therefor to the king. The Act referred to was presumably that passed in March 1457-8, which required that standard measures should be used throughout the realm, and made regulations as to the dimensions to which these measures were required to conform.

No Parliament also legislated against certain dishonest and injurious practices which were followed. That forestalling and regrating were malpractices which were known and practiced in Scotland is shown by the Act of December 1482 forbidding any persons to buy goods from strangers, under pretence of purchasing them for the king's use, in order to regrate and re-sell, under pain of banishment and forfeiture of their moveable goods. Enactments were also passed against other malpractices. In 1469 parliament ordained, in order to avoid the deceit and loss daily and at all times sustained by the lieges through measuring woollen cloth by the "sellwich", that in time to come cloth should be measured by the "rig" and not by the "sellwich". In 1473 an Act was passed to restrain goldsmiths from debasing the silver used in making silver articles such as "peicis spunis goblatiis beltis and uthir on werkis" by mixing alloy with it. Recommendations were made that in every town where there were goldsmiths exercising their craft there should be deputed a warden and a deacon of the craft who should be sworn thereto and who should examine all the workmanship coming from the hands of the goldsmiths. Where they found such workmanship sufficient they were to set their marks to it, where it was insufficient they were to refuse it and punish the workman according to his demerits. Where any workman would colour or steal away his work without examination it was to be escheated wherever it was found and the damage was to fall upon the workman. In 1485 a further Act was passed to restrain fraudulent goldsmiths who produced goods of a low carat content. A deacon and a searcher were to be set up in every town where there were goldsmiths and all goldsmiths' work was to be marked with the goldsmith's mark, the deacon's mark and the mark of the town as being up to a certain standard. All articles below that standard were to be broken and the workman was to make them up to the required standard and to be punished at the king's will. No goldsmith was to take upon himself to be a master or hold open booth unless he were admitted by the officers of the craft and the whole body thereof. Anyone found holding open booth and being insufficient was to be made to abandon it and put under a master of the craft. This Act was to be put to execution within forty days after its proclamation.

In June 1478 parliament enacted that, since the realm was slandered and damaged by selling salmon in too small barrels, in future all salmon should be packed in barrels "of the measure of Hamburg after the old assize of Aberdeen". All persons selling smaller barrels were to forfeit the fish to the king and the coopers who made such barrels were to pay £5 to the king. The king's customars were to be searchers hereupon in every town. In 1487 the Three Estates enacted that salmon barrels should be of the capacity of fourteen gallons and should not be made smaller under pain of escheat of the salmon. Provosts, baillies and customars were to be searchers in this matter, and every burgh was to have three iron hoops for measuring the barrels and a burning iron to mark them, under pain of escheat of any barrels that should be unmarked.

In Parliament in January 1484 the king enacted an expedient that a new Act should be made as to the wool, clothes and skins of the old acts formerly made thereupon. It was therefore enacted that all merchants or other persons who were exporting wool or skins from

from In December 1482 parliament ordained that in future none of the lieges should bring corrupt or mixed wine within the realm. If any such happened to be sent into the country it was required that no man should sell nor tap it from the time that it was declared by the baillies and wine-tasters to be mixed or corrupt, but should send it out of the realm again under pain of death. No person within the realm was in future to take upon himself to mix wine or beer under pain of death.

Other enactments of economic interest were occasionally passed. In 1469 parliament required masons, wrights and other craftsmen to work on Saturdays and on the eves of festivals for four hours after noon on pain of loss of wages and to keep no more holidays than was bidden by the church. It is interesting that in 1485 the export of hides "saltit dry nor barkit" was forbidden for two years to come, under pain of escheat of the goods.

Scotland was a poor country, but besides its deficiency in real wealth it had constantly to face scarcity of and depreciation in the media of exchange. Throughout the Middle Ages and until the discovery of the gold mines of America there was a chronic deficiency of specie. This dearth of bullion would be especially felt in a poor and remote country like Scotland, which did not itself, despite many efforts at gold mining, produce the precious metals. Consequently the question of money was an urgent problem in Scotland throughout the Middle Ages. Acts of Parliament were constantly passed to compel the import of bullion in return for goods exported, to prevent money being taken out of the realm and to regulate the currency. Resort was had to the obvious but pernicious expedient of debasing the coinage and issuing new currencies. The result was dislocation, fluctuation and inevitably a constant falling in the value of coined money. Opportunity was given to many mal-practices. Evidently not only the king but even private persons issued currencies; Cochrane is accused of issuing a coinage of his own and Acts were passed by Parliament to prohibit the use of any "Black Money" except that of the king. At any rate there was much counterfeiting and debasement by other methods; the constant fluctuation in the value of money gave rise to many hardships in economic transactions, obligations and payments; much knavery and extortion was practiced and the result of the deficiencies of the monetary system was ~~an general insecurity~~ that there was a general insecurity and that exchange, trade and commerce were hampered and impeded.

James III. has been accused of debasing the currency by the issue of the well known "Black Coinage". The financial question, however, had been a pressing one long before the time of James III. and attempts had been made to meet it on the lines that were followed by that maligned sovereign. In issuing new coinages James was but following the perverted economic theories of his age and the detrimental financial situation was due to forces quite outside the king. It was, for instance, engaging the interest of his parliaments while James was still a child.

Practically every parliament of the reign of James III. concerned itself with and made attempts to remedy the adverse monetary situation. The long list of parliamentary enactments form themselves the best commentary upon the position and upon the mal-practices to which it gave rise, but it is important to notice that Acts of a similar bearing were passed both before and after the reign of James III.

In Parliament in January 1464-5 the lords thought it expedient that a new Act should be made as to the money, corresponding to the old acts formerly made thereupon. It was therefore enacted that all merchants or other persons whatsoever exporting wool or skins from/

from any port or haven in Scotland should bring back again to Scotland four ounces of assayed silver for every semplar of wool or skin exported; ("sall of ilk nwk of the semplare of woll or skin bring again within this realme ane unce of birnt silvir quhilk is of the haile semplare iij unce"). This silver they were required to deliver to the Master of the Money and they were to receive therefor 8/9d per ounce according to the tenor of the old Act. It was thought expedient that "the mastir of monayis bukis the wardanis of the monay and the custumaris bukis of ilk burgh" should answer and bear witness thereupon at the Exchequer. All strangers taking goods out of Scotland were required to find surety to the custumars such as the said custumars would answer before the King that they would bring into Scotland four ounces of assayed silver for every semplar of wool and skin exported from the country by them and deliver it to the Master of the Money at the same price; failing that they should pay to the King two ounces for each semplar before they left the realm and then be free. Custumars were to be charged with this yearly in accounts at the Exchequer.

As to the holding of money in the realm the lords thought speedful that searchers should be deputed at all ports and havens of the country and upon the Borders of Scotland, having power of the King to search all persons and compel them by their oaths spiritual and temporal to make good faith without fraud and guile that they would take no more money, gold or silver, coined or uncoined, out of the realm, by themselves or other means, than would suffice for their expenses. This was to be proved at the discretion of the searchers who, were to be sworn to the King and should make faith thereupon, and under pain of escheat of the money so taken out of the realm. In case of such escheat half the money was to go to the King the other half to the searcher as his fee and if any other person discovered money being taken out of the realm after the searchers had done their office he was likewise to have one half of the escheat. It was also ordained that whenever a foreign ship came to a port in Scotland and entered her goods in the common book of the town where she put them up for sale ("quh.... scho makis merket") the King's lieges in buying goods should make payment two thirds in pence and one third in silver under pain of a £10 fine to the King by those who made payment in any other way. Search was to be made hereupon by the searchers instituted in accordance with the former provisions of the Act(1).

In October 1466 parliament enacted that no one, lay or cleric, should "have or send" money out of the realm on pain of forfeiting £10 to the King and as much money as he should take or send out of the realm. Regulations were made for enforcing this, clerics going out of the country being required to come before their ordinary or his official and make oath that they should neither take nor send money out of the realm except so much as would suffice for their expenses, while secular persons were required to make a similar oath before the King's deputies to be appointed at every haven. Any person going abroad without making such oath was to be fined £5. For the inbringing of money merchants exporting wool, skins or hides were required to bring two ounces of assayed silver to the coiner for every sack of goods sent out of the country, for which they should receive 9/2d according to the Act made in the last parliament on the subject. A further Act ordained "for the ease and sustentation of the King's lieges and almous deed to be done to poor folk" that a new copper currency should be issued, regulations being made as to its form, amount, ("that there be coined £3000 counting to the silver") course and value. All other money, gold and silver, was to have course as before, except the new English groat of Edward IV. which was to be valued at 10d. and no dearer and the new Rose Noble which was to circulate at the value of 25/-, while the lords who were to be appointed to have power of parliament were given authority to make rules for the Fleur de Lis groat.

(1). A.P.S. Supplement.

Wit In October 1467 various matters were assigned to certain persons to be discussed and concluded after the close of parliament. These matters included an item to advise how many English pence, how many Scots pence and how many Black pence should be taken in payment for the pound and to conclude as to the value of the English penny, groat, crown and half-crown and set them higher or lower as should be thought expedient. The reference to Black money thus early in the reign of James III. is instructive.

In the same parliament an Act was passed stating that the King and the whole realm were greatly injured because Scottish money was lower in value than that of neighbouring countries, wherethrough great quantities of money were taken out of the realm, which was consequently impoverished in specie. It was therefore ordained by parliament that the money of other realms, of which certain coinages were specified, should have course in Scotland in relation to Scottish money equal to the course they had in Flanders, and the Act gave the value in Scottish money of the more common foreign coins. It was further decreed that all "striking" of black pennies should cease and that none should be issued in future under pain of death. Strict inquisition was to be taken of all sheriffs and baillies of burghs if any such black money were issued and the utterers thereof were to be brought to the King and punished as before expressed, while those bringing such persons to justice were to be well rewarded. A further Act sought to avoid hardship and loss in contracts, debts, rents, customs and so forth owing to the projected change in money values by making regulations that the recipient should have the full value at the time that the contract of whatever kind was made. Archibald Whitelaw for the clergy and Richard of Kintore, burges of Aberdeen, for the burghs asked that if in future the King should proclaim money of lower value "their subsidies, procuracies, customs and duties might be taken and paid of the money to the avail and price as they pay", which the king graciously granted.

In parliament at Stirling in January 1467-8 numerous regulations were made as to the values of various coins, including one that in future there should be taken in payment of the black money only twelve pence in the pound and so proportionately to the sum. The Three Estates ratified all previous Acts as to the import of bullion and ordained that they should be observed until the next continuation of parliament, whole parliament or general council.

In 1468 the Lords of the Three Estates deputed to advise upon the money considered "the great rumour" that was current because of diversities of payment within the realm, "through the taking in of the rents by the old payment and gives (giving) it out again by a dearer price"; they also considered "that to take the payments of the rents by a high price and give it out again by the same price considering also that the pennyworths are risen with the penny and much dearer than they were wont to be, that should the money have generally course by the high price that each man that should receive any rents" should be injured to the fourth or fifth part of his rent. To avoid this rumour and to content the commons it was statute and ordained that the money should thenceforth have a universal course throughout the realm. Acts as to the inbringing of bullion and for the preservation of money within the realm were to be observed under heavy penalties until it should be advised by the wisest of the realm, being deputed thereto, concerning the money as should be seen most expedient for the profit of the realm. In the meantime Scottish money, "the demy the lyone the grot of the croune and the grote of the floure de lice and the small penny and the fardyng", were to have the same course that they had before the first proclamation made in parliament in the month of October, to wit/

wit the "demi" and the "Lion" 10/-, the "groat of the crown" twelve pence, the "Fleur de Lis" six pence. Values were also assigned to various foreign coins and it was ordained by the Lords that if any man had made any contract since the last proclamation or borrowed or lent or bought or sold since that time he should pay with money of the same kind and of the same value as had course at the time when the contract or transaction was made. This privilege was to endure until the Feast of Lammas (August 1st) next to come and no longer. In 1469 parliament decreed that no other Black Money except the King's own Black Money, "strickin and prentit" by his Coiner, was to be taken or given in payment. No one was to bring in Black Money of other realms or counterfeit that of the King upon pain of death. Full power of the whole Three Estates was granted to certain persons "to auise comone and refer again to the next parliament or generale consail" certain matters including the inbringing of bullion, the keeping of money in the realm and advising upon the course that the money was to have.

In 1471 parliament again gave its attention to the question of the money and decided that, since the matter was so important and could not hastily be determined, money should have course as at present until the continuation of parliament and that the Lords having power at that time to conclude upon all matters concerning the public good should have power also to advise and conclude in the matter of the money and to introduce a new coinage if necessary. It was ordained that the new alloyed groat of 7d should thenceforth have course for 6d and the half-groat of the same for 3d. In 1473 parliament required that the former Acts as to the inbringing of bullion and the keeping of money within the realm should be duly kept and such Searchers and Inquisitors appointed as would execute the said Acts. Because of the scantiness of bullion it was thought expedient that gold pennies should have the same course they used to have and then had. Similarly English groats, Scottish fourteen penny groats, half English groats, Fleur de Lis groats, English pennies and all other pennies were to have the same course they used to have and then had. As to "the plakkis and the new pennyis" the Lords thought that the striking of them should cease and that they should have the course they had at present until their finance should be known, whether they came up to the requirements in silver content that had been ordained by the King and promised by the Coiner. To obtain knowledge in this matter it was thought expedient that each Estate should depute three persons under oath who were to cause these coins to be examined both by goldsmiths and other men having knowledge. Thereafter they were to have course according to their value "be sicht of the kingis hienis" and the Coiner was to be punished if fault were found. The Acts forbidding the depreciation of silver by silversmiths were also connected with the currency question. In 1474 parliament again ordained that former Acts as to the inbringing of bullion should be observed, that is that two ounces of assayed silver should be brought into the realm for every semplar of exported goods, four ounces for the last of hides, two ounces for the last of salmon, cloth and other goods. An addition was made that custumars before giving the cocket to any ship should take surety from every merchant for the bringing home of bullion and that they should make account thereof yearly in the Exchequer. Custumars failing to take such surety were to be punished and deprived of their office forever, while defaulting merchants were to pay £10 to the King. "And because the matter of the money is right subtle and great and may not hastily be set" it was seen fitting that the Three Estates should commit power to ten or twelve wise and discreet persons to arrange the course of money and devise new money as they thought ~~ix~~ expedient. When parliament met again in Nov. 1475 further resolutions as to the financial question were promulgated. Because the Lords understood that/

The Warden and the Treasurer of the Exchequer were to have similar power from the King to have bullion/

that the "pretermitting and sleuthe" in execution of the Acts as to the inbringing of bullion and the searching and prevention of the export of money had caused great scantness of specie throughout the land, it was therefore ordained that the King should cause former enactments made on this subject to be stringently put to execution and the breakers thereof to be punished in terms of the Acts. It was decreed that the King should depute true and able persons to be searchers in time to come, who would "do diligence" for holding in the money. Merchants were to have 12/- for each ounce of assayed silver that they brought to the Coiner. Of that silver the Coiner was to make twelve groats per ounce of the same design (print) as the new groat then was and of the same finance as the new English groat. Pennies and half-pennies of silver were to be made of the same finance according to the new groat and such pennies were to have course for 3d. A further Act, stating that when coin was melted down into bullion so as to make a new coinage much loss resulted, required that thenceforth no money, silver or gold, already coined should be melted down for any purpose without special license or charge of the King. Since it was declared that gold flowed out of the realm owing to its being at a lower price in Scotland than abroad, parliament attempted to fix the course that gold should have by assigning values to the various gold coins. Silver was to have in future the course that it then had. To avoid discord between creditors and debtors it was ordained that notwithstanding the variation in gold or silver, and whatever its course might be, the debtor should pay his creditor in the money that would have been paid before the making of this Act "with such money and of the same price as the money had course before this proclamation and parliament."

In June 1478 an Act was passed requiring, since the King was informed that the realm was wasted of money because the old money was melted down and new money made contrary to the advice of the last parliament, that therefore all Acts of parliament both of the King and his progenitors as to the inbringing of bullion should be observed and kept, while the Acts made as to the searching and keeping of money in the realm were also to be put to sharp execution and good searchers appointed in all ports and places needful. If necessary "sharp rules" were to be taken in the matter by counsel and advice of the Lords of Council. In the meantime until the realm might be "stuffit of bulzeone" wherewith new money might be struck the King of his grace was to cause all coining and striking ^{money} to cease and to take the irons from the Coiner at once and put them in safe keeping so that the realm might be no more hurt through the striking of money. When the King should think that the realm was sufficiently supplied with bullion ("stuffit of bulzeone") he should, with advice of his Lords of council, make fixed regulations ("mak a sett and reuyle") for his money, both gold and silver, as to its weight, finance and currency and appoint a warden and master of his coinage "of substance and knowledge" who should be answerable to the King upon their lives and honour for the keeping of the ordinances and statutes that should be made.

The matter of the money was again one of the subjects that were to be considered by the commission of parliament in March 1478-9. In December 1482 parliament ordained that the Acts and statutes formerly made as to the holding of money within the realm should be put to execution and the penalties thereof inflicted without favour. It was required that good and true searchers should be appointed at all ports according to the form of the former statutes. In February 1483-4 an Act was passed that certain new coins both gold and silver should be struck, prescribing their weight, finance and currency value. All other money was to be "conformit equally therfor". It was ordained that the King should appoint a wise man having knowledge in the matter of money to be Warden thereof, who should examine and test the finance of the said gold and silver according to the former rule of parliament. The Warden and Coiner were to have the same fees as they had had in the time of the King's father and grandfather and the King was to have similar profits from the mint. For the inbringing of bullion/

bullion merchants were required to bring in to the realm four ounces of assayed silver for every semental of wool, skins, hides and cloths and every last of salmon exported by them and were to have ten groats for every ounce of such silver. A further Act was passed to avoid the great damage sustained by the realm through the removal of money therefrom by clerics for promotions and pleas in the court of Rome, and ordaining that in future each prelate or clerk going or sending to Rome for promotions or pleas should come to the King's Exchequer and before the auditors of the same prove and make known his finance in merchandise of the realm to the value of the sum spent at the court of Rome, so that it might be clearly understood that he neither spent nor withdrew money from the realm except so much as was allowed by former Acts of Parliament. Anybody failing in giving the said knowledge and proof was to be punished as a "havar of mone furth of the realme" according to the former Acts, while the said Acts were to be sharply put to execution for the searching for exported money in all ports and havens of the realm and for the holding in of the same.

In 1485 parliament passed a long Act dealing with the money. It was ordained that new gold and silver coins should be struck, regulations were made as to their value, currency and imprint and it was decreed that all other money should be equated thereto. The former provisions of parliament as to the appointment of a competent Warden, the fees of the Warden and Coiner and the profits of the King (both fees and profits to be the same as in the reigns of James I. and II.) were re-affirmed. For the inbringing of bullion merchants were required to bring in four ounces of assayed silver for every semental of wool, every last of salmon and every four hundred cloths, six ounces for every last of hides, two ounces for every last of herring and the requisite amount of bullion for all other customable goods. Merchants bringing home bullion were to have from the mint 12/- for every ounce of silver, this to be paid by the Warden. Permission was therefore granted to the Coiner to strike an ounce of pennies for every forty ounces of silver, the Warden to furnish the Coiners, to have the irons in keeping, to receive the money coined and be charger thereof and to pay the merchants for the bullion. The Warden was also to test gold and silver that would be coined, to be kept and examined yearly at the Exchequer and account was there to be made of so many ounces as should be coined in the year, gold, silver and pennies. Customars were to be charged at the Exchequer with so many ounces of silver for each semental exported according to the requirements above written and to be discharged in so far as they had made delivery to the Warden. "The plak and half plak" and all other money were to have course and valuation as had been formerly announced for them. As to the coinage and money then current, to wit plaks and half-plaks, the King commanded by authority of parliament and with advice of the Three Estates that all the said money should have course universally throughout the realm and that none of the lieges should refuse them in time to come nor raise their pennyworths higher than they would sell for other money under pain of death and escheat of all their goods. Knowledge was to be taken as to who refused the said money or raised their price when payment was made in it (i.e. the plaks and half-plaks), the King empowering all his barons and lords spiritual and temporal each to take such trespassers and send them to the King, the taker to have half of the escheat and the King the other half.

By a subsequent Act the King, at the request of the Three Estates, considering the great distress caused among the lieges through default of victuals and other merchandise and goods which were rendered scarce, put to excessive prices and withheld from market owing to the large amounts of counterfeit money in circulation, both coined within the realm and imported, and made with such subtlety that it was impossible to discern the true from the false, ordained the circulation of all new coins lately issued to cease and that these coins should be melted down and a new penny of

of silver made of their substance of the finance of the English groat, ten such pennies to make an ounce. "In part relieving" of the people, in order that they should not lose the entire sums that they had of such coins, the King caused Thomas Tod and Alexander Livingstone to receive and take all plak both true and false that were within the realm from any persons who should bring or send them to the said Thomas and Alexander before the last day of May inclusive, Thomas and Alexander to pay 2d for every plak handed over to them, that being a fourteen penny groat for seven plak, or any other method of payment that pleased the party. Thomas and Alexander were to find surety to the persons from whom they received the coins to make payment if such surety were desired and payment was to be made to all persons before the last day of the following September.

In January 1487-8 parliament passed an act recounting the great damage and loss daily sustained by the whole realm through making false money that neither kept weight nor finance according to act of parliament, through counterfeiting of the King's money by false coiners and also because there had been in time past two masters of the money both having power to coin so that it was difficult to assign responsibility in case of default. It was therefore enacted that in future the King should appoint a trustworthy and competent person to be Master of the Money and bear the whole charge thereof. The king was also to depute a person of good repute to be Warden of the coinage and another to be Changer. These officials were to use their offices and have such fees as had been accustomed to be given to Masters of the Money, Wardens and Changers in times past. The Master of the Money was to answer to the Warden and Changer in all things, as had been the custom under the King's ancestors. The Master, Warden and Changer were to appear in the Exchequer and make their accounts there. The Warden was to present his assays in the Exchequer or at any other time that he should be bidden by the King, when it should please his Highness to cause knowledge to be taken by "men of craft" as to whether the money kept weight and finance according to the form of the acts and statutes made thereupon. In this parliament it was also statute that receivers and abettors of false coiners and also those who brought in or received counterfeited money from other countries should be punished in the same manner as false coiners themselves. It was ordained that former acts and statutes of parliament as to the inbringing of bullion, the keeping of gold and silver within the realm, the punishment of merchants who failed to bring in bullion and of those who withdrew money from the realm, should be stringently executed. As to the withdrawal of money from the realm by clerks, merchants and others it was statute and ordained that the acts formerly made thereupon should be put to execution. The King was to cause to be chosen searchers at every port and haven of the realm, which persons were to be sworn loyally and truly to execute their office and were to have in payment the third part of all the money that became escheated as a result of their searching, while the King was to have the other two thirds. If any other person should make sure certification and proof that any manner of persons within the realm withdrew money therefrom the informant was to have one half of that money and the King the other half. Persons convicted of taking money from the realm otherwise than was permitted by act of parliament were to be punished by confiscation and escheat of all their goods to the King's use and imprisonment at his will. This act was to apply as well to strangers and persons of other realms as to the King's lieges.

The medieval idea of regulation and prescription had profound influence upon the economic conditions of the age. It was sought to control economic forces rather than to allow them to adjust themselves/

themselves. The fixing of prices, the attempts to prescribe currency valuations, the monopolies held by various bodies, the exclusive privileges of the burghs and the guilds, the attempt to maintain these in practice, the regulative functions of the guilds, the restrictions placed upon commerce and the efforts to force it into particular channels, all these and many other aspects of the life of the time illustrate the medieval reliance upon prescription and authoritative direction. According to modern economic theory these were faulty methods and they undoubtedly immensely cramped and hindered economic development, thus contributing to the fixity of medieval times. They had, however, some compensations; they eliminated some of the evils as well as of the advantages of competition, they tended to ensure a certain standard and a certain calculable reliability and their workings were in some respects not entirely unsuited to that more static age.

In considering the social conditions of the later Middle Ages the feature that strikes one most prominently is that of the discrepancies presented. In some respects conditions were surprisingly advanced and to some extent the civilisation of later medieval Scotland has been under estimated. In the reign of James IV. the Spaniard, Pedro de Ayala, wrote a favourable report of conditions in Scotland. "The houses" he stated "are good, all built of hewn stone and provided with excellent doors, glass windows and a great number of chimneys. All the furniture that is used in Italy, France and Spain is to be found in their dwellings. It has not been bought in modern times only, but inherited from preceding ages". Ayala's account may have been partial to the Scots but it could not have been entirely overstated. Many articles were in use which would still be regarded as luxuries - jewels, fine clothing, rare fruits, wines, spices and other rarities. In other respects, however, conditions were deplorably backward. Many of the things that are now regarded as the necessary amenities of life were either rudimentary or entirely lacking. Though life was not entirely without its luxuries its conditions were often very near to the level of original subsistence.

This quality of discrepancy pervades all the aspects of medieval life. Housing was in many respects extremely backward, in some considerably advanced. The dwellings of the nobility would be commodious enough, as would also probably be those of the wealthier burgesses. The mass of the people, however, lived under extremely primitive housing conditions. Their dwellings were small, rude and comfortless. Built of rough materials, with no conveniences, they did little more than provide shelter for their inhabitants. In the rough conditions of the age they were apt to be often demolished through invasions or feuds but they were of such simple construction that it was not a very difficult matter to repair the loss.

Even in the larger houses conditions must have been in many respects cold and gaunt. On the other hand, however, their plenishing was in some ways not inadequate. Sanitation was rudimentary but many houses possessed baths. Glazed windows were in use among the rich but they were still very expensive. Iron "chimnas", or stoves, are frequently mentioned in litigation. Beds, with their elaborate canopies, were much more gorgeous, though perhaps less hygienic, than those of the present day. Feather beds and "bousters" were referred to in civil actions at law. Tapestries formed a picturesque covering to hide the bareness of the walls, though dried rushes formed a less adequate covering for the floors. Various other articles were in use and constant usage and habitation would no doubt soften down the conditions that might appear to the modern mind as those of forbidding hardness. The dwellings of the common people, however, would possess few amenities; usually with no floor but that of the beaten earth, no fireplace except a flat stone/

stone, no window or chimney except a whole in the wall or the roof, their furniture would be of the simplest and rudest and conditions of life in them extremely crude.(1)

Though spices, condiments, dried fruits and other dainties were in use the range of food in general consumption was narrow. The staple articles were coarse bread and meat, fresh in the summertime and salted in winter. Fish and game also constituted items of diet as did other commodities, such as porpoise or fish-eating birds, offensive to the modern palate. The rich would have their imported luxuries but even for them the dietary must have been extremely monotonous, the poor would subsist mainly on oatcakes and other stomachic dishes made up from meal and other commodities obtainable by them at first hand. Wines were imported and beer and ale were brewed. Perhaps even whiskey was not unknown(2) and neither rich nor poor were unaware of the exhilarating effects of intoxication, nor averse to indulging therein.

The Scottish nobles sought to live on a scale comparable to their peers in other realms and often impoverished themselves in consequence. The desire for display was especially illustrated in the matter of dress. Clothing was elaborate and many fine materials, such as damasks, silks, lawns and other delicate stuffs, were in use. Sartorial ostentation was evidently a failing of the Scots and sumptuary laws were constantly being passed. In May 1471, for example, parliament, considering the great poverty of the realm and the heavy expenses made upon the import of silks, ordained that in future no one should wear silks in gowns, doublets and cloaks except knights, minstrels and heralds "without that the wearer of the same may spend a hundred pounds worth of land's rent" under pain of a £10 fine to the King as often as they were found out and of the escheat of their silken goods. Sheriffs and burgh officers were to make inquisition in the matter and the wives of men "within a hundred pounds" were to wear no silk in linings but only in collars and sleeves, under the same pain.

Life in the Middle Ages, especially for the common people, was extremely hard. Writers, considering the conditions under which they lived, have been puzzled to account for the independence of spirit manifested by the Scottish peasantry. Problems of housing, overcrowding and sanitation, however, assume very pressing urgency only in urban communities. The slum is a city product. When men lived most of their lives outside and had always the corrective of the healthiness and variety of the great out-of-doors, inadequacies of housing and sanitation were not nearly so baneful in their effects and stagnation did not result. Hardship too is a fine school for producing fitness and the toughness and self reliance of the Scots were probably in no small measure due to the severe conditions under which they lived. It is significant that our modern youth in quest of health and variety betakes itself to peregrinations and camping holidays under housing conditions at least as inadequate as those of the medieval Scots and that men of fine physique and advanced intelligence have come from communities living under conditions not entirely dissimilar to those which prevailed in Scotland in the later Middle Ages.

(1) An interesting side-light is thrown on housing conditions in medieval Scotland by the fact that the records show that religious houses were frequently profaned by laymen coming to dwell in them with their wives and families and the terms on which they lived are suggested by the plaint often made that such habitation was "not without bloodshed".

(2) T.A. Introduction.

On the other hand conditions of life in the Middle Ages certainly were extremely difficult and no doubt did warp and stunt development. Life was depressed near the margin of subsistence and was attended by many scourges and mischances. One bad season meant terrible hardship, two bad seasons consecutively spelt utter dearth. Famine and pestilence stalked through the land. Cholera and other diseases were frequent and dreaded visitants. Ferrerius, for instance, records that in 1475 a great pest arose in Scotland, which became so strong that the King discontinued a council of "proceres" he had summoned in September to the next ensuing Feast of the Epiphany (6th January) and the inhabitants of Leith deserted their town. Again in January 1479-80 the Lords of Council because of "danger of the pestilence that is now happened" dissolved their seat and continued all actions to the 14th March. Not only the hardships of nature but those of men contributed to the tribulations of the common people - violence, wars, devastation and eviction adding to the evils incident to their lot.

Medieval life was not without its amusements. Cards, dice and backgammon were used to while away the heavy hours of indoor life. Elaborate mummeries were practiced, the masquerading of the "boy bishop", for instance, being a characteristic feature of the life of the times. Revel was kept at the great festivals and in 1473 royal invitations were sent to Lady Glamis, Lady Edmonston and others to come to the court at Yule. Professional actors were hired to give dramatic performances and every great household had its jester. The common people would no doubt have their own forms of amusement. One such would be to gather together round the fire to while the time away with gossip, song and story. In the Highlands at least "Ceilidh"s were held from time immemorial and no doubt similar gatherings would be kept in the Lowlands. There are certain unchanging tendencies in human nature and one of them is the desire of the individual to mingle in social intercourse with his fellows. One important result of this form of amusement was that it kept alive the popular ballads and stories from generation to generation.

More important, however, were the outdoor amusements. Among the upper classes the most popular of these were hunting and fowling. Significant also in this connection were the tourney and the varied pageantry of medieval life. Football and golf, though frowned upon by the authorities and legislated against in parliament(1), were practiced, as were also varieties of tennis and skittles. Shooting was enjoined by the government. The typical amusements of the common people were more of the communal type, the kind that we associate with the village green. Their chief form of relaxation and recreation was the holding of high festivity on holidays. Fairs, festivals and occasions of national rejoicing, such as, for instance, the marriage of the King, were celebrated with convivial thoroughness, the sports of the lieges on these occasions being compounded of rustic games, hilarious license and extensive drinking.

Medieval life lacked much of the many-sidedness of present day conditions and there was nothing at all comparable to modern organised amusement. Yet, though from some points of view life then would have been humdrum enough, it was in some ways more varied and less monotonous than it is at present. The picturesqueness of medieval life appeals strongly to the modern mind. It might be objected that this quality did not appear to the medievals themselves, that the features which attract us were to them but matters of the everyday. This criticism, however, is only partly true. Sophistication grows with the years and in an age when life was a mystery, when the sky was a wonder, when goblins haunted every brake and the night was full of supernatural presence, the mind could not become clogged with monotony or drab uneventfulness. Strange, stimulating revelations of the outside world were always drifting in and it is probable that when the Dutchman of Vere came with the lion(2) he would cause more entertainment for those who saw him than the most melodramatic "thriller" affords to the satiated minds of those who haunt our modern cinemas.

(1) e.g. In parliament May 1471. (2) T.A.

There was in later fifteenth century Scotland at least some patronage of education and literature. James III. is said to have advanced to rich livings in the church those whose merits as writers attracted his attention and he maintained at his court the learned Dr. Ireland. Bishop Kennedy founded the College of St. Salvators and Bishop Elphinstone was later to found the University of Aberdeen.

The two Scottish Universities of St. Andrews and Glasgow still led a rather struggling existence and many Scottish students went abroad. The curricula of the Scottish Universities were entirely medieval but Renaissance elements appear to have been stealing into the country. There exists, for instance, in the Library of the University of Edinburgh a manuscript copy of Virgil, written by a French scribe and bearing what are probably the arms of James III. Classical influence was beginning to make its way to Scotland.

The outstanding literary figure of the reign of James III. was the poet, Robert Henryson, the "schoolmaster of Dunfermline". He represented strongly the Chaucerian influence on Scottish poetry but he stood also in the tradition of the Scottish "makars". His literary productions reflect the Chaucerian outlook on life but he brought to them also a freshness and charm of his own. His most important work, the "Morall Fabillis of Esope" shows a freshness of treatment which vivifies his hackneyed theme. Like Chaucer himself, Henryson shows elements both of ~~the~~ Medievalism and of a newer spirit; all his poems had their weighty "moral" but he brought to them an almost naive first-handness of outlook. In the "Testament of Cresseid" Henryson set himself to continue the poem of the English master. Some of his poems, however, show much less of the Chaucerian influence. "Robene and Malkyne", for instance, falls outside the Chaucerian tradition both in form and in language. Henryson's unfeigned love of nature and his good spirits and occasional bonhomie show him definitely in the line of Scots vernacular poetry, the cult of Dunbar and of Burns.

Henryson was the only notable poet of the reign of James III. In dealing with literature, however, no very sharp delimitation should be made between reigns. Dunbar himself grew up during the years when James III. occupied the Scottish throne.

The day of Scottish prose had not yet come. Attention in this connection should be drawn, however, to the weighty, though stilted, writings of John Ireland, protégé of James III. Ireland's work is among the earliest examples of Scottish vernacular prose, the only previous instances of any importance being the translations of Sir Gilbert of the Haye. Interesting in this connection also is the use of the vernacular in official records, as, for example, of parliament, Council and Auditors.

Too little survives of early Gaelic compositions to enable anything definite to be said as to literature in the Highlands. Bards and story-tellers there no doubt were, whose songs and "sgeulachdan" would have had their own day of fame.

One aspect of the literary and aesthetic life of medieval Scotland is interesting and important. There was among the people, both Highland and Lowland, a great body of ballads and traditional folk tales. Growing from among the people, with no definite authorship, handed down from generation to generation, these pieces were often of great beauty and high merit. This body of popular poetry and song dates far back into antiquity, though it doubtless developed with the passing of the years. Some of the ballads and songs may have been extant in the reign of James III. which were collected by Scott in his "Minstrelsy of the Scottish Borders" or by Mrs. Kennedy-Fraser in her later compilation.