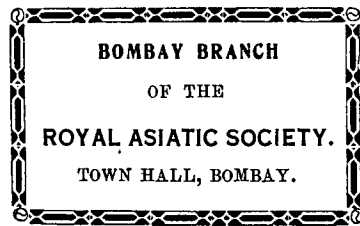


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A N N A L S

O F

S C O T L A N D.

F R O M

THE ACCESSION OF MALCOLM III. SURNAMED CANMORE,
TO THE ACCESSION OF ROBERT I.

142291.
or

By Sir DAVID DALRYMPLE.

23

E D I N B U R G H:

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142291



A D V E R T I S E M E N T.

THE design of the following Sheets, is to exhibit a Chronological view of the History of Scotland, from the Accession of Malcolm, furnamed *Canmore*, to the Accession of Robert Bruce.

They commence with the Accession of Malcolm Canmore ; because the History of Scotland, previous to that period, is involved in obscurity and fable. They are not brought down to a later period than the Accession of Robert Bruce, because the Author is folicitous to know the opinion of the Public as to his plan and its execution.

If these are approved of, and if he has health and leisure, he proposes to continue the Annals of Scotland to the Restoration of James I.

E R R A T A.

P. 2. Note †. l. 7. for *accompt* read *account*. P. 14. note, l. 14. 15. for *se* read *the*. *P. 18. note, l. 3. for *Sconland* read *Scotland*. P. 50. l. 14. for *inveterate* read *established*. P. 62. l. 10. for *Tweed* read *the Tweed*. P. 83. l. 12. for *by* read *of*. P. 109. l. 14. for *28th* read *9th*. P. 121. note *. l. 1. for *probably* read *probably corrupted*. P. 136. l. 6. for *St Bartholomew's day* read *24th August*. P. 139. after l. 11. add 1214. P. 142. l. 4. for *5th* read *10th*. P. 177. l. 11. for *Leavis* read *Lewes*. P. 183. l. 18. for *Chronicis* read *Chronicis*. P. 258. note †. l. 4. &c. for *can* read *cun*. At top of p. 265. 266. for 1298 read 1299. P. 280. after l. 6. place 1305. From p. 281. the year ought to be 1305, not 1304.

T A B L E S. At *John Balliol*, add, He married Isobel, daughter of John de Warren Earl of Surrey.

A N N A L S

OF

S C O T L A N D,

From the ACCESSION of

M A L C O L M III.

MALCOLM II. King of Scotland, had a daughter, *Fordun, iv. 49;*
Beatrice, the mother of Duncan.

In 1034, Duncan succeeded his grandfather Malcolm. *Chr. Melros.*
In 1039, he was assassinated by M'Beth *. 156.

By his wife, the sister † of Siward Earl of Northumberland, he *Fordun, iv. 49.*
left two sons, Malcolm, surnamed *Canmore*, and Donald, surnamed
Bane ‡.

M'Beth

* At Inverness, according to our later historians. They follow Boece, L. xii. fol. 250. a. The Register of the Priory of St Andrew's says, "Doncath interfectus est in *Bothgouanan*." Fordun says, L. iv. c. 49. that, being wounded, he was conveyed to Elgin, and died *there*. The word *Bothgouanan* means, in Gaelic, *the Smith's Dwelling*. It is probable, that the assassins lay in ambush, and murdered him, at a smith's house in the neighbourhood of Elgin.

† Fordun calls her *consanguinea Comitiss*. Other historians call her *his daughter*.

‡ *Cean-more*, or *great-head*, according to the rude distinctions used in those times.
Bane, white, or of a fair complexion.

Fordun, iv. 51. M'Beth expelled the sons of Duncan, and usurped the Scottish throne. Malcolm sought refuge in Cumberland, Donald, in the Hebrides.

Fordun, iv. 54. When Edward the Confessor succeeded to the crown of England, [1043,] Earl Siward placed Malcolm under his protection. Malcolm remained long at his court, an honourable and neglected exile.

Fordun, iv. 7. The partizans of Malcolm often attempted to procure his restoration; but their efforts, feeble and ill-concerted, only served to establish the dominion of the usurper.

Fordun, v. 7. At length, M'Duff*, Thane of Fife, excited a formidable revolt in Scotland, while Siward, with the approbation of his sovereign, led the Northumbrians to the aid of his nephew Malcolm. He lived not

Chr. Sax. 169. to see the event of his generous enterprize †.

Fordun, v. 7. M'Beth retreated to the fastnesses of the North, and protracted the war. His people forsook his standard. Malcolm attacked him at Lunfanan ‡
in

* Our historians relate, that M'Duff, in an interview with Malcolm, proposed the plan of his restoration; but that the young Prince, suspecting the fidelity of M'Duff, artfully pretended that he knew himself to be unworthy of a crown. He urged, that he was libidinous, a thief, and void of faith. On this false confidence, a most absurd conversation ensued, according to *Fordun*, L. v. c. 1.—6. Buchanan has polished the narrative, and bestowed a plausible appearance on the fable; L. vii p. 114.

† The Saxon Chronicle places his death in 1055; p. 169. *Ingulphus*, in 1056; p. 66. There is a curious passage concerning him in Leland, *Collectanea*, T. 1. p. 529. "Siward sent his sunne to warre in Scotland, wher he dyid of the flux; where he after toke the same decease, and dyid of it. But he, much detesting to dy like a cow of the slix, causid hymself to be armid at all peaces, and dyed yn his armure." *Brompton*, p. 946. relates the dying words of Siward in a bombast style, which he mistook for eloquence. The account which Brompton gives of Siward is ridiculous and contradictory. It ends with saying, that Siward put King Duncan in possession of Scotland.

‡ In Aberdeenshire, two miles north-west of the village of Kincardin o Neil. Just by the parish-church of Lunfanan, there is a valley where the vestiges of an antient fortress are still to be discerned. It has been of an oblong figure; in length, near an hundred yards, and twenty yards in breadth. A brook, which waters the valley, has been led round it. As no remains of buildings are to be seen, it is probable that the fortress was composed of timber and sod. In this solitary place, we may conjecture that M'Beth sought an asylum.

in Aberdeen-shire: Abandoned by his few remaining followers, M'Beth fell *.[5th December 1056.]

The kindred of M'Beth placed a relation of his on the throne †. Fordun, v. 8.
Chr. Metros.
158. No party espoused the cause of this pageant monarch. Malcolm soon discovered his lurking place, and slew him [at Effie in Strathbolgie, 3d April 1057.]

1057.

* We know few particulars of the real history of M'Beth. Boece says, that his mother was *Doda*, a daughter of Malcolm II. and, consequently, that he was the cousin-german of Duncan; L. xii. fol. 246. b. Fordun seems to have been ignorant of his connection with the royal family. He terms him simply, *M'Beth the son of Finele*, (or Finlay;) L. iv. c. 49. Boece has exerted all his inventive powers in delineating the character and history of M'Beth. The genius of Shakespeare gave such strength of colouring to the portrait, that the fictions of Boece assumed the form of historical realities. The weird sisters, the wood of Birnam advancing to Dunsinann, the prophecy that M'Beth should never be overcome by any one born of a woman, are incidents which the last age devoutly believed. Buchanan artfully softened the improbabilities of the tale of *the weird sisters*, or *the three witches*: "M'Bethus, qui confobrini ignaviâ semper spretâ, regni spem occultam in animo alebat, creditur somnio quodam ad eam confirmatus; quadam enim nocte visus est sibi tres foeminas formâ augustiore quam humanâ vidisse: Quarum una Angulise Thanum, altera Moraviae, tertia Regem eum salutasset. Hoc somnio animus, cupiditate et spe aeger, vehementer incitatus, omnes regnum adipiscendi vias secumolvebat;" L. vii. p. 113. Thus, Buchanan softens the *apparition* into a *dream*. Of the other fictions in Boece, he says, "Multa hic fabulosè quidam nostrorum affingunt; sed, quia *theatris*, aut Milesiis fabulis sunt aptiora quam historiae, ea omitto;" p. 115. Boece records the laws of M'Beth. They are a palpable forgery. If Boece himself was the forger, they shew his ignorance of history and manners. See L. xii. p. 250. b.

There is a singular passage concerning M'Beth in Florence of Worcester, p. 626. "Anno 1050, Rex Scotorum M'Beth ad Romae argentum spargendo distribuit." Fordun simply adds, "*Pauperibus*;" L. v. c. 9. because that word follows in the text, p. 112. From the words of Fordun, Goodall draws this notable inference, "Machebeda Romam profectus;" *Index ad Fordun*. Thus, from Fordun, and his publisher, we learn, "that M'Beth went to Rome, and there distributed alms to the poor;" whereas, the original insinuated, "that M'Beth bribed the court of Rome."

† Fordun calls him, "nomine *Lulach*, ignomine *fatuus*;" L. v. c. 8. I suspect that *Lulach* was rather his vulgar surname, than his name. In the ancient Gaelic, *Luailach* signifies *Mimicus*, *Gesticulosus*, *Lhuyd*, *Archeil*. This may not unaptly be translated, *The Fool*, in a sense familiar to our forefathers. Fordun, ignorant of the Gaelic lan-

lan-

1057.

Fordun, v. 9. Malcolm was crowned at Scone [on the festival of St Mark, 25th April 1057].

The patriot, who restored Malcolm to the throne of his ancestors, demanded no reward in titles of dignity, pensions, or grants of crownlands. The privileges which M'Duff fought, and the King bestowed, were, 1. That he, and his successors, Lords of Fife, should have the right of placing the Kings of Scotland on the throne, at their coronation. 2. That they should lead the van of the Scottish armies, whenever the royal banner was displayed. 3. That, if he, or any of his kindred, committed *slaughter of suddenty*, they should have a peculiar sanctuary, and obtain remission, on payment of an atonement in money*.

Little

language himself, and hearing this mock-monarch termed *Lulach*, and *the fool*, has supposed the one to be his *name*, and the other his *vulgar surname*. I call *Lulach*, a *relation* of M'Beth, for it is not certain that he was his son.

* " Quod ipse, et omnes in posterum de sua cognatione, pro subitanea et improvisa occisione, gauderent privilegio legis M'Duff, ubi generosus occidens solvendo viginti quatuor marcas ad *Kinbot*, et vernaculus duodecem marcas, remissionem plenariam exinde reportaret;" *Fordun*, L. v. c. 9. *Fordun*, by using the expression, " That they should have the benefit of *M'Duff's law*," plainly refers to an usage which existed in his own times. *Buchanan*, L. vii. p. 115. says, that this law, " usque ad aetatem patrum nostrorum, quamdiu scilicet ex ea familia superfuit quisquam, duravit." It is not probable that the family of M'Duff, if it existed in the age before *Buchanan*, could have been extinguished in his days. I imagine that the nature of *M'Duff's law* is misunderstood. It is reasonable to conjecture, that a temporary privilege, unto the tenth generation, was conferred, not a perpetual right of sanctuary, and of composition for unpremeditated slaughter. *Major*, L. iii. c. 5. condemns this privilege, as being impolitic and unjust. He did not recollect the privileges of ecclesiastical sanctuaries; he probably did not know of a request made to the monastery of *Dunfermline*, and of the answer which the monastery returned. " Petunt homines vallis de *Twedale*, (perhaps *Wedale*), quod si aliquis ex genere eorum hominem interficeret, vel aliud flagitium commiserit, propter quod tenetur immunitatem ecclesiae postulare, si ad monasterium de *Dunfermline* venerit causa immunitatis habendae; quod quamdiu ibi steterit, de bonis monasterii debet procurari. Ad quod respondent, " Quod hoc facerent extraneo, multo magis homini suo de genere praedictorum;" *Chart. Dunferm.* vol. 2. p. 4. ad an. 1320.

1057.

Little is known of the reign of Malcolm until the death of Edward the Confessor, in 1066. Gratitude, as well as interest, led Malcolm to cultivate friendship with England; so that the first years of his reign are not distinguished by predatory expeditions, fire, and bloodshed.

1061.

The first military enterprise of Malcolm was rash and injudicious. He had contracted a friendship so intimate with Tostig * Earl or Governor of Northumberland, that they were popularly termed *the sworn brothers*. Some disgust arose between them: Malcolm invaded Northumberland, laid waste the country, and violated the peace of St. Cuthbert †. *Sim. Dunelm,*
140.

1065.

Edward the Confessor died [5th January 1065-6.] He was succeeded by Harold. *Sim. Dunelm,*
193.

1066.

Tostig, the brother of Harold, aided by the Norwegians, invaded England. Having been repulsed, he sought refuge with Malcolm, and remained in Scotland during the whole summer †. *Sim. Dunelm,*
193. 194.

If

* Son of Earl Godwin, and brother of Harold. The English historians affect to call him *Tosti*. His name was *Tostig*, pronounced nearly thus, *Tostihbe*. This observation may remove the difficulty which many Englishmen of the present age find in pronouncing the word *Loch*. They convert it into *Lock*, or *Loff*. It is still more strange, that other nations of Teutonic original should have become incapable of pronouncing *Th*. I have seen P. Wesseling, the editor of Diodorus Siculus, distort his face into convulsions, while attempting to express the just sound of a Greek *Theta*. The French academicians examined the organs of a native of Otaheite, in order to discover why he could not pronounce certain sounds: They never thought of employing such curious inquiries on themselves.

† “Violatâ pace Sancti Cuthberti in Lindisfarnensi insula;” *S. Dunelm*, p. 190.

‡ “Ille autem inde discedens, Regem Scottorum Malcolmum adiit, et cum eo per totam ætatem mansit;” *S. Dunelm*, p. 193. 194.

1066.

If Malcolm had force sufficient to exclude so formidable a guest, his reception of Tostig was equally unjust and impolitic*. Harold King of Norway, and Tostig †, were slain at the battle of Staneford-bridge, near Yorke, [25th September.] William Duke of Normandy invaded England. Harold fell in battle at Hastings, [14th October.] William ascended the throne of England.

S. Danelus,
194.
Torfaeus Hist.
Norv. iii. 349.

1068.

Edgar Ætheling ‡ was the heir of the Saxon line; a young Prince of most contemptible understanding, and therefore secure from the jealousy of the conqueror.

Ingulphus, 68.
Aldred, Gen.
Reg. Angl.
366.

But

* Perhaps Tostig was not received by Malcolm, but only lay at anchor in some bay, with the remains of his fleet, until he was joined by the reinforcement from Norway.

† Concerning this battle, there are many curious and interesting circumstances in Torfaeus, *Hist. Norv.* L. v. part. 3. c. 17. The English historians, occupied in relating the more momentous event at Hastings, have given a very imperfect detail of the Norwegian invasion.

‡ Edmund Ironside left two infant sons, Edwin, and Edward. By order of Canute, they were conveyed out of England, in 1017; *Chr. Sax.* p. 150. At length they found an asylum in Hungary. Edwin died *there*. Edward was recalled by Edward the Confessor in 1057. He only lived to see the land of his nativity, from which he had been exiled during 40 years; *Ibid.* p. 169. The children of Edward were, Edgar Ætheling, Margaret, and Christian. It is strange that writers should differ so much as to the sense of the word *Ætheling*. The forger of the laws of Edward the Confessor, *Wilkins* L. L. Angl. Sax. p. 208. says, that it is compounded of *Adela nobilis*, and *ling* imago. That the West Saxons used *Hinderling* as a term of reproach, as implying, "omni honestate dejecta et recedens imago." He also says, "Rex Edwardus Edgarum secum retinuit, et pro suo nutrit; et quia cogitabat haerem eum facere, nominavit *Adeling*, quem nos, puta Normanni, dicimus *Domicellum*; sed nos indifferetè de pluribus dominis dicimus, quia Baronum filios vocamus *Domicellos*; Angli vero nullum nisi *natos regum*." *Spelman*, v. *Adelingus*, says, that the Anglo-Saxons used the termination *ling* for *progeny*, or for younger. Thus, the son of *Edmond* was called *Edmondling*. And thus the English still use *duckling*, *colling*, *suckling*, &c. Thus, also, the Normans were called *Nordlings*, or *children of the north*: and the Danes are still called *Easterlings*, or *children of the East*. *Papenbroch*, in *vit. S. Margaretæ*,

1068.

But the imbecility of Edgar, which disqualified him from being the leader, exposed him to the disgrace of being the property and tool of a party. Maerleswegen, Gospatric, and other Northumbrian nobles, became disgusted at the Norman government. Taking with them Edgar, his mother Agatha, and his two sisters, Margaret and Christian, they retired into Scotland, and sought the protection of Malcolm. Malcolm soon after espoused Margaret*.

Chr. Sax. 174.
S. Dunelm,
197.

The

10. *Jun.* with more probability, says, that *ling* is the mark of the adjective in the northern languages. Thus, *Nort* is *Boreas*, *Nortling* is *Borealis*, *Ost* is *Oriens*, *Ostling* is *Orientalis*; that *Ædel* is the noun, and *ling* the adjective. Hence *Edgar Ædeling* is *Edgar the noble*. There are many examples of this in modern English. Thus, from the noun *hire*, *merces*, is formed the adjective *hireling*, *mercenarius*. It is plain, from *Spelman*, that the Anglo-Saxons, as well as other nations, formerly used the word *Ædeling* to denote *men of the noble class*; although it may, by degrees, have been appropriated to the sons of the royal family. The Saxon *Ædeling* was constantly expressed by the barbarous Latin word *Clito*. Every son of the King had that appellation. Thus, *Edwi*, *Alfred*, and *Edward*, sons of *Ethelred*, have each the appellation of *Clito*. See *Sim. Dunelm.* p. 176. 179. And the sons of *Edmond Ironside* are called *Clitunculi*; *ibid.* p. 176. *ad an.* 1017. *Edward the Confessor* might give the name of *Ædeling* to the grandson of his elder brother King *Edmund*, without meaning to adopt him as his heir. It seems to have been merely an acknowledgement that he was a Prince of the blood-royal. *Lord Lyttelton* observes, vol. i. p. 187. "That *William*, "the son of *Robert Duke of Normandy*, was distinguished by the surname of *Clito*, "used in that age by the Normans, as *Atheling* was by the Saxons, to denote a Prince "of the royal blood."

* There is a confusion, hardly to be unravelled, as to the time and manner of *Edgar's* retreat into Scotland, and his sister's marriage. In *Chron. Sax.* p. 173. 174. it is said that *Edgar* went into Scotland in 1067, with *Maerleswegen*, and the other malcontents. *S. Dunelm* places this event in 1068; p. 197. According to *Chr. Melros.* at p. 158. the nuptials of *Margaret* were solemnised in 1067; but, according to the same history, at p. 160. in 1070. *Fordun*, L. v. c. 16. relates, from *Turgot*, that *Edgar*, with his mother and sisters, had embarked, in order to return to the place of his nativity, but that he was driven to Scotland by a tempest. With him *Aldred* concurs, *De Genealogia Regum Anglorum*, p. 367. *Fordun* adds, that the place where the ship anchored was called *Sinus S. Margaretae*, [now *St Margaret's Hope*]; and, c. 17.

that

1068.

S. Dunelm,
197.

The malecontent Lords had engaged the Danes to unite with them in an enterprize against England. William discerned the storm that was gathering around him; he fortified the castles of Lincoln, Northampton, and Yorke; he appointed Robert Comyn governor of Northumberland, and put a numerous body of troops under his command. The Northumbrians rose in arms, surprised Durham, and massacred Comyn, and the whole garrison, [28th Jan. 1068-9*].

The

that the nuptials were solemnised at Dunfermline. *Hoveden*, p. 226. relates the same story of the tempest; but places it in 1067. He adds, that, at that time, the marriage of Margaret and the King of Scots was agreed on, “ hac quoque occasione actum est, “ ut *Margarcta Regi Malcolmo nupta traderetur.*”

Conjecture alone can reconcile such discordant accounts. The various narratives may be thus blended: “ In the end of 1067, or, in the beginning of 1068, Maerle- “ *Iwegen*, Gospatric, and the other malecontents, conveyed Edgar to Scotland; *Chr. “ Sax.* p. 174. *S. Dunelm*, p. 197. They proposed a matrimonial alliance between “ Malcolm and the eldest sister of Edgar; *Hoveden*, p. 226. We may presume the Nor- “ thumbrian Lords, after displaying the excellencies of the lady, hinted the imbecility “ of Edgar, and the probable appearance that Margaret would one day inherit all the “ pretensions of the Saxon line; and that a Prince, young and ambitious, would ea- “ gerly grasp at the proffered alliance, and engage to second the enterprize against “ England. Then followed the insurrection of the Northumbrians in Jan. 1068-9. the “ invasion of England, and the dissolution of the confederacy in autumn 1069. *S. “ Dunelm*, p. 197.—200. In the beginning of 1070, Malcolm marched, though too late, “ to the assistance of his allies. While he wasted the east parts of Yorkshire, he found “ Edgar and his family embarked, and waiting for a fair wind to convey them into “ foreign parts; *Aldred de Genealogia Regum Anglorum*, p. 367. *Fordun*, L. v. c. 16. &c, “ He took them under his protection. They set sail, and, through tempests, arrived “ in Scotland. Malcolm, on his return, married Margaret, to whom he had been al- “ ready contracted; *S. Dunelm*. p. 201. *Fordun*, L. v. c. 17.” This narrative seems tolerably consistent; but, as it is pieced together by conjecture, I have chosen to place it in a note, while, in the text, I employ expressions more general and indefinite.

* *Ordericus Vitalis*, p. 511. says, “ Malcolmus, licet ab Anglis requisitus fuerit, et “ validam expeditionem in eorum auxilium facere paraverit; audita tamen legatione “ pacis quievit, et cum praeule Dunelmi nuncios suos ovanter remisit: Per quos Gu- “ lielmo Regi fidele obsequium juravit; sic utiliter sibi consuluit, populoque suo multum “ placuit,

1069.

The Danes, with a powerful navy, arrived [about 11th Sept.] They were joined at sea by the malecontent Lords and Edgar; Gospatric led all the powers of Northumberland to their aid. With united forces, they stormed the castle of Yorke, and put the Norman garrison to the sword [22d October.] To this hardy atchievement, an unaccountable inactivity succeeded. The Northumbrians returned to their habitations, the Danes to their ships. William employed every artifice to dissolve the union of his enemies; he won over Gospatric by offering to re-instate him in the government of Northumberland; and, by bribes, he persuaded Osbert, the Danish commander, to depart from England. Edgar, and his few remaining adherents, abandoned all hope of resistance, and dispersed themselves.*

S. Dunelm,
199.S. Dunelm,
199. 200.

1070.

It undoubtedly had been concerted, that the king of Scots should march into England, and co-operate with the invasion of the Northumbrians and Danes; but some unforeseen accident retarded his motions †: At length, when it was too late, he led a numerous army, by the

placuit, quod pacem bello praeponit. *Nam Scotica gens, licet in praelio aspera sit, otium tamen et quietem diligit: Nollet a vicinis inquietari regnis, Christianae religionis plus quam armorum intenta studiis.* Notwithstanding this panegyric, importing our forefathers to have been so intent on propagating Christianity at home, as to be averse to engage in foreign quarrels, and studious of peace and quiet, I hold Ordericus Vitalis to have been an ignorant blundering monk; his errors are so many, and so gross, that I will never quote him.

* Tytel, in his loose pragmatical manner, says, 'I could have wished our authors had told us *where* they had staid,' &c. Vol. ii. b. 1. p. 25. as if this were a circumstance of any moment, or of which historians were bound to have informed themselves! The reader will observe, that I abridge, as much as possible, my account of all English transactions, in which the Scottish nation was not particularly concerned.

† In those days it was difficult to procure intelligence. Malcolm, perhaps, was ignorant of the state of his allies in England; neither is it improbable, that he may have found unfurmoutable difficulties in assembling his army, till after harvest was completed.

1070.

S. Dunelm.
200.

the western borders, through Cumberland. He wasted Teesdale, routed the English who opposed him at Hunderdeskelde *, penetrated into Cleveland, and from thence into the eastern parts of the bishoprick of Durham, spreading universal desolation. Not even the edifices sacred to religion were spared. They who fled into churches for refuge were burnt in their imagined sanctuary.

S. Dunelm.
200.

Malcolm, from an eminence, beheld this scene of horror. He received tidings that his own territories in Cumberland were laid waste by the false Gospatric.

S. Dunelm.
201.

Enraged at a mode of war resembling his own, he ordered his soldiers to slay, without distinction of age or sex; but he seemed to mitigate this severity, by commanding all the young men and maidens to be driven captive into Scotland. 'So great was the number of captives,' says an English historian, 'that, for many years, they were to be found in every Scottish village; nay, even in every Scottish hovel †.'

Chr. Sax. 174.
Ingulphus, 79.

The barbarity of the Scots was far exceeded by the revenge and cruel policy of William the Conqueror. To punish the late revolt, and to oppose a wilderness to the invasions of the Danes, he laid entirely waste that fertile country which is situated between the Humber and the Tees ‡. Famine consumed many thousands of the inhabitants.

pleated. He seems to have penetrated by the way of Cumberland, in order to avoid the castles of Bamborough and Alnwick. His march into Cleveland affords reason for imagining, that he still expected to find his allies on the east coast.

* *Hunderdeskelde*, or *centum fontes*, from the great number of springs in the neighbourhood, commonly pronounced *Hinderskel*; it lies to the S. W. of New-Malton, near the river Darwent; *Abercrombie* calls it *Hundreds killed*, Vol. I. p. 354.

† 'Repleta est ergo Scotia servis et ancillis Anglici generis, ita ut etiam usque hodie nulla, non dico villula, sed nec domuncula, sine his valeat inveniri;' *S. Dunelm.*, 201.

‡ *Ingulphus* relates this event with all the coolness of a politician: 'Quo tempore ducens exercitum in Northumbriam, ubi Dani applicare saepius ante solebant, univ-

erliam

1070.

bitants *. The rest, either sold themselves for slaves, to procure a wretched sustenance, or sought an asylum in Scotland. *S. Dunelm,*
199.

Thither many persons of quality, of Norman as well as Anglo-Saxon origin, retired. All who perceived that they were obnoxious to the government of the Conqueror, or who imagined that their services had not received an adequate recompence, found a hospitable reception at the court of Malcolm. It is said, that the ferocity of his nature was insensibly softened by the prudence and gentle

verſam patriam abraſit, ac ferè in terram deſertam abſumens, multis milliariis inhabitantem, poſtea longo tempore reddidit; ne hoſtis veniens, et victualia inveniens, moram prolixaret, ſed, fame et inediâ fugere de patria compulſus, pro victualium penuria citius ad propria remearet; p. 79. But, when he ſpeaks of Aſford of Heliſton, who is ſaid to have defrauded the monks of Croyland, his ſtyle becomes more animated. This Aſford of Heliſton had a law-ſuit with the monks of Croyland, concerning an eſtate. The cauſe was appointed for trial at Stamford. *‘Quo die,’ ſays Ingulphus, ‘cum regis juſticiarios pro negotiis monaſterii aditurus, me fratrum meorum orationibus commendavi, verſus Stanſfordiam, confidens in Domino, equitabam; ille vero, confidens in magnitudine divitiarum ſuarum, et in theſauris pecuniæ ponens omnem ſpem ſuam, erecto collo contra Deum equitabat. Et ecce, offendens equus ſuus ad petram ſcandali in medio itinere, aſcenſorem dejecit, dejectique collum confregit, et animam gradientis contra Dominum cum ſuperbia ad inferos tranſiit;* p. 77. The ſubſtance of this ſtory is, that Ingulphus rode ſafely to court, in the fear of the Lord; but Aſford, truſting in his riches, and riding againſt the Lord, was thrown from his horſe, broke his neck, and went directly to hell.

* *‘Provinciae quondam fertilis incendio, praedâ, ſanguine, nervi ſuccis, humus perſexaginta et eo amplius milliaria omnifariam inculta, nudum omnium ſolum, uſque ad hoc etiam tempus. Urbes olim praeclaras, turres proceritate ſua in coelum minantes, agros lactos pascuis, irriguos fluviis, ſi quis modo videt peregrinus, ingemit, ſi quis ſupereſt vetus incolâ, non agnoſcit;* *W. Malmsb.* p. 103.

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gentle dispositions of Margaret*, and that she inspired him with sentiments

* As the posterity of Margaret has continued to reign over Scotland for almost seven centuries, it may not be improper to exhibit a view of her family.

Ethelred King of England, d. 1016.

2. Edward the Confessor, d. 1066.

4. Edmund Ironside, d. 1016.

Edward, d. 1057.

Margaret. Edgar Ætheling.

Thus, Margaret was the grand niece of Edward the Confessor.

The English historians unanimously assert, 'That Edward, the father of Margaret, was educated at the court of Solomon king of Hungary, and that Solomon gave his sister-in-law Agatha, the daughter of the Emperor Henry II. in marriage to him.'

But this account is inconsistent with the truth of history. Edward, the son of Edmund Ironside, returned to England in 1057; *Chr. Sax.* p. 169. At that time Solomon, born in 1051, was but six years old. He did not ascend the throne of Hungary till 1062. Five years after the death of Edward, he married Sophia, daughter of the Emperor Henry III.

It follows, that Solomon could not receive Edward at his court, and could not give his sister-in-law in marriage to him.

Besides, Agatha, the wife of Edward, could not be the daughter of the Emperor Henry II.; for Henry II. had no children. We all know his unnatural crime termed *Sanctity* by a superstitious age, and the declaration which he made to the parents of the virgin Cunegonda.

Papebroch, ad vit. S. Margaretae, 10. Jun. p. 325. has endeavoured to reconcile this genealogy with historical truth. He says, 'That Solomon is an error of transcribers, for Stephen, and that Edward may have been received at the court of Stephen I. king of Hungary, who began to reign in 1001. Stephen married Gisela, the sister of the Emperor Henry II. Henry had a brother Bruno, who rebelled against him in 1003. This Bruno may have gone into Hungary, may have married, may have had a daughter Agatha, who may have been given in marriage to Edward.' *Aldred de genealogia regum Anglorum, p. 366.* says, 'Rex Hungarorum Edwardo filiam Germani sui Henrici imperatoris in matrimonium junxit.' Papebroch, by an ingenious conjecture, instead of *Germani sui Henrici*, reads *Germani sancti Henrici*. But there is another passage

1072.

sentiments of devotion, like those which reigned in her own heart †.

William having restored peace in his own dominions *, undertook an expedition against Scotland. He invaded that kingdom by land, while his fleet seconded the operations of the army. Malcolm met him at a place called *Abernithi*, concluded a peace, gave hostages, and did homage. According to the general and most probable opinion, this homage was done by Malcolm for the lands which he held in England †.

Chr. Sax.
181.

Ingulphus, 79.
Flor. Wigorn.
637.

William,

passage in the same page of Aldred, which cannot be cured by this critical application: '1047. Imperator Edwardum cum uxore *Agatha, generi sui filia*, ad Angliam mittit.' The hypothesis of Papebrock is shortly this, and, without it, we can have no genealogy of Agatha and her daughter Margaret, 'That, instead of *Agatha the daughter of Henry II. and sister-in-law of Solomon King of Hungary*, we ought to read, *Agatha the daughter of Bruno, and niece of Gisela, the wife of Stephen King of Hungary*.'

† In *Fordun*, l. v. c. 23. 24. and in *Vit. S. Margaritae. Act. sanct. 10. Jun.* many circumstances of the private life of Malcolm and his queen are recorded on the authority of Turgot. Turgot was not merely a contemporary writer, living in the shade of a monastery; he knew the king and queen of Scotland, and was admitted into their confidence; he hesitates not to apply to the royal pair that maxim of St Paul, 1. Cor. vii. 14. "The unbelieving husband is sanctified by the wife." Malcolm, says he, respected the religion of his spouse, was fearful of offending her, and listened to her admonitions. Whatever she loved or disliked, so did he; *although he could not read*, he frequently turned over her prayer books, and kissed her favourite volumes. He had them adorned with gold and precious stones, and presented them to her in token of his devotion. She instructed him to pass the night in fervent prayer with groans and tears. 'I must acknowledge,' adds Turgot, 'that I often admired the works of the divine mercy, when I saw a king so religious, and such signs of deep compunction in a laic.' There are more circumstances in the narrative of Turgot, which may edify some readers, and excite the scorn of others.

* "Ubi solitudinem faciunt, pacem appellant." Tacitus.

† I mean not to recapitulate the arguments in support of this hypothesis. Little can be added to what our antiquaries have said on this popular subject. They wrote

1072.

S. Dunelm.
203. 205.

William, on his return from Scotland, ordered the castle of Durham to be fortified, that it might serve as a barrier against the inroads of the Scots; he deprived Gospatric of the government of Northumberland, under the pretext that he had secretly instigated the murder of

wrote at a time when some authors in England, with most preposterous policy, endeavoured to depreciate the Scottish nation, by disputing its *antient independency*. At the beginning of this century, an Englishman, who embraced that opinion, might have passed for a learned and public-spirited person; for easy is the fame of learning and public spirit amid the tumults of party-ignorance; but now his lucubrations would hardly be admitted into the worst corner of a news paper.

It may, however, be proper to explain that antient testimony of the invasion of Scotland, which is preserved in *Chr. Sax.* p. 181.

I print it in the modern character, from a conviction, that the uncouthness of the Anglo-Saxon character, deters many from examining what they would understand, if they could easily read: "Her Willelm Cyng laedde scip-fyrde, & land-fyrde to Scot-lande, and the land on tha saehealfe mid scipum ymbelaege, and his land fyrde aet tham gewaede in-laedde, & he thaer naht ne funde thaes the him the bet waere; & se Cyng Melcolm com & grithed with thone Cyng Willelm & gillas sealde, & his man was, & se Cyng ham gewende mid ealre his fyrde."

The translation, as literal as the *words* of modern English will admit, runs thus: "Here King William led ship-force and land-force to Scotland, and that land on the sea-half with ships beleaguered, and his land force at the ford [Gewaede] led in, and he there nought found that to him the better was; and the King Malcolm came and agreed with that King William, and hostages delivered and his man was, and the King home went with all his force."

"Here" i. e. "now, at that time."

"That land on the sea-half with ships beleaguered." "The conqueror marched an army into Scotland, while his fleet seconded the enterprise, and cut off all communication with the sea."

"Ford," in the original, "Gewaede." This I take to be *Geweoda*, i. e. *Vada Brevia*. *Fords*, or *shallows*. Gibson says, *Explic.* p. 29. "Gewaede mendose pro Tweade fluvio, quo Anglia a Scotia longo spatio discluditur." *Gewaede* or *Geweoda* was certainly the antient reading; for, in *Annal. Waverl.* merely a translation of the Saxon Chronicle, in this place the words are "exercitum suum apud Scotwade

"intro-

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of Comyn, the former governor. Gospatric retired into Scotland, and having ingratiated himself with Malcolm, obtained a grant of lands near the eastern marches. It was noble to forgive Gospatric, but, to trust him, imprudent. Gospatric, however, abused not this extraordinary

“introduxit;” p. 131. According to Gibson’s interpretation, both readings are of the same import; for he supposes that the passage into Scotland was *the Tweed*, and that the Conqueror crossed *there* with his army. Of this there will be occasion to speak hereafter.

“*He there nought found that the better was to him.*” Gibson translates the passage in a like sense: “*Nihil ibi reperit quod sibi commode esset.*” And *Annal. Waverl.* p. 131. “*Ibi nihil invenit, quod sibi melius esset.*” A translation so purely in the Anglo-Saxon idiom, that a Roman would not have understood it! I imagine, that the sense is, “William reaped no benefit from his Scottish expedition.” They who are better skilled in the Anglo-Saxon language than I am, will determine whether the words may not be thus paraphrased. “William found the country cleared of its inhabitants and cattle, according to the policy of the borders; so that nought but a wilderness lay before him.”

“*Malcolm came*” “*apud Abernithi,*” in *Ingulphus*, p. 79. “*in loco qui dicitur Abernithici*” in *Flor. Wigorn.* p. 637. “*Abernitici,*” in *R. de Diceto*, p. 486. “*Abrenitici*” in *Walsingham*, p. 439. Antiquaries are divided in opinion concerning the place called *Abernithi*, &c. It is highly improbable that *Abernethy*, on the south bank of the river Tay, should be *here* intended. That place lies distant from any route which so prudent a commander as William would have taken in an expedition against Scotland. He might indeed have come to *Abernethy*, had he invaded Scotland by sea, and landed in the Frith of Tay; but of that there is no appearance. The Saxon Chronicle describes the march of William as by land through a known passage into Scotland, and mentions the fleet as merely subservient to the expedition by land.

M. Westm. supposes, that, by *Abernithi* was meant *Berwick*; for he says, “*Rex Gu-
helmus cum grandi exercitu Scotiam ingressus est, et obviavit ei pacifice Malcolmus
Rex Sotorum, apud Barwicum,*” p. 227. This shews that *M. Westm.* supposed, that, in the times of William the Conqueror, the boundaries of Scotland were what they are at present. It also seems to show, that, instead of *Abernithi*, *M. Westm.* read *Aberwick*, *Aberwick*, or some similar word. See *Camden Britannia*, p. 863. If, as Gibson supposes, *tham Gewaede*, in the Saxon Chronicle, means *the Tweed*, it is not un-

likely

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nary confidence; on the contrary, amid the temptations of independence, he maintained his fidelity.

After

likely that the congress may have been held at the place now called *Berwick*, or in its neighbourhood.

Here I cannot but express my wish, that they who have the opportunity, would inspect the MSS. of Ingulphus, Florence of Worcester, &c. whereby the true reading might be ascertained. The publishers of the English historians have frequently mistaken the names of places, and, in particular, of places in Scotland. Thus, in *Chr. Melros*, there are names so disfigured as to be hardly intelligible; as *Eaglefuret*, probably for *Ecclesbret*, or *Ecclesia Bridgidae*, now *Bride-kirk*, near Annan. *Peit for Pert* or *Perth*; *Ac for Are* or *Air*.

Mr Goodall, *Introd. ad Fordun*, ingeniously conjectures, that *Abernithi* may imply a place at the confluence of the rivers *Nith* and *Solway*, or *Eden*. With this hypothesis, the etymology of the word exactly corresponds. *Aber* is in Gaelic the *Mouth*, and *Nith* is the river producing what is called in England *washes*. It must also be admitted, that no passage into Scotland can so properly receive the appellation of *Geweada*, *Vada*, or *Brevia*, as the passage by *Solway*.

There is a circumstance mentioned by *M. West*, p. 227. which, if true, would greatly strengthen this hypothesis. He says, that William 'rediens a Scotia per Cumbriam,' deprived Ralph de Meschines of the city of Carlisle, and, in lieu of it, gave him the earldom of Chester. If William returned from Scotland by Cumberland, it might be presumed, that he had come from the banks of *Solway*; but the story is fictitious. It was the son of this Ralph de Meschines, who succeeded to the earldom of Chester about 1120, and then resigned his possessions in Cumberland to Henry I.; *Leycester, Antiquities*, p. 118.

Should it still be supposed most probable, that William entered Scotland by the east marches, I think that *Abernithi* must be sought for in the neighbourhood of those marches. In his invasion of Scotland, William, like a wise general, would keep as near the sea-coast as possible. It is remarkable, that Edward I. conquered Scotland without ever departing four miles from the sea-coast: Hence it follows, that the natural place for an interview between the two kings was at the mouth of a river. The Tinē in East-Lothian might, with great propriety, be termed *Abernithi*.

That which has bewildered many writers on this subject is, the mention of *Scot-wade* in English historians. They have supposed that *Scot-wade* was *Scot-water*, or *Mare Scoticum*, now called *The Frith of Forth*: And having once made William cross

the

1072.

S. of Durham assigns this farther cause for the disgrace of Gospatric, that he had assisted the enemy at the siege of Yorke; but we may presume that William had pardoned that offence, when he won him over from the confederacy *.

S. Dunelm.
203.

1073.

After the discomfiture of the Northumbrians, Edgar Ætheling had sought refuge in Scotland, and had been entertained with honour at the

S. Dunelm.
205.

the Frith of Forth, they, with the assistance of the map, conduct him to *Abernethy* near the Tay, through forests and formidable *defiles*.

Scotwade is undoubtedly a version of the Anglo-Saxon *Gewaede* or *Geweada*, as appears from *Annal. Waverl.* already quoted. It seems equally certain, that no Anglo-Saxon would have used that word to denote the deep sea, now called *The Frith of Forth*. All the confusion has arisen from men not attending to this, 'That the two English words *Scot-wade* and *Scot-water*, though somewhat similar in sound, are totally different in sense.'

It must not be dissembled, that Aldred, who flourished in the reign of David I. supposes the following expression to have been used by Walter P'Essec, in his military harangue before the battle of the Standard: 'Isti sunt utique qui nobis quondam non resistendum sed cadendum putarunt, cum Angliae victor Willelmus Laodnam, [Laodnam] *Calatiriam*, Scotiam usque ad *Abernith* penetraret, ubi bellicosus iste Malcolmus deditione factus est noster;' *de bello standardii*, p. 340. I know not what *Calatiria* signifies, unless it be Calendar, or the district near the source of *The Teith*. If that be the district understood by Aldred, all the hypotheses which I have mentioned are equally erroneous, and *Abernethy* must be sought for in the more northern parts of Scotland.

'*That king*,' in the original, *thoue*, i. e. *yonder*, as *ille* in the Latin, and *celui là* in French. The word is still used among the natives of Scotland, who have preserved many reliques of the Anglo-Saxon language. It seems probable, from the expression, *yonder king William*, that this part of the Saxon Chronicle was composed during the reign of the *other* William, or William Rufus. *Hostages*, A. S. *gistas*. It may be considered whether this be not the same with *wisles*, i. e. *exchanges*; *wiselen*, to exchange is still used in low Dutch. The Scots used it in the reign of James V. 'quhilk reputis fare to *wissil*,' i. e. 'qui bene credit *emi*;' *G. Douglas*, p. 283. 15.

*It afforded a more specious pretext for ruining him, that he had counselled or abetted the murderers of Comyn. [*consilio et auxilio*, S. Dunelm.] William bestowed the government

of

1073.

the court of his brother-in-law. Becoming impatient under his exile, he surrendered himself to William. William received him favourably, and conferred an ample pension † on the mean-spirited prince. Such was his imbecillity of mind, that he, who had been vulgarly stiled *England's darling*, now sunk into universal contempt †.

Nothing

of Northumberland on another Northumbrian, who had been in arms against him, Waltheof, the son of Earl Siward. By this hazardous policy, he probably meant to excite and-perpetuate factions in that country. The grant made in Scotland to Gospatric is thus described: 'Donavit ei rex Dunbar, cum adjacentibus terris in Lodoneio, ut ex his, donec 'laetiora tempora redirent, se suosque procuraret;' *S. Dunbar*, p. 205. The descendants of Gospatric were termed Earls of *March*, and sometimes of *Dunbar*, from the name of their principal castle. Thus in England, the Earl of *Suffex*, from his residence at Arundel-castle, was frequently stiled Earl of *Arundel*: For a like reason, Ferrers Earl of *Derby*, was stiled Earl of *Tutbury*. The celebrated Gilbert [Strongbow] Earl of *Pembroke*, was sometimes stiled Earl of *Striguil*, because he had his chief residence at Striguil castle, near Chepstow in Monmouth-shire; *Dugdale, Introduction to baronage*. The Earls of *March* possessed the castle of Coldbrandspath as well as the castle of *Dunbar*; the possessors of those castles held the keys of the kingdom. It will be seen, in the progress of this history, that the independency, which the situation of the *March* estate suggested to the posterity of Gospatric, proved exceedingly prejudicial to Scotland. Boece gives a ridiculous account of the origin of this potent family: 'About the year 1061,' says he, 'a formidable band of robbers infested the south-east part of Scotland. One Patrick Dunbar attacked them, slew six hundred, hanged four score, and presented the head of their commander to the king. That valour might not remain in obscurity, the king created him Earl of *March*, and bestowed on him the lands of Coldbrandspath, to be held by the tenure of clearing East-Lothian and Merse of robbers, and of bearing a banner, whereon the bloody head of a robber was painted;' L. xii. fol. 256. b. Boece did not even know that the Earls of *March* gave a *white lion*. The whole is an ignorant fiction.

† *William of Malmfbury*, p. 103. says, that he had a daily allowance of a pound of silver. According to Lord Littelton's computation, in *note*, Vol. i. p. 80. 8vo edit. this was equal in yearly value to L. 5375 of our times.

† *Malmfbury* adds, That Edgar was so simple, as to relinquish his pension, on receiving a horse from the king in exchange. It is probable, that William offered to make

1079.

Nothing is known of the occurrences of the reign of Malcolm from 1072 until 1079, when he again invaded Northumberland, and wasted the country as far as the river Tyne. At that time William was engaged beyond seas in war with his son Robert. His absence from England, perhaps, encouraged Malcolm to renew hostilities. 'Princes,' according to John Major, 'observe treaties while they will *.'

S. Dunelm,
210.

Chr. Sax. 184.

Major, iii. 6.

1080.

William having been reconciled to his son Robert, entrusted him with the command of an army against Scotland. The enterprize proved unsuccessful †; and Robert made an inglorious retreat. To curb the invasions of the Scots, he erected a fortress near the river Tyne, called *Newcastle*.

S. Dunelm,
211.

1087.

William the Conqueror died [9th September.] He was succeeded by his second son William, vulgarly called *Rufus* ‡.

S. Dunelm,
214.

Rufus,

make this exchange, merely to expose the simplicity of one whom the English were wont to consider as the rival of the Norman family. We cannot imagine, that William would have reduced *him* to indigence, on whom, for political reasons, he had settled so large a pension. The index to Malmesbury supposes, that Edgar paid a pound of silver for a horse! *Edgarus libram argenti pro uno equo donat.*

* 'Reges pacem servant quando volunt;' a motto which would have better suited the coins of many sovereign princes, than those texts of scripture do, which they have affected to inscribe on them.

† 'Rex Willielmus autumnali tempore Rodbertum filium suum Scotiam contra Malcholmum misit; sed cum pervenisset ad *Egglebreth*, nullo confecto negotio reversus, Castellum Novum super flumen Tyne condidit;' *S. Dunelm*, p. 211. I think the place here termed *Egglebreth* may be still ascertained. *Eggle* is plainly *Ecclesia* or *Kirk*. Leland, *Collectanea*, Vol. i. p. 356. reads *Eggleburch*; but Chr. Meiros, *Eaglefuret*. So that the last syllable of the word is exposed to every fanciful conjecture. There is a place near Annan, called *Bride-Kirk*; in Latin, *Ecclesia Bridgidae*; this I understand to be the place here meant.

‡ It would appear like affectation to give him any other name. Yet, it is certain, that

1087.

S. Dunelm.
214.

Rufus, immediately after his accession, released a son of Malcolm, probably an hostage, and conferred the honour of knighthood on him*.

1091.

Chr. Sax. 197.

Edgar Ætheling, abandoning the court of William the Conqueror, had settled in Normandy, where Robert Earl of Normandy made a grant of lands to him; but he now resumed the grant †, and forced the unhappy Prince again to seek refuge in Scotland. Historians do not explain this part of the conduct of Earl Robert, so inconsistent with his easy generous character. It was, probably, owing to some secret preliminary of the peace then negotiating between Earl Robert and his brother William Rufus.

It appears, that William Rufus withheld from Malcolm some part of the English possessions to which Malcolm claimed right. If William was the cause of the expulsion of the brother of Margaret from Normandy, this affront would contribute to exasperate Malcolm, always intent on the invasion of England.

S. Dunelm.
216. 218.

In the month of May, the King of Scots invaded England, penetrated

that the English called him William the *Red*, and the French *le Rouge*, not *le Roux*; and that *Rufus* is merely an inaccurate translation by the historians who wrote in Latin.

* ‘Ulfum Haroldi quondam regis filium, Dunechaldumque regis Scottorum Malcholdi filium, a custode laxatos, et armis militaribus honoratos, abire permisit;’ *S. Dunelm.* p. 214. This son of Malcolm is probably *Duncan*, his natural son, whom the historian calls *Dunechald*. I suppose that he had been surrendered up as an hostage, in consequence of the treaty 1072. It is true, that Malcolm had a son by his wife Margaret, called *Ethelred*, who became abbot of Dunkeld, and might be termed *Dunechaldus* or *Dunecaldensis*; but he must have been very young at this time; and it would have been an insult, rather than an honour, to have made him a knight. I therefore conclude, that *Duncan*, the natural son of Malcolm, is here meant.

† The *Sax. Chr.* says briefly, that Edgar was deprived of his lands in Normandy, p. 297.; but *S. Dunelm.* p. 216. expresses the matter thus: ‘Rex non multo post Edgarum Clitonem honore, quem ei comes dederat, privavit, et de Normannia expul-

lit.’

1091.

trated to Chester *le Street*, between Newcastle and Durham; there having received intelligence that some troops were assembled to oppose his progress, he avoided battle, and retreated. In the month of August, William Rufus and his brother Robert, arrived in England from Normandy. William prepared a mighty armament against Scotland. His fleet was destroyed by a tempest about the end of September. Nevertheless, he marched his army to encounter Malcolm. Malcolm, hearing of his approach, 'advanced with his forces out of Scotland 'into *Lothene in England*, and there remained.' These are the words of the Saxon Chronicle, which have been, and probably will ever be, the subject of fruitless controversy*. Robert concurred with Edgar

* 'He for mid his fyrde ut of Scotlande into *Lothene on England*, and thaer abad;' *Sax. Chr.* p. 197. The words of *S. Dunelm*, p. 216. are 'Cui rex Malcolmus cum exercitu in provincia *Loidis* occurrit.' The question is, what we are to understand by *Lothene on England*, and *provincia Loidis*. Some writers think, that *Lothene on England* means what is now called *Lothian in Scotland*; others, that *provincia Loidis* means the territory of *Leeds in Yorkshire*; and that *Lothene on England* must be understood of the same place. I am not satisfied with either hypothesis. 1. There is no reason to believe, that the *Chr. Sax.* by *Lothene on England*, meant what is now called *Lothian*; the word *Lothene* occurs but twice in *Chr. Sax.* at this place, and at p. 229. where 'fe Biscop of Lothene J.' is mentioned. *J. Biscop of Lothene* could not mean *J. Bishop of Lothian*, as has been elsewhere shewn, *Remarks on the History of Scotland*, p. 81.; and if *Lothene* put simply does not mean *Lothian in Scotland*, it would be strange if *Lothene in England* did. There is the highest probability that *Chr. Sax.* understood the passage into Scotland to be at Solway or at the Tweed. This is inconsistent with the idea of *Lothian* being in England, or of its being distinguished from Scotland as a kingdom, in the days of Malcolm III. But, 2. There is no reason to believe, that, by *provincia Loidis*, *S. Dunelm* meant the territory of *Leeds* in Yorkshire. It will be remarked, that Malcolm invaded England in May 1091, that he retreated from *Chester le Street*, and that the meeting between Malcolm and William Rufus must have been as late as *October* 1091; for it happened after the destruction of William's fleet by a tempest, in the end of *September*: If then *Loidis provincia* means *Leeds*, it follows, that Malcolm must have invaded England a second time, in autumn 1091, and must have penetrated farther south than he did in his expedition in May 1091. Now, this is.

1091.

gar Ætheling in negotiating a treaty of peace between the two Monarchs. A peace was concluded through the mediation of the benevolent and well-meaning negotiators. Malcolm consented to do homage to William; William consented to restore twelve manors which Malcolm had held under the Conqueror, and to make an annual payment to him of twelve marks of gold. This payment was probably in lieu of some other lands, which the Scottish King claimed, and the English was unwilling to surrender.

S. Dunelm.
216.

Chr. Sax. 198.

At the same time, William was reconciled to Edgar Ætheling. The two kings mutually withdrew their armies, and harmony seemed to be re-established between them. Not many weeks had passed, when the Earl of Normandy withdrew from England, conducting Edgar Ætheling with him, and retired to his own territories. This precipitant retreat was ascribed to the delays which William made in fulfilling the conditions of the treaty concluded with his brother, before their arrival in England †.

Flor. Vigorn.
645.

William

is inconsistent with the general report of historians, who agree that Malcolm invaded England *five* times; 1. in 1061, 2. in 1070, 3. in 1079, 4. in May 1091, 5. in autumn 1093. Had he invaded England in autumn 1091, and proceeded into Yorkshire, the number of his invasions would have been *six*, not *five*. I have sometimes thought that there is an error either in the MSS. or printed copies of the Saxon Chronicle, and that the word should be *Lothere*, not *Lothene*: The difference between the Anglo-Saxon *n* and *r* is very minute, and might be easily mistaken; the *r* is formed by drawing the first stroke of the *n* a little below the line. If this conjecture could be admitted, the place where the two kings met may have been *Lothere*, now *Lowther*, in the north parts of Westmoreland, near the borders of that district of Cumberland which Malcolm possessed, and in the neighbourhood of *Penrith*, the place concerning which, as I imagine, the controversy then was.

† This is the sense of *Chr. Sax.* p. 198. It is more fully expressed by *Flor. Vigorn.* p. 645. ‘Rex secum ferè usque ad nativitatem Domini comitem secum retinuit; sed conventionem inter eos factam illi persolvere noluit. Quod comes graviter ferens, decimo kal. Januarii die cum Clitone Edgar Normanniam repetiit.’ I mention this, because Sir James Dalrymple, p. 160. seems to ascribe the disgust of the Earl of Normandy

1092.

William erected a castle at Carlisle. The establishment of this barrier against the Scots, although politically necessary, might be considered as incroaching on the freedom of the territories which Malcolm held in Cumberland. *Chr. Sax. 198.*

1093.

It would seem that Malcolm remonstrated against this measure, and that the English nobles were solicitous to preserve the tranquillity of the two nations. A personal interview of the Kings was proposed. For that purpose, Malcolm repaired to Gloucester * [24th August.] William required him to do homage *there*, in presence of the English Barons: *This* Malcolm absolutely refused; but he offered to do homage, as the use had been, on the frontiers, and in presence of the chief men of both kingdoms †. William was advised by some of his counsellors to detain the Scottish King; but he rejected the suggestions of cowardly policy, and dismissed him with scorn. *S. Dunelm, 218.*
W. Malmfbury, 122.

Malcolm,

mandy to William's neglect in performing the articles of the treaty with the king of Scots. It is true, that a quarrel arose between William and Malcolm; but it did not, properly speaking, relate to the articles of the treaty in 1091; nor did it happen till the following year.

* Malcolm, in his progress to Gloucester, visited Durham, and assisted at laying the foundation-stone of the cathedral, 11th August 1093; *S. Dunelm*, p. 218. He was assisted by William, bishop, and Turgot prior, of Durham. Selden has urged very plausible reasons to prove that the history, which passes under the name of *Simon Dunelmensis*, is the work of Turgot, with some additions and interpolations; *Preface to Twissden's Collection*.

† This curious circumstance is related by *S. Dunelm*, p. 218. 'Malcholmum videre, aut cum eo colloqui, prae nimia superbia et potentia, Willielmus despexit, insuper etiam illum ut secundum iudicium tantum baronum suorum in curia sua rectitudinem ei faceret, constringere voluit, sed id agere iustitia regnorum suorum cognovit, ubi reges Scottorum erant soliti rectitudinem facere regibus Anglorum, et secundum iudicium primatum utriusque regni, nullo modo Malcholmus voluit.' The last homage had been performed at *Abernithi*; this passage shews, that *Abernithi* was a place situated on the borders of the two kingdoms.

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Chr. Sax. 199.
S. Dunelm.
218.

Malcolm, exasperated at this contumelious usage, assembled a tumultuary army, burst into Northumberland, and renewed the miseries of that unhappy province. He attempted to possess himself of the castle of Alnwick: Robert de Moubray unexpectedly attacked him*: Malcolm was slain † [13th November.] His eldest son fell with him ‡. The Scottish army, astonished at this fatal event, could neither revenge the death of their Sovereign, nor defend themselves; they

* ‘Proximâ hyme, ab hominibus Roberti Comitis Hunbronensium magis fraude, quam viribus, occubuit;’ *W. Malmshury*, p. 122. Fordun relates, L. v. c. 25. That the castle of Alnwick was fore pressed, and that the garrison despaired of relief; that, in this extremity, one of the besieged came out bearing the keys of the castle on the point of his spear, and, pretending to offer them to the King, pierced him with his spear, and escaped. Fordun relates the vulgar story, that the soldier who atchieved this desperate deed, received the appellation of *Pierce eye*, [or Percy,] because he had pierced the eye of Malcolm. But Fordun honestly adds, That he did not believe it. ‘Vulgariter dictum est; sed, quia in scriptis neque authenticis, sine apocryphis, hoc reperi, eâdem facilitate contemnitur quâ approbatur.’ This story had too much of the marvellous to be omitted by Boece; L. xii. fol. 260. 1. That he might be the more accurate in his narrative, he says, that the soldier pierced the *left eye* of Malcolm. *Ordericus Vitalis*, p. 701. has ventured to assert, that Malcolm did not invade Northumberland in 1093; but that, as he was returning from the conference with William Rufus, he was set upon and assassinated by Robert de Moubray. Vitalis compares the manner of Malcolm’s death to that of Abner in the Old Testament. Yet this Vitalis has had the good fortune to be quoted as an historian of singular credit!

† By Morel of Bamborough, Moubray’s steward; *Chr. Sax.* p. 199. He is said to have been Malcolm’s *God-fib*, or *Gossip*, in French, *Compere*; that is, Malcolm and he had stood godfathers together. This created a spiritual affinity in those days, like that of brothers. Gibson translates the expression thus: *Malcolmi Regis susceptor*, which, in strictness of speech, implies ‘the godfather of Malcolm.’ He might have said, in the Latin of the lower age, ‘Una cum Malcolmo susceptor.’

‡ I have said, on the authority of the *Saxon Chronicle*, p. 199. and *S. Dunelm.* p. 218. ‘That his eldest son, Edward, fell with him,’ Fordun however, L. v. c. 25. observes, that prince Edward was mortally wounded in the retreat of the Scottish army, died 13th November, at Edwardisle in the forest of Jedwood, [al. Redwere]; and was buried at Dunfermline in the church of the Trinity, before the altar.

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they fled. Many were slaughtered by the enemy, or drowned in their flight.

Moubray deposited the body of the King of Scots at Tinnmouth.

Margaret, the wife of Malcolm, only survived to hear of the death of her husband and her eldest son. [She died 16th November.]

In reviewing the reign of Malcolm III. we may discern a character of steady persevering courage. From his early youth, to his last invasion of England, his conduct was uniform. He maintained his throne with the same spirit by which he won it. Though he was the ruler of a nation uncivilised, and destitute of foreign resources, and had such antagonists as the Conqueror and William Rufus to encounter; yet, for *twenty-seven* years, he supported this unequal contest, sometimes with success, never without honour. That he should have so well asserted the independency of Scotland, is astonishing, when the weakness of his own kingdom, and the strength and abilities of his enemies are fairly estimated. Through the exaggerations of contemporary historians, we may discover, in Malcolm, the traces of the barbarity and superstition of his times; but, if we would judge with truth and candour, we must try men by the standard of their own age*.

An incident is related concerning Malcolm which is highly descriptive of his character. Having received intelligence that one of his nobles had formed a design against his life, he sought an opportunity of meeting the traitor in a solitary place: 'Now,' said he, 'unsheathing his sword, we are alone and armed alike; you seek my life, take it †.' The penitent threw himself at the king's feet, implored forgiveness, and obtained it.

Aldred, Gen. Reg. Angl. 367.

Of

* I have read somewhere of a Frenchman, who called Caesar a pedant for writing his Commentaries in Latin.

† Aldred, *Genealog. Reg. Anglor.* p. 367. relates this story from the mouth of David I. King of Scots. *Nobili Rege David referente.* He mentions many circumstances

of

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Boece xii. 256. Of Malcolm's character, as a politician and a law-giver, much has been said by various authors. Boece affirms, that, immediately after his accession, he held a parliament at Forfar, and restored to their estates, dignities, and jurisdictions, all the nobles whose fathers had been murdered by M'Beth; that he enacted, that men should assume surnames from the lands which they possessed; and that he invented new titles of honour, as those of Earls, Barons, and Knights.

*Essay concern-
ing British
Antiquities.
Ess. 1.*

Later writers have ascribed still greater things to the foresight, deep judgment, and extensive ambition of Malcolm III. They hold, that he introduced the feudal law into Scotland.

That Malcolm assembled a convention of the chief men of his kingdom *, immediately after his accession, is very probable. It is also probable, that he restored the families of those persons, if any such there were, who had forfeited in the reign of his predecessor.

All the other political operations of Malcolm are merely conjectural; some of them are imaginary.

It

of a hunting match, and of the means which Malcolm devised in order to have a private interview with the traitor. Such circumstances may add to the credibility of the narrative, but do not interest the reader. I have, therefore, omitted them. I have also omitted a long declamatory speech which Aldred has ascribed to Malcolm, and which, I presume, he considered as a master-piece of rhetoric. This historian is the person whom Fordun styles *Baldred*. He was esteemed a saint, and called *B.* [or *Beatus*] *Aldred*. Transcribers have converted the abbreviation of his faintly character into part of his christian name. Lord Lyttelton observes, that an action, resembling that of Malcolm, is ascribed to Darius Hystaspes in *Ælian's Various history*; but he has given very probable reasons to prove that Aldred knew nothing of *Ælian*.

* The word *parliament* was not known among us in that age. *Ingulphus*, p. 103. uses the word in a singular sense: 'Concessimus serjantiam infirmariae nostrae, tunc Ulfino Barbour, qui veniens coram conventu in nostro publico parlamento juramentum praestitit, quod fidus et fidelis nobis foret, et officium suum diligenter uti hactenus custodiret. Recitavimusque tunc illi officium suum, scilicet, *radet totum conventum in ordine suo absque aliqua personarum acceptatione, nisi forte aliquis senior ultro post juniorem voluerit expeclare.*'

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It may be admitted, that, in his time, the title of *Earl* came into use*, and that a person, who had large possessions in that territory over which the sovereign had appointed him to be a judge, did transmit the office of judge, together with his possessions, to his descendents.

Further, it is probable, that some men who had been formerly called *Thanes*, did now assume the appellation of *Earls*: But it is a great error to imagine, that, 'From the time of Malcolm III. downwards, there is not a word of *Thanes* †.'

There is no reason for supposing that Malcolm III. instituted the order of *Barons*, but this, that we know little of the interior polity of Scotland,

* *Boece*, L. xii. fol. 256. a. says, that Malcolm III. created the following Earls, Fife, Monteith, Athole, Lenox, Moray, Cathenefs, Ross, and Angus. This list appears erroneous. The most zealous partisans of the *Lenox* family make no mention of an Earl of Lenox before Alwin M'Arkill in the reign of Malcolm IV. *Monteith*, *Athole*, *Moray*, *Caitbnests*, are found in the reign of David I. *Ross*, in the reign of Malcolm IV. *Angus*, in the reign of William. Nothing more is known concerning their original.

† Many proofs of this might be produced: The following may suffice. In a charter, granted by Alexander II. mention is made of 'Firmarii vel *Thayni* prapositione de Kymyly;' *Chart. Morav.* v. i. fol. 14. 'In inquisitione facta per Dominum Alexandrum; Dei gratia, Episcopum Moraviensem, super fundatione capellani super ripam de Dow, an. Domini 1369, compertum est per juratos, quod modus introducendi istam fundationem fuit quod contigit, quod iste Simon *Thanus* praedictus fuerit *Thanus* utriusque *thanagii*, scilicet, de Conwauth, et de Abkerdor, et deliquerit contra regem, ita quod rex saisinaret utrumque *thanagium*; et *Thanus*, videns quod non potuit recuperare a rege, concessit sex davatas terrae de Conwauth Comiti Buchaniae, ut possit recuperare aliud *thanagium* de Abkerdor, et quod fundaret illam capellam de quatuor marcis;' *Chart. Morav.* v. i. f. 81. The grant by Simon the *Thanè* is witnessed by A. Bp. of Murray, i. e. Andrew, Bp. from 1222, to 1242. '*Thanagium* de Scona 7mo, Rob. I.;' *Chart. Scone*, fol. 55. A grant of Urchanybeg to Donald *Thanè* of Caldor 1421; *Chart. Morav.* v. i. fol. 55. William Caldor de eodem is called *Thayn* of Caldor in 1492; *Ch. Morav.* v. i. fol. 98. I say nothing of *Reg. Maj.* L. iv. c. 36. where both *Comes* and *Thanus* occur.

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John M'Pher.
Dil. 180. &c.

Scotland, and, consequently, cannot tell what orders of men existed before the eleventh century. That the name of *Baron* cannot be much more ancient, I admit; but I see nothing to induce me to believe that the northern *Tierna* differed essentially from a *Baron*.

As to the order of *knights*, it is an imagination of Boece, in which he has had few followers, and none of authority.

That *surnames* became frequent in the days of Malcolm III. may be true; for we see them used in the reign of his sons; yet I need not produce any evidence to prove, that, long after the days of Malcolm III. many considerable land-holders assumed no surnames from their lands.

I ascribe the use of surnames to imitation. Many Normans and other foreigners acquired lands in Scotland; they distinguished themselves by the appellation of their lands, and their example was gradually followed by many of the natives*.

That Malcolm III. introduced the feudal law into Scotland, in the form of a system, is an ingenious, but visionary hypothesis.

Our writers long believed, that the introduction of the feudal law into Scotland was to be ascribed to the policy of Malcolm II. Boece averred, that *LL. Malcolmi* were *his* laws. Our historians, lawyers, and antiquaries gave implicit credit to Boece; and no wonder; for it was a story already framed, and popularly believed.

At length, it was discovered that this hypothesis could not be reconciled to the truth of history, or the laws of sound criticism; yet still the

* Boece, L. xii. fol. 256. a. says, that some assumed surnames from the proper names of the person by whom their families became distinguished; he gives the examples of *Kennedy*, *Graham*, and *Hay*. Where Boece found a *Kennedy* in Scotland during the reign of Malcolm III. I know not. He supposes *Graham* to be the descendant of him, who is said to have forced the Roman wall about the beginning of the 5th century; and he derives *Hay* from the fable of Luncarty. Montrose and Errol stand in no need of fictitious genealogies.

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the genuineness of *LL. Malcolmi* was assumed as an axiom. It appeared from record, that the matters therein contained could not respect the times of Malcolm IV. ; nothing therefore remained, but to pronounce them to be the statutes enacted in the reign of Malcolm III.

Were we to grant, that *LL. Malcolmi* are the genuine statutes of a *Malcolm* King of Scots, the argument is demonstratively conclusive; for these are the words of the very first chapter: ' King Malcolm distributed all the land of the kingdom of Scotland to his men, and retained nothing to himself in property, except the royal dignity, and the *Moot-hill* at Scone, and *there* the barons granted the *ward*, and the *relief* of the heir of each baron, for the maintenance of the king *.' It is now acknowledged on all hands, that *this* must relate to times more recent than those of Malcolm II, and more early than those of Malcolm IV.

LL. Malcolmi.
c. 1.

An attempt has been made to prove, from internal evidence, ' That the collection, entitled *LL. Malcolmi*, is an idle fiction of the *fourteenth* century, not an authentic work of the *eleventh*.' As this proposition has never been refuted, I hold that the hypothesis of the introduction of the feudal law by Malcolm III. receives no support from *LL. Malcolmi*.

Of LL. Malc.
Edin. 1769.

A minute inquiry into the rise and progress of the feudal law in Scotland is inconsistent with the nature of this work. That a fabric so vast should have been reared by Malcolm III. is most improbable.

He was a prince utterly illiterate: Of intrepid courage, but of no distinguished abilities. With respect to the internal polity of his kingdom, he appears to have been guided by Queen Margaret. Her sex, education,

* * Dominus rex Malcolmus dedit et distribuit totam terram regni Scotiæ hominibus suis: Et nihil sibi retinuit in proprietate, nisi regiam dignitatem, et Montem Placiti in villa de Scona. Et ibi omnes Barones concesserunt sibi wardam et relevium de hærede cujuscunque Baronis defuncti, ad sustentationem Domini Regis; *LL. Malcolmi*, c. 1.

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education, studies, and disposition, allow us not to ascribe the introduction of the feudal law to her counsels.

There is no reason for imagining that Malcolm III. made any considerable donation of crown-lands. As M'Beth was deserted by his partisans, before the conclusion of the war, we may presume, that the estates of his family alone accrued to the crown at the accession of Malcolm. Malcolm, therefore, was not possessed of any new sources of liberality; and that he did not lavish the antient demesnes of the crown, is evident from the many and ample grants which his son David made to the church.

I am of opinion, that the feudal law was gradually introduced into Scotland, not by the authority of any one monarch, or in the course of a single reign; but by the silent operations of the fears and prejudices of men concurring with the accidental state of the kingdom.

1. Many strangers fixed their residence in Scotland, during the reign of Malcolm III. and his sons. They acquired estates by marriage, by occupying waste lands, by purchase. As, in their *own country*, they knew that security, in the enjoyment of lands, depended on a charter or written grant, they would not believe, that, in a *foreign country*, there was any security by the mere act of possession, without writing; neither would they hesitate to hold their lands under conditions which were familiar to them.

2. Such strangers would impose conditions, the same in nature, and perhaps severer in degree, on all who held of them *. When, by any accident of purchase or gratuitous grant, those inferior possessors of land were enabled to hold of the crown, the royal charter would contain all the conditions of the former charter. The sovereign would

* It may be remarked, that the feudal services of a bond-man are the same with those of the most noble fief, but in miniature, as it were, and on a smaller scale.

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would naturally demand this, and the vassal would as naturally consent to it.

3. While the vestiges of the old custom of *Tainistry* remained, every father would wish to secure his estate to his infant son. *This* could only be done by his taking a feudal charter from the crown, and placing his infant son under its protection.

4. While the administration of justice was precarious, and every powerful man was an oppressor, small proprietors of land could not defend themselves from the violence of the great, without the aid of some protector. With that view, they resigned their lands to him, and received them back, under the condition of performing feudal services.

5. In disorderly times, it often happens, that lands are acquired with insufficient titles, obtained by fraud, or usurped by violence. A charter from the crown would have the appearance of ratifying the possession by royal authority.

6. Even he who had succeeded to his ancestors would wish to have his possession confirmed by a charter from the crown. If molested, he could plead on it; without it, he could only plead on possession, of dubious or difficult proof. Whenever men found it necessary to seek a charter, which the crown was not obliged to grant, we may be assured that conditions, favourable to the crown, would become prevalent.

7. In those days, ecclesiastics were wont to obtain written evidence of all grants in their favour. Their state, and the perpetual succession in their order, exempted them from *ward* and *relief*; yet they sought from every sovereign a *renewal* of the grants made by his predecessors. Ecclesiastics were justly esteemed to be the persons most prudent and sagacious: Their practice would be followed by the laity, conscious of their own ignorance in all matters of civil life.

These

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These I consider to have been the chief causes of the introduction of the feudal law into Scotland. Some of them would operate more speedily and forcibly than others; yet each would have a gradual influence on the minds and conduct of men. It was not in one reign, or, perhaps, in the course of one century, that they would produce their full effect. Nay more, I believe, that it would be found, on inquiry, that, in some parts of Scotland, the feudal system did not begin to prevail, till its rigor began to be mitigated in others.

I might also observe, that every new forfeiture would add strength to the feudal system, by enabling the crown to make grants of the lands forfeited, under the wonted conditions of fiefs. Thus would this important change be accomplished, not on any extensive plan of policy or ambition, but, by a natural train of consequences, helped forward from time to time by favourable accidents.

During this reign, a great change was introduced into the manners of Scotland. Malcolm had passed his youth at the English court; he married an Anglo-Saxon Princess; he afforded an asylum in his dominions to many English and Norman malecontents*. The King appeared in public with a state and retinue, unknown in more rude and simple times, and affected to give frequent and sumptuous entertainments to his nobles. The natives of Scotland, tenacious of their ancient customs, viewed with disgust the introduction of foreign manners.

* Boece, L. xii. fol. 238. a. says, that the partisans of Edgar Ætheling were outlawed by William the Conqueror, fought a retreat in Scotland, and all received grants of lands from Malcolm. Of them Boece mentions the following families: *Lindsay, Vaux, Ramsay, Lovel, Tours, Preston, Sandilands, Bisset, Soulis, Wardlaw, and Maxwell*. But I consider this list as drawn up from the imagination of Boece, without any regard to historical truth. Some of the names in it are Norman, others local. Boece also gives a list of families who came from Hungary with Queen Margaret, and settled in Scotland: As *Crichton, Forthingham, Giffard, Maul, Borthwick*; now *Crichton, Forthingham, and Borthwick*, should happen to be Hungarian names, I know not. *Giffard* was a Norman, and came over with the Conqueror; *Du Chesne*, p. 1126. Every one knows that the family of *Maul* was greatly distinguished in France before the conquest.

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ners, and secretly censured the favour shewn to the English and Norman adventurers, as proceeding from injurious partiality.

It is remarkable that Malcolm and his queen, zealous as they were for religion, made few donations to the church. They began an endowment of benedictines at Dunfermline, and granted an inconsiderable portion of land to the Culdees in Fife. No other traces of their liberality to ecclesiastics are to be discovered*.

Malcolm is reported to have abolished a brutal law of an imaginary king Evenus. This is one of the worst fables in the fabulous history of Hector Boece †.

In delineating the character of Margaret, the wife of Malcolm III. I follow the traces of Turgot her confessor ‡: ‘Far be it from my

‘hoary

* According to some authors, Malcolm III. erected the bishoprick of Morthelach, [afterwards Aberdeen.] according to *Sir James Dalrymple*, p. 135. Malcolm II. But, as we have only a supposed copy of the charter, we may be allowed to hesitate concerning its authenticity. Mr Ruddiman, *Praef. ad Anderson. Dipl.* p. 9. acknowledges, that the words in that charter, *teste meipso*, do not appear in any other charter before the reign of Richard I. of England; and for this he quotes a great authority, that of *Mabillon*, L. 2. c. 21. § 7.

† This subject seems to merit a particular dissertation; in which I propose to submit my opinion concerning it to the judgement of the learned and inquisitive reader.

‡ The Jesuit Papebroch has published a life of Margaret, drawn up by her confessor, at the request of her daughter Matildis, wife of Henry I. King of England; *Acta Sanctorum*, 10. Jun. p. 328.—335. The MS. which Papebroch used, bears, in the dedication, the name of *Theodericus servorum S. Guthberti servus*. Hence he vindicates the authenticity of the title prefixed, and ascribes the work to an unknown Theoderic, monk of Durham. He observes, ‘That, in the eleventh century, it was the practice, in dedications, to affix the initial letter of the writer’s name, instead of the name at full length.’ Hence he concludes, ‘That they who ascribe the *life of Margaret* to Turgot, may have been misled by the MSS. wherein T. was interpreted Turgot, instead of Theoderic.’ The observation is just, and might be applied to the *fourteenth*, as well as to the *eleventh* century. By the same rule, Papebroch’s MSS. may have interpreted T to be *Theoderic*, instead of *Turgot*. The writer asserts, that he was the confessor

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‘hoary head,’ says Turgot, ‘to feign or flatter. As God is my witness and my judge, I relate nothing of Margaret but what I know to be true: Many things, which I know to be true, I have omitted, because they would have appeared incredible.’

Some allowance, however, must be made for the secret bias of a panegyrist, to magnify the virtues and extenuate the imperfections of the person whom he celebrates.

From her earliest youth, Margaret studied the scriptures, as they were then studied, in the verbal sense of the Vulgate*. Her apprehension

confessor of Margaret: Papebroch *supposes*, that he was her confessor from her youth, at least from the time of her marriage; and then *proves* from S. Dunelm. that the writer could not be Turgot, who entered not into holy orders till 1084, many years after the marriage of Margaret. This circumstance would have been conclusive, had the writer of *the life* pretended to have been the confessor of Margaret from her youth, or even from the time of her marriage: Not only the honour of a MS. belonging to the Jesuits, but two other reasons, induced Papebroch to ascribe this work to an unknown Theoderic, rather than to Turgot. 1. Because Boece relates, that Turgot composed the life of Margaret in the vulgar tongue, [linguâ vernaculâ,] as if the credit of Boece could be supported! All that can be said for that historian, incredibly incorrect, is, that he *may* have seen a translation of Turgot’s panegyric, and mistaken it for the original. 2. In the work of the supposed Theoderic, there is no mention of any miracles wrought by Margaret or her bones. This is an untoward circumstance, but Papebroch flattered himself, that, in *the life of Margaret* by Turgot, which is lost, an account of her miracles would have been given. ‘Hanc ego vitam, ut posterius scriptam, eo magis optarem inveniri, quod sperem ibi reperienda aliqua etiam defunctae miracula, quae cultum promoverint, titulumque sanctitatis firmaverint;’ 10. *Jun. p. 321.* Fordun frequently quotes this *life* as the work of Turgot, though he sometimes abridges, sometimes misunderstands him.

* How her confessor understood the scriptures, may be collected from various passages of his work. He says, that, to undertake the office of biographer to Margaret, he was encouraged by this scriptural promise, ‘Aperi os tuum, et adimplebo illud.’ i. e. ‘Open thy mouth wide, and I will fill it;’ Psal. lxxxi. 10. He adds, (what I will not translate), ‘Neque enim potest deficere verbo, qui credit in verbo; in principio enim erat verbum, et Deus erat verbum.’ To give one example more: He says, that the Queen, during her

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hension was acute, her memory tenacious, and her diligence unwearyed; hence she attained to an uncommon proficiency in what was then esteemed to be knowledge. Endowed with all the graces of utterance, she was, perhaps, inclined to display her learning and her eloquence more than her royal estate required, or than became her sex. 'Often,' says Turgot, 'have I with admiration heard her discourse on subtle questions of theology, in presence of the most learned men of the kingdom.'

Of this he gives one example, too characteristical to be omitted in a work which I wish to be *a history of manners*, as well as of *events*.

For the reformation of certain erroneous practices which prevailed in the Scottish church, Margaret held frequent conferences with the clergy. The King understood the Gaelic language as well as the Saxon. He willingly performed the office of interpreter between his consort and the Scottish ecclesiastics.

'Three days did she employ the sword of the Spirit, in combating their errors. She seemed another St Helena, out of the scriptures 'convincing the Jews*.'

The right season for celebrating lent was the subject of this solemn conference. The Queen's arguments prevailed †.

Margaret

her long and frequent indispositions, improved in virtue, 'Ut, juxta apostolum, *virtus in infirmitate perficeretur.*' Turgot understood 2 Cor. xiii. 9. to mean 'Virtue is perfected by an infirm body.'

* It would seem, that the legendary story of the Empress Helena is misunderstood. She solicited her son Constantin to become a Jew. A conference was held: On the one side, Helena appeared with 120 of the most learned among the Jews; on the other, Constantin, with Pope Sylvester, and 24 bishops; the scriptures were examined, and the Jews confuted.

† The Queen observed to the Scottish ecclesiastics, that they began to keep lent on the day *after* quadragesima Sunday; whereas the holy church universally began to keep lent on the Wednesday *before*: She, therefore, exhorted them to lay aside such *novelties*,

ties,

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Margaret appears to have affected an unusual splendor about her court.* She encouraged the importation and use of vestments of various colours*. She was magnificent in her own attire, she increas-

sed, ties, and embrace the catholic faith. They made answer; 'We observe lent for six weeks, on the authority of the gospel, which records the fasting of Christ.' 'In this,' replied the queen, 'you depart from scripture. It is there written, that our Lord fasted forty days. Now, as you begin lent on the day after quadragesima Sunday, and do not fast on the Sundays during lent, it follows, that, instead of fasting during forty days, or during six weeks, you only fast during thirty-six days; if, therefore, you would imitate the example of our Lord, you must begin lent on the Wednesday before quadragesima Sunday, and then the four days of that week, added to the thirty-six days in which you already fast, will complete the precise number of forty days: If you omit this, you will act against the authority of Christ, and oppose yourselves singly to the universal tradition of the holy church.' Turgot adds, that the clergy, overcome by the arguments of reason and truth, abandoned their erroneous usage, and observed lent according to the catholic institution.

If they had known any thing concerning the matters in controversy, they might, in great humility, have informed the queen, 'That, what she was pleased to consider as a novelty, was the *antient practice* of the church, and what she held to be the *antient practice* was a novelty, introduced not two hundred years ago, without the authority, either of pope or general council: That, if there was any heresy in commencing lent on the day after quadragesima Sunday, it was a heresy held by the church of Scotland in common with the church of Milan; a church that boasts of preserving the institutions of St. Ambrose, her renowned bishop.'

They might have added, 'That, allowing her account of the origin of lent to be just, it was an institution of *devout remembrance*, not of *literal imitation*; and that there was no reason for believing that the church ever meant to measure out days and hours of abstinence to her children.'

All these circumstances, and more, might have been urged; but the clergy, conscious of their own ignorance, dutifully acquiesced in the dictates of a learned queen, as delivered by the royal interpreter.

* "Fecerat enim ut mercatores, terrâ marique de diversis regionibus venientes, rerum venalium complures et pretiosas species, quae ibidem adhuc ignotae fuerant, ad-
 vererent."

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fed the number of attendants on the person of the King, augmented the parade of his public appearances, and caused him to be served at table in gold and silver plate. 'At least,' says the honest historian, 'the dishes and vessels were gilt or silvered over *.'

There was what appears to us an air of ostentatious trifling in her charities. Every morning she prepared food for nine little children, all indigent orphans: On her bended knees she fed them. With her own hands she ministered at table to crowds of poor persons, and washed the feet of six every evening.

While the King was occupied in affairs of state, she repaired to the altar, and *there*, with *long prayers* †, sighs and tears, offered herself a willing sacrifice to the Lord. In the season of lent, besides reciting particular offices, she went through the whole psalter, twice or thrice, within the space of twenty-four hours. Before the time of public mass, she heard five or six private masses; after that service, she fed twenty-four persons; and then, and not till then, she retired to a scanty

'vehement. Inter quas, cum diversis coloribus vestes variaque vestium ornamenta indigenae, compellente [i. compellante] Reginâ, emerent; ita ejus instantiâ diversis vestium cultibus deinceps incedebant compositi, ut tali decore quodammodo crederentur esse innovati.' In their new-fashioned cloaths they seemed to become new men. See *Acta sanctorum*, Jun. 10. p. 330. That party-coloured stuff called tartan, which has been long a favourite with us, was perhaps introduced into Scotland by Margaret.

* 'Aut enim aurea et argentea aut deaurata sive deargentata fuerunt vase, quibus Regi et proceribus dapes inferebantur et potus;' *Act. sanct. ibid.*

† It is singular, that Turgot should have praised her for making long prayers, [prolixæ preces.] He might have recollected, that the Vulgate uses that very expression in an unfavourable sense.

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scanty ascetic meal. She fell a victim to her long vigils, fastings, and mortification*.

Thus have I faithfully described the shades, and marked all the blemishes in the character of this good woman †; her zeal for matters indifferent or dubious; her little vanities of shew and equipage; her *minute* obedience of some evangelical precepts; her *literal* performance of others; and her unrequired and fatal austerities.

I now undertake the more pleasing employment of recording her exemplary virtues, and distinguished usefulness.

She did not abuse that influence, which the opinion of her worth had merited, in the councils of Malcolm. To her he seems to have entrusted the care of matters respecting religion, and the internal polity of the kingdom. In both, there was much to reform.

At that period, the clergy of Scotland had ceased to celebrate the *communion of the Lord's supper*. 'We are sinners,' said they, 'and therefore, we dread to communicate unworthily.' The queen displayed to them the vanity of this superstitious or indolent excuse ‡.

She

* Turgot acknowledges, that abstinence ruined her constitution, and brought on excruciating pains in her stomach, which death alone removed: 'Propter nimium jejuniandi rigorem, acerrimum usque ad finem vitæ passa est stomachi dolorem;' *Acta Sanctorum*, Jun. 10. p. 333. She kept her chamber for six months before the death of her husband; *Ibid.* p. 334.

† Her veneration for one particular crucifix, her gift of another to Dunfermline, and of another to St. Andrew's, are neither proofs of her virtues, nor instances of imbecility of mind. I view every thing of that nature, as a mechanical acquiescence in the established opinions and modes of the age. The favourite crucifix of Margaret is celebrated in the History of Scotland, under the name of the *Blak Rude*. The cross was of gold, about the length of a palm, the figure of ebony, studded and inlaid with gold. A piece of the *true cross* was enclosed in it; *Aldred*, p. 349. apud *Twisden*.

‡ Turgot says, that, in some places of Scotland, there were who celebrated masses with strange and barbarous rites: 'Nescio quo barbarico ritu missas celebrare consueverant.'

1093.

She restored the religious observance of Sunday, an institution no less admirable in a political, than in a religious light.

It was not uncommon for a man to marry his stepmother, or the widow of his brother. I presume that this was not owing to vague lust, but to avarice; for it relieved the heir of a jointure.

We may easily perceive how necessary, and how difficult, a reformation was in *that* kingdom, where the clergy omitted the celebration of the communion; where the distinction between Sunday and work-days was disregarded; and where incestuous alliances prevailed.

In the administration of her household, she so blended severity of manners with complacency, that she was equally revered and loved by all who approached her. She entertained many ladies about her person, employed their leisure-hours in the amusements of the needle, and gave a strict attention to the decency of their conduct: 'In her presence,' says Turgot, 'nothing unseemly was ever done or uttered*.' A strange picture of that age!

On the education of her children, she bestowed the most conscientious care. She enjoined their preceptors to chastise them as often as they merited chastisement. On them she bestowed her tenderest thoughts in her dying moments.

Turgot pathetically describes his last interview with this affectionate mother. After long discourse on her spiritual state, she thus addressed him: 'Farewell; my life draws to a close, but you may survive me
' long.

'verant.' This practice was corrected by the Queen. Papebroch, resolving to be ignorant of nothing, observes, that *missae* means *nundinae*, or *fairs*; that fairs were held in churches, and that, in divers countries, many ludicrous shews were exhibited at fairs. He concludes, that *this* was the enormity which the Queen corrected; *Ibid.* p. 332. note c. All this is idle conjecture.

* The expression of Turgot is forcible: 'In praesentia ejus, non solum nihil execrandum facere, sed ne turpe quidem verbum quisquam ausus fuerat proferre.' *Ibid.* p. 329.

1093.

‘ long. To you I commit the charge of my children, teach them, above all things, to love and fear God; and, whenever you see any of them attain to the height of earthly grandeur, Oh! then, in an especial manner, be to them as a father and a guide. Admonish, and, if need be, reprove them, lest they be swelled with the pride of momentary glory, through avarice offend God, or, by reason of the prosperity of this world, become careless of eternal life. This, in the presence of *him*, who is now our only witness, I beseech you to promise and to perform.’

Her beneficence was unbounded. I speak not of her public almsgiving, however liberal and unremitting. Her private solicitude to do good exceeds every encomium.

We have seen, in the course of this history, that multitudes of unhappy English were led captive into Scotland, and dispersed over the country. The Queen employed her emissaries to examine their condition. Whenever their bondage appeared grievous, she secretly paid their ransom, and restored them to liberty, herself an exile from England!

She was humble and self-abased; she judged with more severity of herself than of others. She affectionately reproached her confessor for his want of vigilance in discovering her faults.

And, now that we have seen *the fruits* of this excellent woman in meekness, active virtue, and mercy, we are authorised to pronounce that her piety was sincere.

By a tedious and painful indisposition, endured with exemplary patience, she was brought very low. During a short interval of ease, she devoutly received the communion; soon after, her anguish of body returned with redoubled violence; she stretched herself on her couch, and calmly waited for the moment of her dissolution. Cold, and in the agonies of death, she ceased not to put up her supplications to heaven. These were some of her words: ‘ Have mercy upon me, O
‘ God:

1093.

' God; according to the multitude of thy tender mercies, blot out my
 ' iniquities; make me to hear joy and gladness, that the bones which
 ' thou hast broken may rejoice. Cast me not away from thy presence,
 ' and take not thy holy Spirit from me; restore unto me the joy of thy
 ' salvation. The sacrifices of God are a broken spirit; a broken and a
 ' contrite spirit, O God, thou wilt not despise. Do good, in thy good
 ' pleasure, unto Zion, build the walls of Jerusalem.' At that moment,
 her son Edgar, returning from the army, approached her couch.
 ' How fares it with the King and my Edward?' The youth stood si-
 lent. ' I know all,' cried she, ' I know all: By this holy cross, by
 ' your filial affection, I adjure you, tell me the truth.' He answered,
 ' Your husband and your son are both slain.' Lifting her eyes and hands
 towards heaven, she said, ' Praise and blessing be to thee, almighty
 ' God, that thou hast been pleased to make me endure so bitter anguish
 ' in the hour of my departure, thereby, as I trust, to purify me in some
 ' measure from the corruption of my sins; and thou, Lord Jesus Christ,
 ' who, through the will of the Father, hast enlivened the world by thy
 ' death, oh! deliver me.' While pronouncing, *deliver me*, she ex-
 pired *.

Malcolm

* There is a passage in Turgot which seems to entitle him to a place in the *Index
 Expurgatorius* rather than in the *Acta Sanctorum*. Others, says he, ' may admire in
 ' others the indications of sanctity which miracles afford. I much more admire in
 ' Margaret the works of mercy. Such *signs* are common to the good and the evil; but
 ' the works of true piety and charity are peculiar to the good. The one *sometimes* in-
 ' dicate *sanctity*, the other constitute the *saint*. With better reason, therefore, ought
 ' we to admire the deeds of Margaret, which made her a saint, than her miracles, *had*
 ' *she performed any*, which could only have pointed her out to mankind as a saint.'
 Papebroch artfully misrepresents the sentiment of Turgot. ' Mirabilior erat operibus
 ' quam miraculis.' ' She was more to be admired for her good works, than for her mi-
 ' racles;' *Ibid.* p. 333. In 1250, or 1251, the bones of Margaret were removed and
 placed in a more honourable place of the church of the Trinity at Dunfermline; *For-*
dun,

1093.

S. Dunelm.
201.

Malcolm III. had six sons and two daughters. Edward slain with his father near Alnwick; Ethelred, who became a churchman*, Edmund, Edgar,

dun, l. x. c. 3. Then indeed they wrought abundant miracles. Papebroch, p. 333. supposes that this *translation* was by authority of Innocent IV. for no reason, that I perceive, but this, that Papebroch knew Innocent IV. to have been pontiff at that time. I believe that Margaret was canonized by the voice of a grateful, though superstitious people, who affectionately remembered her sanctity and virtues. In 1673, Clement X. allowed an office of St Margaret to be celebrated on 10th June. In 1678, Innocent XI. allowed it to be celebrated on the 8th June. In 1693, Innocent XII. appointed the festival of St Margaret to be a festival of the church, and again transferred it to the 10th of June. This was at the request of James II. and his queen, for reasons which will occur to the reader; *Acta Sanctorum*, 10. Jun. p. 333.

* Sir James Dalrymple, p. 225. quotes, *Excerpt. Reg. Prior. St Andr.* in these words: 'Edelradus, vir venerandae memoriae, filius Malcolmi regis Scotiae, Abbas de Dunkeld, et insuper Comes de Fife, iis [Colideis] dedit terras de Ardmore.' He adds, 'And, because he was under age, Alexander and David his brothers did afterwards confirm his gift.' This is an embarrassing circumstance in our history. It is inconsistent with the received opinion, that the famous M'Duff transmitted the title of Earl of Fife to his posterity. Malcolm III. ascended the throne in 1057. He married Margaret between 1068 and 1070. It is impossible that a younger son of his could have been born before 1070. It is not to be imagined that he would be making grants, as Abbot of Dunkeld, before he was 14 years of age. Hence we may conclude, that the grant, wherein he is termed *Earl of Fife*, could not have been made before 1084. It may have been made many years later. Sir James Dalrymple says, that Ethelred 'behoved to be *Comes de Fife* before M'Duff got that dignity.' This shews that Sir James saw the difficulty; but his solution of it is attended with this obvious improbability, that, according to it, M'Duff did not obtain the dignity of *Earl of Fife* till after 1084. i. e. twenty-seven years after the accession of Malcolm III. Besides, it will be remarked, that M'Duff is held to have been *Thane* of Fife from the time of the accession of Malcolm III. If Ethelred was *Earl of Fife*, while M'Duff was *Thane*, the hypothesis, that the one title came in place of the other, is overthrown. A solution of this difficulty has been suggested to me by a learned friend. What Sir James Dalrymple quotes is not an original charter, but a recital of different grants composed in an after age. The monk who composed it may have mistaken or misrepresented the tenor of the ancient charters. It is possible that the charter had these words, in *Com. de Fife*, describing the place where the lands were

1093.

Edgar, Alexander, David, Matildis, or Maud, the wife of Henry I. King of England, Mary, the wife of Eustace Count of Boulogne.

D O N A L D B A N E

AT the death of Malcolm III. all his children were under age. Donald, the brother of Malcolm, had taken refuge in the Hebrides, when M'Beth usurped the throne. It is probable that he remained *there*, during the whole reign of his brother. His ambition was now roused with the hope of sovereign power. In those rude times, the notions of hereditary right were weak, and the claim of an infant Prince often disregarded. Donald, as being the eldest male of the royal family, asserted his pretensions to the crown. The inhabitants of the Hebrides willingly afforded their aid to a pretender who had been educated among them from his earliest youth. At that time, they

Fordeus v. 26-28.

were situated. An ignorant transcriber might convert this into *insuper Comes de Fife*. Perhaps this Etheldred has had the custody of the Earldom of Fife, during the minority of the son or grandson of M'Duff; and hence has received the title of *Earl of Fife*, as being *custos Comitatus*.

It is remarkable, that not one of the six sons of Malcolm received the name of any of the ancient kings of Scotland. All their names seem to have been chosen by Margaret. Edward bore the name of her father, Edmund of her grandfather, Etheldred of her great-grandfather, Edgar of her brother. It is probable that the name of Alexander was bestowed on the fifth son, in honour of Pope Alexander II. As David was the youngest, we may conjecture that he was born when Margaret had no hope of more children; and therefore that he received the name of the youngest son of Jesse. In the lower ages, the name of David had become fashionable, if that expression may be used. The Emperor Charlemagne affected it in his correspondence with Alcuin.

1093.

they were independent of Scotland, and only yielded a precarious subjection to the Norwegian Kings*.

J. M'Pherfon,
Diff. xvi.

With a powerful armament, collected in the western isles, Donald invaded Scotland. It is said, that Edgar Ætheling secured the children of Malcolm from the attempts of the usurper, and conveyed them to a safe place of concealment within the English territories †.

Chr. Sax. 199.

The Scots favoured the invasion of Donald. They detested the innovations introduced in the course of the last reign, and longed to return to the rude manners of their ancestors. Donald, being seated on the throne, expelled all the foreigners who had found refuge and protection at the court of Malcolm.

1094.

Duncan, a bastard of the late king ‡, had been left as an hostage in England. William Rufus invested him with the honour of knight-hood.

Chr. Sax. 199.
200.

* Our historians relate, that Donald Bane procured the aid of Magnus King of Norway, by making a surrender to him of the Hebrides and other isles, which belonged to the kingdom of Scotland; but Dr M'Pherfon has shewn that this is most improbable; *Dissertations* xv. and xvi.

† It is said, in *Fordun*, L. v. c. 26. that Donald besieged the *Castrum puellarum*, where the body of Margaret was deposited; that her servants conveyed away the body by a postern gate on the west side of the castle, and interred it at Dunfermline. It is added, that a mist miraculously concealed them from the enemy. That a mist on the Frith of Forth should be held miraculous, must appear, to the inhabitants of Lothian, a strange example of prepossession and credulity.

‡ Torfaeus has attempted to prove that Duncan was the lawful son of Malcolm III. by Ingibierge, the widow of Torfin Earl of Orkney: For this, he has no other authority than some Norwegian chronicles, which, at the same time, he acknowledges to be contradictory and inconsistent. It is true, that *S. Dunelm*, p. 214. 219. *Chr. Sax.* p. 199. and *Flor. Vigorn.* p. 642. 646. call him the son of Malcolm, without the addition of *bastard*. But the same authors speak of Edward, slain near Alnwick, as the *eldest son* of Malcolm; and *Will. Malmshury*, p. 158. expressly terms Duncan a *bastard*, [nothus.] In the confirmation-charter of the Abbey of Dunfermline, *Dabrymple*, p. 383.

David I.

1094.

hood, and retained him in his service. Duncan sought the permission of William to invade Scotland; and having sworn fealty, obtained it. Aided by a numerous band of adventurers, English and Norman, he expelled Donald Bane, and reigned in his stead. [May 1094.]

S. Dunelm,
219.
Fordun. v. 28.

D U N C A N.

David I. terms him *Duncan frater meus*. This, however, proves not his legitimacy; for, in the charter of Scone, *Dalrymple*, p. 371. granted by Alexander I. the immediate predecessor of David I. Sibilla, Queen of Scotland, is termed *filia Henrici Regis Angliae*, although she was, beyond all controversy, a bastard. The oldest original charter, concerning Scotland, that is now known, is that said to have been granted by Duncan to the Monks of Durham; *Anderson*, Diplomata. No. V. In it Duncan terms himself, '*Dunecanus filius Regis Malcolumb, constans hereditariè Rex Scotiae*.' The charter bears this clause: 'Et hoc dedi pro anima patris mei, et pro fratribus meis, et pro uxore mea, et pro infantibus meis; et quoniam volui, quod istud donum stabile esset Sancto Cuthberto, feci quod fratres mei concesserunt.' To it several crosses and names are subjoined, particularly [*crux*] *Edgari* [*crux*] *Malcolumb*. Sir James Dalrymple supposes this *Edgar* to be the son of Malcolm III. and afterwards King of Scots; yet it is singular, that he should have resided at the court of Duncan. He also supposes that *Malcolmb* was a bastard son of Malcolm III. This is merely conjectural; for no such person ever appears in history. I should be apt to suspect the authenticity of this charter, if so many antiquaries had not appealed to it as genuine. To support its authenticity, we must hold, that *Edgar* resided at the court of the usurper Duncan, and that Malcolm III. had a bastard son, named *Malcolm*, of whom no other vestige remains. The form of the seal also, and the style of the figure on it, are not free from suspicion. It is sufficiently certain, that the Monks of Cuthbert did possess the lands specified in that charter; but I cannot discover that Leland, who carefully inspected the registers of Durham, has thought the charter worthy of being mentioned.

D U N C A N.

1095.

Fordun, v. 28.
W. Malmſbury
158.

EDMUND, a ſon of Malcolm III. having covenanted with his uncle Donald Bane for a partition of the kingdom, engaged in a conſpiracy againſt Duncan. At their inſtigation, Malpedir * Earl of Mernes, aſſaſinated Duncan †. Donald Bane again aſcended the throne.

W. Malmſbury
158.

W. Malmſbury avers, that Edmund, the unworthy ſon of the pious Margaret, was condemned to perpetual imprisonment for his acceſſion to the murder of Duncan; that, during his captivity, he was touched with remorse; that, on death-bed, he acknowledged the juſtice of his puniſhment; and, in token of repentance, ordered himſelf to be buried with his chains ‡. This ſingular event, if true, might lead us to conclude, that Duncan was not an uſurper, but one who acted as regent during the minority of the children of Malcolm: For, if the profligate

* *Malpedir* is the follower of Peter, or one devoted to his ſervice. Thus, *Malcolm* is the follower of *Columba*, and *Malbride* the follower of *Bridget*.

† The Saxon Chronicle places this event in 1095. *Fordun*, L. v. c. 28. ſays, that Duncan reigned 18 months: If ſo, he was aſſaſinated in autumn 1095.

‡ ‘Solus fuit Edmundus Margaritæ filius a bono degener, qui Davenaldi patris nequitiae particeps, fraternæ non inſcius necis fuerat, pactus ſcilicet regni dimidium. Sed captus, et in perpetuis compedibus detentus, ingenuè poenituit, et, ad mortem veniens, cum ipſis vinculis ſe tumulari mandavit, profeſſus ſe *plexum merito* pro fratricidii delicto;’ *W. Malmſbury*, p. 158. Sir James Dalrymple, miſled by the ambiguity of the phraſe, *ſe plexum merito*, quotes *Malmſbury* as ſaying, ‘That Edmund was executed for his acceſſion to his brother’s ſlaughter;’ p. 165.

1095.

profligate ambitious youth was thus punished, it must have been after the accession of Edgar*.

At the restoration of Donald, the savage and inhospitable measure of expelling all foreigners was enforced. Hence we may conclude, that, throughout his reign, it was the great national object to efface civility in Scotland. *S. Danelm.*
220.

1097.

William Rufus commiserated the forlorn state of the family of Malcolm III. With his approbation and aid, Edgar Ætheling assembled a body of troops: He marched into Scotland, overcame Donald, and placed Edgar, the son of Malcolm, on the throne of his ancestors. *Chr. Sax.* 206.
S. Danelm.
223.

E D G A R.

1098.

The aged usurper was made captive, and condemned to perpetual imprisonment; by a barbarous policy, although not without example in the history of Scotland, his eyes were put out †. *Fordm.* v. 28.
34.

About

* This conjecture, if well-founded, may afford an additional argument for discrediting the charter, wherein Duncan is said to be ‘constans hereditariè Rex Scotiae.’

† Donald Bane had a son, Madach, who was Earl of Athole in the reign of David I. He married Margaret, daughter of Haco Earl of Orkney; *Torfaeus, Hist. Orkad.* L. i. c. 22. p. 100. *Torfaeus* erroneously calls him *Maddad Comes de Atjoklis*. But Sir James Dalrymple, p. 378. has judiciously corrected the error. Henry, the grandson of this Madach, died in the reign of Alexander II. without issue-male; with him the descendents in the male line of Donald, sometime King of Scotland, failed. *Ordericus Vitalis*, L. viii. p. 702. says, that Edgar, King of Scots, was killed by his uncle Donald, and that Donald was killed by Alexander I. This may serve as a specimen of the knowledge of *Ordericus Vitalis* in Scottish affairs.

1098.

S. Dunelm.
223.

About this time, Magnus King of Norway is said to have made himself master of the islands of Orkney*.

1100.

Chr. Sax. 207.
208.

William Rufus was slain in the New Forrest, [2d August.] He was succeeded by his brother Henry, surnamed *Beauclerc*. Henry married Matildis, the sister of Edgar King of Scots, [15th November.]

1102.

S. Dunelm.
230.

Mary, the other sister of Edgar, was married to Eustace Count of Boulogne.

1106.

S. Dunelm.
230.*Aldred geneal.*
reg. Angl. 367.

Edgar, King of Scots, died [8th January 1107.] According to Aldred, Abbot of Rievaulx, 'He was a sweet tempered amiable man, in all things resembling *Edward the Confessor*; mild in his administration, equitable and beneficent.' The comparison with Edward the Confessor exhibits an unfavourable idea of his kingly abilities.

Leland. Collec-
tanea, i. 387.*Fordun*, v. 34.

In honour of St Cuthbert, Edgar founded a priory of Benedictines at Coldingham in the Merse, [1098.] Fordun reports, that Edgar conquered his enemies by virtue of St Cuthbert's banner, and thus expressed his gratitude to his heavenly patron.

A L E X A N D E R I.

ALEXANDER I. succeeded his brother Edgar, [8th January 1107.]

W. Malmf.
158.

It was the policy of Henry, the English King, to cultivate amity with

* The History of Orkney and the Western islands is involved in darkness: To illustrate it would require much time and labour. In a work like mine, every thing that is not absolutely necessary for understanding the history of Scotland, must be slightly touched.

1107.

with Scotland. He bestowed his natural daughter, Sibilla, on Alexander I. Such an alliance was not held dishonourable in those days*.

Edgar had, on death-bed, bequeathed that part of Cumberland, which the Scottish Kings possessed, to his youngest brother David. Alexander at first disputed the validity of this donation; but, perceiving that David had won over the English Barons to his interest, he acquiesced in this dismemberment of the kingdom †.

*Aldred, s. bel-
to stand, 344.*

1109.

Alexander, with the approbation of his clergy and people, had chosen Turgot, a monk of Durham, to the office of Bishop of St Andrew's; but the consecration of Turgot was long delayed. The Archbishops of York pretended a right of consecrating the Bishops of St Andrew's. At this time, Thomas was Archbishop of York, *elected* but not *consecrated*. A report arose, that the Bishop of Durham, concurring with the Scottish bishops, and the Bishop of the Orkneys, proposed to consecrate Turgot, in presence of the Archbishop-elect of York; and that, for this end, he meant to ask the advice and permission of Anselm Archbishop of Canterbury. The zealous Anselm was alarmed at the report; he dispatched a letter to the Archbishop of York, informing

Eadmer, 17.

* Mr Ruddiman, *Not. ad Buchanan*. p. 119. comforts himself with the reflexion, that there was no issue of this unequal alliance: „*Neque ulli ex eo matrimonio liberi creati, qui eam, quaecunque ea est, in posteros Scotorum reges labem derivarent.*” He forgot that Ermengarde, the wife of William the Lion, and Jane the wife of James I. were descended from bastards of the royal family of England, and that their alliance with the royal family of Scotland was in consequence of that oblique descent. Mr Ruddiman's notions are altogether modern.

† This curious circumstance is mentioned by *Aldred*, in the discourse which he supposes Robert Bruce, a Norman Baron, to have addressed to David King of Scots, immediately before the battle of the standard, in 1138, *ap. Twissden*, T. i. p. 344. ‘*Tu ipse rex cum portionem regni, quam idem tibi frater moriens delegavit, à fratre Alexandro reposceres, nostro certè terrore, quicquid volueris sine sanguine impetrasti.*’ The *portio regni*, here mentioned, could be nothing else but the part of Cumberland possessed by the Scottish kings.

1109.

forming him, that consecration could not be performed by an Archbishop-elect, or by any one acting under his authority; 'and therefore,' said he, 'I will neither advise nor permit, but, on the contrary, I absolutely prohibit such consecration.' At the same time, he required the Archbishop of York to come himself and receive consecration at Canterbury.

Eadmer. 98.

The Archbishop of York affected to deny the truth of the reports concerning the intended consecration of Turgot. 'It is no difficult matter,' said he, 'to prohibit me from doing what I never intended to do *.

S. Dunelm. 207. 208.

While the two English Archbishops were engaged in various and intricate altercations, concerning canonical order, and the privileges of their respective sees, the Scottish clergy contended, that the Archbishop of York had no authority, either of right or from inveterate practice, to interfere in the consecration of a Bishop to the see of St Andrew's.

S. Dunelm. 207. 232.

An immediate decision of this controversy was evaded by a concert between the two Kings. It was agreed, that Henry should enjoin the Archbishop of York to consecrate Turgot, 'Saving the authority of either church †.' In that form Turgot received consecration, [30th July.]

1115.

S. Dunelm. 233.

Turgot met with obstacles in the discharge of his episcopal function; but of what nature, we are not informed. It is probable, that he either

* 'De electo Episcopo Sancti Andreae de Scotia, quod audistis, rumores sunt, quibus credere non oportet. Facile ergo est interdici, quod, ut fieret, non a me excogitatum;' *Eadmer. Hist. Nov. p. 98.* I purposely omit any mention of the other disputes which prevailed between the two English Archbishops, as not being necessarily connected with the history of Scotland.

† 'Salvâ utriusque ecclesiae auctoritate, ut postea ubi, et quando, et a quibus ratio exigetur, debitus finis controversiam utriusque partis dirimeret;' *S. Dunelm. p. 207.*

ALEXANDER I.

1115.

ther sought to enlarge his jurisdiction beyond the limits which Alexander prescribed, or that he entertained a natural partiality for the pretensions of his countrymen. Be this as it will, Turgot resolved to repair to Rome, and to demand the opinion of the Pope, for regulating his future conduct*. He lived not to accomplish his journey. The old man perceived himself to have lost that influence, which, in former times, he had enjoyed; while ecclesiastical affairs were directed by Queen Margaret. Vexation sunk his spirit. In a desponding mood, he asked permission to revisit his ancient cell at Durham, and there died, [31st August.]

S. Dunelm.
208.
Eadmer. 117.

1118.

Matildis, Queen of England, daughter of Malcolm III. died † [1st May.]

S. Dunelm.
238.

The nomination of a Bishop to the see of St Andrew's, after the demise of Turgot, was attended with many remarkable and interesting circumstances. Eadmer, the Bishop nominated, has given an ample account of this transaction, and has, in a great measure, authenticated it by original instruments.

Eadmer. 130.
C.

Soon

* *Ubi consilio et iudicio Domini Papae Paschalis vitam suam transigeret;* S. Dunelm. p. 207. This seems to imply, that Turgot was uncertain whether he ought to retain the pastoral staff, or retire again to his monastery.

† A lively but satirical character of Matildis is in *W. Malmfbury*, p. 264. He censures her passion for music and poetry, and her profuse liberality to the flatterers and panegyriste who crowded her court. *‘In clericos bene melodos inconsideratè prodiga, blandè quoscunque alloqui, multa largiri, plura polliceri. Inde liberalitate ipsius per orbem facta, tumatim huc adventabant scholastici, cum cantibus, tum versibus famosi, foelicemque se putabat, qui carminis novitate aures mulceret dominae: Nec in his solum expensas conferebat, sed etiam omni genere hominum, praesertim advenarum, qui, muneribus acceptis, famam ejus longè per terras venditarent.’* Even her affability to all men, and her attention to strangers, escaped not the censure of this inexorable satyrise! Wretched is the condition of Princes! if cold and reserved, they are haughty; if candid, open, and obliging, they smile with undistinguishing complacence. I have somewhere read of a country that never had but two popular Kings, and they were both vicious and debauched; they deserved not better!

1118.

Soon after the death of Turgot in 1115, Alexander I. wrote a confidential letter to Ralph Archbishop of Canterbury. 'I ask your advice and assistance,' said the King, 'for enabling me to provide a fit successor to Turgot in the see of St. Andrew's: You will remember what I once mentioned to you, that, in antient times, the Bishops of St Andrew's were wont to be consecrated only by the Pope himself, or by the Archbishop of Canterbury, till, I know not how, Lanfranc, your predecessor, in the absence of me or my predecessors, introduced a temporary relaxation of this rule, in favour of Thomas Archbishop of York *. This, however, if I am supported by your authority, I will no longer permit. Inform me privately whether you will assist me in restoring matters to their original state.'

In this letter, the King of Scots observes, 'That the Bishops of St Andrew's were wont to be consecrated only by the Pope himself, or by the Archbishop of Canterbury.' The expression is flattering and artful. Alexander meant to relieve his kingdom from the pretensions of the one Archbishop, without acknowledging the authority of the other: He therefore left the right of consecrating doubtful between the Pope and the Archbishop of Canterbury, while, at the same time, he seemed to place them both on a level.

The season, also, for this private negotiation was judiciously chosen. Thurstin had been *elected* Archbishop of York; but had not as yet been

* 'Quousque Dominus Lanfrancus Archiepiscopus, nescimus quo pacto, *absentibus nobis aut nostris*, Thomae Eboraci Archiepiscopo illud ad tempus relaxaverat.' I have rendered the words according to their most obvious meaning: There is, however, something very embarrassed and obscure in the passage; nor can it be well reconciled with the truth of history. Lanfranc was Archbishop of Canterbury from 1070 to 1089: It cannot be said, that Malcolm III. was either absent or inattentive to the affairs of his kingdom during any part of that space. Perhaps the transcriber has written *absentibus* for *assentibus* [permitting, or suffering.] If this emendation is not admitted, we must suppose that Alexander wrote *Lanfranc* for *Anselm*. Anselm became Archbishop in 1093: The innovation spoken of may have taken place during the usurpation of Donald or Duncan.

1118.

been consecrated. A precipitant consecration of the Bishop of St Andrew's might have been performed without opposition.

The Archbishop of Canterbury appears to have been too much engaged in other disputes with the see of York, and the crown, to listen to the proposal of Alexander. Alexander, on his part, allowed the see of St Andrew's to remain vacant for many years; and, if we may credit Eadmer, was not very solicitous in preventing the dilapidation of the Episcopal revenues.

1120.

At length, Alexander dispatched a special messenger to the Archbishop of Canterbury, with a letter, in which he severely censured himself for having so long permitted the flock to wander without a shepherd, and requested the Archbishop to set at liberty Eadmer the monk, that he might be placed in the Episcopal throne of St Andrew's*.

'It was certain,' says Eadmer, 'that no solicitations had been used, directly or indirectly, in my favour; the Archbishop, therefore, considered the request of the King of Scots as a suggestion from heaven, and would not oppose it, lest he should seem to resist the ordinance of God †.' He consented that Eadmer should have liberty to accept the bishoprick. With that view, he asked and obtained the approbation of the English King ‡.

That

* Such is the substance of a long letter, drawn up with the pedantic circumlocution of barbarous Latin: The style, esteemed in those days to be the perfection of elegance, was nothing more than a feeble imitation of that miserable writer Cassiodorus. Alexander says, 'Quocirca vestrae pietatis depono clementiam, ut quandam personam, Eadmerum scilicet monachum, si vobis idonea visa fuerit, ut pontificali inthronizetur dignitate, mihi liberam concedatis.' The turn of the expression ought to be remarked; for a curious dispute arose afterwards as to its import.

† 'Miratus ex his Pater Radulphus, et ratus hoc verbum à Deo egressum, noluit regiae petitioni assensum non præbere, ne videretur Dei ordinationi resistere;' Eadmer. hist. Novor. p. 130.

‡ The style of the approbation granted by the King of England is singular. 'Henricus Rex Anglorum, Radulpho Archiepiscopo Cantuariæ, salutem. Volo et concedo, ut Monachum illum, unde Rex Scotiae te requisivit, liberum ei concedas ad consuetudinem terræ suæ in Episcopatu Sancti Andreae;' Eadmer. p. 131.

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That Eadmer did not solicit this preferment may be true; yet was there not any thing preternatural in Alexander's requisition. Alexander meant to oppose the pretensions of the Archbishop of York; he therefore sought a Bishop from the province of Canterbury. He knew that Eadmer, who had been the favourite of Anselm, would have no partiality for York, and he hoped to win him over to the cause of the Scottish church, by the allurements of ambition and independency.

The Archbishop of Canterbury, in a letter to Alexander, bestowed the most hyperbolic encomiums on Eadmer. He added, 'I send you the person, whom you require, *altogether free*, that he may be informed from your own mouth, whether your petition has for its object the glory of God, and of the holy metropolitan church of Canterbury. Conduct this affair cautiously, and with judgment; for many there are who seek to oppose obstacles to the consecration of Eadmer. To prevent the inconveniencies which I foresee and dread, I would counsel you immediately to send him back to be consecrated by me.'

Eadmer, on his arrival in Scotland, received the bishoprick of St Andrew's [29th June]. The election was made by the clergy and people of the country, with the permission of the King*. On this occasion, Eadmer neither received *the pastoral staff*, nor *the ring*, from the hands of the King, nor did he perform homage.

Next day, Alexander held a secret conference with Eadmer, respecting the mode of his consecration. The King expressed his aversion
at

* 'Eligente eum clero et populo terrae, et concedente Rege.' I have rendered the words ambiguously, because I am not sure of their true import. *Clerus* may mean the clergy in general, or the clergy of the diocese of St Andrew's. *Populus terrae* may mean the nobility, the body of the people of Scotland, or the men of the diocese of St Andrew's. There is still another sense of the phrase, which seems not improbable, i. e. That he was chosen by the voice of all the clergy and laics there present, and with the approbation of the King.

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at Eadmer's being consecrated by the Archbishop of York *. Eadmer told him, that the church of Canterbury had, by antient right, a pre-eminence over all Britain, and that he humbly proposed to receive consecration from that metropolitan see. Alexander started from his seat with much emotion, and broke off the conference †. He commanded the person who had presided in the bishoprick, since the demise of Turgot, to resume his functions ‡.

After a month had elapsed, the King, at the request of his nobility, sent for Eadmer, and with difficulty obtained his consent to a compromise. By it, Eadmer was to receive the ring from Alexander, to take the pastoral staff off the altar, as if *receiving it of the Lord*, and then to assume the charge of his diocese. While the King went with his army to quell some insurrection §, Eadmer was received into the see of St Andrew's by the Queen, clergy, and people.

Thurstin, Bishop of York, was at this time in Normandy with the English King. At his solicitation, Henry wrote a letter to the Archbishop of Canterbury, prohibiting him from consecrating Eadmer, and three letters to Alexander, requiring him, in a high tone, not to permit the consecration. 'Hence,' says Eadmer, 'my hands were weak-
'ened

* 'Modis omnibus eum a Pontifice Eboracensi consecrari exhorrent;' *Eadmer*. p. 132.

† 'Conturbatus animo surgens, discessit ab eo. Notebat enim ecclesiam Cantuariensem anteferri ecclesie Sancti Andreae de Scotia;' *Eadmer*. p. 132.

‡ *Eadmer*, *ib.* says that his name was William, a Monk of St Edmundsbury: That, having formerly impaired the revenues of the see, he now wasted them altogether: 'His quo supererant terris Episcopatus funditus evacuatis.'

§ 'Quod super inimicos suos exercitum ducere disponebat;' *Eadmer*. *ib.* This is the only authentic notice we have of an insurrection, which appears to have been formidable. What is said concerning the ring is collected from the sequel of Eadmer's narrative. He seems to have been at a loss to account for this circumstance of condescension on his part, and to have endeavoured, if possible, to divert the attention of the reader from it.

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‘ened in the exercise of episcopal discipline, and they who preferred
 ‘their pleasures to the obedience of the divine law *, began to hold
 ‘me in derision. Alexander himself, dreading the resentment of
 ‘England, withdrew his countenance from me, and by degrees en-
 ‘croached on my privileges : Perceiving this, and being thoroughly
 ‘sensible, that I could do small service to religion in Scotland, while
 ‘the King’s inclinations were adverse, I resolved to repair to Canter-
 ‘bury for advice.’

When Alexander heard of Eadmer’s resolution, he said, ‘ I recei-
 ‘ved you altogether free from Canterbury ; while I live, I will not
 ‘permit the Bishop of St Andrew’s to be subjected to that see.’
 ‘For your whole kingdom,’ answered Eadmer, ‘ I would not renounce
 ‘the dignity of a monk of Canterbury’. ‘ Then,’ replied the King
 passionately, ‘ I have done nothing in seeking a Bishop out of Canter-
 ‘bury.’ And thus, through heat of temper, disclosed the whole secret
 of his intentions.

Eadmer complains, that, after this interview, the King became rigo-
 rous and unjust, and would never afford him a patient hearing : This
 induced him to request permission to visit Canterbury for the counsel
 and blessing of the Archbishop †. Alexander contended, that the
 church

* The words of Eadmer are remarkable : ‘ Quae res multorum animos vulneravit, et
 ‘ in diversa diffraxit, et electum, ne *Christianitati corrigendae jure pontificali insenderet,*
 ‘ non parum debilitavit. Unde hi, quibus cordi erat suis voluptatibus magis quam
 ‘ Dei jussionibus obtemperare, roborati sunt; et quoniam suorum morum correctionem
 ‘ formidabant, jam securi irridebant.’ We may conjecture that Eadmer’s intention of
reforming christianity by the pontifical law respected the favourite monastic doctrine of
 the coelibacy of the clergy.

† ‘ Rogo ut tuo favore profectus, Cantuariam ire me sinas, quatenus consilium, quod
 ‘ mihi sit agendum, inde requiram, et *benedictionem pontificalem,* ad honorem Dei et ex-
 ‘ altationem regni Scotorum, *inde suscipiam;*’ Eadmer. p. 133. He probably meant
consecration, although he chose to employ the less-exceptionable phrase of *the bishop’s*
blessing.

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church of Scotland owed no subjection to Canterbury, and that Eadmer himself had been freed from all subjection to it; he therefore peremptorily denied the request. Eadmer replied, that one of the causes for sending him to Scotland was, 'the honour of the metropolitan see of Canterbury;' and that the Archbishop could never have intended to impair the antient privileges of that see by the ministry of one of her own sons. This answer only served the more to exasperate the King.

Eadmer had a friend in England, one Nicolas *, who wrote him a long letter of advice for his conduct at this critical season. He said, that nothing would be so conducive to soften the barbarity of the Scots, promote sound doctrine, and establish ecclesiastical discipline, as a *plentiful and hospitable board* †. That it was no wonder that the savage nature of a people should become tractable and courteous by means of such kind offices; for even brute animals, when fed and caressed by us, are tamed, and taught to prefer human society to that of their own species. He, therefore, admonished him to be hospitable and generous in bestowing, even beyond his abilities.

Anglia Sacra
ii. 234.

As to the pretensions of the see of York, Nicolas treated them with great contempt. He observed that Scotland had frequently furnished bishops to York; but that York had never furnished bishops to Scotland, before

* Wharton, *Anglia Sacra*, T. ii. praef. xiii. conjectures, that this Nicolas was Prior of Worcester, and bred at Canterbury under Lanfranc. If so, he has not followed the sentiments of his preceptor. I rather conjecture him to have been an ecclesiastical agent, whose business it was to solicit causes at the court of Rome; he seems to have been a bold lively man, decisive in his judgements, but incorrect.

† 'Quam nullo ingenio citius tuis moribus, quam largitate dapfilitatis conciliare potes;' *Anglia Sacra*, T. ii. p. 234. Nicolas here describes a Scottish priest to be, *animal naturâ ferum, largitate dapfilitatis mansuefaciendum.*

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before the days of Turgot ; that the bishop of St Andrew's is *the chief bishop of the Scots* [summus pontifex Scotorum] ; that he who is *chief*, must be *above* other bishops ; and therefore is, in effect, an Archbishop himself. That, if the Archbishop of York had any pre-eminence over the chief bishop of the Scots, he would, of consequence, be not only metropolitan, but also *Primate of another kingdom* ; yet we no where read of such pretensions * : ‘ It is no concern of yours,’ adds Nicolas, ‘ to find a sufficient number of suffragans for the Archbishop of York ; let him find them himself wherever he can : If he cannot find enough to satisfy him, he may blame the negligence of his predecessors, or rather their rapacity, which has devoured four or five suffragan bishopricks.’ Nicolas concluded with advising Eadmer, at once, to terminate the controversy between York and Canterbury, and the disputes of the two kings, by obtaining consecration from the Pope, under the favour of the Scottish monarch. He exhorted him boldly to execute the business of his church and nation, and never to permit the diminution of their freedom and dignity, while *he* was their bishop. Nicolas offered in person to assert their cause at the Papal tribunal, and requested that his offer might be made known to the King of Scots. The last words of his letter are singular : ‘ I entreat you to let me have as many of the fairest pearls as you can procure. In particular, I desire four of the largest fort. If you cannot procure them otherwise, ask them in a present from the King, who, I know, has a most abundant store †.’

Eadmer

* ‘ Jam non tantum metropolitanus, immo *primas esset alterius etiam regni*, quod nunquam legitur ;’ *Anglia Sacra*, T. ii. p. 235.

† ‘ Praeterea rogo et valde obsecro, ut margaritas candidas, quantum poteris, mihi adquiras. Uniones etiam quascunque grossissimas adquirere potes, saltem quatuor mihi adquiri, per te magnopere postulo. Si aliter non vales, saltem a rege, qui in hac re omnium hominum ditissimus est, pro munere expete ;’ *Anglia Sacra*, T. ii. p. 236.

I make no apology for giving so full an account of this curious and characteristic letter.

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Eadmer also demanded the advice of John Bishop of Glasgow, and of two Monks of Canterbury. Having sounded the inclinations of Alexander, they thus made answer to Eadmer: ‘ If, as a son of peace, you desire peace, you must seek it elsewhere than in Scotland. As long as Alexander reigns, it will be vain for you to expect any friendly intercourse with him, or quiet under his government. We are thoroughly acquainted with his dispositions; it is his will to be every thing himself in his own kingdom. He is incensed against you, although he knows no reason for his resentment; and he will never be perfectly reconciled to you, although he should see reason for a reconciliation. You must, therefore, either abandon this country, or, by accommodating yourself to its usages, dishonour your character and hazard your salvation. Should you chuse to depart from among us, you will be constrained to restore the ring, which you received from the hands of the King, and the pastoral staff, which you took from off the altar. Without complying with these conditions, you will not be permitted to depart, unless you could *make to yourself wings and fly away.*’

Eadmer said, that he was willing to restore the ring to Alexander, as Alexander, being a laic, could not bestow what was represented by the delivery of it*: That, as he himself had taken the pastoral staff from off the altar, he would replace it *there*, and leave it to be bestowed by Christ: That, since force had been used against him, he would relinquish the bishoprick, under the condition of not reclaiming it during the reign of Alexander, unless by the advice of the Pope, the Convent of Canterbury, and the King of England.

In

* The general opinion is, that the ring was a symbol of the marriage of the Bishop and his church. Eadmer probably meant to infer that Alexander, being a laic, could not perform the ceremony of spiritual marriage; and, as he bestowed nothing by the ring, he could obtain nothing by receiving it back. If the one ceremony did not constitute the marriage, the other could not create a divorce. Eadmer, according to his own principles, ought not to have accepted of the ring at first from the hands of a laic.

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In this manner, Eadmer was suffered quietly to depart from Scotland, and to return to Canterbury, whose pretensions he had supported with inflexible zeal.

Alexander gave a very different account of this transaction. He informed the Archbishop of Canterbury, that Eadmer would not accommodate himself to the usages of the country, and the manners of its inhabitants, as the exigencies of the times required: That, in the presence of sundry bishops, Earls, and good men of the nation, Eadmer had demanded to be disengaged from his obligations to the Scottish crown, and to be allowed to retire; and that he had positively declared, *that force alone could detain him in Scotland.* Alexander added, that he himself had offered instantly to make reparation, if it should be proved that he had injured Eadmer, either in words or by actions, or had neglected to perform any thing, which, in reason, he ought to have performed to him; but that Eadmer openly disavowed every charge of that nature: That the King, and all present, had tendered their dutiful obedience to Eadmer in all things just, and had requested him earnestly to remain at any rate in Scotland, until he should receive the counsel of the English King and the Archbishop of Canterbury; that Eadmer, nevertheless, persisted in his resolutions, and declared that he knew himself to be unfit for the office of bishop of St Andrew's; that he could not be useful *there*; nor could he remain in Scotland, without endangering his own soul and the souls of others. Alexander concluded with observing, that he was advised by his counsellors not to detain Eadmer by force; and, therefore, had dismissed him in peace.

‘Whether,’ says Eadmer, ‘this narrative be true, or sophistical, or false, *he* knows, who is acquainted with the devices and deceits of every man, and who will render unto every man according to his works.’

Some of Eadmer's familiars laboured afterwards to persuade him, that, as he had been canonically *elect*ed, although not *consecrated*, he could

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could not quit his bishoprick without transgressing the laws of the church; and that, in some sense, a stronger right was conferred by *election*, than even by *consecration* itself.

Convinced, or wishing to be convinced by such arguments, Eadmer wrote a long and studied epistle to the King of Scots, setting forth his pretensions to the bishoprick: 'I acknowledge,' said he, 'that I resigned the bishoprick; but permit me to observe, that I resigned what I could no longer hold.' He added these memorable words: 'I mean not, in any particular, to derogate from the freedom and independency of the kingdom of Scotland. Should you continue in your former sentiments, I will desist from my opposition; for, with respect to the King of England, the Archbishop of Canterbury, and the sacerdotal benediction, I had notions, which, as I have since learned, were erroneous. They will not separate me from the service of God and your favour. In those things, I will act according to your inclinations, if you only permit me to enjoy the other rights belonging to the see of St Andrew's *.'

In a more lofty style, the Archbishop of Canterbury addressed Alexander †. He demanded the recal of Eadmer, as being the bishop canonically

* 'Ne tamen putetis me in aliquo velle quicquam derogare libertati vel dignitati regni Scotorum, securum vos esse volo; quia, quod a me petiistis, et ego tunc quidem acquiescere nolui, aestimans aliud quam, secundum quod postmodum didici, aestimare debebam, de rege scilicet Anglorum, de pontifice Cantuariorum, et de benedictione sacerdotali, si hucusque persistitis in sententia vestra, me amplius contradictorem non habebitis, nec illa me a servitio Dei et amore vestro, quin quod volueritis faciam, ullo modo divellent: Tantummodo alia quae pontificis Sancti Andreae juri competunt, mihi licet, cum vestra bona voluntate, administrare;' *Eadmer*, p. 140.

† Ralph Archbishop of Canterbury died in 1122. It is said, that a palsy, with which he was seized three years before, had rendered him unfit for business; *Anglia Sacra*, T. I. p. 7. If this was the case, the correspondence with Alexander must be ascribed to the Monks of Canterbury, not to the Archbishop.

1120.

canonically elected, and he assured the King, that, while Eadmer lived, the church of St Andrew's could have no other bishop; for, 'When the spouse of God despises her lawful husband, she becomes an adul-tress.'

But the submissions of Eadmer, and the peremptory requisition of the Archbishop of Canterbury, were in vain. Alexander remained inexorable.

1121.

S. Dunelm.
243.
Anglia Sacra,
i. 708. To repress the inroads of the Scottish borderers, Ralph Flambard, Bishop of Durham, founded the castle of Norham, on the south bank of Tweed, a work truly public-spirited, and executed with views of permanent utility: It does honour to the founder, in his own age the most unpopular of ministers*.

1122.

S. Dunelm.
245.
Fordun, vi. pr. Sibilla, the wife of Alexander I. died suddenly †, [at Loch-Tay, 12th June].

We have seen, that, in the opinion of the Bishop of Glasgow, Eadmer, 'by accommodating himself to the usages of Scotland, would have dishonoured his character and hazarded his salvation.' Yet, when
S. Dunelm,
245. Thurstin,

* In *Anglia Sacra*, T. i. p. 708. there is a well drawn picture of Ralph Flambard, by a monk of Durham. Among other particulars, equally characteristic, he observes, 'Eum vastiori semper clamore, vultuque minaci, magis simulare indignationem quam exhibere; ad haec facunda ei verborum inventio, quae seriis admiscens jocularia, dubios veri et falsi suspendit auditores. Impulsu quodam impatiente otii de opere transibat ad opus.' He built great part of the cathedral of Durham.

† Her character is represented in an unfavourable light by *W. Malmshury*, p. 158. 'Alexandrum Henricus affinitate detinuit, datâ ei in conjugem filiâ nothâ, de qua ille viva nec sobolem, quod sciam, tulit, nec ante se mortuam multum suspiravit; defuerat enim foeminae, ut fertur, quod desideraretur vel in morum modestia vel in corporis elegantia.' This may imply, 'That Sibilla was lewd and ugly.' If the historian meant, 'That she was either lewd or ugly,' the expression is indecent and absurd.

1122.

Thurstin, Archbishop of York, required canonical obedience from this man, he boldly refused it. On his refusal, Thurstin suspended him from the episcopal office; the Bishop appealed to Rome, and repaired thither in person. The result of this appeal is not certainly known; one historian says, 'That the Bishop was enjoined to return to his see; hence it might be concluded, that the sentence of suspension was removed *.

S. Dunelm.
245.

S. Dunelm.
248.

1123.

About January 1123-4 Alexander procured one Robert, an English monk, and Prior of Scone, to be elected Bishop of St Andrew's. The Archbishop of York renewed the pretensions of his see; but the Scots asserted, that St Andrew's depended not on York, either of right or by long usage †.

S. Dunelm.
245.

1124.

ALEXANDER I. died [27th April.] He was succeeded by his brother DAVID.

S. Dunelm.
245.

Aldred says of Alexander, 'That he was humble and courteous to the clergy; but, to the rest of his subjects, terrible beyond measure; high-spirited, always endeavouring to compass things beyond his power;

Alld. Gen. reg. Angl. 368.

* *S. Dunelm* says, p. 245. That the Bishop of Glasgow, perceiving his cause to be protracted at Rome, undertook a pilgrimage to Jerusalem, and resided there with the Patriarch for some months; and, p. 248. That the Pope recalled him from Jerusalem, and enjoined him to return to his bishopric. 'Episcopus Glasguensis ab apostolico re-vocatus ab Hierosolymis Romam, præcipitur redire ad suum episcopatum.' It will be seen in the sequel, that this bishop disliked his diocese. The Chronicle of Melrose, p. 164. relates this with too much brevity: 'Episcopus Glasguensis Romam et Hierosolymam proficiscitur,—compellitur redire ad episcopatum.'

† *S. Dunelm*, p. 251. is partial in this national controversy, 'Scotti è contra dicebant *multa garrulitate, hoc nullà deberi fieri auctoritate vel consuetudine.*' Nevertheless, this foolish prating of the Scots, as Simeon terms it, in the issue, confirmed the independence of their church.

1124.

‘ power; not ignorant of letters *; zealous in establishing churches,
 ‘ collecting relicks, and providing vestments and books for the clergy;
 ‘ liberal even to profusion, and taking delight in the offices of charity
 ‘ to the poor.’

Major. iii. 10.
Boece. xii. 262.

He appears, indeed, to have been of a fiery and headstrong disposition. Some of our historians ascribe feats of romantic valour to this Prince, in order to account for the appellation of *The Fierce*, by which he is traditionally distinguished. But, from the character which the Bishop of Glasgow gave of him to Eadmer, and from that which Aldred has transmitted to posterity, we learn why he received the appellation of *The Fierce*. By his passionate and imperious demeanour, he was terrible to his people. His education inclined him to favour the ecclesiastical order, and, at the same time, inspired him with sentiments of beneficence to the poor. We cannot admit that he endeavoured to compass things beyond his power; for we do not know that he was ever foiled in any of his undertakings; and we do know that he withstood the pretensions of the Archbishops of York and Canterbury †, and, with undaunted spirit, maintained the independency of the national church. The same spirit would have incited him to maintain the independency of his kingdom, had England ever attempted to call it in question, during his reign.

Fordun. v. 36.
 37.

His donations to the church were ample. He made a large grant of lands to the church of St Andrew's: He increased the revenues of the

* So I translate *litteratus*, which may either signify that ‘ the King could read,’ or that ‘ he was learned.’

† *Boece*, L. xii. f. 262. a. has surpassed himself in the relation of the King's valour, when ‘ He slew a traitor of his own household, and six robbers who assaulted him while ‘ alone and in bed.’ Fordun knew nothing of this attempt against the life of Alexander; his continuator, indeed, mentions a conspiracy by some ruffians of Mearns and Moray, two countries oddly associated, and says, that the King escaped through a jakes, [per latrinam.] Boece, not thinking this decent, has made the conspirators enter by that passage.

1124.

the monastery at Dunfermline, which his parents had founded: He brought a colony of canons regular, from England *, and established them at Scone, [1124.] To the same canons, he gave Loch-Tay, where his Queen Sibilla died. He built a monastery on an island in the Frith of Forth, and dedicated it to Columba †, [1123.]

Dalrymp. 371.
Fordan. v. 37.

D A V I D.

D AVID, the youngest son of Malcolm III. passed his youth in England, at the court of his sister Matilda. 'By his early converse with our countrymen,' says Malmesbury, 'his manners were polished from the rust of Scottish barbarity.'

W. Malmesbury
158.

Before his accession to the throne, he married Matilda, the daughter of Waltheof Earl of Northumberland, and widow of Simon de St Liz, Earl of Northampton.

1125.

John of Crema, a cardinal-priest, under the title *Sancti Chrysogoni*, legate from Pope Honorius II. held a council at Rokesburgh †. The

S. Dunelm.
Wilkins, Con-
cil. i. 407.

* They were monks of St Oswald at Nafflay, near Pontefract, in Yorkshire; *Dalrymple*, p. 372. *Monasticon*, T. ii. p. 36.

† Alexander was in imminent hazard of perishing by a tempest near the little island of Inchcolm. He reached that island with much difficulty, and was detained there for three days, until the tempest ceased. A hermit entertained him hospitably out of his scanty stores. The King ascribed his deliverance to the intercession of Columba, patron of the island, and testified his gratitude by erecting a monastery in it, known by the name of *St Colm*.

‡ The bull of Honorius, addressed to so devout a Prince as David, is worthy of observation. 'Nobilitati tue rogando mandamus, ut dilectum filium nostrum Johannem Cardinalem, cui vices nostras in partibus illis commisimus, reverenter suscipias et honores.'

1125.

Pope proposed, that the question concerning the pretensions of the see of York and the liberties of the Scottish church should be examined in this council; but he reserved its final determination to himself: His caution proved superfluous; for the council came to no resolution.

1127.

W. Malmfbury,
175. Henry King of England endeavoured to secure the crown to his daughter Matilda, in defect of his own issue-male. The clergy, David King of Scots, *Stephen* Earl of Mortaigne and Boulogne, and every person of note, swore to maintain this settlement of succession*.

1128.

Anglia Sacra,
ii. 237. *Fl.*
Vigorn. con-
tin. 663. The consecration of Robert Bishop of St Andrew's had been long delayed. It was now performed by Thurstin Archbishop of York. The Scottish nation would not permit any profession of obedience to be made to the see of York. The Archbishop performed the consecration without receiving that profession: *This* he declared he did 'for the love of God and of King David;' reserving always the claim of the see of York and the right of the see of St Andrew's †.

1130.

Anglia Sacra,
i. 160. *Chr.*
Melros, 165. Our ancient historians relate, that, in this year, 'Angus Earl of Moray

'nores. *Episcopos etiam terrae tuae, cum ab eo vocati fuerint ad concilium suum, facies convenire;* *Wilkins, Concil. vol. i. p. 407.*

* 'Quicumque in eodem concilio alicujus videbatur esse momenti; *W. Malmfbury,* p. 175. This is a curious fact; but, as it relates to the history of England, I must not enlarge on it.

† The instrument drawn up on this occasion by the Archbishop of York is singular; it is published by Wharton, *Anglia Sacra*, T. ii. p. 237. 'Thurstinus Archiepiscopus, Dei gratiâ, Eboracensis, notum sit omnibus, tam praesentibus quam futuris, *absolūtè me consecrâsse, sine professione et obedientia, pro Dei amore et Regis Scotiae venerabilis David, Robertum S. Andreae Episcopum, salvâ querelâ Eboracensis Ecclesiae et justitâ Ecclesiae S. Andreae; et si Archiepiscopus Eboracensis de querela sua loqui voluerit, Rex plenariam rectitudinem, remotâ malevolentia, ei exequetur, ubi justè debet.*'

1130.

* Moray and his people were slain by the Scots, at Strickathrow in the county of Forfar.* Nothing is known of the causes and circumstances of this event*.

In the same year Matildis, the wife of David, died.

Foran, v. 43.

1135.

Henry I. King of England died; his sister's son, Stephen Earl of Mortaigne †, unmindful of his solemn engagements to Matilda the daughter of Henry, ascended the throne.

W. Malmibury

177.

With an honest but precipitant zeal, David asserted the rights of his niece Matilda. He marched into England and took possession of the whole country to the north of Durham, excepting the castle of Bam- borough; he constrained the northern barons to swear fealty to Matilda, and to give hostages for performance of their oath.

J. Hagustald,

258.

Gesta Stephani

939.

When Stephen heard of this inroad, he calmly said, 'What the King of Scots has gained by stealth, I will manfully recover.' Assembling a mighty army, he marched to Durham. David lay at New-castle, unable to encounter the united forces of those, who had formerly sworn to maintain the pretensions of Matilda. Even in this hazardous situation, he refused to do homage to Stephen for his English possessions: Yet he consented to restore all the lands and castles which he

H. Huntingdon

387.

J. Hagustald,

258.

* *Ordericus Vitalis*, says, p. 702. 703. that, in 1130, while David was at the court of Henry King of England, Angus Earl of Moray, and Malcolm a bastard son of Alexander I. at the head of 5000 men, rebelled in Scotland: That Edward, the son of Earl Siward, led an army against them, slew the Earl of Moray, and invaded and subdued the territory of Moray. But *Ordericus Vitalis* is an historian so ill informed, especially with respect to the affairs of Scotland, that I dare not rely on his evidence. Of Malcolm the bastard of Alexander I. and of Edward the son of Earl Siward, I know nothing.

† Stephen was Earl of Boulogne in right of his wife Matildis, the only child of Mary sister of David I. Thus, the wife of Stephen, and Matilda the daughter of Henry I. stood in the same relation to David I.

1135.

he had recently occupied. Stephen engaged to confer on Henry, Prince of Scotland, the honour of Huntingdon, with Doncaster and the castle of Carlisle, as an addition to it: Henry did homage to Stephen *, [February 1135-6.]

R. Hagustald,
312.

According to an English historian, 'Some persons who were present at this convention affirmed, that Stephen promised not to make any grant of the earldom of Northumberland, until the claim of Henry Prince of Scotland to that earldom was heard and determined †.'

1136.

David again took up arms, and prepared to invade Northumberland.

R. Hag. 315.
J. Hag. 259.

He

* Whether David did well, in allowing an homage, unlawful in his own opinion, to be performed by his son Henry, I leave to the determination of casuists. The truth is, that the delicacies of honour were little regarded in an age when the plainest and most solemn oaths were openly violated. I do not recollect to have observed, in any contemporary historian, the least censure of David for what, at first sight, has the appearance of a subterfuge; *William Malmshury*, p. 179. says, 'Nec difficile Stephanus ab eo quod voluit, impetravit, quia et ille morum lenitate et propiori jam senectute infractus, libens in otium vel verae vel simulatae pacis concessit.' I cannot impute this treaty to the easy temper of David; for his whole conduct, during a long reign, proves him to have been of a steady and resolute spirit; nor to the approach of old age; for, at that time, he could scarcely have attained his fiftieth year. *John of Hexham* says, 'Rex autem David receptum filium suum noluit ad Regem Stephanum remittere;' p. 258. This may imply, that Stephen had made himself master of the person of Prince Henry before the homage was performed; but, I think it most probable, that there was no compulsion used, and that David, perceiving himself deserted by the English Barons, who had sworn to maintain the pretensions of Matilda, yielded to the superior power of Stephen, and made the best peace that the exigences of affairs would admit.

† 'Ut quidam aiunt, qui se huic conventioni interfuisse testantur, promisit illi, quod, si comitatum Northumbriae alicui dare vellet, prius calumniam Henrici filii Regis Scotiae super eo justè in sua curia judicari faceret;' *R. Hagustald*, p. 312. The pretensions of the Prince of Scotland were founded on the right of his mother the heiress of Waltheof, formerly Earl of Northumberland; yet his mother had a son by her first marriage with Simon de St Liz.

1136.

He claimed that county, in the name of his son Prince Henry. The expectations of aid from the partisans of Matilda, and the absence of Stephen in Normandy, are supposed to have excited him to this attempt: Thurstan, the aged Archbishop of York, repaired to Rokeburgh, and persuaded the King of Scots to consent to a truce, until Stephen should return to England. Stephen, on his return, rejected the demands of David.

1137.

The truce having thus terminated, David invaded Northumberland. Part of his army, commanded by William the son of his bastard-brother Duncan, assaulted the castle of Werk*, the King and Prince Henry joined him with the rest of their forces. Jordan de Buffy, nephew of the renowned Walter l'Espec, commanded at Werk. The attempts of the besiegers to storm the place, or to win it by famine, were equally unsuccessful. Exasperated at this repulse, the Scottish army wasted Northumberland with merciless barbarity †.

The English historians candidly impute those horrible excesses to the Scottish soldiery, and vindicate their leaders, of whose moderation they produce some notable examples. David had granted a protection to the Abbey of Hexham; the youth of Hexham rashly attacked a party of the Scots, and slew their leader. The Scots, inflamed with revenge, ran to destroy the Abbey and massacre its inhabitants; William, the son of Duncan, interposed and stayed their fury. Amid the

* *'Carrum, quod ab Anglis Werk dicitur;'* R. Hagustald, p. 312. 315.

† *'Coadunatus erat iste nefandus exercitus de Normannis, Germanis, et Anglis, de Northymbranis et Cambriis, de Teswetadala et Lodonea, de Picis, qui vulgo Gallesweicenses dicuntur, et Scottis; nec erat qui eorum numerum sciret;'* R. Hagustald, p. 316.

1137.

the confusion of war, David had leisure to think of *restitution*: He gave back his part of the spoil to the Abbey of Hexham*.

1138.

R. Hagustald.
317.

Stephen made haste to rescue the North of England from the Scottish invaders. At his approach, David retired and occupied a strong camp in the neighbourhood of Rokesburgh. It is said, that he concealed a body of troops in the town of Rokesburgh, with an intent to surprise

R. Hagustald.
317.

Stephen, had he fixed his head-quarters *there*. One English historian scruples not to assert, that David maintained a secret intelligence with some of the chief leaders in the English army; and that, if Stephen had entered Rokesburgh, he would have been betrayed †. Be this as it will, it is certain that Stephen avoided that place, and crossed the Tweed at another passage. Without meeting any resistance, Stephen wasted the Scottish borders. Scarcity of provisions, and an affected unwillingness of his army to fight in the holy season of lent, obliged him to retreat.

Aldred. 346.

Eustace Fitz John, a powerful and valiant baron, and one in high favour during the last reign, held the important fortrefs of Bamborough. Stephen, distrusting his fidelity, or dreading his influence, command-
ed

* ' Verum tamen Rex, quotquot sibi in partem de præcædâ obvenerunt, Roberto Priori Hagustaldensi restituit in pignus libertatis; ' *J. Hagustald*, p. 260. Here may be seen the traces of the ancient practice of allotting part of the spoil to the commander of the army.

† ' Certus quippe fuit socios sibi fore conditæ proditiõis plurimos de proceribus Anglorum exercitus, qui et ad consiliatum clandestinis consiliis conspirantes concitaverunt eum; ' *J. Hagustald*, p. 260.

1138.

ed him to be arrested *. Fitz John purchased his liberty by yielding up the castle. Abandoning his native country, he devoted himself to the King of Scots.

Stephen was constrained to march into the Southern parts of England, where many barons had risen in arms against his government. David seized the opportunity of his absence, and again invaded Northumberland † [31st March 1138.] He sent William the son of Duncan with a detachment of the men of Galloway into the west of Yorkshire: He himself, with the main body, marched by the east coast of Northumberland to the neighbourhood of Durham. The army under the King's command renewed the excesses which had dishonoured the former invasion. While the King endeavoured to restrain their outrages, a dangerous sedition arose. The Galwegians openly rebelled, and threatened to murder the King and his attendants ‡: A sudden and well-timed alarm was spread, that the English approached. The Scottish army tumultuously retreated to the borders. The mutiny having abated, David besieged the castle of Norham.

J. Hagustald
260.R. Hag. 318.
J. Hag. 261.

Mean-

* 'In curia contra patriam morem captus;' *Aldred*. p. 346. that is, if I mistake not, ordered him to be taken into custody, while he attended the sovereign, in consequence of being summoned to perform that feudal service. *Lord Lyttelton*, p. 270. seems to suppose, that the expression means, 'Without any proof of Fitz John's guilt, or form of a trial.'

† 'Peractâ paschali solemnitate, mox in proxima hebdomada, feriâ 6tâ, Rex Scotiæ, in Northumbriam rediit;' *R. Hagustald*, p. 317. In 1138, Easter-day happened on 26th March.

‡ This singular incident is briefly related by *R. of Hexham*: 'Rex cum suis militibus haud procul a Dunelmo perhendinabat; ubi gravi seditione, propter quandam fecminam. erâ, Picti ipsum Regem cum suis extinguere minabantur: Quo pavore dum valde anxietur, ecce falso rumore divulgatur exercitum de Suth-Anglia adventare;' p. 318.

1138.

J. Hag. 261.
R. Hag. 318. Meanwhile, William the son of Duncan penetrated into Craven, and reached the borders of Lancashire. A considerable body of English opposed him at Clitherow near the sources of the Ribble*. By the first impetuous onset of the Galwegians, the English were totally discomfited, many prisoners were made, and great spoils carried away by the victors, [9th June.]

J. Hag. 261.
R. Hag. 318. Norham surrendered to the Scots, after a feeble resistance. David dismantled it.

J. Hag. 261. When Stephen obliged Eustace Fitz John to yield up the castle of Bamborough, he imprudently left him in possession of two other castles, Alnwick in Northumberland, and Malton in Yorkshire. The King of Scots, aided by Fitz John and his followers, marched forward into England, with the view of securing those castles. Meanwhile, he left a body of troops to blockade Werk. Stephen was so pressed in the south of England, that he could oppose no army to the Scots, whose number exceeded twenty-six thousand. The only succour which he sent to the North consisted of a body of cavalry, commanded by Bernard de Baliol, a Yorkshire baron.

R. Hagustald.
321. The inhabitants of the north of England had no resources left, but in their own valour, and the policy of Thurstin Archbishop of York.

Thurstin artfully called in the aid of religion, while he encouraged the English to fight for their country, families, and fortunes. Unable, from age and infirmities, to appear in public himself, he appointed Ralph

Lord Lyttelton, v. i. p. 268. supposes the rumour to have been spread by David himself. The stratagem was bold and judicious.

* ' Willielmus filius Dunecani circa Clitherow caedens et persequens, proximum militiae Anglorum in turmis quatuor sibi occurrentem excepit. Quem prima congregationis

1138.

Ralph Nowel, titular bishop of the Orkneys *, to act as his vicegerent. He commanded the priests of every parish, within his diocese, to come out in procession with their crosses, banners, and holy relicks; he enjoined all men, capable of bearing arms, to repair to the general rendezvous of the barons, 'in defence of Christ's church against the barbarians.' He promised victory to the English, if they were penitent, and salvation to those who should fall in battle.

Thurstin also held a convention of the barons at York, heard their confessions, kept a solemn fast with them for three days, bestowed absolution, with his blessing, on them all, and delivered into their hands his crozier and metropolitan banner †. R. Hag. 321.

The barons rendezvoused at Thresk. Thither William Earl of Albemarle, and many other eminent persons, repaired. Roger de Moubray Earl of Northumberland, though a child, was conducted to the army, R. Hag. 321.
Alfred. 337.

'gregationis constantiâ in fugam actum internecioni dedit, multamque praedam et multitudinem captivitatis adduxit. Hoc bellum factum est inter Anglos, Pictos, et Scotos, apud Clitherow feriâ 6tâ, die xv. ante nativitatem Sancti Johannis Baptistae, anno 1138; J. Hagustald, p. 261.

* Of this vagrant bishop, the Continuator of Florence of Worcester thus speaks, p. 663. c. 'Radulphus, quoniam nec principis terrae, nec cleri, nec plebis electione, vel assensu, fuerat ordinatus, ab omnibus refutatus, et in loco pontificis à nemine susceptus est. Hic, quia nullius Episcopus urbis erat, modo Eboracensi, modo Dunholmensi, adherens, ab eis sustentabatur, et Vicarius utriusque in episcopalibus ministeriis habebatur.' It is probable, that he had been nominated bishop of the Orkneys by the Archbishop of York; but that the diocese would not receive a bishop nominated by that authority.

† Lord Lyttelton, v. i. p. 273, calls it 'A banner consecrated to St Peter.' R. Hagustald, p. 321, calls it 'Vexillum Sancti Petri'; plainly, 'the banner of the Cathedral church at York dedicated to St Peter,' just as 'Vexillum Sancti Ulfredi is the banner of the church of Rippon dedicated to St Wilfred.'

1138.

army, and placed at the head of the vassals of that powerful family. But the person in whom the English reposed their chief confidence was Walter l'Espece, an aged warrior, judicious, and of mature experience*. To the guidance of his counsels they voluntarily submitted themselves.

R. Hag. 321. The English endeavoured to negotiate a peace with David. They sent Robert de Bruce and Bernard de Balliol to the Scottish army, entreated the King to conduct the war with humanity, and, at the same time, offered, as conditions of peace, to procure from Stephen a grant of the earldom of Northumberland in favour of Prince Henry. David rejected the proposal with disdain. He already possessed the greatest part of that country, and had more than a probable view of extending his conquests. Besides, he had taken up arms, not on his own account alone, but also in support of the pretensions of his niece Matilda, which the English themselves had sworn to maintain. Bruce, on this occasion, renounced the homage which he had performed to David for a barony in Galloway. Balliol also gave up his fealty † which he had once sworn to David.

J. Hag. 261.
R. Hag. 321.

On Cutton moor, in the neighbourhood of Northallerton, the English standard was erected. It was the mast of a ship, fitted into the perch

* See his character in *Aldred*, de bello Standardi, p. 337. who has likewise drawn the characters of some other leaders in the English army.

† 'Itaque Robertus reddito homagio quod ei fecerat, et Bernardus fidelitate quam una vice ab eo deprehensus illi juraverat, ad suos socios reversi sunt; *R. Hagustald*, p. 321. There was nothing improper in Bruce's renouncing his homage; because such renunciation implied that he quitted all claim to his estate in Scotland. If Balliol's fealty was not connected with a land-estate, it is more difficult to understand how he could renounce it. *R. of Hexham* seems to insinuate that the oath was *constrained*, not *free*. This, however, is dangerous casuistry.

1138.

perch of a high four-wheeled carriage: From it were displayed the banners of St Peter of York, of St John of Beverley, and of St Wilfred of Rippon: On the top of this mast there was a little casket, containing a consecrated host*.

David endeavoured to surprize the English army: He commanded his troops to abstain from the burning of villages, that the progress of their march might not be traced by the smoke. A thick mist favoured his enterprize: He approached without discovery: The alarm arose: The English ran to their arms unprepared and disorderly †.

To gain time at this critical conjuncture, they dispatched Robert de Bruce to the King of Scots. Bruce was an opulent Baron, advanced in years, of respectable manners, wise and eloquent; during a long residence in Scotland he had been admitted into friendship and familiarity with David.

He represented to his old master, 'That the English and Normans, against whom he now fought, had frequently asserted the rights of the monarchs of Scotland against their rebellious subjects. That his supposed enemies were indeed more faithful to the royal family than the Scots themselves: That the Scots rejoiced in this unnatural war, as it afforded them an opportunity of wreaking their resentment on the

* From this standard, the action which ensued is termed *bellum standardi*, i. e. the battle of the standard, not the war, as the phrase has been sometimes translated. There is a rude ancient sketch of the standard and its carriage in Aldred, p. 339. The manner of placing the banners is so delineated in it, as to show that the draughtsman had a very imperfect idea of the subject of his design.

† This circumstance is related by the continuator of Florence of Worcester, p. 670. Rex Scotiae decrevit nostros præoccupare, quia in articulo ipsius diei maxima nebula erat, et sic, ex improvise se venturum super ipsos sperans, multas villas intactas reliquit, nec suos, sicut solebant, ipsâ die aliquid ardere permisit. Nostri tamen tardè a quodam armigero præmoniti, et poenè præoccupati, citissimè se armantes et ordinantes, sagittarios præmiserunt, &c.

1138.

‘ the nation that had often frustrated their treasonable devices.’ He displayed the savage and infernal outrages of the Scottish army, and their violation of all the laws of humanity and religion. ‘ I charge your conscience,’ said he, ‘ with the innocent blood which cries aloud for vengeance. You have beheld the enormities of your army; you have mourned for them; you have openly disclaimed any approbation of them: Prove now the sincerity of your protestations, and withdraw your people from a war, disgraceful in all its operations, and dubious in the event. We are not mighty in numbers, but we are determined; urge not brave men to despair. To see my dearest master, my patron, and my benefactor, my friend, and companion in arms, with whom I spent the season of youth and festivity, in whose service I am grown old, to see him thus exposed to the dangers of battle, or to the dishonour of flight, it wrings my heart*.’ At these words he burst into tears. The King wept. ‘ Thou art a false traitor, Bruce,’ cried William the son of Duncan. Bruce was dismissed from the Scottish camp; at parting, he again renounced his homage to the King of Scots.

Aldred. 342.

David, by the advice of his chief commanders, resolved begin the attack with the men at arms and the archers. But the Galwegians † claimed

* Aldred records this speech of Bruce. Aldred was honoured with the peculiar confidence of David; we may, therefore, presume, that the speech is not merely the invention of the historian: I have selected its most probable and striking circumstances. The reader who desires to see it, with all the ornaments of monastic eloquence, may consult *Aldred de bello standardi*, ap. Twissen, v. i. p. 343.

† It is remarkable, that different English historians call these men *Picti*, *Scoti*, *Galwenses*, et *Loenenses*. Thus ‘ *Scotti et Picti* ;’ *J. Hagustald*, p. 262. ‘ *In fronte belli errant Picti* ;’ *R. Hagustald*, p. 322. ‘ *Restitere Galwenses* ;’ *Aldred*, p. 342. ‘ *Acies Loenensium, qui gloriam primi ictus a Rege Scottorum invito praeripuerant* ;’ *H. Huntington*, p. 388. This strange contrariety ought to teach us, that the English historians

are

1138.

claimed that pre-eminence, as being due to them by ancient custom. Elated with their easy victory at Clitherow, they over-valued their own prowess, and rashly despised the enemy.

Most of the men at arms were subjects of England, who, disgusted at home, had ranged themselves under the banners of the King of Scots. This circumstance failed not to excite national contests, at a season when the public interest required unanimity.

‘Whence arises this mighty confidence in those Normans?’ said Malise Earl of Strathern to the King, ‘I wear no armour; yet they who do will not advance beyond me this day.’ ‘Earl, You boast of what you dare not perform,’ cried Alan de Percey *. David repressed this seditious altercation, and unwillingly yielded to the demands of the Galwegians.

The King of Scots ranged his army in three bodies; the *first* was composed of the Galwegians under their chiefs, Ulgric and Dovenald; the *second*, of the men at arms, the archers, and the inhabitants of Cumberland and Teviddale; it was led by Prince Henry, a young man whose intrepid valour and gentle manners endeared him to Scotland; he was placed under the guidance of the experienced Fitz John. The *third* body was composed of the troops of the Lothians, with the islanders and volunteers. The King himself commanded the reserve; in it he placed the Scots, properly so called, and the inhabitants of Moray †. Some English

are no certain guides for ascertaining the denominations of the different tribes who inhabited Scotland in ancient times; an observation so very obvious has not been attended to by our Antiquaries.

* A bastard son of the great Baron of that name; *Aldred de bello standardi*, p. 342.

† Lord Lyttelton has not treated this subject with his usual accuracy. In the second body, or, as he chuses to call it, ‘in the second line,’ he places ‘the Tweedale militia;’ vol. i. p. 281. But *Aldred*, p. 342. expressly says, ‘adjunctis libi Tevedalensibus;’

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Aldred, 343. English and Normans were appointed as a guard around his person.

R. Hagustald, 322. The enemy formed one compact body, having *the standard* in the center. The men at arms dismounted and removed their horses into the rear, and, mingling with the archers, ranged themselves in the front of the battle.

H. Huntington, 300. The Bishop of Orkney exhorted the English to battle in the name of Archbishop Thurstin: He promised them victory, and absolved from their sins all who should die in the cause of their country. *Amen, amen*, resounded from every quarter.

Aldred, 339. &c. The aged and venerable Walter L'Espeç ascended the carriage in which the holy standard was fixed, and harangued the surrounding multitude. He reminded them of the glory of their ancestors, and described the barbarities of the Scottish invaders. 'Your cause is just; it is for your all that you combat: I swear,' said he, grasping the hand of the Earl of Albemarle, 'I swear, that on this day I will overcome the Scots or perish.' 'So swear we all,' cried the Barons assembled around him.

With

the men of *Teviotdale*, not *Tweedale*. He says, that 'the third line was composed of Lothian and *Highland foot*;' but, according to *Aldred*, p. 343. 'Tertium cuneum Laodenses cum infulanis et *Lavernanis* fecerunt.' The word '*Lavernani*' is unintelligible to me. I imagine that *Caterani* is intended, i. e. the *Kerns*, whom I have termed volunteers, but who might, with more propriety, be termed *freebooters*. *Hartk.* notes to Ware's *Hibernia*, 161. has these words, '*Catherani*, Irish; *Keatbern*, a company, vulgarly *Kerns*.' He adds, that it originally signified a *band of soldiers*; but is now taken in a contemptuous sense. It is singular, that David should have composed the third body of islanders and the men of Lothian, different from each other in garb, manners, and language. I presume, that he placed no confidence in them. Lord Lyttelton supposes, that *the lowland Scots* were in the reserve: This is erroneous, and also inconsistent with the tenor of his own narrative. In those days, *Moray* comprehended great part of Inverness-shire. The Scots, properly so called, were the inhabitants of the tract between the Frith of Forth, and the country then called *Moray*. They were the *Scoti* of the reserve, not *the lowland Scots*.

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With horrible yells the Galwegians rushed on. The shock was fierce, and continued two hours, with obstinate valour. The English spearmen began to give way; but the archers supported them, and with incessant showers of arrows overwhelmed and dismayed the Galwegians: Their leaders, Ulgric and Dovenald fell; their disorder became universal, when the Prince of Scotland charged at the head of the cavalry, pierced through the English phalanx *, attacked and dissipated the troops which guarded the horses in the rear. The Galwegians rallied, and prepared to renew the combat; at that decisive moment, an English soldier, cutting off the head of one of the slain, raised it aloft, and cried, 'The head of the King of Scots.' The report of the King's death re-animated the English, and spread consternation throughout the Scottish army. The Galwegians cast away their arms; the troops of Lothian, the islanders, and all who composed the third body, fled without shew of resistance. The King leapt from his horse, and brought up the reserve to support the infantry of the second body; but the Scots, abandoned by so many of their companions, were now dispirited and feeble. The nobles who attended on the person of the King, saw that the day was irrecoverably lost; they urged, and even compelled him to retreat. The fugitives, perceiving the royal ensign displayed †, rallied around it, opposed a formidable body to the conquerors, and checked their pursuit. This memorable battle was fought on the 22d August 1138.

David

* Aldred, p. 345. expresses this more forcibly, 'Prince Henry,' says he, 'dispersed the English army, as if it had been a cobweb; *ipsa globi australis parte instar cæssit araneæ dissipatâ.*'

† Aldred says of the royal ensign, 'Regale vexillum, quod ad similitudinem draconis figuratum, facile dignoscebatur;' p. 346. In those days, 'The lion with the double tressure, fleurs de lis, in memory of our ancient alliance with France,' was unknown.

1138.

Aldred. 346. David reached Carlisle with the remains of his army. The inhabitants of the country, exasperated by the recent cruelties of the Scots, massacred the stragglers in their retreat.

Aldred. 346. For some days, the King remained ignorant of the fate of his son. When Prince Henry returned from the chase of the fugitives, whom he had inconsiderately pursued, he saw that the battle was lost. He ordered his companions to throw away their banners, and mingle themselves with the English. Pretending to join in the pursuit, he escaped unknown; and, through by-ways, after many hazards, arrived at Carlisle.

R. Haguftald. 323. He found tumult and confusion in the camp. The spirit of mutiny, which had appeared on the morning of the battle, grew outrageous after the defeat. The Scots, a mixed multitude, irritated at the loss of honour, and inflamed with mutual animosities, turned their weapons against each other. Rapine and licentiousness every where prevailed. Amid popular seditions, a brave and virtuous man acts like a superior being. David interposed his authority, made the voice of law and reason to be heard, and stilled and chastised the offenders. He bound his whole army by a solemn oath, 'Never to desert him in war;' and even exacted hostages to secure the performance of this oath. That his soldiers might not relapse into mutiny, through want of employment, he led them to the siege of Werk, the castle of Walter l' Espec.

R. Hag. 325.
J. Hag. 264. Alberic Bishop of Ostia, the papal legate, in the genuine reconciling spirit of Christianity, negotiated a treaty between England and the King of Scots. He threw himself at the feet of the King*, and besought him to listen to terms of accommodation. David, after much entreaty,

* This very singular circumstance is recorded by Richard of Hexham: 'Hujus rei gratiã ad ejus pedes cecidit;' p. 326.

1138.

entreaty, consented to refrain from hostilities, except against the castle of Werk, until the middle of November.

The Legate persuaded the Galwegians to restore all the women whom they had driven into captivity. The whole Scottish army came under the most solemn engagements to the Legate, 'Neither to violate churches, nor to murder any, incapable, from their age or sex, of making resistance*.'

A party of Scottish freebooters had plundered some villages belonging to the priory of Hexham. The Prior went to seek redress from David, who had granted his protection to the territories of that priory. The King anticipated his request; he lamented the injury done, and promised to make reparation. What he promised, he conscientiously performed.

David

* John Bishop of Glasgow had deserted his bishoprick, and retired into a convent of benedictines in France. In an assembly of the clergy and barons at Carlisle, it was resolved, that a messenger should be dispatched to him, with letters from the legate and the King, requiring his return; and that, if he returned not, sentence should pass against him; *R. Hagustald*, p. 325. The same historian says, that, at that season, the Scottish nation submitted to acknowledge Innocent II. as lawful Pope: 'Illi vero diu a Cisalpina, immo ferè ab univèrsa ecclesia, discordantes, exosae memoriae Petro Leonis, et apostasiae ejus, nimium favisse videbantur. Tunc vero, divinà gratiâ inspirante, mandata Innocentii Papae, et Legatum ejus, omnes unanimiter cum magna veneratione susceperunt;' p. 325. The plain intendment of this passage is, that the Scots renounced the party of the Antipope, and submitted themselves to Innocent II. From words so unambiguous, Sir James Dalrymple has drawn this extraordinary inference, that the Scots differed from the Latin church in the doctrine of the Lord's supper, and other articles of faith, and espoused the opinions of Berengarius; p. 258. 265. Sir James had an hypothesis to maintain, that the Scottish church was not *Latinized*, as he expresses it, until the reign of David I. In searching for proofs of his hypothesis, he met with this passage in *R. of Hexham*, and pressed it into his service.

L

1138.

David reduced the castle of Werk by famine. He bestowed due honours on the besieged for their gallant resistance *, razed that fortress, and returned into Scotland, more like a conqueror, than like one whose army had been routed.

1139.

R. Hagustald.
329. 330.

Peace was concluded, at Durham, between Stephen and David, through the mediation of Matildis, the wife of Stephen, and niece of David. By this treaty, Stephen yielded, to Henry Prince of Scotland, the whole earldom of Northumberland, excepting the fortresses of Newcastle and Bamborough. As an equivalent for them, he agreed to give lands in the south of England. He allowed the barons, who held their lands of the earldom of Northumberland, to hold them of Prince Henry, saving fealty to the English King. It was also provided, that the laws, established in Northumberland by Henry *Beauclerc*, should be inviolably preserved †.

David, his son, and all his people, became bound to maintain perfect amity with Stephen. For that purpose, five hostages, the sons
of

* ‘*Milites qui intus erant, prae inopia victualium, equos suos interfecerant, ac fide conditos jam ex maxima parte eos comederant. Rex XXIV equos eis dedit, ac illos cum armis suis abire permisit;*’ *R. Hagustald.* 326.

† Some of our historians have the effrontery to convert David’s overthrow at Cutton-moor into a victory. *Boece*, l. xii. fol. 265. a. says, that the English were vanquished at Allerton, and that their general, the *Duke of Gloucester*, was made prisoner. At that time there was no *Duke of Gloucester*. The historian betrays his ignorance of history, if he means the *Earl of Gloucester*: For *he* was the enemy of Stephen, and the faithful partizan of Matilda. *Boece*, however, is pleased to acknowledge what never happened, That, some time after this battle of Allerton, a tumultuary body of Scots was attacked and worsted by the English. *Bellenden*, the translator of *Boece*, fol. 196. a. speaks of the victory obtained by the Scots at Allerton, and makes the treaty of peace to have ensued in consequence of that victory.

1139.

of the chief of the Scottish nobility *, were delivered to the English.
[9th April 1139.]

Richard of Hexham ascribes the concessions made by the treaty in favour of Scotland, to the partiality of the Queen for her uncle the King of Scots; as if that excellent woman would have sacrificed the interests of her husband and her son to those of her uncle. The peace of Durham was not dishonourable; for it was necessary. It is true, that the barons, whose estates had been ravaged by the Scots, importunately demanded the continuance of the war, in order to revenge their own injuries: But it would have added nothing to the stability of Stephen's government, although those barons had wasted Lothian, with a barbarity resembling that by the Scots in Northumberland. *The holy standard* could not insure victory in every battle. Such solemn pageants, by a too frequent exhibition, lose their efficacy. The inhabitants of the north of England, although they assembled unanimously in defence of their country, would not have concurred with equal ardor in attacking the territories of the enemy. The action at Cutton-moor checked the progress of David's arms; but it neither sunk the spirit, nor much impaired the strength, of the nation. The principal loss had fallen on the Galwegians; a race of men not more formidable to the English by their valour, than to the armies in which they served by their mutinies, licentiousness, and rapine. Stephen, by yielding up Northumberland,

* 'Ut de fidelitate eorum securior esset, filium Gospatrici Comitis, et filium Hugonis de Morvilla, et filium Fergusi Comitis, et filium Mel. et filium Mac. scilicet, *quinque Comitum de Scotia*, ei obsides dare debebunt;' *R. Hagustald.* p. 330. In this passage, R. of Hexham speaks of Hugh de Morville as being an Earl. I do not know, that he ever had the territory and jurisdiction of an Earl. It has been conjectured, that *Mel.* implies Malise Earl of Strathern, and *Mac.* M'Duff Earl of Fife; but this is merely conjecture in a matter of no moment.

1139.

berland, yielded up a territory already impoverished, and necessarily exposed to the future inroads of the Scots. By retaining the fortresses of Newcastle and Bamborough, he kept possession of what he seemed to relinquish. Above all, it was of high importance to separate David from the party of Matilda. Such appear to have been the chief motives of the peace concluded at Durham.

J. Hag. 265. Prince Henry repaired to Stephen at Nottingham, and ratified the treaty. He accompanied Stephen to the siege of Ludlow castle. Advancing too near the walls, he was unhorsed by the besieged *. Stephen gallantly rescued him.

W. Gemetic. viii. 40. 41. Returning from the siege of Ludlow, Prince Henry married Ada, the daughter of the Earl of Warenne and Surrey, a lady of noble blood, and nearly related to the chief persons at the English court †.

Lyttelton. i. 298. &c. The government of Stephen appeared at this time to be firmly established. By what imprudence he alienated the affections of the clergy from his cause, and again involved the nation in the miseries of civil war, is related at full length by the English historians.

The

* ‘*Henricus unco ferreo equo abstractus, pene captus est; sed ipse Rex eum ab hostibus splendide retraxit;*’ *H. Huntington*, p. 388. To say that the Prince of Scotland was pulled from his horse by an iron hook, is so inconsistent with modern ideas of war, that it appears to be ridiculous; I have, therefore, recorded the event, omitting its circumstances.

† Isobella, daughter of Hugh Earl of Vermandois, the brother of Robert King of France, married Robert Earl of Meulant, the favourite minister of Henry Beauclerc. She bore him Waleran Earl of Meulant, and Robert Earl of Leicester. She afterwards married William Earl of Warenne, and bore to him William Earl of Warenne, and two daughters; the eldest married Roger Earl of Warwick; the second the Prince of Scotland.

1140.

The grant of the castle of Carlisle which Stephen had made to the Prince of Scotland, [in 1135-6] afforded one pretext for rebelling against him. Ranulph Earl of Chester had pretensions to that castle and the adjacent territory. He attempted, with an armed force, to surprize Prince Henry and his spouse, as they were returning to Scotland from the court of Stephen. Stephen prevented the execution of this daring enterprize. The Earl of Chester, enraged at the disappointment, seized the castle of Lincoln. A seeming reconciliation between the King and the Earl ensued: But the King having received intelligence that the castle was weakly guarded, unexpectedly laid siege to it. The Earl of Chester escaped out of the castle, and assembled a tumultuary body of troops: Joined by the Earl of Gloucester, he attacked Stephen, routed his army, and made him prisoner, [at Lincoln, 2d February 1140-1*.]

J. Hagenfeld,
268.*W. Malmfbury*
186.*J. Hagu.* 269.

1141.

Matilda now triumphed. The citizens of London acknowledged her as their Queen. Her uncle the King of Scots repaired to her court, and counselled her to show affability and moderation, qualities for which he himself was eminently distinguished. But Matilda despised his counsels; and, by her harsh and imperious demeanour, irritated those whom it was necessary to sooth. A conspiracy was formed against her; the Londoners rose in arms; the Queen fled: The King of Scots was the companion of her flight, and afterwards attended her when she escaped from Winchester. Surrounded by the enemy, he was rescued by a singular accident. There was a young man, named David Oliphant, who chanced to serve in the army of Stephen. David

J. Hagu. 270.*W. Malmfbury*
189.

* Historians vary as to the year of the battle of Lincoln. *W. Malmfbury*, in a work addressed to the Earl of Gloucester, may be supposed to have fixed with precision the aera of his patron's victory; and yet he places it in 1142. This, I presume, must be imputed to the carelessness of transcribers.

1141.

J. Hagu. 271. vid had been his God-father: Oliphant concealed him so dextrously as to elude the strictest search, and conveyed him in safety to Scotland.

David had attended Matilda as a friend and an affectionate counsellor, not as a feudatary or a confederate. In the discharge of this duty, he underwent imminent hazards, and had the mortification to perceive that his salutary counsels were slighted. He now relinquished all concern in the affairs of England, and turned his whole thoughts to the civilization and government of his own kingdom.

In such royal offices the remaining years of his reign were chiefly employed. During all that period, the public tranquillity was never interrupted but once: The circumstances of this event are related by *W. Newbr.* i. 79.—83. an English historian, one well acquainted with the extraordinary personage who excited the disturbance:

A certain Englishman, of obscure birth, named *Wimund**, had, in his early youth, attained to some proficiency in penmanship: He earned for a while a miserable livelihood, by transcribing old writings in monasteries. He afterwards became a monk at the abbey of Furness, situated in a remote corner of Lancashire. He *there* applied himself to his studies with uncommon diligence. Endowed with the gifts of utterance, of a lively genius, and a memory eminently tenacious, he soon became distinguished above his fellows: He was sent into the Isle of Man, with some brethren of the convent †. His persuasive eloquence and

* *W. Newbr.* vol. i. c. 24. either knew no particulars of his birth, or inclined to suppress what he knew. He says of him, 'obscurissimo in Anglia loco natus.' *Fordin*, L. viii. c. 2. calls him 'Malcolm M'Heth.' It is probable, that different conjectures were formed as to the origin of this adventurer.

† In 1134, Olave King of Man gave certain lands to Ivo or Evan, abbot of Furness, for endowing an abbey at a place in his territories called *Ruffin*; *Chr. Man.* ap. *Dugdale Monasticon*, vol. i. p. 711. It may be presumed that Wimund was one of the monks sent to stock this new house of the Cistercian order.

1141.

and comely looks, and, as the historian adds, 'his portly figure*', so 'charmed the Barbarians, that they fought him for their bishop.' Not contented with his episcopal dignity, Wimund aimed at higher things, and pretended to be the son of Angus Earl of Moray, slain at Strickathrow in 1130. As he was a stranger, and as the inhabitants of Man had little intercourse with Scotland, there were none to confute the effrontery of his pretences. He declared his resolution to revenge his father's death, and vindicate his own right to the estates of his ancestors; He displayed the glory and advantages which would redound from this hardy enterprize. Many bold men, of desperate fortunes, espoused the cause of Wimund. Collecting together some vessels, he began to make piratical excursions into the neighbouring islands. He obtained for wife a daughter of Somerled Thane of Argyle. Whether Somerled believed Wimund to be the son of the Earl of Moray, or only from policy favoured an enterprize against Scotland, it is impossible for us to determine. Wimund next invaded the Scottish coasts, slew many of the inhabitants, and pillaged the country. David sent an army to repress those outrages; but Wimund constantly eluded the Scottish forces. He sometimes concealed himself and his followers amid forests; sometimes he retreated to his ships. As soon as the Scottish army was withdrawn, he came out of his covert, and renewed his depredations. His successes began to render him formidable to the Scottish government. Wimund attempted to levy contributions from the territories of a certain bishop †. 'I never will establish a precedent,' said the Scottish Bishop, 'for one Bishop's paying

Fordun, vii. 2.

* 'Cum esset etiam producto et robusto corpore, ita barbaris placuit, ut ab eis in Episcopum peteretur;' *W. Newbr.* vol. i. l. i. c. 24.

† *W. Newbr.* vol. i. l. i. c. 24. Calls this Bishop '*vir simplicissimus.*' He must in all probability have been the bishop of Ross, Caithness, or Moray; but, to which of the three dioceses he belonged, it is impossible to determine.

1141.

‘ing tribute to another.’ He assembled his people, and, though with a very unequal force, marched out to oppose Wilmund. To animate his followers, he began the onset by throwing a little hatchet. Wilmund advancing in the front of his band, received the blow, and was felled to the ground. The Scots, encouraged by this prosperous omen, attacked and routed the enemy with great slaughter. Wilmund hardly escaped. He collected, however, more forces, and continued his predatory war. David at length was obliged to enter into terms of accommodation with this daring and crafty adventurer, and bestowed a certain territory on him *: The insolence of Wilmund excited the people to conspire against him : They surprized him, put out his eyes, and made him a eunuch †. It appears that he was delivered into the hands of David, and imprisoned in the castle of Roxburgh. Having been pardoned, after a tedious captivity, he retired to the abbey of Biland in Yorkshire; and *there* spent the remainder of his days in retirement and ease. The spirit of this audacious man was not depressed nor even humbled by his calamities. He appears to have

Fordun, viii. 2.

* ‘Cedens illi quendam provinciam cum monasterio Furnesiensi, excursions ejus interdum suspendit;’ *W. Newbr.* vol. i. c. 24. Unless *M. Paris* has made a mistake, Wilmund was sent back to the Isle of Man; for, he thus speaks, p. 60. ‘Eodem anno [1151,] Johannes monachus Sagiensis factus est secundus antistes Moine insulae. Primus autem ibi fuerat Episcopus Wilmundus monachus Saviniensis, sed, propter ejus importunitatem, privatus fuit oculis et expulsus.’ By *Saviniensis* he means *Fornes*, whole mother, according to the monkish style, Savigny was.

It is singular, that this adventurer should have been advanced to the government of that very abbey of Fornes, in which he had passed his earlier days. I do not know precisely what was the nature of the right of the King of Scots to the territory of Fornes: Perhaps he held it with Westmorland, to which it is more intimately joined by its situation than to Lancashire.

† The expression of *W. Newbr.* vol. i. l. i. c. 24. is singular: ‘Utrumque illi oculum, quia uterque nequam erat, eruerunt, causamque virulenti germinis amputantes, eodem pro pace regni Scottorum, non propter regnum coelorum, castraverunt.’

1141.

have taken delight in relating his adventures to the friars at Biland.

‘He was wont to boast merrily,’ says W. Newbr. ‘that he was never *W. Newbr. i. 81.* overcome in battle, except by the faith of a silly Bishop*.’ At another time, he is reported to have said, ‘Had they but left me the smallest glimmering of fight, my enemies should have had no cause to boast of what they did †.’

I have made this ample recital of the adventures and fate of Wimund, because his story is little known. Such was the flagitious impostor who disturbed the tranquility of a nation, happy and contented under the government of a virtuous Prince.

The precise period of Wimund’s invasions cannot be ascertained. They happened some time between 1141 and 1151, when he was deprived of sight.

During the course of the sage administration of David, public build- *Fordun, v. 53.* ings were erected, towns established, agriculture, manufactures, and commerce promoted.

It has long been a popular opinion, that the treatise called *Regiam Majestatem* is an authentic body of the ancient laws of Scotland, compiled by the order of David I. That it contains many statutes enacted by David I. is probable. I formerly presumed to offer my sentiments concerning this subject, in *An examination of some of the arguments for the high antiquity of Regiam Majestatem*, published at Edinburgh 1769, in 4to.

There is less doubt, that most of the statutes in the collection called *L.L. Burgorum* were enacted, or at least enforced, during the reign of David I.

The

* I have softened a little the expression in *W. Newbr.* vol. i. p. 81. ‘Solebat autem hoc ipse postea inter amicos *cum jucunditate* narrare, tanquam glorians, *quod solus eum Deus per simplicis episcopi fidem vincere potuisset.*’

† ‘Fertur tamen tunc etiam dixisse, quia si vel passeris oculum haberet, inimici ejus de actis in eum minimè exultarent;’ *W. Newbr.* vol. i. p. 82. 83.

1141.

Ald. ap. Fordun, v. 51.

The barbarities of the Scots in their invasions of England, affected David with inexpressible anguish. Such was the sensibility of his nature, that he resolved to abdicate the crown, and, by a perpetual exile in the Holy Land, to atone for the guilt, which, as the leader of a savage and ungovernable multitude, he had, in imagination, incurred: But the duty that he owed to his people restrained him.

1149.

R. Hoveden, 490. Gervas, 1366. J. Hagustald, 277.

Henry of Anjou, the son of Matilda, had an interview with David at Carlisle*. He received from him the honour of knighthood †, [at Whitsontide 1149.] He made oath, that, on attaining the English crown, he would restore Newcastle to David, and cede, to him and his heirs for ever, the whole territory between Tyne and Tweed. Measures were there concerted for the dethroning of Stephen ‡. Ralph Earl

* *Henricus autem filius Matildis Imperatricis, jam 16 annorum juvenis, nutritus in curia David Regis Scotorum avi [i. avunculi] matris suae, factus est miles;* *R. Hoveden, p. 490.* The words seem to imply that young Henry was educated at the court of David; and so indeed our historians have understood them. It is certain, however, that Henry had no more than an occasional interview with his grand-uncle David. See *Gervas, p. 1366. W. Newbr. vol. i. p. 75. and J. Hagustald, p. 277.* The last author places this incident in 1150. Some of our antiquaries have imagined, that the education which Henry II. received at the court of David, may have created such a partiality towards Scotland as to induce the English lawyers of that age to adopt the system of laws compiled by David.

† *Aldred, in his treatise de Genealogia Regum Angliae, addressed to Henry II. makes this singular observation, 'Divinâ providentiâ actum existimo, ut illius munditiarum manus baltheo te cinxerunt militari, per quas, Christi gratiâ, virtutem tibi castitatis illius humilitatis et pietatis, infunderet;'* p. 347. As if David could efficaciously touch for lewdness and pride, or communicate the virtues of chastity and meekness to Henry II.

‡ *Lord Lyttelton, vol. ii. p. 176. seems to consider the treaty of Carlisle to have been rather unfair on the part of David. That respectable historian did not recollect, that David was in possession of the country of Northumberland by virtue of the treaty of Durham,*

1149.

Earl of Chester, a capricious and unsteady man, entered into the concert. He renounced his ancient pretensions respecting Carlisle, and did homage to David. It was agreed, that the Earl of Chester should be put in possession of the honour of Lancaster, and that his son should marry one of the infant daughters of Henry Prince of Scotland. David, Henry of Anjou, and the Earl of Chester, jointly engaged to invade England. David and Henry marched to Lancaster; but not having been seconded by the Earl of Chester, were obliged to retreat. Stephen came into the north: Both Princes equally avoided an offensive war. Stephen was satisfied with repelling the Scots: David, unsupported as he was, could not attempt any thing against the government of Stephen.

About this time, David conferred the honours of Skipton and Craven on William the son of Duncan; and, with an armed force, put him in possession. The Scots again pillaged the places sacred to religion. David, in satisfaction of the injury, bestowed a piece of plate on every church that had suffered from the depredations of his army.

J. Hagustald,
279.

1152.

Henry Prince of Scotland died *, [12th June.] It is a trite observa-

Chr. S. Crucis.
ap. Anglia
Sacra, i. 161.

tion, ham, and that, what Henry yielded beyond the treaty of Durham, was only the fortresses at Newcastle, and perhaps the castle of Bamborough, which neither David nor he could at that time master. Such a cession was a poor equivalent for the hazards attending an offensive war with England.

* It is reported, that Malachias, an Irish saint, once cured him of a dangerous disease. S. Bernard thus relates the miracle: 'Malachias invenit David Regem, qui adhuc hodie superest, in quodam castello suo, cujus filius infirmabatur ad mortem. Ad quod honorificè a rege susceptus est, et humiliter exoratus ut sanaret filium; aquâ cui benedixit, aspersit juvenem, et, intuens in eum, ait, Confide, fili, non morieris hac vice. Et die sequenti dictum secuta est sanitas. Henricus est iste, nam vivit adhuc, unicus patris sui, miles fortis et prudens, patriffans, ut aiunt, insectando justitiam et a-

morem

1152.

tion, that Princes who die before they have attained to sovereign power, are generally extolled beyond their merits. This is sometimes owing to the spirit of invidious comparison, sometimes to the credulity of an oppressed people, who fondly look for relief in a future reign. But, in those days, the voice of faction was not heard; Scotland affectionately and gratefully acknowledged the mildness of the government of David, and viewed the son in no other light than that of a Prince born to prolong the felicity which she enjoyed under the father. We may, therefore, consider the encomiums bestowed on the Prince of Scotland, as a tribute justly paid to his exemplary virtue. 'He was,' says Aldred, who knew him intimately, 'of manners more gentle, but 'in all things else resembling his father †.'

Fordun, v. 43. The children of Prince Henry, by his wife Ada, were MALCOLM, born in 1142; WILLIAM, born in 1143; David Earl of Huntington, born in 1144 †; Ada or Elda, married in 1161, to Florence Count.

'morem veri;' *S. Bernard vita S. Malachiae*, xi. ap. *Th. Messingham, Florilegium infu-
lae Sanctorum*, Paris 1624. It is remarkable, that this cure was not instantly effected: The crisis happened not till the day after the salutary aspersion.

† 'Excepto quod paulo suavior;' *Aldred ap. Fordun, l. v. c. 43.* In another place, he says, 'Rex David suscepit filium Henricum, virum mansuetum et pium, hominem
'suavis spiritus et lactei cordis, et dignum per omnia qui de tali patre nasceretur:
'Cum quo ab ipsis cunabulis vixi, et puer cum puero crevi, cujus etiam adolescentiam
'adolescens agnovi, quem, ut Christo servirem, corpore quidem, sed nunquam mente
'vel affectu, reliqui;' *Geneal. Reg. Angl. p. 368. J. Hagustald, p. 280.* describes him to have been 'modestissimi spiritus Princeps, homo disciplinatus, et temperatus, et de-
'votus in misericordiis pauperum.'

‡ *Andrew Winton, MS. Chr. Advocates Library*, affirms, that David Earl of Huntington was elder than his brother William. The same thing is mentioned by Bowmaker, the interpolator of *Fordun, l. v. c. 43.* I can give no probable account of the origin of this fiction.

1152.

Count of Holland; Margaret, married in 1160, to Conan IV. Duke of Britany *; Matildis, who died unmarried.

Immediately after the death of his son, David sent his grandson Malcolm on a solemn progress through Scotland, and ordered him to be proclaimed heir to the crown. His own advanced age and increasing infirmities, prevented him from assisting at the mournful ceremony of recommending an infant successor to the affections of his people.

He defined his territories in Northumberland as an appanage for his grandson William. He presented the boy to the Northumbrian Barons, required their promise of obedience, and took hostages for its performance.

1153.

Having arranged all the affairs of the interior parts of his kingdom, he fixed his residence at Carlisle. On the morning of the 24th May, [1153] he was found dead in a posture of devotion †.

'A more perfect exemplar of a good king is to be found in the reign of David I. than in all the theories of the learned and ingenious †.' This is the sentiment of an historian whose principles are esteemed

* She afterwards married Bohun Earl of Hereford. In the Claim of Robert de Finkeney, [1291] she is called *Marjery*, See *Foedera*, T. ii. p. 576.

† 'Die Dominica, quae Christi ascensionem praecedebat, id est, nono kal. Junii illucelcente, cum Sol noctis tenebras radiis suae lucis abigeret, ipse a corporalibus tenebris emergens, ad verae lucis gaudia commigravit, cum tanta tranquillitate, ut videretur non obisse; tanta etiam devotione, ut inventus sit utraque manus junctas simul super pectus suum versus coelum crexisse;' *Aldred*, ap. *Fordun*, L. v. c. 59.

† 'Ut enim superiores Reges, omni laudis genere praestantes, belli artibus aequaverat, studiis pacis anteierat: Jam, velut omiffa cum aliis de omnibus virtutis partibus contentione, secum sibi certamen proposuit; in eoque tantum profecit, ut summo ingenio homines doctissimi, qui boni Regis imaginem exprimere contenderunt, talem non potuerint animo cogitare, qualem se David totovitae cursu praestitit;' *Buchanan*, *Rer. Scot.*

1153.

esteemed unfavourable to monarchy. Such a sketch by Buchanan is of greater value than the studied performances of a thousand panegyrists.

Fordun, v. 47. Aldred has recorded many curious, although minute particulars, of the manners and private life of David. At the condemnation of the worst of criminals, his strong emotions of sympathy were visible to the spectators; yet, resisting the seduction of his tender nature, he constantly maintained the just severity of a magistrate. His apartments were always open to suitors; for he had nothing secret but his counsels*. On certain days he sat at the gate of his palace, to hear and to decide the causes of the poor. This he did, probably, with the view of restraining the enormities of inferior judges, so prevalent in loose times. To suppose that he regarded the poor in judgment, would be to impute ostentatious injustice to a wise and good man. While deciding against the poor, he attempted to make them understand and acknowledge the equity of his decisions †: An attempt equally benevolent and vain! At sunset, he dismissed all his attendants, and retired to meditate on his duty to God and the people. At day-break, he resumed his labours. He used hunting as an exercise; yet so as never to encroach on the hours of business. ‘I have seen
‘ him,’

Fordun, v. 49.

L. vii. p. 122. He speaks to the same purpose in the dedication of his history to James VI. ‘Sunt enim inter majores tuos in omni laudis genere viri praestantes, et quorum nullam unquam posteritatem pigebit; et, ut caeteros omittam, neminem in ullis rerum reperias monumentis quem cum Davide nostro conferas.’

* ‘Nullum ei secretum praeter consilia;’ *Aldred, ap. Fordun, L. v. c. 47.*

† Aldred relates this in the language of primitive simplicity. ‘Consueverat praeterea ad ostium aulae regiae sedens pauperum et vetularum, quae certis diebus de singulis quocunque veniebant regionibus, vocabantur, causas diligenter audire, et singulis cum multo labore satisfacere. Nam saepe litigabant cum illo, et ipse cum eis, cum contra justitiam personam pauperis nollet in judicio accipere, et ipsi rationi quam ostendebat, nollet acquiescere;’ *Fordun, L. v. c. 49.*

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‘him,’ says Aldred, ‘quit his horse and dismiss his hunting equipage, when any, even of the meanest of his subjects, implored an audience.’ He sometimes employed his leisure-hours in the culture of his garden, and in the philosophical amusement of budding and ingrafting trees *.

Fordun, v. 52.

The liberality of David to the ecclesiastical order was highly extolled in former times. He founded some bishopricks, enlarged the revenues of others which his predecessors had founded, built and endowed many monasteries.

There was an ancient monastery of Culdees † at Dunkeld, dedicated to Saint Columba. In 1127, David converted it into a cathedral church. Gregory, Abbot of the Culdees, became the first bishop of the new see.

Dalrym. 243.

David founded the bishoprick of Ross; and, probably those of Dunblane and Brechin, towards the end of his reign. Whether the bishoprick of Caithness existed before his time, is uncertain.

Dalrym. 246.
388. Keith.
Catal. of Bps.
92. 100. 122.

The see of Murtlach was translated by him to old Aberdeen, and its revenues liberally augmented †.

Keith. 60. 61.

In

* ‘Aut herbis plantandis, vel furculis, a sua radice excisis, alieno trunco inserendis, operam dabat;’ Fordun, L. v. c. 52.

† ‘Quos nominat vulgus *Kelledeos* five *Colideos*, hoc est, *colentes Deum, habentes tamen, secundum orientalis ecclesiae ritum, conjuges, a quibus, dum ministrarunt, abstinebant*, sicut postea in ecclesia S. Reguli, nunc S. Andreae, consuetum fuit;’ *Vitae Episcop. Dunkeldien. ab Alexandro Myln canonico conscriptae*, p. 3. MS. quoted by Dalrymple, p. 244. The Presbyterians, and those who favour the order of bishops, have claimed the Culdees as belonging to their respective parties: The controversy has been agitated on both sides with obscure and angry argumentation. I imagine that the Culdees either were or wished to be *independents*.

‡ Sir James Dalrymple has published an inquisition concerning the lands belonging to the see of Glasgow, taken by authority of David, while he held the territory of Cumberland, under his brother Alexander I.; *Historical Collections*, p. 337. &c. This inquisition,

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Dalrymple,
237. 403.
Spotiswood,
Relig. houv.
vii. 5. 1.

In the reign of his brother Alexander, [1113,] he brought a colony of Benedictine Monks from Tyron in France, and settled them at Selkirk*. He afterwards translated them to the neighbourhood of Marchmont or Rokeburgh, and erected an abbey at Kelso for their reception, [1128.]

Dalrym. 255. In the same year [1128,] David founded an abbey for canons regular, in the neighbourhood of Edinburgh. The place is still called *Holy-rod-house* †.

He

inquisition; printed from a mutilated and most erroneous transcript, is, in a great measure, unintelligible; from it, however, we learn, that David was a zealous patron of the clergy, even in his early years.

* Formerly written *Selescherche*, i. e. the church in the wilderness, 'or forest.'

† It is called by *Fordun*, L. v. c. 48. *Monasterium Sanctae crucis de Crag*. It received this appellation from its vicinity to the precipice now called *Salisbury Crag*. Some of my readers may wish to be informed of the etymology of a word so familiar to them. In the Anglo-Saxon language, *Seles* is used for 'a desert, wilderness, or waste place.' The Anglo-Saxon termination of *Burgh*, *Burh*, *Burrow*, *Bury*, *Biry*, &c. implies 'a castle, town, or habitation'; but in a secondary sense only; for, it is admitted, that the common original is *Beorg*, a rock: The reason of this is well explained by *Gibson*: 'Oppida solebant antiquitas in locis eminentioribus aedificari; unde est quod nostrae gentis historiae produnt, plurima per Angliam oppida insigniora, quae in vallibus hodie consistunt, primum super montes fuisse constructa; incolas autem, a quarum inopia, coactos in loca inferiora descendisse;' *Regulae generales de nominibus locorum*, subjoined to *Chr. Sax.* p. 4. Hence we may conclude, that *Salisbury* or *Selesbury*, is 'the habitation in the wilderness,' and *Salisbury crag*, 'the precipice near that habitation.' An apt description, when it is remembered, that the hills which now pass under the general, though corrupted name, of *Arthur's Seat*, were anciently covered with wood. The other eminences in the neighbourhood of Edinburgh had similar appellations. *Calton* or *Caldoun*, is admitted to be 'the hill covered with bushes.' *Monkras* is supposed to be the corruption of two Gaelic words signifying 'the covert, or receptacle of the wild boar.' There is a small eminence in the neighbourhood of *St Leonard's Crag*, called *St Leonard's hill*, from Leonard, a French Anchorite: A particular ground adjacent to it still retains the name of *Hermits and Termits*; this is a

1153.

He founded and richly endowed an abbey of the Cistercian order at Melros, [1136.]

He founded an Abbey of Cisterians at Newbottle upon Southesk, in Lothian, [1140.] The priory of Lesmahagow, dependent on the abbey of Kelso *, [1144.] An abbey of canons regular at Cambuskenneth, near Stirling, [1147.] An abbey of Cisterians at Kinloss in Moray, and another of Praemonstrates at Dryburgh, near the junction of Tweed and Ledar †, [1150.]

He also founded an abbey of canons regular at Geddword, now called Jedburgh. It is said, that he introduced the Knights Templars, and the Knights of St John of Jerusalem, into Scotland, giving to the

former manifest corruption of *Eremitae sanctae Eremi*, or the monks of St Anthony of Egypt. The chapel of the same St Anthony, at the back of Salisbury craigs, is well known. From the grant by David I. to the canons of Holyrood, bearing ‘concedimus *Herbergare* quoddam burgum,’ Maitland, the historian of Edinburgh, draws this pleasant inference, that *the Canongate* was anciently called *Herbergare*. The true sense of the word is to be seen in a grant made by Malcolm IV. to the prior and monks of Coldingham: ‘Ut, secundum voluntatem suam, adducant suos proprios homines ubicunque manent in terra sua, ad herbergandum villam de Coldingham;’ *Chart. Coldingham*, p. 14. i. e. ‘to inhabit or people.’ It would be tedious to recite, and superfluous to confute the legendary history of the foundation of Holyroodhouse; see *Bellenden*, fol. 184. It has not even the merit of antiquity; for it appears to be a fiction more recent than the days of Boece.

* It was dedicated to a Saint Machut or M^cLow, who is reported to have lived in the sixth century; *Comptarius de Scottorum pietate*, p. 198. He was the son of the *Earl of Guincassel* in Scotland; *Ribadeneira de vitis sanctorum*, 15th November. From a grant by Robert I. it appears, that the priory of Lesmahagow was understood to be in possession of the body of this Saint Machut; *Spotiswood*, c. vii. §. 2.

† It has been supposed that Dryburgh owes its origin to Hugh de Moreville, Constable of Scotland, and Beatrix de Beauchamp, his wife; *Spotiswood*, c. v. §. 4. David himself says, ‘Sciunt tam posterum quam praesentes, me concessisse ecclesiae S. Mariae de Dryburgh quam fundavi;’ *Monasticon*, vol. ii. p. 1054. Perhaps he only laid the foundation-stone, as his father Malcolm III. did at Durham.

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former a residence at Temple upon Southesk in Lothian, to the latter, at Torphichen in the shire of Linlithgow.

Spotif. xviii. 3.
No. 1. 3. 4.

Besides all these, David founded a convent of Cistercian nuns at Berwick upon Tweed, with two cells depending on it, the one at Trefountain in Lammermuir, on the borders of Berwick-shire, the other at Golyn in the shire of Haddington.

Dalrym. 383.
Gbar. Morav.
1. fol. 29.

Converting the monastery of Dunfermline into an abbey, he annexed to it the priory of Urquhart in Moray*.

J. Major.
iii. 11.

The liberality of David to the ecclesiastical order, highly extolled by his contemporaries, has been severely censured in later times. James the first of that name, King of Scotland, said, 'That he was a fore faint to the crown †.' This has been transmitted to posterity as a shrewd and judicious apothegm.

We ought to judge of the conduct of men according to the notions of *their* age, not of *ours*. To endow monasteries may *now* be considered as a prodigal superstition; but, in the days of David I. it was esteemed an act of pious beneficence.

Much

* Mention is made by *Fordun*, L. v. c. 48. of some religious houses which David established in his English territories; but this is uncertain. *Fordun*, ib. ascribes to him the foundation of the monastery of Holmculterham in Cumberland, and of Dundrainan near Kircudbright; but Holmculterham was certainly founded by his son Prince Henry; *Monasticon*, vol. i. p. 886. vol. iii. p. 34. 38. and Dundrainan in 1142, by Fergus Lord of Galloway; *Chr. Melros*, p. 166. *Spotiswood*, c. ix. § 3.

† 'Jacobus primus, cum ad ejus sepulturam devenisset, dixisse fertur, *maneat illic Rex pietissime, sed reipublicae Scotiae et regibus inutilis*: Volens dicere, quod nimis de proventibus regiis diminuebat, pro opulentissimis coenobiis extruendis;' *J. Major. de gestis Scotorum*, L. iii. c. 11. I have expressed this sentiment in the words of *Bellenden*, fol. 185. 'He was an foir Sanct for the crown.' Bellenden probably related the words as handed down by tradition. Major has paraphrased them in scholastic Latin. Had James I. been possessed of the revenues which his predecessors bestowed on the clergy, he would have employed them in augmenting the influence of the crown; and, to speak in the dialect of Bellenden, 'have kythed an foir king for the Lordis.'

1153.

Much may be urged in justification of this beneficence. Although David was the founder of many monasteries, it was not he alone who endowed them. An ample accession to their revenues was obtained in succeeding ages by the donations of private men, as well as of Princes.

In monasteries, the lamp of knowledge continued to burn, however dimly. In them, men of business were formed for the state*; the art of writing was cultivated by the Monks †; they were the only proficients in mechanics, gardening, and architecture.

When we examine the sites of antient monasteries, we are sometimes inclined to say with the vulgar, 'That the clergy, in former times, always chose the best of the land, and the most commodious habitations;' but we do not advert, that religious houses were frequently erected on waste grounds, afterwards improved by the art and industry of the clergy, who alone had art and industry.

That many monasteries did, in process of time, become the seats of sloth, ignorance, and debauchery, I deny not. Candor, however, forbids us to ascribe accidental and unforeseen evils to the virtuous founder. 'It was devotion,' says John Major, 'that produced opulence; but the lewd daughter strangled her parent ‡.'

J. Major.
iii. 11.

By

* In *Chart. Kelfo*, fol. 71. there is a ratification by 'Matildis, quondam sponsa Ricardi de Lincolnia Domini de Molle, ita videlicet, quod dicti Abbas et conventus exhibebant Willielmo filio meo in victualibus, cum melioribus et dignioribus scolaribus qui resident in domo pauperum,' [Ap. 1260]. This instrument shews, that young gentlemen were sometimes boarded and educated in monasteries.

† The charters granted during the reign of William, the grandson of David I. are written in characters remarkably elegant.

‡ 'Opes primitiva devotio peperit; sed matrem lasciva filia suffocavit;' J. Major, de gestis Scotorum, L. iii. c. 11.

1153.

By his wife, Matildis daughter of Waltheof Earl of Northumberland, David had an only son Henry, who died before his father*.

MALCOLM

* *Ordericus Vitalis*, L. viii. p. 702. says, that David had two daughters, Claricia and Hodierna. He adds, that David had a son older than Henry. Concerning him, Vitalis thus speaks: 'Porro primogenitam ejus sobolem masculini sexûs ferreis digitis crudeliter peremit quidam miserabilis clericus, qui, ob inauditum quod apud Northvigenas perpetraverat scelus, oculorum privatione et pedum manuumque præcisione, fuerat mutilatus. Illic enim quendam sacerdotem, dum missam celebraret, post perceptionem sacramentorum, dum populus recessisset, ingenti cultello fortiter in alvo percussit, et intestinis horribiliter effusis super aram mactavit. Hic postmodum a Davide Comite in Anglia pro amore Dei susceptus, et victu vestituque cum filia parvula sufficienter sustentatus, digitis ferreis, quibus utebatur, utpote mancus, biennem filium benefactoris sui quasi mulcere volens, immaniter pupugit, et sic, infligante Diabolo, inter manus nutricis viscera lactentis ex insperato effudit; prima itaque proles David sic enecata est. Igitur ad caudas quatuor indomitorem equorum innexus est, quibus in diversa validè trahentibus, ad terrorem sceleratorum discerptus est.' According to this strange ill-told story, a certain person, in holy orders, murdered a priest while officiating at the altar. In consequence of *ecclesiastical immunity*, the most amazing of all the delusions of superstition, his life was spared. His eyes, however, were put out, his hands and feet cut off. He procured crooked irons or hooks to supply the use of hands. Thus, destitute, maimed, and abhorred, he attracted the compassion of David, who then resided in England as a private man. From him this outcast of society obtained food and rayment. David had a son two years old; the ungrateful monster, under pretence of fondling the infant, crushed it to death in his iron fangs. For this crime, almost exceeding belief, he was torn to pieces by wild horses. I could not altogether overlook this story; yet, as it is related by Ordericus Vitalis alone, and as it disgraces humanity, I would hope that it is false.

I have not been able, after the most exact inquiry, to ascertain the age of David at his death in 1153. He must at least have attained his sixtieth year; for his father died in 1093. He may have been considerably older. For mention is made of his son Henry in 1113. See *Foundation charter of Selkirk in Dalrymple*, p. 404. compared with *S. Dunelm.* p. 236.

M A L C O L M IV.

1153.

MALCOLM IV. a youth in his twelfth year, succeeded his grandfather David. *Chr. Madros, 167.*

Scarcely were the last honours paid to David, when Scotland experienced the calamities of war.

We have seen, that, in the former reign, one Wimund, called by our historians *Malcolm M'Heib*, pretended to be the son of Angus Earl of Moray; that he married a daughter of Somerled Thane of Argyle, excited an insurrection in Scotland, and, after various adventures, was detained a captive in the castle of Rokesburgh. *Pag. 86.*

Immediately after the death of David I. Somerled, accompanied by the children of the Adventurer Wimund, invaded Scotland*. [*5th Nov.*] *Chr. S. Crucis, ap. Ang. Sac. l. 161. Fordun, viii. 2.*

To

* 1153, *Die S. Leonardi* [Nov. 5.] apud Scotiam Somerled et nepotes sui, filii scilicet Malcolmi, associatis sibi plurimis, infurrexerunt in Regem Malcolmum, et Scotiam, in magna parte perturbantes, inquietaverunt; *Chr. S. Crucis*, ap. *Anglia Sacra*, vol. i. p. 161. It is probable, that it was a naval expedition which Somerled undertook: 1. He was master of what, in those days, was esteemed a powerful fleet; Dr *John M'Pherfon*, p. 266. 2. The precise day of the invasion is mentioned in the ancient Chronicle of *Holyrood* [Nov. 5.] This is more applicable to a descent, than to a land-invasion. 3. The attempt which Somerled afterwards made against Scotland, was from the sea. Dr M'Pherfon, relying on the traditions of highland Sennachies, expresses a partiality for Somerled. He imagines, 'That Somerled had received many insufferable provocations from the ministers of King Malcolm IV. a prince, weak, unexperienced, and entirely under the directions of his servants;' p. 268. If Somerled invaded Scotland in Nov. 1153, it is impossible that the insufferable provocations received from the ministers of Malcolm could have instigated him to that attempt. He must have projected his enterprize from the moment that he heard of the death of David, in the end of May 1153. With respect to the date of such an event as Somerled's invasion, we may rely on the accuracy of the chronicle of *Holyroodhouse*.

142291

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1153.

To revenge the supposed wrongs of his son-in-law, may have been the pretence; but ambition and contempt of the youth of the Scottish King, were the probable motives of this invasion.

The various events of this war are unknown*. We may presume, that the predatory incursions of Somerled distressed the kingdom, and spread consternation among its inhabitants, although they shook not the stability of government.

1154.

Chr. S. Crucis,
ap. Ang. Sa-
cra, i. 161.

The next remarkable incident which occurs in the course of this reign, is briefly recorded by a contemporary writer. 'One Arthur, who had plotted against the King, perished in single combat †.' This person, it is probable, having been accused of treason, appealed to his sword, and was foiled in *that divine appeal*.

Diceto, 529.

Stephen, King of England, died [25th October.] He was succeeded by Henry II.

1156.

Chr. S. Crucis,
ap. Ang. Sa-
cra, i. 161.

Donald, the son of Wimund, or Malcolm M'Heth, was discovered at Whithorn in Galloway, and conveyed to the dungeon in the castle of Rokesburgh, where his father had been long confined.

1157.

Chr. S. Crucis,
ib.
W. Newber. i.
3. 24.

Wimund was pardoned by the King of Scots †, and retired to the monastery of Biland in Yorkshire: But Somerled, disdaining submission,

* They were unknown to our earlier historians, as the chroniclers of Holyrood and Melros, and Fordun: Not so to *Boece*, whose fertile imagination eminently distinguishes itself throughout the reign of Malcolm IV. fol. 268. &c.

† 'Arthurus regem Malcolm proditurus duello perit;' *Chr. S. Crucis* ap. Anglia Sacra, vol. i. p. 161.

‡ 'Malcolm M'Heth cum rege Scottorum pacificatus est;' *Chr. S. Crucis* ap. Anglia Sacra, vol. i. p. 161.

1157.

mission, continued to infest the coasts of Scotland *. It appears, however, that he agreed, at length, to terms of accommodation with Malcolm †. Fordun, viii. 2.

We have seen that, 'in 1149, Henry II. made oath, that, if ever he attained the English crown, he would restore Newcastle to David, and cede to him and his heirs for ever the whole territory between Tine and Tweed.' Pag. 90.

Instead of making this cession, Henry now claimed those parts of the northern counties which the Scots held. Fordun, viii. 3.

Malcolm had an interview with Henry at Chester. Malcolm did homage to Henry in the same form that his grandfather had done to Henry I. 'reserving all his dignities ‡.' B. Hoveden, 491.

An agreement was concluded between the two kings. Malcolm abandoned to the English whatever he possessed in the Northern counties §. Fordun, viii. 3. Diceto, 531.

Henry

* 'Summerledo nequiter adhuc suam nequitiam in populo exercente;' Fordun, viii. c. 2.

† *Sir James Dalrymple*, p. 425. mentions a charter in the possession of the family of Innes, granted by Berowaldus Flandrensis, 'apud Pert, natali Domini Post concordiam regis et Summerledi.'

‡ 'Malcolmus rex Scottorum venit ad regem Angliæ apud Cestre, et homo suus devenit, eo modo quo avus suus fuerat homo veteris regis Henrici, *Salvis omnibus dignitatibus suis*;' *R. Hoveden*, p. 491. Fordun says, that the interview of the two kings was at Doncaster.

§ 'Melcholmus rex Scottorum reddidit Henrico civitatem Carleul, castrum Baenburgh, novum castellum super Tinam, et comitatum *Lodonensem*;' *Diceto*, p. 531. Other historians concur with Diceto. It will be remarked, that Diceto, in describing the cession of Cumberland and Northumberland, says, that Carlisle, Bamborough, and Newcastle upon Tine were restored. He speaks of the *principal castles*, as implying the *country* in which they were situated. That Malcolm was actually in possession of the fortresses of Bamborough and Newcastle, may well be doubted. The words *comitatus Lodonensis*, have afforded, and probably will forever afford, a subject of controversy. The modern writers of our neighbouring country, understand them of *Lothian*,
in

1157.

Henry conferred on Malcolm the honour of Huntington.

Fordun, viii. 3. Popular report ascribed this unequal agreement to the youth and inexperience of Malcolm, and to the treachery of his counsellors, whom Henry had corrupted. Certain it is, that the conditions of the treaty produced universal discontent in the Scottish nation †.

1158.

R. Hoveden,
491.

Malcolm, ambitious of receiving the honour of knighthood from Henry.

in the modern sense of the word: But our own writers seek for the *comitatus Lothianensis*, either in Cumberland or in the district of Leeds. 'Whether Malcolm IV. acknowledged himself the vassal of Henry II. for Lothian in Scotland,' is an historical problem considered at great length in *Remarks on the history of Scotland*, ch. 2. When I offered my sentiments on that perplexed subject, I little thought that the world was to be so soon deprived of Lord Lyttelton: I am sorry that I should have been the first to combat his opinions after his death, even in a matter of historical curiosity.

* Huntington is supposed to have belonged at this time to David the youngest son of Henry Prince of Scotland. *Fordun* says of it, 'qui facit fratri sui David *more*, [q. *jure*,] *suo*;' L. viii. c. 3.: This, however, is uncertain. His grandfather David I. may have wished, from reasons of policy, that Huntington should be enjoyed by a younger branch of the royal family; but I do not see, that the kings of England were bound to ratify such a change in the course of succession. *Lord Lyttelton* observes, that Stephen had conferred Huntington on the Earl of Northampton, upon the decease of the Prince of Scotland, and that the Earl died soon after; vol. ii. p. 243. What right Stephen had to make this grant, I inquire not. It happened, however, that Henry, on his accession to the throne, was accidentally in possession of Huntington, and he profited by that accident.

† 'Rex juvenis Malcolmus totius doli inficius, sed ad modum innocentis credit operni dicto. *Suos quosdam consiliarios, Anglorum ut fertur, pecuniis illectos exaceranda conflexit cupiditas*: Quorum mox ingenio Rex fallaci seductus, eodem anno Northumbriam regi Angliæ, suis, exceptis paucis, inconsultis proceribus, reddidit et Cumbriam. Ob quam causam, totius Scotiæ communitas contra dominum suum regem, et suos partiales corruptos consiliarios, in odium unanimiter, murmure tamen tacito, concitatur;' *Fordun*, L. viii. c. 3.

1158.

Henry, repaired to the English court at Carlisle. At this interview, some differences arose between the two kings *. Henry refused to bestow that distinction on the young Malcolm, which was highly valued in that age. Malcolm returned to Scotland in disgust.

1159.

An embassy was sent from Scotland to Pope Alexander III. Alexander, at enmity with the Emperor Frederic, and willing to conciliate the favour of every sovereign Prince, conferred the office of Papal legate on William Bishop of Moray, one of the ambassadors †.

Chr. S. Crucis,
ap. *Ang. Sacra,*
i. 161.
Chr. Melros,
168.

Malcolm, intent on his favourite object of knighthood, passed over into France, and fought under the banners of Henry. Henry invested him with the honours which his military service had merited in an enterprize undertaken against the judgement of his nobles ‡.

Chr. S. Crucis,
ap. *Ang. Sacra,*
i. 161.
R. Hooven,
492. *German,*
1381.

1160.

The attachment of Malcolm to the King of England, excited the jealousy of the Scots. They imagined, that the national independen-
cy

Fordun, viii. 4.

* About this time, Henry II. gave orders for repairing the fortifications of Werk on the borders of Scotland. It may be conjectured, that, by the treaty of Chester, no new fortifications were to be erected in Northumberland. The repairing of the ruined castle of Werk might be considered as contrary to the spirit of that treaty: This may have occasioned an angry remonstrance on the part of the Scots, a haughty answer from the English, and a dissension between the two Kings.

† *Willielmus Episcopus Moraviensis, missus Romae a Rege Malcolmo, a praefato Papa Alexandro, cum summo honore susceptus, ad Scotiam cum gratia et electione sedis apostolicae reversus est;* *Chr. S. Crucis,* ap. *Anglia Sacra,* vol. i. p. 161. 'Legatus regni Scottorum factus;' *Chr. Melros,* p. 168. The other ambassador was 'Nicolaus Regis Scottorum Camerarius.'

‡ 'Magnatum suorum invitis pluribus;' *Fordun,* l. viii. c. 3. According to *Abercrombie,* vol. 1. p. 250. 'the nation disapproved of his joining with a certain enemy against an old and trusty friend.' Abercrombie believed in the ancient league between France and Scotland; that fiction has taken root in the minds of Scottmen, and will never be eradicated. *Refer et sine, &c. Hor.*

1160.

cy was in hazard from the influence of English councils. They sent a solemn deputation into France, and in bold language reproached Malcolm. 'We will not,' said they, 'have Henry to rule over us.' Malcolm, hastening home, assembled his parliament at Perth. Ferquhard Earl of Strathern, and five other Earls, conspired to seize the person of their sovereign *. They assaulted the tower in which he had sought refuge; but were repulsed. The clergy judiciously interposed, and wrought a speedy reconciliation between the King and his people.

Chr. S. Crucis,
ap. Ang. Sa-
era, i. 161.

About this time there happened a formidable insurrection in Galloway.

Galloway anciently comprehended not only the country now known by that name, and the stewartry of Kirkcudbright, but also the greatest part, if not the whole, of Air-shire †. It had its own princes and its own laws: It acknowledged, however, a feudatory dependence on Scotland. This dependence served only to supply the sovereign with rude undisciplined soldiers, who added rather to the terror than to the strength of his armies.

Chr. S. Crucis,
ap. Ang. Sa-
era, i. 161.
Fordun, viii. 4.

The insurrection in Galloway, at this critical season, enabled Malcolm to occupy his factious nobles, and to conciliate the affections of his people by the display of personal valour. Twice he invaded Galloway;

* The Continuator of Fordun boldly justifies this conspiracy: 'The intentions of those noblemen,' says he, 'were not traiterous or selfish, but singly directed to the welfare of the state.' 'Non utique pro singulari commodo seu proditiosa conspiratione, immo reipublicae tuitione, commoti;' *Fordun, l. viii. c. 4.* Concerning the public spirit of a disappointed faction, we cannot pronounce with certainty. To invade the sovereign, in the midst of his parliament, had, at least, a traiterous appearance.

† Even at so late a period as the reign of Robert Bruce, the castle of Irvine was accounted to be in Galloway. There is reason to suppose, that a people of Saxon origin encroached by degrees on the ancient Galloway. The names of places in *Cuningham* are generally Saxon: The name of the country itself is Saxon. In *Kyle* there is some mixture of Saxon. All the names in *Carrick* are purely Gaelic.

1160.

loway; he was twice repulsed. The intrepid young Prince made a third effort, overcame his enemies in battle, and forced them to implore peace. Fergus, the Lord of that country, submitted to give his son Uchtred as an hostage to Malcolm; and, renouncing the world, assumed the habit of a canon-regular in the abbey of Holyrood*.

1161.

Malcolm, with the advice of his parliament, gave his two sisters in marriage, Margaret to Conan Count of Britany, Ada to Florence Count of Holland. The parliament granted a subsidy for providing portions to them †.

Chr. S. Crucis,
ap. *Ang. Sacra,* i. 162.
Fordun, viii. 4.

The inhabitants of Moray had often rebelled against the Scottish government. 'No solicitations or largesses could allure them, no treaties or oaths could bind them, to their duty ‡.' With bold and desperate policy, Malcolm dispossessed them all, scattered them over Scotland, and planted new colonies in their room §.

Malcolm

* 'Rex Malcolmus duxit exercitum in Galwaiam ter, et ibidem, inimicis suis devictis, foederatus est in pace, et sine damno suo remeavit. Fergus Princeps Galwaiæ habitum canonici in ecclesia S. Crucis de Ednesburgh suscepit, et eis villam quæ dicitur Dunroden dedit;' *Chr. S. Crucis*, ap. *Anglia Sacra*, vol. i. p. 161.

† 'Subsidio suorum et consilio;' *Fordun*, l. viii. c. 4. Perhaps this implies, that his vassals granted him an aid for portioning his sisters. The difference, however, between the two versions is inconsiderable; the Chronicle of Melros, p. 168. says, that Margaret was married in 1160, Ada in 1162.

‡ 'Nullâ prece aut pretio, foedere, vel juramento desistere volens;' *Fordun*, l. viii. c. 6.

§ *Borke*, imagining that Malcolm IV. had massacred the ancient inhabitants of Moray, attempts to vindicate this deed by *reasons of state*; *Hist. Scot.* l. xiii. fol. 269. If the modern inhabitants of Moray differ in genius, manners, and traditionary customs, from their neighbours on every quarter, it will afford internal evidence of the depopulation and new peopling of that country.

1163.

Diceto, 536. Malcolm did homage to the King of England and his infant son *, [at Woodstoke, 1st July.]

*Excerpta è
Chr. Scot.* 101.
85. MS.

Roger Archbishop of York having procured legatine powers over Scotland from Pope Alexander III. ordered the Scottish clergy to attend him at Norham, under pain of suspension. They sent three deputies to meet the Archbishop, and to remonstrate against the powers which he assumed. The deputies, after some altercation with the pretended legate, appealed to Rome †.

1164.

Chr. Melros,
169 *excerpta*
è Chr. Scot.
MS. fol. 82.

Somerled invaded Scotland with a mighty force, and landed at Renfrew on the river Clyde. The inhabitants of the country repulsed his army with great slaughter. Somerled and his son Gillicolane were slain ‡.

Bowmaker,

* In this year, the Chronicle of Melros, p. 169. relates, that Malcolm fell dangerously ill at Doncaster, and that a perfect agreement was established between him and Henry II. These circumstances tend to confirm the narrative of *Diceto*, whose words are, p. 536. ‘Malcolmus, Rex Scottorum, Refus Australium Princeps Wallensium, ‘Audoenus Aquilonarium, et quique majores de Cumbria, fecerunt homagium Regi ‘Anglorum et Henrico filio suo, kalend. Julii apud Wedstoke.’

† ‘Rogerus Eboracensis Archiepiscopus, Papae Alexandro III. falso suggerens, legationis privilegium super ecclesiam Scoticanam impetravit, cum quo pompose venit ad ‘castrum de Norham, mandans clero Scotiae illum cum honore ut legatum suscipere, ‘aut sibi cognoscerent divinum officium sequestrandum. Clerus Scotiae elegit, ad respondendum, Engelramum Archidiaconum, Regis Malcolmi olim cancellarium, postea ‘in Glascuensem episcopum electum, Salamonem decanum Glascuens. et Walterum ‘priorem de Calco [Kelfo], per quos cum Archiepiscopo est aliquando disputatum, de ‘nec a Scotis ad Papam est appellatum, coram quo astantibus pomposis procuratoribus ‘Archiepiscopi, dictus Engelramus, per praefatum Papam Alexandrum tertium in Glas- ‘cuensem Episcopum est consecratus, ad maximam Anglorum confusionem et Scoto- ‘rum laudem;’ *Excerpta è Chronicis Scotiae*, fol. 85. MS. Advocates Library, Edinburgh.

‡ ‘Contra Regem Scotiae Malcolmum dominum suum naturalem, cum copiosum, de ‘Hibernia et diversis locis, exercitum contrahens, apud Renfrew applicuisset, tandem, ‘ultione

1164.

Bowmaker, the continuator of Fordun, relates, that Malcolm ha- *Ford. viii. 6.*
ving made a vow of perpetual virginity, and being intent on divine
things, neglected the administration of his kingdom; that, from these
causes, he became odious to the people, who constrained his brother
William to accept the office of Regent*.

The same author adds, 'That William, from the time of his being
'deprived of the earldom of Northumberland, entertained an impla-
'cable resentment against the English.'

If such a revolution ever happened, we may ascribe it to the unpo-
pular surrender of the northern counties, and to the national jealousy
which that surrender excited. That William was *constrained* to assume
the reins of government, is a decent, although improbable, circum-
stance.

1165.

Malcolm IV. died [28th December 1165.] at Jedburgh.

The character of Malcolm IV. is delineated by all our historians
without any one feature of resemblance. *Chr. Melros, 169.*

An early notion prevailed, that this young Prince had devoted him- *W. Nembr. i. 169.*
self

'ultione divina, cum filio suo et innumerabili populo, a paucis comprovincialibus, ihu-
'dem occisus est;' *Chr. Melros, p. 169.*

* 'Uni viro virginem se castum exhibere Christo professus est se promissum; qui,
'licet saepe regiae dignitatis auctoritate, ut quidam assolent, transgredi potuit, nunquam
'suaen transgressus est. Propter quae, multas a suis pertulit regnicolis exprobrationes
'et opprobria. — Equidem in coelestibus suam animum, divini amoris fervore concep-
'to, tam indeliberanter suspensum locaverat, quod terrena quaeque despiciens, curam
'pene regni sui simul et regimen praetermisit. Quamobrem, ab omni plebe in tantum
'habitus est in odio, quod Willhelmus, frater ejus junior, qui semper, ex quo suum ad-
'stulerant patrimonium, comitatum, scil. Northumbrorum, Anglis satis infestus, et im-
'placabilis affectus est inimicus, totius regni custos ab eis, invito Rege, et ipso etiam
'Willelmo reclamante, constitutus est;' *Fordun, l. viii. c. 6.*

1165.

self to pure coelibacy *; an artificial virtue, which, for many ages, was extolled beyond every real one.

Agreeable to this notion, historians have delineated the character of Malcolm. They represent him chaste, even to monastic perfection, mild and inoffensive, careless of all temporal concerns, and too much involved in divine contemplation to discharge the duties of a king.

They relate all this, and at the same time relate the events of his reign, which authorize us to pronounce, that Malcolm was headstrong and active, immoderately ambitious of military fame, intrepid and persevering in war, and one who could plan and execute the measures of bold and hazardous policy: Thus, his *character* exhibits the virtues of a nun; his *life*, the qualities of a heroic young Prince.

Char. Kelfo,
fol. 16.

It is now known, that the pure coelibacy of Malcolm IV. must be placed among the fables of history. From a grant which he made to the abbey of Kelfo, it appears, that he had a natural son *.

Ford. vi. 32.

At the request of Waltheof, abbot of Melros, Malcolm founded an
abbey

* *W. Newbr.* vol. i. l. i. c. 25. seems to have been the first historian who reported the tale of the virginity of Malcolm IV. He is so extravagant as to assert, that Ada, the mother of Malcolm, attempted to corrupt her son by procuring for him the company of women. The story is told with many improbable and ridiculous circumstances.

† *Præcipio etiam, ut prædicta ecclesia de Innerlethan, in qua primâ nocte corpus filii mei post obitum suum quievit, ut tantum refugium habeat in omni territorio suo, quantum habet Weddale aut Tynningham; Chart. Kelfo, fol. 16. b.* It is not improbable that the appellation of *maiden*, vulgarly bestowed on Malcolm IV. may have given rise to all the fables concerning him, and that that appellation may have been given to him by reason of his effeminate countenance; *παις παρθενικὸν βλεπων*, is an expression as old as the days of Anacreon. I am assured, that, in the Gaelic language, a fair young man is still termed a *maiden*.

1165.

abbey for monks of the Cistercian order, at Couper in Angus. [1164]*.

He also founded a priory at Manuel near Linlithgow, for nuns of the Cistercian order [1156.] *Spotswood, xviii. 3. B. B.*

WILLIAM, the brother of Malcolm, was crowned, [24th December 1165.] *Chr. Mel. 170.*

1166.

William repaired to the court of Henry II. and solicited the restitution of Northumberland. Contrary to the opinion of all his counsellors, he passed over into France, and served under the banners of Henry †. His counsellors judged well: From this impolitic thirst of military glory, the Chronicle of Melros concludes, that he went to France 'to do the business of his Lord ‡.' Henry rewarded him with fair promises, and agreed to prolong the truce with Scotland. *Chr. Melros, 170. Fordun, viii. 12. 13. Chr. Mel. 170.*

1168.

The King of Scots, dissatisfied with Henry, sent ambassadors to France, *Lyttelton, iv. 218. &c.*

* Of them it is that *Boece* speaks, l. xiii. f. 270. b. 'Viri religiosi ordinis Cestertienfis, multâ pietate celebres, nec in hanc usque diem ullo notati manifesto flagitio.' This eulogy shews how corrupted the Scottish monasteries had become in the days of Boece.

† If William distinguished himself in action, as our historians relate, it must have been at the storming of the castle of Fougères in Brittany; *Lyttelton*, vol. iv. p. 109.

‡ 'Quem, ob negotia Domini sui, Rex Scotiae Willelmus sequutus est;' *Chr. Melros*, p. 170.

1168.

France, and sought to negotiate an alliance with that kingdom against England. This is the first authentic evidence of the intercourse between France and Scotland, so honourable to us, and so fatal.

1170.

Henry celebrated Easter at Windsor, attended by William and his brother David. David received the order of knighthood from Henry.

• *Benedictus
Abbas, 4. 5.*

On the 15th June, Henry celebrated the injudicious coronation of his high-spirited son. Next day, he made William and David do homage to the young King*.

William

* ‘Fecit Willelmum Regem Scotiae et David fratrem suum de venire homines novi Regis filii sui, et fecit eos super sanctorum reliquiis jurare illi ligeantias et fidelitates contra omnes homines, salvâ fidelitate suâ;’ *Benedictus Abbas*, p. 4. 5. Lord Lyttelton says, ‘The homage done to him by William *must have been for Lothian*, that Prince having *surrendered* the earldom of Huntingdon to David his brother, who, in like manner, did homage on account of that fief;’ vol. iv. p. 297. That excellent person did not recollect, that it was necessary for William to be once vested in the earldom of Huntingdon before he could surrender it, and that, when he surrendered it, it must have been to his lord, not to David, the new vassal. After the fief had been once delivered back to the lord, the lord might confer it on another, and receive his homage. It is unfeudal to speak of the *old* vassal surrendering the fief to the *new*. None of the English historians hint at any homage done, before this time, by William. Hence my conjecture of the nature of the ceremony is confirmed. It seems to have been this. William received the fief of Huntingdon from Henry II. and did homage to the younger Henry, with his father’s approbation. He afterwards surrendered, or resigned it, to make way for David. David, in like manner, received it from Henry, and did homage. Without all this circuit of feudal ceremonies, the earldom of Huntingdon could not have been conveyed to David, as the immediate vassal of Henry, unless William had disclaimed his inheritable right in it. This may shew that there is no necessity for the hasty systematical conclusion, ‘That William *must have done homage for Lothian.*’

But, independent of this, Lord Lyttelton himself asserts, vol. vi. p. 218. ‘That, in 1185, Henry restored to William the earldom [of Huntingdon], which *that King and his*

1172.

William still solicited the restitution of Northumberland, and, having failed in obtaining what he had no reason to expect from Henry, left England in disgust. *Ford. viii. 14.*

1173.

An opportunity soon presented itself, by which William hoped to take vengeance on Henry for this supposed injury. He joined in a confederacy with the young King, who had taken up arms against his father. *Lyttelton, vi. 147.*

That ambitious and ill-advised youth granted to William the earldom of Northumberland, as far as the Tyne; and to David, William's brother, the earldom of Cambridge. *Benedictus Abbas, 34.*

William invaded England, and besieged Werk and Carlisle, but failed in both attempts. His expedition terminated in the fruitless devastation of that country, of which he had obtained an ineffectual grant. In his turn, Richard de Lucy, justiciary of England, crossed the Tweed, and wasted the low country of Scotland. Perceiving, however, that Henry's enemies, in the south, increased, he negotiated a truce with William. William, strangely ignorant of the successes of his confederates, agreed to the truce. A renewal of it, until the conclusion of lent 1174, was procured, upon payment of 300 merks. This cessation of arms enabled Lucy to make a large detachment to the south. In Suffolk, *Cbr. Maltr. 172. W. Moub. 266.*

his brother David, in feoffed in it by him, had formerly enjoyed many years, till, on account of the unjustifiable part they had taken in the young King Henry's rebellion, it was given to Simon the late Earl of Northampton, in the year 1174. William now renewed the grant he had made before to his brother, who held it of him.' This I understand to be a direct assertion, that William was the immediate vassal of Henry, for the earldom of Huntington, until it was resumed in 1174. Hence I conclude, upon Lord Lyttelton's own principles, that, in 1170, William must have done homage to Henry for the earldom of Huntington.

1173.

folk, they encountered the Earl of Leicester chief of the malcontents, and made him prisoner.

1174.

W. Newbr.
206.

The vassals of the Earl of Leicester, deprived of their leader, invited David Earl of Huntington to assume the command, and put him in possession of the castle of Leicester. 'So eager were they for action,' says an English historian, 'that scarcely would they refrain from hostilities, during the holy season of lent.' After fasting, prayer, and confession, they resumed their arms with fresh ardour, in aid of a subject against his unoffending sovereign, and of a son against his too indulgent father.

Chr. Melros.
173.
W. Newbr.
212.—215.
Benedict. Abb.
73. et seq.

On his side, William again invaded Northumberland. Himself, at the head of a select body, watched the motions of the garrison of Alnwick, while the rest of his numerous army, spreading themselves over the country, wasted, pillaged, and slaughtered with every excess of barbarous license.

At this, the Yorkshire barons felt a generous indignation, and flew to the aid of their neighbours.

On their arrival at Newcastle, their number amounted to no more than four hundred horsemen, incumbered in heavy armour, and fatigued by a long and laborious journey; yet they pressed on, and made a forced march of twenty four computed miles during the night. Ranulph de Glanville, afterwards justiciary of England, Robert de Stutleville, Bernard de Balliol, and William de Vespi, were the leaders of this gallant band. During their course, a thick mist arose, and bewildered them. The more cautious of the company advised a retreat, but Bernard de Balliol exclaimed, 'Ye may retreat, yet I will go forward alone, and preserve my honour.' Animated by this reproach, they all advanced, when the returning light disclosed the battlements of Alnwick castle. William was then in the fields with a slender train of sixty horsemen. At first, he mistook the English for a party of his

own

1174.

own stragglers returning loaded with the spoils of a defenceless country; perceiving his error, he cried out, 'Now it will be seen *who* are 'true knights,' and instantly charged the enemy. He was overpowered, unhorsed, and made prisoner. His companions voluntarily shared the fate of their sovereign. Several of his Barons, who had not been present at the action, from the like affectionate duty, surrendered themselves. The English, with wonderful celerity, conducted their royal prize to Newcastle that very evening, [13th July]. To ride near seventy miles after the fatigue of a long march, to charge the enemy, and to make a King a prisoner, in the midst of a numerous army, were the feats of this day, and will perpetuate the glory of the Barons of Yorkshire.

William was at first confined in the castle of Richmond; but Henry, sensible of the value of this unexpected acquisition, secured him beyond seas at Falaise in Normandy*.

Mean-

* *Hoveden* says, that, when Henry came to Northampton, 'adductus est ei Willielmus Rex Scotorum *sub ventre equi compeditus*;' p. 539. 'A captive King with his feet tied like a felon's under the belly of his horse,' seems a strange spectacle. *Lord Lytton*, therefore, supposes 'That the English considered William as a robber and murderer apprehended by justice,' vol. v. p. 98. This indeed is a just representation of many a captive hero. But the simple reason for thus binding William was, that his keepers had no better means of securing their active and indignant prisoner. They rather chose to be guilty of rudeness to a King, than, by more respectful treatment, afford him an opportunity of escaping. I have been favoured, by a noble and learned person, with the following observations, which I use the liberty of transcribing: 1. No circumstance could justify such an act of wanton and indecent cruelty, had it been even in the heat of a doubtful battle. But, 2. This happened 18 days after William was taken at Alnwick. He was made prisoner on the 13th July, and brought to Northampton on the 31. 3. This piece of inhumanity goes far to unfold the personal character of Henry II. It must have been a deliberate act of ostentatious cruelty; for it appears that he had summoned all his great men to Northampton for the purpose

' of

1174.

Meanwhile, the Scottish army, agitated with terror, and blind resentment, for the loss of their sovereign, assaulted their companions of English extraction, and put many of them to the sword. They abandoned their dishonourable spoils, and tumultuously dispersed themselves.

With equal precipitancy, the Earl of Huntington left Leicester, and retreated into Scotland.

W. Newbr.
218.

An English historian reports, that *at the same hour* at which Henry did penance before the tomb of Becket, William was made prisoner. A singular co-incidence of events, if true! It happens unluckily that Henry was scourged at Canterbury on a *Thursday*, and William made prisoner on a *Saturday* *.

W. Newbr.
215. R.
Hoved. 539.

The

‘ of witnessing the humiliating spectacle of a sovereign Prince exposed in public to a new invented indignity. Vid. *Carte*, p. 668. and 670 4. What puts it past a doubt, that William was not thus degraded, purely for security, is, that, besides the distance of time, Northampton is above 200 miles from the scene of action; and so compleatly were Henry’s enemies subdued, at that time, that we find Henry landed, with his prisoner, in Normandy, eight days after. Nor is it possible to imagine, that any step could be taken, in a point of so much consequence as the treatment of William, without the particular direction of Henry, who appears to have come to Northampton, on purpose to triumph over him. It must have been the captors of William, viz. Glanville, &c. who carried him to Richmond castle in Yorkshire, where he must have remained till Henry ordered him to be brought to Northampton for a public spectacle.’

* Another historian says, ‘ In the captivity of William, that prophecy was fulfilled, *there shall be given unto his jaws a bridle, forged in the bay of Bretagne.*’ Ut adimpleretur illud propheticum, *dabitur maxillis ejus froenum quod in Armorica suo fabricabitur, finum vocans Armoricum, castellum de Richefont ab Armoricis principibus, et nunc et ab antiquis temporibus, haereditario jure possessum;* *R. de Diceto*, p. 577. By the bay of Bretagne, according to this officious interpreter, ‘ the prophet meant the castle of Richmond, built by a Prince of Bretagne, and held in property by his descendants.’ This prophet was no less a person than the renowned Merlin, whose supposed

1174.

The Scots, impatient at the absence of their King, purchased his liberty by surrendering the independency of the nation. With the consent of the Scottish Barons and clergy [given at Valogne in the Cotentin, 8th December 1174, and immediately renewed at Falaise], *William became the liegeman of Henry, for Scotland and all his other territories* *.

*Foedera, l. 39.
R. de Dicno.
384*

‘The King of Scotland, David his brother, his Barons, and other liegemen, agreed, that the Scottish church should yield to the English church such subjection, in time to come, as *it ought of right, and was wont to pay* in the days of the Kings of England, predecessors of Henry. Moreover, Richard Bishop of St Andrew’s, Richard Bishop of Dunkeld, Geoffry Abbot of Dunfermline, and Herbert Prior of Coldingham, agreed that the English church should have that right over the Scottish *which in justice it ought to have*. They also became bound, that they themselves would not gainsay the *right of the English church* †.’

A

supposed oracles received implicit credit in an unlettered and credulous age. The prophecy would have applied with equal propriety to the defeat of M. de Conflans in Quiberon Bay.

* ‘Devenit homo filius Domini Regis contra omnem hominem, de Scotia et de omnibus terris suis;’ *Foedera, T. i. p. 39.*

† ‘Concessit autem Rex Scotiae, et David frater suus, et barones, et alii homines sui. Domino Regi, quod ecclesia Scotiana talem subjectionem a modo faciet ecclesiae Anglicanae, *qualem illi facere debet et solebat*, tempore regum Angliae praedecessorum suorum. Similiter Richardus episcopus Sancti Andreae, et Richardus episcopus de Dunkeldyn, et Galfridus abbas de Dunfermlyn, et Herbertus prior de Coldingham, concesserunt, quod etiam ecclesia Anglicana *illud jus habeat in ecclesia Scotiae quod de jure habere debet*, et quod ipsi non erunt contra *jus ecclesiae Anglicanae*.’ *Foedera, T. i. p. 39.* Archbishop *Spotiswood*, p. 37. says, ‘that these are mere forgeries, *it being certain*, that the Scots, howsoever they loved their King, and for his liberty would not refuse to undergo very hard conditions, yet would never have renounced their liberties.’

1174.

A memorable clause! drawn up with so much skill as to leave entire the question of the independence of the Scottish church. Henry and his ministers could never have overlooked such studied ambiguity of expression. The clause, therefore, does honour to the Scottish clergy who, in that evil day, stood firm to their privileges, and left the question of the independence of the national church to be agitated on a more fit occasion, and in better times.

In pledge for the performance of this miserable treaty, William agreed to deliver up to the English, the castles of Roxburgh, Berwick, Jedburgh, Edinburgh, and Stirling, and gave his brother David and many of his chief Barons as hostages*.

William,

‘liberties, maintained so long, and with so much blood, and yielded themselves in any case to such a slavish subjection.’ All this is very plausible; but historical facts are not to be tried by *the reason of things*.

* We have been told by most respectable authority, ‘That Henry II. might have conquered Scotland at that time, or have put his vassal William to death for high treason, or, by demanding an exorbitant ransom, have detained him in perpetual duress.’ Hence it seems to be inferred, that Henry was gracious to Scotland, in consenting to conditions so moderate; *Vae Victis!*

1. If Henry could have conquered Scotland, there would have been no treaty in Normandy.

2. Had he put William to death for high treason, he would have established a dangerous precedent in his own quarrels with France, and he would have acted with profound ignorance of the manners of his age.

3. Henry, it is true, might have detained William in perpetual captivity, by demanding an exorbitant ransom; but then, David Earl of Huntingdon, if he had been regent, and Scotland would have remained free. By the moderate conditions which Henry accepted, the independence of a nation was paid for the liberty of one man. A sad exchange! I equally censure the extortioner who demanded, and the impatient dupes who paid this price. There is a passage in *Scalae Chronica*, preserved by Leland, *Collectanea*, T. i. p. 533. which deserves to be remembered, though its truth may be questioned: ‘The nobles of Scotland came no nearer than Pembrles

1175.

William, with his clergy and barons, did homage to Henry at York, according to the tenor of the late treaty.

*Benedictus
Abbas, 113.
Chr. Melros,
173.*

1176.

Cardinal Huguecio Petreleonis, the Pope's legate, held a council at Northampton. Henry II. and William King of Scotland were present. William brought with him the Bishops of St Andrew's, Glasgow, Dunkeld, Galloway, Moray, and Caithness.

*Zabarella
Aut. Hieronym.
233. R.
Hoved. 550.*

Henry required the Scottish Bishops 'to yield that obedience to the English church which they ought to yield, and were wont to yield in the days of his predecessors.' He alluded to the Norman treaty, at which the Bishops of St Andrew's and Dunkeld had assisted.

The Scottish bishops boldly avowed their sense of the treaty. Although on English ground, and in the power of Henry, they made answer, 'That they had never yielded subjection to the English church, nor ought they.'

Roger Archbishop of York affirmed the contrary, and contended, that the Bishops of Glasgow and Galloway had been subject, in times past, to the see of York. Jocelin Bishop of Glasgow replied, that, by special grace of the see of Rome, Glasgow was the daughter of the church of Rome, exempted from the jurisdiction of all other Bishops and Archbishops. He probably drew this inference from a bull of Pope Alexander III. in 1164. He added, that, although it were granted, that the Archbishop of York had formerly exercised such jurisdiction, he could not now. It may be presumed, that the Bishop

*Keith's Catal.
of Bps. 139.*

of

'Pembles [r. Peebles] yn Scotland to mete with theyr King. Wherefore he toke with hym many of the younger sunnes of the nobyl men of England that bare hym good wylle, and gave them landes in Scotland of them that were rebelles to hym. These were the names of the gentilmen that he toke with him; Bailliol, Breuse, Souilly, Moubray, Sainctclere, Hay, Giffard, Ramesey, Laundel, Bysey, Berkeley, Walenge, Boys, Montgomery, Vaulx, Coleville, Fresir, Grame, Gurlay, and dyverse other.'

1176.

of Galloway made no defence; for, in the year 1177, he was suspended from his office by Cardinal Vivian Tomasi, the papal legate, because he denied his subjection to the Scottish church.

Ford. viii. 25.

Richard Archbishop of Canterbury injudiciously interposed in the debate: He contradicted the Archbishop of York, with whom he was, on other accounts, at variance; and averred, that the Scottish church was subject to the see of Canterbury; and thus revived the controversy which had been agitated in the reign of Alexander I.

‘ This dispute having arisen between the two metropolitans, Henry permitted the Scottish Bishops to depart without requiring their submission to the English Church.’ So says Hoveden, who probably assisted at the council of Northampton. *This* indeed may have been Henry’s pretext; but, it is plain, that the claim could not be maintained on the ground which the two Archbishops had chosen. The Archbishop of Canterbury claimed without evidence: The Archbishop of York claimed upon the evidence arising from the supposed practice of *two sees*. One of his instances was controverted, and was indeed controvertible: At any rate, the see of Glasgow, by acknowledging the jurisdiction of the Archbishop of York, could not extend it over the whole Scottish church. The other instance was nugatory; because the Bishop of Galloway did not acknowledge himself to be a son of the Scottish church at all*.

1178.

Ford. viii. 25.

Ada, widow of Earl Henry, and mother of the King of Scotland, died. She founded a nunnery at Hadington.

* The proceedings at Northampton clearly discover the forgery of the letter, said to have been written to Pope Alexander, by William, and transmitted by the Pope to the Archbishop and chapter of York, in which William is made to acknowledge, that the jurisdiction of the Archbishop of York did extend over Scotland, and to aver, that he himself had sworn to support it; *Nicolson, Scots Historical Library, app. p. 138.* At the same place, will be found a testimony in favour of Canterbury against York, fabricated

1178.

In this year, according to the general opinion, William founded and amply endowed an abbay at Aberbrothock, in honour of the holy martyr Thomas à Becket. William was personally acquainted with Becket, when there was little probability of his ever becoming a confessor, martyr, and saint. It is difficult to determine what were the motives of William for this liberal endowment. Perhaps, it was meant as a public declaration, that he did not ascribe his disaster at Alnwick to the ill-will of his old friend. He may, perhaps, have been hurried, by the torrent of popular prejudices, into the belief that his disaster proceeded from the partiality of Becket towards the penitent Henry; and he might imagine, that, if equal honours were done in Scotland to the new saint as in England, he might, on future occasions, observe a neutrality.

1179.

William, and his brother David, went, with an army, into Ross, to compose some disorders in that distant quarter. They built two castles there*.

1181.

Armed with papal authority, Roger Archbishop of York, excommunicated William, and laid the whole kingdom under an interdict. This singular event was occasioned by a contest, which arose concerning the election of the Bishop of St Andrew's. John, surnamed *the Scot*, a native of Cheshire, but probably of Scottish parentage, was a person eminently learned, according to the measure of that age; his mother was the sister of Matthew Kynynmount Bishop of Aberdeen. Thus connected with the Scottish church, he obtained the patronage of Richard Bishop of St Andrew's, was made one of the Archdeacons of that see,

and, cated in the southern mint. The forgers of England, and the forgers of all England were equally industrious.

* Dunscath and Etherdover. These names are probably in *Chr. Melros*, p. 174. I know not how to correct the error; neither is it of any consequence.

1181.

and, on the demise of Richard, was elected Bishop of St Andrew's, by the Chapter [1178].

Fordun, vi. 35. William had destined this bishoprick for one Hugh his chaplain. When he heard of the election made by the Chapter, he passionately exclaimed, 'By the arm of Saint James, while I live, John Scot shall never be Bishop of St Andrew's.' He seized the revenues of the see, and ordered his Bishops to consecrate Hugh. John appealed to Rome. The King, disregarding the appeal, procured the consecration of Hugh and put him in possession. John solicited his appeal in person and was favourably received by Alexander III. The Pope annulled the election of Hugh, and appointed his legate Alexius to hear and determine as to the election of John. The Legate called an assembly of the Scottish clergy, pronounced judgement for John, and consecrated him [1180.] The King beheld all this in sullen silence. But, as soon as John was consecrated, he banished him from Scotland. His uncle, the Bishop of Aberdeen, and, if we may believe history, every one connected with John, either by blood or friendship, shared his fate. Meanwhile, Hugh enjoyed the revenues of the see, and, under the shelter of his sovereign, asserted that his election was canonical.

R. Hov. 598. Alexius, perceiving that no obedience was given to his sentence, be-
 thought himself of an ingenious expedient. He laid the diocese of St Andrew's under an interdict; and thus endeavoured to *silence* the person whom he could not *expell*. This method also proved ineffectual. The immediate interposition of the Pope became necessary. Alexander, that aged dictator of the Christian world, commanded the Scottish clergy, within eight days after receiving his mandate, to install John, and yield clerical obedience to him. The Pope averred, but with what truth I know not, that William had left his parliament to decide between the competitors, and that the parliament had unanimously advised him to acquiesce in the consecration of John. 'Should William,'
 said

1181.

said the Pope, 'from his own will, or by the suggestion of the wicked, adopt other counsels, it is your part to obey God, *and the church of Rome*, rather than *men* *.'

Not satisfied with this, Alexander issued a mandate to the Scottish Bishops, ordering them to excommunicate Hugh the pretended Bishop of St Andrew's. *R. How. 590*

To shew that he was resolved to enforce obedience, the Pope granted legatine powers, over Scotland, to Roger Archbishop of York; he authorised him, and Hugh Bishop of Durham, to excommunicate the King of Scotland, and to lay the kingdom under an interdict, if the King did not forthwith put John in peaceful possession of the see of St Andrew's.

William still remained inflexible. He seems to have been proud of opposing, to the uttermost, that Pontiff, before whom his conqueror Henry had bowed.

It is said, that John offered to resign his pretensions; but that the Pope required him, *by his clerical obedience*, the most formidable of all adjurations, to stand firm and maintain his post †. *Fordun, vi. 36.*

Hugh

* 'Cum igitur tam ecclesiastici quam seculares principes a charissimo in Christo filio nostro Willielmo, illustri Scottorum Rege, districtius adjurati fuissent, de recto consilio dando, firmiter promittente ipso Rege, quod eorum consilio staret, responderunt omnes tanquam unus, ut praefati Johannis consecrationem, coram legato nostro, et quatuor episcopis, quinto aegrotante, sed scripto consentiente, celebratam, ulterius non turbaret, sed permetteret eum in pace sua sede consecrari. Quod si Rex aliud voluerit, aut etiam pravorum inclinatus fuerit, Deo et Sanctae ecclesiae Romanae magis oportet obedire quam hominibus; *R. Hoveden, p. 598.*

† Fordun says, that, 'When the Pope threatened to lay the kingdom under an interdict, John interposed, and declared, that *he would rather renounce his dignity for ever, than that the masses said for the souls in purgatory should be intermitted for one day.*' Such must have been the consequences of a national interdict regularly denounced. Fordun seems to consider this declaration as a heroic strain of christian charity. I presume that every Bishop, who believes in purgatory, would act as John Scot did.

1181.

R. Hoc. 599. Hugh Bishop of Durham, taking John with him, had an interview with the King. He strove to reconcile them, but in vain. The interdiction of the diocese of St Andrew's, the excommunication of Hugh, and the menaces issued against the King, had all proved unsuccessful.

Benedict. Ab-
bas, 369. With no better success, John employed another engine. He excommunicated Richard de Moreville constable of Scotland, Richard de Prebenda the secretary, and divers others of William's counsellors, as being disturbers of the peace of the church. Hence we may learn *ut* ~~ut~~ were William's ministers, or, to use Pope Alexander's phrase, *the wicked ones.*

R. Hoc. 599. Alexander now lost all patience; thwarted and despised, he directed an epistle to William in the stile of a peevish old man, and commanded him to install John, within the term of twenty days, under pain of excommunication. 'If you persist in your obstinacy and outrage,' said the Pope, 'you may rest assured, that as, in time past, I have laboured to procure the freedom of your kingdom, so, in time to come, I will make it my study that it return unto its antient servitude *.'

R. Hoc. 613. Henry offered his mediation to terminate this quarrel. William agreed to recal the Bishop of Aberdeen from banishment, to confer the office of chancellor on John Scot, and to give him his choice of the vacant bishopricks in Scotland. The Pope would listen to no compromise; William would make no farther concessions.

The

* 'Pro certo quoque teneas, quod, si in tua duxeris violentia perdurandum, sicut laboravimus, ut regnum tuum libertatem haberet, sic dabimus studium, ut in pristina subjectionem revertatur;' *R. Hoveden*, p. 599. From this it might possibly be inferred, that the Pope had endeavoured to procure some mitigation of the treaty of Falaise. But I rather incline to think, that he alludes to the independence of the Scottish church, which he is pleased to consider as *his work*, and, what is singular, as *his work* against justice, and the rights of the church of England. 'Ut in *pristinam* subjectionem revertatur.' Whether Alexander steered his course between the rights of both churches, *clave non errante*, must be determined by those who are more expert at reconciling contradictions than I am.

1181.

The Archbishop of York, and the Bishop of Durham, tools of the Romish court, summoned the clergy of the diocese of St Andrew's to yield obedience to John, under pain of suspension. William banished all who yielded obedience. *R. Hoc. 614.*

Both parties had now advanced so far, that neither could retreat. The Archbishop of York, as papal legate, fulminated the sentence of excommunication against William: Concurring with the Bishop of Durham, he laid the kingdom of Scotland under an interdict. *R. Hoc. 615.*

Matters were brought to this crisis, when the Pope and his obsequious legate died. *Benedict. Abb. 370. 371.*

1182.

William lost no time in dispatching ambassadors to Rome. Lucius III. the new Pontiff, reversed the sentence of communication, and recalled the interdict. His Bull issued on that occasion bears, 'That, to reverence Kings is an apostolical precept; that the King of Scotland had *inexorably opposed* the admission of John Scot, and had set forth many and sufficient reasons for annulling the judgments pronounced by authority of Alexander III. *' *R. Hoc. 616.*

The Pope sent the Bishop of Dol, and the Abbot of Rivaux, into Scotland, to negotiate with the King. The King offered to confer on John Scot the bishoprick of Dunkeld, and the dignity of Chancellor, and to allow him the emoluments of the archdeaconry of St Andrew's, with an annual pension of 40 merks. He required John to burn all the instruments. *R. Hoc. 617.*

* Cum Regibus tanquam excellentibus apostolus statuerit deferendum. Acceptus quod, cum Willielmus Rex Scotorum electioni et consecrationi Johannis episcopi *inexorabiliter obviaret*. Jocelinus episcopus Glasguensis, &c. sua nobis assertione monstrarunt, quod Archiepiscopus [Eboracensis] excommunicationis in Regem, et interdicti in regnum, et episcopus jam dictus in quosdam de regno excommunicationis sententiam protulerunt, quam ex multiplici ratione retractandam fore rationabiliter coram nobis et fratribus, ostenderunt; *R. Hoveden, p. 616.*

1182.

instruments obtained from Pope Alexander. He offered, if that was absolutely required, to remove Hugh from St Andrew's to Glasgow; but he candidly declared, that, in that case, he would withhold his personal favour from John.

In what related to himself, John acquiesced: He justly objected to the burning of the instruments, but agreed to renounce all the benefit of them, if inconsistent with the King's pleasure: He declared, that he never could consent to his rival's remaining in the see of St Andrew's.

R. Hov. 621. At length the controversy was ended in this manner: Both Hugh and John resigned their pretensions to the bishoprick of St Andrew's: The Pope nominated Hugh to St Andrew's, John to Dunkeld, and made *that his deed, which was the King's will**.

Chr. Mel. 175. In token of perfect amity, Lucius sent *the golden rose* † to William, with his paternal benediction.

William

* The Continuator of Fordun has given *the History of the Bishops of St Andrew's* in his sixth book. It is valuable, as being a transcript from more ancient writers. Of John Scot he says, 'That he had such influence over the Pope, as to be able to incline him whatever way he pleased.' Perceiving the panegyric to be heretical, he adds, '*Ratione tamen praevid*;' l. vi. c. 38. If the Pope here spoken of be Alexander III. it is still a sufficient panegyric, 'That John Scot could make Alexander III. listen to reason.' Perhaps, it may be thought, that neither the Pope nor his counsellor acted *ratione praevid*. John has been much extolled for his self-denial, in procuring the district of Argyle to be disjoined from his see of Dunkeld, because his ignorance of the Gaelic language rendered his episcopal labours unfruitful in Argyle. *Katholicon* serves, 'That, upon this principle, he ought to have resigned his pastoral staff; for that the Gaelic was no less the language of the district which he retained, than of that which he quitted;' *Catalogue of Bishops*, p. 179.

† On the Sunday which happens in the middle of Lent, the Pope was wont to bear in his hand a rose of gold enameled red, and perfumed; *this* he bestowed as a mark of grace, sometimes on the most favoured of his attendants, at other times, on any foreign

1184.

William demanded in marriage his cousin Matildis, daughter of the banished Duke of Saxony, and grand-daughter of Henry II. Henry consented, providing a dispensation could be procured from the Pope. The Pope refused it*.

*Benedictus
Abbas, 407.
416-417.*

Immediately after William's fatal invasion of Northumberland in 1174, Henry had conferred the earldom of Huntington on Simon de Senlis. By the death of Simon, without issue, the earldom returned to the crown. Henry restored it to William: William conferred it on his brother David.

*Benedictus
Abbas, 435.
R. Hen. 620.*

1186.

A pacification of Galloway ensued, after long and bloody dissensions. Fergus, Lord of Galloway, left two sons, Gilbert and Uchtred. The inheritance was divided between them. They led their barbarians to the army of William when he invaded Northumberland. After William's captivity, the natives of Galloway broke loose, murdered many subjects of Scotland who were settled in their territory, and expelled the King's officers. Gilbert and Uchtred, either dreading chastisement from Scotland, or, sensible of the superior power of England, besought

*Chr. Melros,
178.
W. Hen. 216.*

reign Prince whom he meant to flatter or reward. By the *rose*, Christ was figured: By the *gold*, his kingly office: By the *red colour*, his passion: And by the *perfume*, his resurrection. This is no impertinent Protestant glose; it is the interpretation given by Alexander III. when he sent the mystical present to Lewis VII. King of France; *Picard*, apud W. Newbr. edit. Hearne, p. 661.

Lord Lyttelton says, vol. vi. p. 206. 'This scruple, I presume, had no other cause than William's non-compliance with what the sovereign Pontiff required in behalf of John Scot, whom he had not yet admitted into the bishoprick of Dunkeld.' This conjecture seems unsatisfactory. Lucius III. appears to have favoured William rather than John Scot. It is impossible for us to develop the intrigues at the Court of Rome. Perhaps Henry II. relished not this alliance, and threw in the difficulty of a dispensation, as the least offensive mode of refusal. Even at that time, perhaps, he may have destined Ermengarde for William: Neither can it be held incredible, that the Pope acted *bond fide*, and from a rigid regard to the canons.

1186.

R. Hov. 541. besought Henry to receive their homage*. While this treaty was in
Ben. Abb. 93. agitation, Gilbert, by the ministry of his son Malcolm, cruelly murdered Uchtred †, and sought to possess himself of Uchtred's portion; but he was gallantly resisted by Rolland, the son of Uchtred. Gilbert renewed the negotiation with Henry in his own name, and offered to pay him a yearly tribute of 2000 marks of silver, 500 cows, and 500 swine. Henry, on account of the treacherous murder of Uchtred, refused both the homage and the tribute. In 1175, William having been restored to liberty, marched an army into Galloway, to
Ford. viii. 25. chastise Gilbert; but, instead of executing justice, contented himself with a pecuniary satisfaction. It seems probable, that this disgraceful compromise is to be imputed to the weakness and indigence of the Scottish state. In 1176, the murderer Gilbert came to York with William, was received into the favour of Henry, and did homage to him. He gave his son Duncan as an hostage for his good behaviour.

This transaction was highly dishonourable to both princes, but especially to Henry, who had power to punish the fratricide, and yet sold his favour to him for 1000 merks.

Benedict. Abb. 407. 435. In 1184, Gilbert invaded Scotland with his wonted barbarity. Terms of accommodation were offered to him, which he rejected. He died soon after, [1185.]

W. Newb. 282. Roland, the son of Uchtred, neglected not this opportunity: He rose in arms, and possessed himself of all Galloway; discomfited the
 faction

* Benedictus Abbas says, that the proposal came from Henry, and that he sent Hoveden and Robert de Val to the two brothers, *ut allicerent eos ad servitium suum*. But Hoveden himself makes that relation which I have adopted.

† 'Abscissis testiculis, et oculis evulsis.' In this all historians agree. *Benedictus Abbas* says, that the brothers mutually plotted against each other; p. 92. *Fordun* says, that Uchtred was in the Scottish interest, and was murdered for his fidelity, [September 22. 1174.] l. viii. c. 25.

1186.

faction of Gilbert, and slew their commander Gilpatrick, [4th July 1185.] With equal success, he fought Gilcolm, the leader of a formidable band of robbers who had settled in Galloway : Gilcolm fell in the action. William favoured the enterprizes of Rolland ; Henry was incensed at them. In 1186, he assembled a mighty army at Carlisle, and prepared to invade Galloway. Rolland fortified all the passes, and made a shew of desperate resistance. At length, articles of pacification were adjusted. It was agreed, that Rolland should retain what had been possessed by his father Uchtred, and should stand to the judgment of the King of England's court, as to what had been possessed by Gilbert, and was now claimed by his son Duncan. For the performance of this agreement, Rolland delivered up his three sons as hostages to Henry, and swore fealty. William King of Scotland, his brother David, and all his barons, promised upon oath, that, if Rolland departed from the terms of this convention, they would compel him to give satisfaction ; the Bishop of Glasgow publickly promised, in presence of the relics of the saints *, that he would, in that case, excommunicate Rolland and lay his territories under an interdict.

The controversy between Rolland and Duncan the son of Gilbert was settled by an amicable compromise : William confirmed to Duncan the territory of Carrick, a district of ancient Galloway : Duncan renounced all farther claims.

In this year William married Ermengarde, daughter of Richard Viscount of Beaumont, [at Woodstock 5th September.] Her grandmother was a bastard of Henry I. Hence, according to the language of those times, she was stiled the *cousin* of Henry II. The proposal for this alliance came from Henry II. William asked the advice of his counsellors,

* Promisit in verbo veritatis, coram omnibus et sanctorum reliquiis; *Benedictus Abbas*, p. 449. 450.

1186.

Benedic. Ab. 448. counsellors, and, *at length assented* to it *. The Queen's dower was the castle of Edinburgh, newly restored to William, the feudal services of forty knights, and a yearly revenue of a hundred pounds †.

1187.

Chr. Mel. 177.
Ford. viii. 28.
Benedic. Ab. 469. Donald Bane, the son of William, and grandson of *Duncan the bard*, King of Scotland, infested the north. He pretended a title to the crown, seized Ross, and wasted Moray. William led a numerous army against him. While his army lay at Inverness, a marauding party, commanded by Rolland of Galloway, accidentally rencountered Donald Bane, [or M' William,] on the heath of Mamgarvy, attacked and slew him, [30th July.]

1188.

R. Hov. 651. We have seen, that Pope Alexander III. thus addressed himself to William in 1181. 'If you persist in your obstinacy and outrage, you may rest assured, that as, in time past, I have laboured to procure the freedom of your kingdom, so, in time to come, I will make it my study that it return unto its ancient servitude.' Little did Alexander foresee, that, within seven years, one of his successors would confirm the privileges of the Scottish church, notwithstanding the obstinacy of William. In 1188, Clement III. declared 'The church of Scotland to be the daughter of Rome by special grace, and *immediately* subject to her; that the Pope alone, or his legate *à latere*, should have power to pronounce sentence of interdiction or excommunication against Scotland; and that none should be capable of exercising the office of legate, except a Scottish subject, or one specially deputed by the apostolic see out of the sacred college.' He further declared, 'That no appeal concerning benefices should lie out of Scotland, unless to the court of Rome.'

Henry

* 'Habito cum familiaribus suis consilio, tandem acquievit;' *Benedictus Abbas*, p. 448.

† 'Centum libratas reddituum et quadraginta milites;' *R. Hoveden*, p. 632.

1188.

Henry II. who still detained the castles of Rokeburgh and Berwick, offered to restore them, if William would pay the tenths of his kingdom for the Holy War*. The barons and clergy of Scotland made answer in parliament, 'That *they* would not, although *both* Kings should have sworn to levy them.'

Benedic. Ab.

514.

1189.

Henry II. died [6th July.] I am afraid that no Scotsman can draw his character with impartiality.

*Chr. Mel. 178.**Benedic. Ab.*

546.

Richard *Coeur de Lion* invited William to his court at Canterbury, and generously restored Scotland to its independence, [5th December 1189.]

Benedic. Ab.

575.

Foedera, i. 64.

This ever memorable instrument bears, 'That Richard had rendered up to William, *by the grace of God, King of Scots*, his castles of Rokeburgh and Berwick, to be possessed by him and his heirs forever as their own proper inheritance.

'Moreover, we have granted to him an acquittance of all obligations which our father extorted from him by new instruments, in consequence of his captivity; under this condition always, that he shall completely and fully perform to us whatever his brother Malcolm, King of Scotland, of right performed, or ought of right to have performed, to our predecessors †.'

Richard

* Henry did not detain the castles of Rokeburgh and Berwick on account of the obstinacy of the Scottish clergy, in refusing obedience to the English church; *Lyttelton*, vol. vi. p. 301. The Norman treaty made no such provision; besides, had this been Henry's pretext, why did he restore the other castles? The truth is, that the castles of Rokeburgh and Berwick, being on the English border, might be easily maintained, and afforded at all times a convenient entrance into Scotland. This was the reason for detaining them; of *specious pretexts* Henry was not studious.

† Praeterea quietavimus ei omnes pactiones quas bonus pater noster Henricus Rex Angliae, per novas chartas et per captionem suam, extorsit, ita videlicet, ut nobis faciat

ciat

1189.

Richard also ordained the boundaries of the two kingdoms to be re-established as they had been at the captivity of William. He calls 'them, ' the marches of the kingdom of Scotland, [marchiae regni ' Scotiae.']

He became bound to put William in full possession of all his fees in the earldom of Huntington or elsewhere, [et in omnibus aliis], under the same conditions as heretofore.

He delivered up such of the evidences of the homage done to Henry II. by the barons and clergy of Scotland, as were in his possession, and he declared, that all evidences of that homage, whether delivered up or not, should be held as cancelled.

*R. Hov. 662.
Brompton,
1168.*

The price which William agreed to pay for this ample restitution, was ten thousand merks sterling*.

The

'ciat integrè et plenariè quicquid Rex Scotiae. Malcolmus frater ejus antecessoribus nostris de jure fecit, et de jure facere debuit;' *Foedera*, T. i. p. 64. *Brompton*, for 'quietavimus ei omnes pactiones,' reads, 'quietas-clamavimus ei omnes consuetudines et pactiones;' p: 1168. *R. Hoveden*, for 'consuetudines,' reads 'conventiones;' p. 662. *

* It is evident, that the King of Scots could not have paid this ransom without an aid from his people. How that aid was granted, and in what manner it was levied, are circumstances respecting which we may conjecture, but cannot determine. There is a grant by William the Lion, to the abbey of Scone, that may tend to throw some light on this subject: 'Mando et firmiter praecipio, ut ubicunque Abbas de Scone, aut 'serviens ejus, invenire poterit homines, qui *pro auxilio* a terra sua fuerint, *postquam* 'auxilium assisum fuerit apud Mucelburgh, ad eum et ad terram suam redeant, et cum 'eo sint quousque *auxilium reddetur*; et prohibeo firmiter, ne eos ei injustè aliquis deti- 'neat super meam plenam forisfacturam; ita tamen quod, si aliquis aliquod jus in eis 'clamaverit, *post solutionem auxilii*, ei rectum inde teneatur;' *Chart. Scone*, fol. 10. There are witnesses to this charter, Hugo Cancellarius and M. filius Comitis Duncani. From this instrument we may learn, 1. That, in the reign of William the Lion, an aid was granted to him. 2. That the clergy contributed a share of this aid. 3. That the quantum was ascertained in a convention of some sort held at Mucelburgh. 4. That the clergy reimbursed themselves, to a certain degree at least, by imposing some-
thing

1189.

The later English historians have severely censured Richard for this restitution, which they term *impolitic*.

I cannot view it in that light. By restoring Scotland to its independency, Richard converted an impatient vassal into an ally affectionate and faithful. He was about to undertake an expensive crusade. Ten thousand merks Sterling, supposed to be equivalent to one hundred thousand pounds Sterling at this day*, was an object of importance. Besides, Richard could not, with any shew of justice, detain the castles of Rokesburgh and Berwick. Scotland, possessed of them, would have proved formidable to the neighbouring kingdom, weakened by the absence of its sovereign and barons. It may have been impolitic in Richard to undertake a crusade; but, as he had, it was not impolitic to conciliate the affection of Scotland, even at the price of this restitution.

It must, in a great measure, be ascribed to the generous policy of Richard, that, for more than a century after the memorable year 1189, there was no national quarrel, nor national war, between the two kingdoms. A blessed period!

David

thing of the nature of a capitation-tax on the inhabitants of their territories. 5. That this tax was so heavy as to induce some of the inhabitants to leave their places of residence, in order to elude payment. The names of the witnesses to this grant will lead us to ascertain its date with tolerable exactness. *M. filius Comitis Duncani*, is plainly Malcolm the son of Duncan Earl of Fife. He is said to have succeeded his father in 1203, and to have died in 1237. Therefore this grant could not be later than 1203. There were two persons of the name of *Hugh*, *chancellors* in the reign of William the Lion. Hugh de Morville was chancellor in the beginning of his reign; it is improbable that he should have been a witness together with Malcolm Earl of Fife, who lived till 1237. The other Hugh, chancellor of Scotland, was Hugh de Rokesburgh, Bishop of Glasgow, who became chancellor in 1189, and died in 1199; *Keith*, Catalogue, p. 140. This grant appears to have been made while he held the office of chancellor. It may not be improper to observe, that this Hugh is the *Hugo Clericus* who appears to have written so many fair charters in the reign of William the Lion.

* In order to produce the value of a pound Sterling of the present times, Lord Lyttelton multiplies *one merk* of the twelfth century by *ten*.

1190.

Chr. Mel. 178. David Earl of Huntington, heir presumptive of the crown of Scotland, married Matildis daughter of Ranulph Earl of Chester, and immediately departed for the Holy Land, under the banners of Richard.

Boece, xiii.
276.

Many were the disasters of this zealous Prince. Shipwrecked on the coast of Egypt, he was made captive. His rank unknown; he was purchased by a Venetian, who brought him to Constantinople; there some English merchants accidentally recognised him; they redeemed and sent him home. After having surmounted various difficulties, he was in imminent hazard of a second shipwreck on the coast of Scotland. He ascribed his deliverance to the Virgin Mary, and, in memory of her efficacious intercession, founded a monastery at Lindores in Fife*. There is nothing incredible in this story; yet the evidence of it is somewhat suspicious.

1192.

Chr. Mel. 179. William bestowed 2000 merks for the redemption of Richard. Without questioning his grateful liberality, I incline to believe, that that sum made part of the covenanted price of our independency.

1195.

Ford. viii. 56. William, perceiving his health to decline, assembled a parliament at Clackmannan. Fordun reports, that he prevailed on the Scottish Barons to swear fealty to Margaret his daughter, in the event of his having no male issue by his Queen Ermengarde. This Margaret was born to William by the daughter of Adam de Hituson, and had been given in marriage to Eustace de Vesci in 1193.

This story is most improbable. My opinion is, that Margare't, the lawful daughter of William by Ermengarde, was the person to whom
the

* John Major, L. vi. c. 5. fays, 'Iste est David de quo apud Gallos liber fati vulgaris loquitur, qui *de trium Regum filiis* inscribitur, scilicet, Franciæ, Angliæ, et Scotiæ, et non differentem ab hoc in nostra lingua vernacula librum habemus.'

1195.

the Scottish Barons swore fealty. If William and his barons had concurred in setting David Earl of Huntington aside, they certainly would have preferred male bastards to female. They would have preferred Henry, surnamed *Gellatley*, to Margaret the wife of Eustace de Vesci.

In this year, William altered the coin.

Chr. Mel. 180.

1196.

William de Moreville, constable of Scotland, died. He was succeeded by the celebrated Rolland Lord of Galloway, who had married Ela the sister and heir of Moreville. Rolland, however, paid, on this occasion, 700 merks to William*.

Ford. viii. 56.

Troubles arose in Caithness. William marched into that country, and dispersed the rebels who were headed by Harald Earl of Orkney and Caithness †.

Ford. viii. 59.

1197.

The rebels again appeared in arms under one Roderic and Torphin the son of Harald. The King's forces encountered them near Inverness; the enemy was defeated, and Roderic slain. William marched to the northern extremity of Scotland, seized Harald, and detained him captive, until his son Torphin surrendered himself as an hostage. Fordun adds, that the father having again rebelled, Torphin had his eyes put

Chr. Mel. 180.

Ford. viii. 59.

* 'Datis septingentis marcis argenti Willelmo Regi Scotorum pro haereditate et honore constabulariae;' Fordun, L. viii. c. 56.

† 'Willelmus exercitum duxit in Cathanesiam, et, transito fluvio Ochiello, utramque provinciam Cathanensem subegit.' By *utramque provinciam*, it is plain that Caithness and Sutherland are understood. Mr Lauchlan Shaw, minister at Elgin, has favoured me with the following observations, concerning the names of Sutherland and Caithness: 'Sutherland and Caithness were anciently, in Latin, called *Cathanesia cis et ultra montem*, viz. *Ord*. In the Gaelic language, *Sutherland* is called *Catav*, i. e. the hilly and steep side of the *Ord*, from *Cait*, high or steep, and *tav*, side. And *Caithness* is called *Guaehav*, i. e. the plain side, from *gual*, low and plain, and *tau*, side.'

1197.

put out, was emasculated, and suffered to perish in prison. The manners of those savage times reconciled men to deeds, at which we shudder*.

Chr. Mel. 181. In this year, William built the castle of Air. It was, probably, intended for a barrier against the men of Galloway.

1198.

Chr. Mel. 181. A son was born to William, at Haddington, on St Bartholomew's day, and named Alexander.

1200.

R. Hov. 811. William did homage to John the new King of England at Lincoln, 812. *Ford.* 'Saving his own rights †,' [22d Nov.] After having performed this duty, he demanded back the three counties. John promised to return an answer at Whitfunday.

1201.

Chr. Mel. 181. The Scottish Barons swore fealty to the infant son of their sovereign [at Muffelburgh, 12th October.]

Annal Burton 262. Margaret, sister of William, died. She was the mother of Constantia Dutches of Britany.

In

* Many a nominal christian might have profited by the example of the heathen Scipio, who said, 'Neque se in obsides innocios, sed in ipsos, si defecerint, faciturum: Nec ab inermi, sed ab armato hoste, poenas expetiturum;' T. Liv. L. xxviii. c. 34. n. 10.

† 'Salvo jure suo;' *R. Hoveden*, p. 811. Among the Scottish nobles, witnesses to this ceremony, Hoveden mentions 'Patricius Comes de Lonais.' This is evidently a word disfigured by the ignorance of transcribers. Every person versed in our antiquities must, at first sight, perceive that *Lodonay*, or something equivalent, is meant. *Fordun*, L. viii. c. 40. and *Boece*, L. xiii. fol. 273. b. concur in giving the title of Earl of *Loudoun* or *Laudoun*, to the Earl of *Dunbar* or *March*. The testimony of Hoveden is of greater weight than the more recent testimonies of *Fordun* and *Boece*. It is probable, that the *Loudoun* or *Laudoun* here meant was not far distant from the *Marches*, and from *Dunbar*.

1201.

In the same year, Constantia died. She did not survive her son Arthur, as some of the historians of England have imagined.

*Foed. i. 127.
290. R. Hoc.
822.*

1204.

There happened a misunderstanding between John and William. John repeatedly attempted to build a castle at Tweedmouth, in order to awe the garrison of Berwick; William repeatedly demolished it. This gave rise to a fruitless conference between the two Kings at Norham.

Ford. viii. 66.

1205.

David Earl of Huntington swore fealty to his nephew Alexander Prince of Scotland.

Chr. Mel. 182.

1208.

Innocent III. confirmed the privileges of the Scottish church.

Ford. viii. 67.

1209.

Alan of Galloway, the son of Rolland, married Margaret the daughter of David Earl of Huntington.

Chr. Mel. 183.

The disgusts between the two Kings increased. John led his army to Norham, William his to Berwick. By the mediation of their Barons, it was agreed that both armies should retire. Terms of peace were at length adjusted. It is said, that John agreed never to rebuild the castle of Tweedmouth; William, to pay a sum of money for his demolition of it. This much is certain, that William became bound to pay 15000 marks to John 'For procuring his friendship, and for fulfilling certain conventions between them *,' [7th August.]

*Ford. viii. 71.
72.*

* William delivered his two daughters, Margaret and Isabella, to John, that they might be provided by him in suitable matches. The Scots affirm,

Foed. i. 155.

* * Pro habenda benevolentia ejusdem Domini nostri Johannis Regis Angliae, et pro conventionibus tenendis, quae inter ipsum et nos factae, et per cartas nostras hinc et inde consecratae sunt; *Foedera*, T. i. p. 155. That so large a sum should have been paid, on account of the violent demolition of Tweedmouth castle, is improbable.

1209.

M. Paris, addit. 99. affirm, that, by the original convention, Henry and Richard, the sons of John, were to marry the two Princesses. The English parliament, on one occasion, affirmed, that, by the convention, Henry, and, in the event of his death, Richard, was to marry the eldest of the two Princesses; but Hubert de Burgh, the great minister of John, positively denied his knowledge of any such condition.

Chr. Mel. 183. For the performance of this treaty, William gave hostages to John. This pacification was much censured by the Scots; but William's infirm old age admonished him of his approaching dissolution, and of the necessity of leaving his kingdom in a peaceable state to an infant successor.

1210.

Ford. viii. 72. While William resided at Perth, near the confluence of Almond and Tay, a sudden land-flood, met by a spring-tide, surrounded and overwhelmed the town. William, his son, and his brother, escaped with difficulty in a small skiff. William rebuilt the town in a place less exposed to such calamities, and called it St Johnstoun*. There is a traditional report, that his infant son John perished in the inundation. This circumstance, however, seems to have been an invention of latter times.

Boece, xiii. 278. b.

1211.

Ford. viii. 73. A parliament was held at Stirling. The King demanded an aid for levying the sum due to the King of England by the late convention.

The

* *Buchanan, L. vii. c. 50.* says, that *Perth* was so named from one *Perthus*, who gave ground to the King for building the new town upon, after the destruction of the ancient *Bertha*. There is no solidity in this derivation. *Perth* and *Berth* are just the same. Mr Lauchlan Shaw informs me, that *Bertha* is a contraction of *Abertav, i. e.* 'The mouth of the river Tay,' or the place where the Tay meets the sea.

1211.

The Barons gave him 10,000 merks, the *boroughs* 6000 *. 'But the parliament presumed not to tax the ecclesiastical order.'

New troubles arose in the north: One Guthred, of the family of M'William, landed from Ireland and wasted Ross. The King sent an army against him, and joined it in person, as soon as his infirmities would permit. Guthred avoided a general action, and eluded the King's forces.

Ford. viii. 76.
Chr. Mel. 185.

1212.

Guthred, betrayed by his followers, was put to death by William Comyn justiciary of Scotland.

Ford. viii. 76.

Alexander, Prince of Scotland, received the order of knighthood from John, although John was under sentence of excommunication.

Chr. Mel. 185.
186. Fordun,
viii. 79.

After a long and lingering illness, William King of Scots died, [at Stirling, 4th December,] in the 72d year of his age, and 49th of his reign.

His confederacy with young Henry was immoral, and, to judge from events, impolitic. His temerity at Alnwick drew down misfortunes on himself, and disgrace on his kingdom. In other respects, he appears to have been a judicious and worthy Prince; steady, perhaps severe, in the administration of justice, amid a fierce and undisciplined people. Active in quelling insurrections, he traced the delinquents to their

* 'Hoc anno Rex Scotiae Willelmus magnum tenuit consilium. Ubi, petito ab optimatibus auxilio, promiserunt se daturos decem mille marcas; praeter burgen-ses regni, qui sex millia promiserunt;' *Fordun, L. viii. c. 73.* This seems to prove that Scotland had some resources from industry and trade, even in the 13th century. The proportion paid by the boroughs, compared with that paid by the barons, was as 3 to 5. At the union of the two kingdoms, the proportion was fixed, as 1 to 5.

From this passage also, it may be concluded, that, as early as 1211, burghesses gave suit and presence in the great council of the King's vassals, although the contrary has been asserted, with much confidence, by various authors.

1212.

their most distant retreats. He was zealous and successful in asserting and establishing the privileges of the Scottish church.

His vigilant attention to the state of England, and to the temper and exigencies of Richard, at length regained that independence to Scotland, which his inconsiderate valour had lost.

Decr. Greg.
iii. 44. 6.

In this reign, an attempt was made to correct the evils which arose from religious sanctuaries. William consulted Pope Innocent III. as to the manner of proceeding against malefactors, who, with the view of avoiding punishment, sought an asylum in churches. It is plain, that he wished to obtain permission to take them out of the sanctuary. But the Pope made answer, 'If the person, who retires into a church, be a free man, he must not be forced from thence, nor punished with the loss of life or limb, even for the most atrocious offences; but every other punishment, which the law authorises, may be inflicted on him. Public robbers, however, and they who spoil the country by night, may be dragged out of churches, and this is no violation of the rights of sanctuary*. If the person, who retires into a church, be a slave, he must be restored to his master, after that his master has promised, upon oath, not to inflict any punishment on him.'

Few particulars of the private life of William are to be learnt from the meagre and uninteresting chronicles of those times.

W. Neub. 169.

Although his marriage with Ermengarde de Beaumont was, in all probability, a measure wholly political, yet he proved a true husband; and indeed she deserved his affections.

It

* 'Nisi publicus latro fuerit vel nocturnus depopulator agrorum; qui, dum itinera frequentat, vel publicas stratas obsidet, aggressionis insidiis, ab ecclesia extrahi potest, impunitate non praestitâ, secundum canonicas sanctiones; *Decr. Greg. L. iii. tit. 49. c. 6.* It will be remarked, that they to whom the right of sanctuary was denied, were the persons whose offences were most prejudicial to the clergy. This rescript of Innocent III. seems to have been addressed to William. Innocent indeed survived William for two years; but the successor of William was a minor; and it is not probable that he would have consulted the Pope on the delicate subject of asylums.

1214.

It must be confessed, that William, in his earlier years, was inordinately addicted to women: He debauched young maidens of quality, and bestowed his bastard daughters in marriage on the chief of his Barons.

Chr. Metros.
175. 176. 178.
Fac. ii. 575.

His bastards were, 1st Robert, surnamed of London *; 2d, Henry, surnamed Gellatley; 3d, Isabel, married in 1183 to Robert de Bruce, and in 1191 to Robert de Ross; 4th, Ada †, married in 1184 to Patrick Earl of Dunbar; 5th, Margaret, married in 1192 to Eustace de Vesci; 6th, Aufrida, married to William de Say.

Before the days of William, none of the Scottish Kings assumed a coat-armorial. The *Lion rampant* first appears on his seal. It is probable, that, from this circumstance, he received the appellation of *The Lion*. From a similar cause it is, that the chief of the Heralds in Scotland is termed *Lion King at arms*. Thus also, among the pursuivants of the Kings of England, there were *Rouge dragon* and *Rose blanche*. And thus the pursuivant of Richard Duke of Gloucester was styled *Blanc sanglier*, of George Duke of Clarence, *Noir taureau*.

Anderf. dipl.
Scot. Pr. 54.

The statutes of William the Lion, containing thirty-nine chapters, are to be found in the collection of the antient laws of Scotland, published

Disc. of Antiq.
by Hearn.
65.

* Grant by William † Robert de Londoniis *filius suo*; *Chart. Dunferm.* vol. ii. fol. 12. This instrument ought to put genealogical writers on their guard; they must not conclude that every one described as *filius*, was therefore legitimate. This person, however, may have been married to a bastard of the King, and hence termed *filius*.

† *Boece* says, that Ada was the lawful daughter of William, born to him by his first wife, whose name and family he confesses were unknown; L. xiii. fol. 273. b. *cujus et nomen et familia non satis liquidè constant; opinor, quia eam privatus adhuc acceperat neglectam et prætermittam ab historiographis.* *Boece* did not advert that, if Ada had been the lawful daughter of William, her descendants would have excluded the descendants of David Earl of Huntingdon, the Brother of William.

1214.

blished by Skene. There is reason to believe, that they are not altogether genuine, and without interpolations*.

ALEXANDER II.

1214.

Chr. Mel. 186.
Ford. ix. 1.

ALEXANDER II. a youth in his seventeenth year, succeeded his father William, and was crowned at Scone, [5th December.]

1215.

Chr. Mel. 189.

Donald M'William and *Kenaukmacabt*, associated with the son of an Irish Prince, made an inroad into Moray. *M'Kentagar* attacked and defeated them †.

Alexander

* One example of interpolation is to be found in C. 30. § 3. 4. 'Si [advenae] intestati decesserint, ad hospitem nil perveniat; sed bona eorum per manus episcopi in jus episcopatu est, perveniant et tradentur, si fieri potest, haeredibus, vel in pias causas erogentur.' The obvious intendment of this statute is, that the effects of a stranger dying intestate shall be taken into the custody of the bishop, in whose diocese the stranger died; and that the bishop shall deliver them to the heirs of the deceased, if such heirs can be discovered, or if means can be found of transmitting the effects to them; or, in case this should prove impracticable, that the effects shall be bestowed on charitable uses. This 30th statute is merely a transcript of the 10th section of the constitution made by the Emperor Frederic in 1220. As William the Lion died in 1214, we may conclude, that c. 30. is no statute of his. The English may have adopted the laws of David I.; but national credulity itself will not suppose that the Emperor Frederic adopted the laws of William the Lion.

† I transcribe this from the Chronicle of Meiros. The author being a Saxon, has corrupted the Gaelic names; *Kenaukmacabt* and *M'Kentagar* are unexchangeable words.

1215.

Alexander espoused the cause of the barons against John*. He was induced to this by a promise of the surrender of Carlisle and the investiture of Northumberland. About the beginning of winter, he unsuccessfully besieged the castle of Norham in Northumberland, for forty days: During this siege, Eustace de Vesci gave livery and fine of the county of Northumberland to Alexander †. The ceremony might have been deferred till the issue of Alexander's enterprize.

*Chr. Mel. 189.**Calendars of Charters, 329.*

1216.

John King of England, eager to wreck his vengeance on his disaffected barons, and on Alexander who favoured them, wasted Yorkshire and Northumberland, burnt Werk, Alnwick, Mitford, Morpeth, and Rokeburgh, and stormed Berwick. His soldiers tortured the inhabitants to force a discovery of their valuable effects. The popular fable of the day was, that John had brought Jews to assist him in cruelty, as if he had needed any assistance! He penetrated into Scotland, burnt Dunbar and Haddington. 'We will smoke,' said he, 'we will smoke the little red fox out of his covert †.' His fury disappointed its own purposes. His troops could not subsist in the country which they had desolated. In his retreat, he burnt the priory of Coldingham and the town.

*Chr. Mel. 190.**M. Paris. 191.*

* Among the instruments of which Edward I. took possession 1291, there were four which would have thrown much light on the transactions in 1215. 1. Charta Baronum Angliae missa Regiae Scotiae contra Johannem Regem Angliae. 2. Charta Baronum Angliae et civium Londonensium missa Regi Scotiae, contra Johannem Regem Angliae. 3. Charta Baronum Angliae missa probis hominibus Karleol, contra Regem Angliae de civitate Karl. reddenda Regi Scotiae. 4. Charta Baronum Angliae missa tenentibus Northumbriam, Cumbriam, et Westmerl. contra Johannem Regem Angliae; *Calendar of Ancient Charters*, p. 327. 328.

† In 1291, Edward I. possessed himself of 'unus baculus, unde Eustathius de Vesci saisivit Regem Alexandrum in comitatu Northamptoniae [i. Northumbriae,] cum esset apud Norham ad castellum obsidendum;' *Calendars of Ancient Charters*, p. 329.

‡ 'Quia Alexander rufus erat, significavit ei, dicens, sic fugabimus [i. fumigabimus,] rubeam vulpeculam e latibulis suis;' *M. Paris*, p. 191.

1216.

town of Berwick. John himself set the example to his brutal soldiery, by firing the house in which he had lodged.

Chr. Mel. 190. Emulating this barbarity, Alexander used reprisals, and wasted the western marches with fire and sword. He had in his army a body of men, to whom the Chronicle of Melros gives the appellation of *Scots*. They burnt the monastery of Holmcultram in Cumberland; near 2000 of them perished in the swellings of Eden. This was interpreted as a judgement, not on account of their indiscriminate ravages, but of their sacrilegious violation of a holy house. In those days the clergy monopolized divine justice.

Chr. Mel. 191. Alexander retreated home, chastised the undisciplined *Scots*, and dismissed them from his army; he then re-entered England, took possession of the town of Carlisle, [8th August,] and marched southwards to join Lewis the son of the French King, whom the patriotic barons had invited over to protect the liberties of England. Alexander, in his march, assaulted Bernard-castle, the seat of the Balliol family; Eustace de Vescei was slain there.

Chr. Mel. 191. It is said, that Alexander did homage to Lewis, as the English barons had done. Lewis made oath, that he would not conclude a separate peace; an oath which probably he meant not to observe, and which certainly he did not.

M. Par. 199. John, equally detested and contemned by all, ended his miserable life*, [17th October, the day after the festival of St Luke.]

Chr. Mel. 192. John had left England under the protection of the Papal see. This measure, however humiliating, had important consequences. Hence Gualo, the Pope's legate, excommunicated Lewis, the King of Scots, his whole army, and the whole kingdom of Scotland. So fit-

* Of him a rhymist of that age says, *Fœdatur Johanne Gehenna*; *M. Paris.* 199.
"Hell is defiled by John." The expression is horribly emphatical;

1216.

tle was this sentence regarded in Scotland, that almost a twelvemonth passed before its publication.

1217.

Alexander unsuccessfully besieged the castle of Carlisle.

Chr. Mel. 194.

At Lincoln, [25th May,] the army of Lewis was dishonourably routed. Lewis made peace, forgetful of his ally the King of Scots. He was released from excommunication, after having done penance by walking barefooted to the Legate's tent, in presence of both armies. The Church excelled in every sort of pageant; but none was more striking than the pageant of absolution.

M. Par. 204.

Alexander, while on his march into England, heard of this treaty and retired.

Chr. Mel. 195.

Henry III. complained to Pope Honorius III. 'That the canons of Carlisle, *regular only in name*, adhered to Alexander the excommunicated enemy of Rome; and had, at his request, elected an excommunicated person for their bishop *.'

Feod. i. 218.

Alexander, deserted by his French ally, was constrained to seek reconciliation with the see of Rome. Having procured a safe conduct from Henry III. † he met the Archbishop of York and the Bishop of Durham, delegates of Gualo, at Tweedmouth, on the utmost verge of England, and received absolution from them, [1st December.] Some days after, the delegates performed the ceremony of pardoning Ermengarde, the Queen-Dowager, who had been involved in the national guilt. Alexander yielded up the town of Carlisle to the English.

Feod. i. 224.

Chr. Mel. 195.

Feod. ix. 31.

This was probably the price of his reconciliation; nor was the price great;

Boece. xiii.

281. b.

* The Pope says, 'That Carlisle was situated on the confines of Scotland.' 'Cum ita sit in confinio regni Scotiae;' *Feodera*, T. i. p. 218. Herein the English geography sometimes varies.

† To this instrument the seal of the Earl Marshall was appended; 'because as yet the King had no seal.'

1217.

great; for he never could master the *Castle*. He did homage for the earldom of Huntingdon, and for whatever else his predecessors held of the English crown.

1218.

Ford. ix. 32.
33. Mean while Gualo and his delegates made a dishonourable traffic of special absolutions. The Scottish clergy, weary of this expence, sent a delegation of three Bishops to the court of Rome, professed their penitence, and easily obtained pardon. 'He must have a tender conscience,' said a Cardinal, in their hearing, 'who confesses a *crime*, 'when he has not been guilty of an *offence* *.'

Ford. i. 227. Pope Honorius did more: He confirmed the liberties of the Scottish church. For this favour, one of the causes mentioned is, 'the respect 'and obedience which Alexander had manifested to the papal see.' And yet he had recently escaped the flames of excommunication! The Pope either meant to avail himself of his great privilege of *erring in fact*, or tacitly to censure the precipitancy of his legate.

1219.

Ford. i. 228.
374. Matters having been thus adjusted with the Pope, it was agreed, that the controversies still subsisting between Henry and Alexander should be heard by Pandolph the Papal legate: Nevertheless, they remained without determination till 1237.

Ford. ix. 27. David Earl of Huntingdon, brother of William the Lion, died in England †. He was succeeded by his only surviving son, afterwards known by the name of *John the Scot, Earl of Chester*. His daughters

* 'Piarum mentium est *crimen* agnoscere, ubi ne quidem *culpa* reperitur; *Fordun*, L. ix. c. 33.

† He held, by a grant from his brother William, the earldoms of Garioch and Lennox, the lordship of Strathbolgie, the town of Dundee, together with the lands of Innerbervie, Lindoris, Longforgroind, and Inchmartin; *Fordun*, L. ix. c. 27. c. 33.

1219.

daughters of David were, 1. Margaret, married to Alan of Galloway, 2. Isabella, to Robert Bruce. 3. Ada, to Henry de Hastings.

While John King of England was in Poitou, he delivered his eldest daughter Joan, yet an infant, to Hugh de Lusignan son of the Count de la Marche. Lusignan bound himself, by oath, to marry her. Yet, as soon as the opportunity offered, he married her mother, with whom he had an ancient engagement. He still detained the Princess, in hope, as the English historians pretend, of obtaining a ransom for her.

Henry promised, if his sister Joan was restored, to give her in marriage to Alexander, if not, to give Isabella, his younger sister.

He also promised, within a year, either to procure suitable matches for Margaret and Isabella, the sisters of Alexander, or to return them to Scotland. In 1221, he bestowed Margaret on the celebrated Hubert de Burgh justiciary of England. In 1225, he bestowed, if I mistake not, Isabella on Roger the eldest son of Hugh Earl Bigot.

Alexander bound himself, by oath, to marry Joan, if she could be obtained; if not, to marry Isabella*.

Henry implored the Pope and the college of Cardinals, that Lusignan might be compelled by ecclesiastical censures to render up the Princess: He besought, he threatened Lusignan, and at length prevailed.

1221.

Alexander married Joan Princess of England, [25th June.]

The Princess was secured in a jointure of L. 1000 land-rent †.

Soon

* 'David Senecallus' is one of his guarantees; *Foedera*, T. i. p. 241. I believe that this person has escaped the industrious searches of our genealogists.

† 'Pro millibus libratis terrae;' *Foedera*, T. i. p. 252. The jointure-lands were Jeddewurth, Lessedwin, Kyngor, and Carel, [Jedburgh, Lessudden, Kinghorn, and Crail.] There is reason to suspect, that the jointure-lands fell far short of their supposed value; and, accordingly, any deficiencies were to be made good out of the castles and

1222.

Ford. ix. 34. Soon after this there was an insurrection in Argyle. The King led an army thither: The natives purchased forgiveness, and gave hostages. Some of their leaders fled from the King's resentment: He distributed their lands among his followers.

Chr. Mel. 199. Adam Bishop of Caithness, a rigorous exacter of Tithes, was assaulted in his episcopal residence by the men of his diocese, and burnt

Ford. ix. 37. alive. The Earl of Orkney and Caithness was supposed to have connived at this murder; for, when the Bishop sent to implore his aid, he made answer, 'Let the Bishop come to me, and I will protect him.' The chronicle of Melros considers the Bishop as a martyr, because he preferred death to any relaxation of the rigour of justice in levying his canonical dues.

Ford. ix. 37.
Boece, xiii.
282. b.

The King was on a journey to England, when he heard of this murder. He instantly repaired to Caithness, and executed severe justice on the offenders. It is said, that he put no fewer than 400 of them to death, and emasculated their children, that the race of such miscreants might be utterly extinguished. I wish, and presume, that there may be some monastic exaggeration in the last part of the story. Alexander deprived the Earl of Caithness of his estate; but afterwards permitted him to redeem it*.

Alexander

and castellans of Air, Ruglen, Lanerk, and the rents of Clydesdale. Kinghorn and Crail were, at that time, part of the jointure-lands of the Queen-dowager.

* There is an obscurity in our histories, concerning the Earls of Caithness, which I am not able to dispell. It is the opinion generally received, that Alexander II. granted the earldom of Caithness to Magnus second son of Gillibrice, Earl of Orkney, in 1222. This is scarcely consistent with the story which I have just now related. The only solution of the difficulty which occurs to me is this: That Harald Earl of Caithness had forfeited in the reign of William the Lion: That the crown had divided the estate, and given South-Caithness or Sutherland to William Fresekin [sheriff of Inverness in 1207, *Caland. of Ancient Charters*, p. 337.] and North Caithness to a younger son of the family

of

1224.

Alexander levied an aid of L. 10,000, for providing portions to his sisters. 'According to the general custom, all lands, appropriated to pious uses, were exempted from the burden of this aid *.'

Ford. ix. 43.

1225.

Pope Honorius IV. authorised the Scottish Bishops to hold a provincial council, because they had no metropolitan who might appoint them to assemble. This seems to have been occasioned by the reluctance which the Scots expressed, about that time, at receiving a Legate from Rome. It would appear that the permission for holding a council was temporary: Nevertheless, the Scottish Prelates sagaciously took advantage of its ambiguous stile, considered it as of perpetual authority, and, under its sanction, held frequent provincial councils, without the interposition or consent of the Pope †.

Chart. Mori. i. 11.

Bosch. xiii. 282. b.

1228. 1229.

One Gillefcop disturbed the peace of the north; he burnt some wooden castles in Moray, surpris'd, and slew a Baron, called Thomas of Thirlstane

Ford. ix. 47.

of Angus; but that the old family retained possession, whereby the grants remained, for a season, ineffectual. I offer this as a conjecture in a matter very dark and of little moment.

* 'Imposuit auxilium terræ suæ decem millia librarum, ad maritandum suas sorores, c quo auxilio heræ erant elemosinae, quæ eatenus non consueverant dare auxilium;' *Fordun, l. ix. c. 43.* Here is plainly an aid granted out of lands, and it is not mentioned as a new practice; so that there must have been an *extent* before the year 1224.

† 'Quatenus cum metropolitanum noscamini non habere, auctoritate nostrâ concilium celebretis;' 14. Kal. Jun. 1225. See *Historical memorials, concerning the provincial councils in Scotland*, p. 11.

1228. 1229.

Thirlstane*. He afterwards fired Inverness, and spoiled the crown-lands in that neighbourhood. The King went against him in person, but without success. Next year, the Earl of Buchan, justiciary of Scotland, was more fortunate; supported by his numerous followers, he slew Gillescop † and his two sons.

1230.

M. Par. 250. Henry III. invited Alexander to Yorke, where he celebrated Christmas, entertained him in great state, and loaded him with presents. 'A prodigal liberality,' says M. Paris. It was rather a politic expence. For, between sovereign and sovereign, the receiver of presents tacitly acknowledges some pre-eminence in the giver.

1231.

Chr. Mel. 201. The Earl of Orkney and Caithness was murdered in his own house by his servants, and afterwards burnt. This was a studied retaliation for the murder of the Bishop of Caithness in 1222, of which the Earl was held a partaker.

1233.

Foed. i. 328. The Archbishop of York resolved to assert his right of officiating at the coronation of the Scottish Kings. Henry gave an ill-timed approbation of this ill-timed claim.

Chr. Mel. 201. Ermengarde, the widow of William the Lyon, died in a venerable old age, with a fair fame. She was interred at the monastery of St Edward of Balmurinach [or Balmerino] which she had founded.

* 'Occidit quendam latronem [i. baronem,] nomine Thomas de Thirlstane, nocte improviso munitionem ejus invadens;'. *Fordun*, L. ix. c. 47. It is a pleasant mistake of the transcriber who wrote *latronem* instead of *baronem*.

† He is probably the same person who is termed *Gillescop M^o Scolane* in *Stat. Ant.* II. c. 17.

1233.

Dervorguil*, the daughter of Alan Lord of Galloway, married John de Balliol Lord of Bernard castle. *Chr. Mel. 201.*

Alan Lord of Galloway, constable of Scotland, died, leaving three daughters, co-heiresses. 1st, Helen the wife of Roger de Quinci, Earl of Winchester; 2d, Dervorguil the wife of John de Balliol Lord of Bernard castle; 3d, Christian the wife of William des Forts, son of the Earl of Albemarle. Dervorguil and Christian were the issue of his marriage with Margaret daughter of David Earl of Huntington †. *Chr. Mel. 201. 202. M. Paris, 294.*

The natives of Galloway were unwilling to have their country parcelled out to various Lords; and, therefore, they requested Alexander to assume the lordship, in prejudice of the right heirs of Alan. The King, preferring justice to ambition, rejected their request.

They

* This lady's name is strangely diversified by historians. Dornagilla, Derveguldís, Dervagulda, Dervogilla, are some of the variations of it. Edward I. when summoning her to the Welsh wars in 1276, calls her 'Dervergoyll de Balliol;' *Foedera*, T. ii. p. 76. She is called Dernerigulla de Gallwayth, about 1290 Edward I. *Calendars of ancient charters*, p. 108. In her foundation-grant of Balliol college, she calls herself Dervorguil; *Balliofergus*, p. 25. The inscription on her seal runs thus, *S. Dervorgille de Balliol filie Alani de Galewad*. See *Balliofergus*, p. 4.

† The *Chronicle of Melros*, p. 201. and *Fordun*, L. ix. c. 48. expressly say, that Helen, Countess of Winchester, was the eldest sister. Accordingly, we find that her husband held the office of constable. It is certain, that she had children: 1. Elizabeth the wife of Alexander Comyn Earl of Buchan, constable between 1264 and 1270; 2. Margaret the wife of William de Ferreris Earl of Derby; 3. Ela the wife of Alan la Zouche. It is certain, that none of her descendants laid claim to the crown of Scotland after the death of the Maiden of Norway. Hence, it may be concluded, that the Countess of Winchester was the daughter of Alan of Galloway, by a former marriage, and had no connection with the Royal family. Alan of Galloway, after the death of Margaret of Scotland, married, in 1228, a daughter of Hugh de Lacy; *Fordun*, L. ix. c. 47.

1233.

Andrew Win-
ton, MS. Ad-
vocates libr.
Ford. ix. 48.

They next requested, that Thomas, the bastard son of Alan, might be appointed their Lord. This also having been denied, they broke out into open rebellion. Headed by the bastard, and Gilroth, an Irish chief, they burst into Scotland with merciless fury. Alexander led an army against them; he was intangled amid morasses, and in imminent hazard. Ferquhard Earl of Ross * extricated him, by assaulting the rebels in the rear. They were discomfited with great slaughter. The survivors fought and obtained the King's mercy. Alexander restored Galloway to the heirs of Alan. The bastard and Gilroth escaped into Ireland. Next Year, they returned with Irish auxiliaries. Gilroth at landing, burnt his vessels, as if resolved to conquer or die; yet he surrendered himself to the Earl of March without resistance. Both he and the bastard were pardoned. His wretched Irishmen straggled towards the Clyde, in hopes of discovering a passage home. The citizens of Glasgow rose in arms, and beheaded them all but two, whom they sent to be hanged and quartered at Edinburgh.

1234.

Foed. i. 334-
335.

At the request of Henry, Pope Gregory IX. exhorted Alexander to perform the conditions of the old treaty between Henry II. and William the Lyon. A strange request, and an exhortation no less strange! It seems that Henry was willing to forget, and that the Pope knew not the instrument of restitution granted by Richard I.

1235.

Chr. Mel. 203.

Marjory, sister of the King of Scots, married Gilbert ~~Earl of~~ ^{Marjory} of England at Berwick.

Henry

* In the *Chronicle of Melros*, he is called *Comes Rossensis Machentagard*; but, in a list of the MSS. of *Fordun*, *Thomas Rossen. Machentagard*; so that the name and quality of this warrior are uncertain.

1236.

Henry and Alexander had an interview at Newcastle*. Henry bestowed the Manor of Driffeld, on the Queen of Scots, for life. At another time, he bestowed on her the Manor of Staunton.

*Chr. Mel. 203.
Foed. i. 370.
379.*

1237.

John, the Scot, Earl of Chester, died [25th June] without issue.

*A. Burr. 290.
Knayhton 379.*

An agreement was concluded between Henry and Alexander, through the mediation of Eudes le Blanc L'Aleran, Cardinal-deacon, the Pope's Legate, [at York, towards the end of September.] 1. Alexander claimed the counties of Northumberland, Cumberland, and Westmoreland, in right of inheritance. 2. He demanded satisfaction for 15000 merks, paid, as he contended, to John King of England by William King of Scots, under condition, that Henry and Richard, the sons of John, should marry Margaret and Isabella, the daughters of William, which condition had not been performed. 3. He mentioned a treaty, by which Henry had become bound to marry Marjory, another daughter of William.

*Foed. i. 374.
400.*

Henry offered to settle, on Alexander, lands in Northumberland and Cumberland, of the yearly value of two hundred pounds in full of all claims †. To this Alexander consented, did homage to Henry for the equivalent, and swore fealty to him. At the desire of Alexander, the Earls of Fife and Menteth, and many more of the principal Barons

* Alexander II. and Alexander III. made frequent visits to the English court. I make mention of such visits only as are distinguished by some circumstance relative to history or manners.

† From a charter among the records of England, of which I have a copy, it appears that Henry III. granted to Alexander the manors of Langwatheby, Salekild, Scotteby, Soureby, Carlaton, and sixty pounds out of the manor of Paindred.

1237.

rons of Scotland, became bound, by oath, to maintain this agreement.

Chr. Mel. 203.
204.

The Queen of Scots, declining in her health *, vainly sought relief at the shrine of Thomas à Becket. She expired in the arms of her two brothers, 4th March 1237-8.

1239.

Chr. Mel. 204.

Alexander married Mary daughter of Ingelram de Couci, a great Lord in Picardy, [at Rokesburgh, 15th May.]

M. Par. 555.

Mary de Couci was provided in a *third* of the royal revenues. This third amounted to upwards of 4000 merks. M. Paris esteems it an ample provision.

M. Par. 330.

Edward, the son of Henry III. was born, [18th June]; the Papal legate, although not in priest's orders, baptized him. It seems that, in the church of Rome, this is no irregularity †.

M. Par. Ad-
dit. 99.

In this year, Hubert de Burgh, the great minister of England, was accused of various misdemeanours. One of the charges against him is connected with the history of Scotland. It was urged, 'That, whereas William King of Scots had delivered two of his daughters to John King of England, under condition, that the eldest should be married to Henry Prince
' of

* *Boece*, who was a physician, says, 'Ex putrefacto jam longo tempore utero', L. xiii. fol. 284. b. Henry permitted her to bequeath, by testament, the rents and profits of the manors of Staunton and Driffeld, from Michaelmas 1238, to Martinmas 1240. He had granted these manors to her for her life; *Fœdera*, T. i. p. 379. 1st February 1237-8.

† The Bishop of Carlisle catechised him in his cradle, 'Infantem catechizavit'; *M. Paris*, p. 330. What was the infantine creed of Edward I. we know not; but of maturer years, he believed with Julius Caesar, *Cicero de officiis*, L. iii.

— 'Si violandum est jus imperii gratiâ.

'Violandum est.'

1239.

of England; or, in the event of his death, to Richard Earl of Cornwall; and, as marriage-portions with them, had paid 15000 marks, and had renounced his claims to the three northern counties; yet, that Hubert himself had taken her to wife, while Henry was under age, and incapable of solemnizing marriage: That, in consequence of this, Henry had been obliged to compound with the King of Scots for breach of treaty, by settling lands on him to the yearly amount of two hundred pounds.

The defence made by Hubert was, *That he knew nothing of any treaty for marrying the Princess of Scotland to Henry or Richard: That the treaty bore, that the Princesses should be bestowed in marriage by the King of England, with the approbation of his nobility: That accordingly, the eldest was so bestowed in marriage on him, Hubert. For this, he appealed to public instruments, under the hands and seals of Pandolph the Pope's Legate, of the Archbishop of Canterbury, the Bishops, Earls, and Barons of England.* He added, *That such treaty, had it indeed existed, would have been no bar to the marriage; for that Henry himself was then of an age to marry the Princess, had he been so inclined.* This was *legally* true; for Henry, at that time, had attained to the age of fourteen.

If the controverted article existed, we must admire the effrontery of Hubert; if not, the ignorance or malice of his accusers.

Eudes le Blanc L'Aleran, the Cardinal Legate, came into Scotland, M. Par. 336. and held a provincial council at Edinburgh. Alexander strenuously opposed this visitation. To receive a Legate, whose original commission respected England alone, might have been interpreted in a sense prejudicial to the independency of the Scottish church. It is reported, that Alexander consented to his admission, at the joint request of the nobility of both kingdoms, and that he insisted for, and obtained a written declaration from the Legate, that this should not be drawn into

1239.

precedent. Certain it is, that the Legate proceeded not beyond Edinburgh, and that Alexander avoided his presence.

The Legate, says M. Paris, sojourned in the principal towns on this side the sea *, and having collected a large sum of money, secretly, and without leave asked, he departed from Scotland.

Bulla Greg. ix.
ap. Od. Rai-
nald. ann.
1337. & 40.

Such was the magnanimity of Alexander II. that the high-spirited Pontiff, Gregory IX. submitted to sooth him by a detail of specious and affected reasons, tending to evince the propriety of a legation in Scotland. ‘The church of Scotland,’ says that Pope, ‘acknowledges the Romish see as her immediate mother in things spiritual. To leave her destitute of the consolation of a Legate from us, would be an indignity which we cannot in conscience allow. Were we, by our Legate, to visit the church of England, and yet neglect the neighbouring church of Scotland, she might think us destitute of maternal affection †.’

1241.

Chr. Mech. 206. A son was born to Alexander at Rokeburgh [4th Sept.] and named *Alexander*.

1242.

Boed. 1. 400.

In consequence of the treaty of York [1237,] Henry assigned to Alexander a rent of two hundred pounds Sterling, out of the three northern counties.

Purposing

* ‘*Mare non transit; sed in bonis civitatibus commorans cismarinis, vocavit episcopos et nobiles terrae beneficiatos;*’ *M. Paris*, p. 336. By *Mare*, is meant, according to the language of those times, *Mare Scotticum*, or the Frith of Forth. *Bona civitates*, a translation of *bonnes villes*, is a Gallicism.

† ‘*Ne a nobis affectione maternâ spoliari se crederet.*’ The expression is singular; it was when a Legate *did* visit Scotland, that the church of Scotland ‘*affectione maternâ se spoliatam credidit.*’

1242.

Purposing to go beyond seas, he confided to Alexander the care of the northern borders. This confidence does honour to both Kings. *M. Par. 395.*

This year produced an event remarkable in its nature and consequences. Henry Earl of Athole had issue, two daughters, Isabel and Fernelith. Isabel, the elder, married Thomas of Galloway, brother of Alan Lord of Galloway. Fernelith, the younger, married David de Hastings. Patrick the only child of Isabel was a youth of distinguished accomplishments, in the opinion of that age. At a tournament on the English borders, he chanced to overthrow W. Bisset. Hence a fatal animosity arose; the Earl of Athole was murdered at Hadington. That the murder might be concealed, the assassins fired the house in which he lodged. The suspicion fell on Bisset*. The Scottish nobility flew to arms and fought for his life. They were led by Patrick Earl of March, in that age the most powerful of the southern Barons; they were excited to vengeance by David de Hastings, who had married the aunt and heir of Athole. *Chart. Dunf. MSS. 82. Fordun, ix. 48. M. Par. 397.*

Bisset, in order to justify himself, procured sentence of excommunication against all the murderers to be published, not only in his own chapel, but in all the churches of the kingdom. He demanded the protection of the King; he urged, that he was 50 miles distant from Hadington at the time of the murder; and he offered to maintain his innocence by single combat. The young Queen offered to make oath, 'That Bisset had never devised a crime so enormous †.' A trial by jury

* Authors differ as to the supposed chief of the conspirators. *Fordun* says, it was *Walter*; others, *William* his nephew. If *Walter*, he was probably the uncle of the Earl of Athole, married to the sister of Thomas of Galloway; *Chr. Melros*, ad ann. 1231. The Chronicle of Melros calls the younger Bisset, *John*. These discrepancies, however, affect not the story itself.

† 'Regina juramentum praestare parata fuit, quod nunquam dictus Dominus W. tantum nefas attemptare disposuit;' *Fordun*, L. ix. c. 59.

1242.

jury was allowed: But he rejected it, 'on account of the malevolence of the people, and the implacable resentment of his enemies.'

All that the King could obtain in favour of Bisset, was, that he should forfeit his estates, and be banished from Scotland. Still his accusers secretly sought to slay him. During no less than three months, the King concealed him in retreats inaccessible to their vengeance. Bisset, escaping into England, ungratefully sought to embroil the two nations in his own quarrel; he pretended, 'That Alexander, being the vassal of Henry, had no right to inflict such punishments on his nobles, without the permission of his liege Lord.' He added, with equal meanness, though, perhaps, with more truth, 'That Geoffry de Marais, a traitor who had escaped from prison in England, was received and protected at the court of Alexander.' Again appealing to his sword, in proof of his innocence, he made a vow, 'for the salvation of Athole's soul and his own, to repair to the Holy Land and never to return.' A singular vow to be made by one whose conscience was clear!

It is unnecessary to add, that the kindred of Bisset were involved in his ruin.

1244.

M. Par. 432. Jealousies now arose between the two nations. Mary de Couci, of a family unfavourable to England, was suspected to have a dangerous influence over her husband Alexander. It was reported to Henry, that Alexander had said, 'That he owed no homage to England for any part of his territories, and would perform none.' Henry secretly applied for succours from the Earl of Flanders, and instigated no fewer than *twenty-two* Irish chiefs to invade Scotland; intercepted the troops sent to the aid of Alexander, by John de Couci, his brother-in-law; assembled a numerous army at Newcastle, and prepared to invade Scotland. The pretexts for this rupture were, 'That Alexander had leagued himself with France, and had afforded an asylum

For. i. 426.*M. Par.* 432.*M. Par.* 436.

1244.

‘to Geoffry de Marais, and other English offenders.’ This was Bisset’s charge; ‘That Walter Comyn Earl of Menteth had given umbrage to England, by erecting two castles, the one in Galloway, the other in Lothian*.’

The description which M. Paris gives of the Scottish army, deserves to be remembered. ‘Alexander,’ says he, ‘was a devout, upright, and courteous person, justly beloved by all the English nation, no less than by his own subjects. His army was numerous and brave; he had 1000 horsemen tolerably mounted, though not indeed on Spanish or Italian horses: His infantry approached to 100,000, all unanimous, all animated by the exhortations of their clergy, and by confession, courageously to fight and resolutely to die in the just defence of their native land.’

By the mediation of Richard Earl of Cornwall, and the rest of the English nobility, a peace was concluded [at Newcastle.] Alexander *Ford. i. 429.* became engaged to live in amity with England, and never to aid her enemies, unless the English should do him wrong †.

1245.

Pope Innocent IV. issued an order, ‘That the papal delegates for *Ford. i. 438.* trying Scottish ecclesiastical causes should hold their sittings, either within Scotland, or within the dioceses of Carlisle and Durham, but never within the diocese of York.’ The meaning of this was, that the Archbishop of York might not, from being frequently the Pope’s delegate, revive the ancient and contested claim of his see to clerical obedience in Scotland.

1247.

Roger de Quinci, Earl of Winchester, who had married one of the *M. Par. 456.* co-heiresses of Alan Lord of Galloway, was suddenly besieged in his castle

* From *Fordun*, L. ix. c. 61. it appears, that one of the castles was that called *the Hermitage* in Liddesdale.

† ‘Nūn nos injustè gravent;’ *Foedera*, T. i. p. 429.

1247.

castle by his vassals, whom his oppressions had exasperated. Armed, at all points, he sallied forth, cut a passage through the enemy, and instantly sought redress from Alexander. Alexander chastised the insurgents, and re-instated the Earl of Winchester.

1249.

M. Par. 515.
516.
Chr. Mel. 219.
Ford. ix. 63.

Angus of Argyle had been wont to do homage to the King of Norway for certain islands. Alexander required *that* homage to be done to himself, and, it being denied, he resolved to force it *. While engaged in this enterprise, he was seized with a burning fever, and died in the island of Kerarry †, near the sound of Mull, [8th July,] in the 51st year of his age, and 35th of his reign.

His body was conveyed to the abbey of Melros ‡. His dust is now mingled with the dust of many a heroic Douglas.

Alexander II. was one of the wisest princes that ever reigned over Scotland. Steadiness and magnanimity are the striking features of his character.

The statutes of Alexander, twenty-five in number, have been published

* It appears from the chartulary of Aberbrothock, vol. i. fol. 23. that, in the preceding year, Alexander had marched an army into Argyle: ‘ Dominus Rex habuit exercitum cum eo in Ergadia, an. Dom. 1248.’ It is probable, that this expedition proved unsuccessful, although history has recorded no circumstances concerning it.

† ‘ Erray, namit by the Erische Ellan Erray, ane iyle of halffe myle large and halffe myle braid, guid main land, inhabit and manurit, fruitfull of corne and pastorage, with abundance of Fisching;’ *Archdean Monro*, p. 19.

‡ It is generally supposed, that the large marble stone still to be seen at the abbey of Melros is the monument of Alexander II. Mr *Miln*, *Description of the parish of Melros*, p. 9. conjectures, that it is placed over the body of Waldeve, esteemed a saint by the Romish church. This Waldeve was the son of the Queen of David I. He is called the uncle of Malcolm IV. in the *Chronicle of Melros*; hence Mr *Miln* erroneously concludes, p. 23. that he was the son of David I.

1249.

blished by Skene *. There are several of them that require a commentary.

Alexander had a particular kindness for the mendicant friars of the order of St Dominic, called with us *the black friars*: For then he founded no fewer than eight monasteries, at Edinburgh, Berwick, Air, Perth, Aberdeen, Elgin, Stirling, and Inverness. *Spotf. religious houses, 15.* Boece supposes that Alexander saw Dominic in France, about the year 1217; the sight of a *living saint* may have made an impression on his young mind: *Boece, xiii. 283. b.* But perhaps he considered the mendicant friars as the cheapest ecclesiastics: His revenues could not supply the costly institution of Cister-tians and canons regular, in which his great-grandfather David I. took delight.

ALEXANDER

* In some ancient MSS. certain statutes are ascribed to David I. which Skene, on the authority of other MSS. has ascribed to Alexander II. They are these following:

Alexander II. by Skene.	David I. in MSS.
c. 4.	c. 31.
c. 5.	c. 34.
c. 6.	c. 43.
c. 7.	c. 33.
c. 8.	c. 35.
c. 15.	c. 24.
c. 16.	c. 22.
c. 19.	c. 19.

The MSS. mention particular years in which some statutes were enacted, as 1230, 1244, 1248. This, however, is not of much authority; for the MSS. suppose the first statute to have been enacted in 1212, before the accession of Alexander II.; and another statute to have been enacted in the year of the first coronation of Philip King of France, that is, Philip the August, who had reigned for upwards of 30 years before the accession of Alexander II.

A L E X A N D E R . III.

Cbr. Mel. 219. **A**LEXANDER II. was succeeded by his only son, Alexander III. a child in his eighth year.

Ford. x. 1. Some of the Scottish counsellors objected against the coronation of the young King. They said, 'That the day appointed for that ceremony was unlucky*', and that the King, previous to his coronation, 'ought to receive the order of knighthood.' William Comyn Earl of Menteth overcame the scruples of superstition and chivalry; he represented the hazard of a delay, and proposed, that the Bishop of St Andrew's should perform *both* ceremonies. To this artful proposition all assented, and the infant monarch was placed on the throne of his ancestors, [13th July.]

The coronation-oath was read in *Latin*, and then expounded in *French*.

Fced. i. 463. The danger which the Earl of Menteth apprehended from a delay was this. It appears, that Henry had solicited a mandate from Pope Innocent IV. 'That Alexander, being his liegeman, should not be 'anointed or crowned without his permission.' He also requested a grant of the tenth of the ecclesiastical revenues in Scotland. The Pope honestly and peremptorily rejected both requests; the *first* as derogating from the honour of a sovereign prince; the *second*, as unexampled.

1250.

Ford. x. 3. In this year the form of the Scottish coin was changed, and the cross which

* *Fordun* sagaciously observes, 'That unlucky days are only to be regarded in matters depending upon celestial influences, as the times of sowing seed, felling trees, or letting blood; L. x. c. i.

1250.

which formerly went no farther than the inner circle, was extended to the circumference.

1251.

It appears, that they who had the management of public affairs at this time, endeavoured, by various methods, to circumscribe the power of the clergy. Pope Innocent IV. took the alarm, and directed a bull to the Bishops of Lincoln, Worcester, and Litchfield, by which he required them to examine into the abuses said to prevail in Scotland; on these delegates, he conferred ample powers of excommunication. It is probable, that this bull was never transmitted to the English Bishops: Certain it is, that no historian makes any mention of it *.

Gbar. Morav.
i. 30.

Alexander had been betrothed to Margaret the daughter of Henry III. in 1242; their nuptials were celebrated at York, [26th December.]

M. Par. 395.
Annal. Bur-
ton, 347.

Her portion was 5000 merks: It will be remembered, that Henry paid 30000 merks to the Emperor Frederick, with his sister Isabella.

Food. l. 467.
361.

Alexander did homage to Henry for his English possessions. Henry, through mean and shallow policy, demanded homage also for the kingdom of Scotland, according to the usage recorded in many chronicles †. But Alexander, with prudence and resolution superior to his years, made answer, 'That he had been invited to York to marry the Princess of England, not to treat of affairs of state; and that he could not take a step so important without the knowledge and approbation of his parliament.'

M. Par. 354.
355.

Henry

* It is dated in the 8th year of the pontificate of a Pope Innocent. It appears from the bull, that the King of Scots was at that time a minor. The only King of Scots who was a minor in the 8th year of a Pope named Innocent, was Alexander III. He began to reign 1249, aged nine years, and was eleven years old in 1251, the eighth year of the pontificate of Innocent IV. This curious instrument has hitherto remained unknown; I have therefore printed it in the Appendix.

† * Prout evidenter in chronicis locis multis scribitur; *M. Paris, p. 554.*

1251.

Henry pretended to have made a discovery of a plot against Alexander: He accused Alan Dureward, [or Ostiarius*,] justiciary of Scotland, 'For that he and his associates had sent messengers, accompanied with presents, to the Pope, soliciting the legitimation of his daughters by the King's sister; whereby, in the event of the King's death, they might succeed as lawful heirs of the kingdom of Scotland.' This dark story is related in the Chronicle of Melros. It is plain, *the King's sister* must have been a bastard; for Joan of England had no children, and Mary de Couci, married in 1239, could not have had a daughter the mother of children in 1251. Fordun, with more plausibility, says, that Alan Dureward had married a bastard daughter of Alexander II. and that he had procured her to be legitimated by Robert abbot of Dunfermline, chancellor of Scotland. The event which followed was singular; the Chancellor resigned the seals, quitted his abbey, and assumed the habit of a monk at Newbottle. In 1253, Alan Dureward followed Henry into France, and served in his army. He ingratiated himself with Henry, and, in his turn, became the accuser of his enemies.

*Ford. x. 4.**Chr. Mel. 219.**M. Par. 555.**M. Par. 571.*

At the York congress, Henry undertook to send a trusty counsellor into Scotland, who might act in concert with the Scottish nobles, as guardian of the young King. Geoffry of Langley, keeper of the royal forests, was entrusted with this delicate commission, a man odious in England, from the nature of his office, and still more from the severity with which he discharged it. The Scottish barons, disgusted at his insolence, soon expelled him.

1254.

Ford. i. 517.

For the aid of the Holy Land, Innocent IV. granted to the King of England a twentieth of the ecclesiastical revenues of Scotland during three years. This grant was renewed, in 1255, for one year more.

Simon

* Dureward is also called *L' Huiffier*, which has the same signification.

1254.

Simon de Mountfort, the great Earl of Leicester, was sent into Scotland, charged with a secret commission from Henry III. The nature of the commission may be conjectured from the transactions of the following year. Foed. i. 523.

1255.

At this period *The Comyns* held the principal sway in Scotland*. *M. Par.* 609. Robert de Ros and John de Balliol, two barons of their party, had the name of Regents †.

Their opponents were numerous and mighty. The chief were Patrick Earl of March, Malise Earl of Strathern, Neil Earl of Carrick, Robert de Brus, Alexander the Steward of Scotland, and Alan Dureward. Henry III. espoused the interests of this party. He declared, that he would protect them against the enemies of the King of Scots, and *the gainfayers* of Queen Margaret ‡. He, moreover, promised to make no attempt to seize the person, or impair the dignity of the King, and that he would never consent to the dissolution of his marriage with the Queen. What obliged Henry to make such a declaration is unknown. Foed. i. 559.

He dispatched Richard de Clare Earl of Gloucester, and John Maunsel, to Scotland, under pretence of inquiring into the condition of the Scottish Queen, but, in truth, to counsel the discontented nobles, and to forward their enterprise. M. Par. 610.

Many were the grievances of the young lady. She was confined in. Foed. i. 558.

* It is reported, that about this time there were no fewer than thirty-two knights in Scotland of the name of *Comyn*; *Fordun*, L. x. c. 11.

† There were, says *Fordun*, L. x. c. 5. as many Kings as counsellors, and the nation was universally oppressed.

‡ *Qui rebelles* extiterint *charissimae filiae nostrae Margaretae Reginae Scotiae*; *Foedera*, T. i. p. 559. In that age *rebelles* meant no more than is implied in the old English word *gainfayers*.

1255.

‘in the castle of Edinburgh, a sad and solitary place; without verdure,
 ‘and, by reason of its vicinity to the sea, unwholesome: She was not
 ‘permitted to make excursions through the kingdom, nor to chuse her
 ‘female attendants: And, lastly, she was excluded from all conjugal
 ‘intercourse with her husband, who by this time had compleated
 ‘his fourteenth year.’

M. Par. 611. Redress of her last grievance was instantly procured; redress of her other grievances was promised*.

As the family of Balliol, the regent, had so near pretensions to the crown of Scotland, it might seem unjustifiable in him to keep the King separated from his spouse.

Chr. Mel. 226. While the Comyns and their associates were engaged in preparations for holding a parliament at Stirling, the Earl of March, Alan Dureward, and the other leaders of their party, surprized the castle of Edinburgh, and procured the liberty of the King and Queen; or rather, according to the Scottish mode, gave them new masters.

Foed. i. 560.
561. To second this enterprize, Henry led his army towards the Scottish borders, proclaiming, nevertheless, his pacific intentions, and his zeal for the rights and liberties of Scotland, [25th August.]

Foed. i. 562. Alexander and his Queen had an interview with Henry at Werk castle in Northumberland. Their safe conduct imported, ‘That they
 ‘and their retinue should not tarry in England, unless with the general approbation of the Scottish nobility †.’

Foed. i. 565.
567. *Chr. Mel.* 221. *Keith,* catal. of Bps. 12. Henry had an interview with Alexander at Rokesburgh. The government of Scotland was settled, by the advice of Henry, Camelin, chancellor of Scotland and Bishop-elect of St Andrew’s, William de Bondington

* ‘Fecerunt eos licenter in uno lecto, ut sponsum et sponfam, condormire;’ *M. Paris,* p. 611.

† ‘Promissimus etiam eis fideliter, quod nec ipse Rex et Regina, nec aliquis ex suis, quos secum ducent, infra regnum nostrum moram facient, nisi de omnium magnatum Scotiae voluntate;’ *Foedera,* T. i. p. 562.

1255.

Bondington Bishop of Glasgow, Clement Bishop of Dunblane, William Comyn Earl of Menteth, Alexander Comyn Earl of Buchan, William of Marre Earl of Marre, John de Balliol, Robert de Ros, John Comyn, William Wisheart Arch-deacon of St Andrew's*, and many more were removed from the King's council and deprived of their secular offices.

The King declared, that he would not restore them to favour, until they had atoned for their offences against the King of England as well as against himself.

There was, however, a proviso added, that they might be restored to favour, should Scotland be invaded by any foreign Prince.

The Chronicle of Melros says, that the Bishops of St Andrew's and Glasgow, and the Earl of Menteth, were disgraced, because they would not set their seals to an instrument prejudicial to the honour of the royal family and the nation. *Chr. Mel. 221.*

This,

* There are *characters* of some of the persons here named to be found in Fordun. I do not chuse to interweave them into my work, but place them in a note. Gamelin Bishop of St Andrew's; *Stetit contra reges horrendos, sicut et Moses, in portentis et signis*; L. x. c. 23. Alexander had disputes with Gamelin; hence the King became Pharaoh, and the Bishop Moses. I wish that the impertinence of applying scripture-characters had been confined to such illiterate times. William de Bondington, Bishop of Glasgow, died 1258; *Vir dapflis et liberalis in omnibus*; L. x. c. 11. Clement Bishop of Dunblane, died 1266; *Variarum linguarum interpres eloquentissimus, vir potens sermone et opere coram Deo et hominibus*; L. x. c. 11. William Comyn Earl of Menteth, died 1258; *Vir providus consilio, strenuus miles—experientia plura providebat*; L. x. c. 1. William of Marre Earl of Marre; his portrait displays genius in the painter: *In malis artibus ingeniosus satis*; L. x. c. 10. John Comyn; he is said to have been, *vir ad rapinam et temeritatem expeditus*; L. x. c. 10. William Wisheart, Arch-deacon of St Andrew's, *vir magnae sagacitatis et astutiae*; L. x. c. 27. He was afterwards Bishop of St Andrew's, chancellor, and chief minister. When he was appointed to the see of St Andrew's, he was rector or prebendary of 22 churches; L. x. c. 28. He became a Bishop, *potius simulatione, quam religione*; plus regis timore quam sui amore. There is sense in this jingle.

1255.

This, it would seem, alludes to the model of government which was settled at Rokesburgh, [20th September 1255,] and was to subsist for seven years*; that is, until Alexander should have attained the age of twenty-one.

By it, the following persons were appointed regents of the kingdom and guardians of the King and Queen: 1. Richard Inverkeithen Bishop of Dunkeld. 2. Peter de Ramsay Bishop of Aberdeen. 3. Malcolm Earl of Fife. 4. Patrick Earl of Dunbar or March. 5. Malise Earl of Strathern. 6. Nigel Earl of Carrick. 7. Alexander the steward of Scotland. 8. Robert de Brus. 9. Alan Dureward. 10. Walter de Moray. 11. David de Lindefay. 12. William de Brechin. 13. Robert de Meyners. 14. Gilbert de Hay. 15. Hugh Gifford †. Vacancies were to be supplied by the surviving regents. The crown-vents, wards, and escheats were to be at their disposal: But it was provided, that the custody of all royal castles should remain with the present possessors.

Alexander promised to the King of England, that he would treat his daughter with conjugal affection and all due honour: And to the regents, that he would ratify all their covenants and reasonable grants. He made Patrick Earl of March swear upon the King's soul ‡, that these engagements

* Alexander was born 4th September 1241.

† 1. Richard Inverkeithen, died 1272; *Vir magnae maturitatis et gravitatis: Qui fuit fidelissimus Regis et regni consiliarius, et justitiae inflexibilis.* 2. Peter de Ramsay died 1256; *Vir nobili ortu prosapia et clara ornatus scientia; Ford. L. ix. c. 62.* Malise Earl of Strathern, died 1270; *Vir genere et liberalitate praeclarus, et super omnes compatriotas munificus; L. x. c. 27.* Alan Dureward, died 1275; *Vir dapilis et strenuissimus in armis, ac Regi et regno fidelissimus; L. x. c. 35. tanquam flos militiae reputatus, L. x. c. 1.* Hugh Gifford de Yester, died 1267. In his castle there was a capacious cavern formed by magical art, and called in the country *Bo-hall, i. e. Hobgoblin-hall, L. x. c. 21.* Hence we may conclude, that he was esteemed a very wise man, or a very great oppressor.

‡ 'In animam nostram; Foedera, T. i. p. 566.

1255.

engagements should be fulfilled; and he subjected himself to the papal censures, should he fail in performance.

This singular instrument was deposited in the hands of Henry III. *Food. i. 567.*

The affairs of Scotland being thus settled, Henry proceeded to take *M. Par. 611.* cognisance of the offences of John de Balliol and Robert de Ros, the late regents. As they possessed estates in England, he held them to be amenable to his courts, even on a vague charge of disrespect and disloyalty to the King and Queen of Scots. John de Balliol, being opulent, purchased his pardon. Robert de Ros appeared not, and Henry seized his lands. Perhaps his castle of Werk was his chief offence*.

We have seen that Gamelin, Bishop-elect of St Andrew's, and William de Bondington Bishop of Glasgow, had been deprived of their *secular* offices; as they retained their *ecclesiastical* power, they had an early opportunity of expressing their resentment. Towards the close of this year, Gamelin was consecrated by the Bishop of Glasgow, notwithstanding an injunction to the contrary, issued by the regents. *Chr. Mel. 221.*

1256.

Gamelin was put out of the protection of the laws †, says the Chronicle of Melros, because he opposed the proceedings of the regents, and refused to purchase his bishoprick. He hastened to Rome, and laid his grievances before Pope Alexander IV. The regents seized the revenues of his see. *Chr. Mel. 221.*

Alexander and his Queen visited London. Henry renewed the grant of the honour of Huntington to Alexander, and declared, that *M. Par. 626.* *Food. i. 582.* the

* In the Annals of Burton, it is said, with much naivety, that the King and Queen of Scotland were dissatisfied with Robert de Ros, 'Eo quod non sustinuit eos carnaliter simul commiscere, ob quam causam Rex dissaisivit eundem Robertum de castellis de Werk, et de quibusdam suis aliis terris;' p. 342.

† 'Exlegatur;' *Chr. Melros*, p. 321.

1256.

the grant which he himself had obtained from the Pope of a tenth of the ecclesiastical revenues in Scotland, should never be urged as a precedent to the hurt of that nation.

1257.

Chr. Mel. 221. The cause between Gamelin Bishop of St Andrew's and the regents of Scotland was tried by the Pope; judgement was pronounced in favour of Gamelin: He was declared not only innocent of the charge against him, but also most worthy of his bishoprick. The Pope excommunicated his accusers, and the invaders of the see of St Andrew's, and ordered this sentence to be solemnly published in Scotland, by Clement Bishop of Dunblane and the abbots of Melros and Jedburgh.

Foed. i. 615. The Pope, in a lofty epistle to Henry, espoused the quarrel of Gamelin. Henry prohibited his entrance into England, and ordered him to be arrested, should he attempt to land.

Foed. i. 627. Another change of the regency happened. Mary de Couci, the widow of Alexander II. had married John de Brienne, son of the titular King of Jerusalem. Henry permitted her and her husband to pass through his dominions to Scotland; under an oath, however, not to aid the faction opposed to the regents: A feeble security, while the Pope favoured that faction!

Foed. i. 670. It appears that they associated themselves with *The Comyns*. At this critical juncture, the Pope's delegates ventured to publish the sentence of excommunication against the enemies of Bishop Gamelin. William Comyn Earl of Menteth represented to his associates, that the King was now in the hands of persons accursed, and that the kingdom was in immediate hazard of papal interdiction. They flew to arms; strengthened with a hypocritical pretext, they seized the King and Queen at Kinross, and detained them in separate confinement, until the friends of the English interest dispersed. Alan Dureward, who affected great zeal for that interest, fled into England. *The Comyns*

comyns

1257.

comyns wrecked their vengeance on Robert de Ros: Already punished in England as the enemy of the Queen, he was now punished in Scotland as her partizan; and all his goods were confiscated*.

The charge against the Queen was, 'That she had excited her father to invade Scotland, and extirpate the nation.' *The Comyns* could not credit a charge so absurd; but it was basely devised to operate on the two great passions of the vulgar, fear and national pride.

1258.

Alexander drew his army towards the English borders, to fight the excommunicated nobles, says the Chronicle of Melros. In his army he had Scots and men of Galloway, who pillaged the country and eat flesh in lent. *Chr. Mel. 221.*

A negotiation took place: In consequence of it, a new and motely regency was established. The regents were, 1. Mary the Queen-dowager. 2. John de Brienne her husband. 3. Gamelin Bishop of St Andrew's. 4. Walter Comyn Earl of Menteth. 5. Alexander Comyn Earl of Buchan. 6. William Earl of Marre: To them were added, four of the late regents, viz. 7. Alexander, the steward of Scotland. 8. Robert de Meyners. 9. Gilbert de Hay; and 10. The versatile Alan Dureward. *Feod. i. 670.*

Henry III. accommodated himself to the state of the Scottish counsels. He promised his friendship and aid to the new regents, as long as they continued to behave religiously and loyally, and with a due regard to the laudable constitutions of Scotland: Should they fail therein, and continue to offend for three months after having been admonished by him, he declared this obligation of amity to be at an end, [6th November.] Thus was Henry reduced to the necessity of overlooking his former quarrel with the Comyns, the instrument of Rokeburgh *Feod. i. 670.*

* 'Omnia enim ejus bona quae venalia videbantur venalitati exponebantur infelicanda;' *M. Paris, p. 644.*

1258.

burgh deposited in his hands, and the proclamation which he had recently issued against the Bishop of St Andrew's.

M. Par. 660. At this critical juncture, *The Comyns* lost their great leader Walter Earl of Menteth. In England, it was reported, that he died by a fall from his horse; but, in Scotland, it was said that he perished by poison which his wife administered.

Chr. Mel. ad An. 1255 & 1256. It is probable that this lady was Countess of Menteth in her own right, and that Walter Comyn assumed that title by reason of his marriage. The Chronicle of Melros repeatedly terms him, 'Walter, called Earl of Menteth.'

Ford. x. 11. His widow, rejecting the precipitate addresses of the Scottish nobles who sought her in marriage, precipitately wedded John Ruffel, an obscure Englishman. Irritated at this imagined slight, they accused her of the murder of her former husband, and imprisoned both her and her Paramour.

Ford. x. 11. Walter Stewart, [called *Baillock*, or the *freckled*,] a younger brother of the Stewart of Scotland, had married, as it would seem, the younger sister of the Countess of Menteth. He laid claim to the earldom of Menteth, in the right of his wife*; and, by the favour of the parliament, he obtained it. The elder Countess, insulted, disgraced, and despoiled of her fortunes, retired out of Scotland with her husband.

As the *elder* sister was accused of poisoning her former Lord, and had contracted a clandestine marriage with a foreigner, the judgment of the Scottish barons, in favour of the *younger* sister, was what the manners of a fierce and unlettered age might justify.

Ford. x. 14. That the circumstances of this singular story may not lie scattered, I depart from my general chronological plan, and observe, that, in 1262, one Pontius was sent to York by Pope Urban IV. with special powers to inquire into the violence and injuries of which the *elder* Countess

* 'Ex parte uxoris suae;' *Fordun*, L. x. c. 11.

1258.

Countess of Menteth complained. It was a matrimonial cause, or considered in that light, and this gave rise to the interposition of the head of the church.

Pontius summoned Walter Stewart, as the party; he summoned the bishops, abbots, and almost all the nobility of Scotland, to give testimony in this singular case. A summons to appear without the limits of the kingdom, was held to be inconsistent with the privileges of the King and kingdom of Scotland. Alexander considered this form of procedure as oppressive on himself, his kingdom, and subjects, and as tending to set at nought his ancient rights in cases of this nature. Professing himself ready to determine the controversy according to the laws of Scotland, he dutifully appealed from the Pope's legate to the Pope: And thus no judgment was pronounced at that time.

In 1273, an attempt was made to revive the controversy. William, the son of John Comyn, had married the daughter of the elder Countess of Menteth. John Comyn, on behalf of his son, renewed the suit against Walter Stewart. The family of Comyn probably expected that their formidable influence might deter the King from opposing a trial without the limits of Scotland, where *their* interest was concerned. Nothing, however, could shake the magnanimity of Alexander III. *Fordun, x. 33.*

No more was done at York in 1273, than in 1263. Walter Stewart still retained the title of Earl of Menteth, his wife the title of *Countess*. *Foed. ii. 1082.
Ford. x. 37.*

In 1285, the controversy was ended in the proper court, in a parliament held at Scone. *There* it was decided, that a division should be made of the estate, between Walter Stewart and William Comyn; that the *earldom* should remain with Walter Stewart, and that half of the lands should be erected into a *barony* in favour of William Comyn. This judgment has all the appearances of a compromise. If there was no compromise, the King and parliament gave either too much or too little to one of the contending parties. I now return to the course of the annals. *A. Winton,
MS. Chronicle.*

By

1259.

Keith. catal.
142.
Foed. i. 683.
Chr. Mel. 222.

By the death of William de Bondington, the see of Glasgow became vacant. The King favoured Nicolas Moffat Arch-deacon of Teviotdale; he was postulated; but the Pope set him aside, and named his own chaplain John de Cheyam, an Englishman, to the vacant see*. Henry, at the desire of the Pope, requested Alexander to put John de Cheyam in possession of his *temporalities*. 'Although he is my subject,' said Henry, 'I would not solicit you in *his* behalf, could any benefit arise to you from your opposition to a man on whom the Pope has already bestowed ecclesiastical jurisdiction.' Even Henry could see the evil; but the wisest Prince of that age durst not have seen the remedy.

Foed. i. 698.

Chr. Mel. 222.

Alexander consented to the papal nomination. When the Historian of Melros said, that 'the King gave a kindly reception to John de Cheyam,' he said what the public believed, and what the King and his ministers wished to have the public believe; but the Bishop himself knew that he was obnoxious to government; and therefore he embraced the first opportunity of retiring into foreign parts, where he passed the remainder of his life.

Keith. catal.
143.

Foed. i. 703.

The Pope, satisfied with Alexander's apparent acquiescence, recalled certain angry mandates which he had issued against him and his kingdom.

1260.

Foed. i. 713.

Alexander and his Queen visited London. Their safe conduct bears, 'That neither the King nor his attendants should be required to treat of state-affairs during this visit.'

Foed. i. 714.

Henry made oath, that he would neither detain the Queen of Scots, if she became pregnant in England, nor her child, if born in England: Such jealousy did the Scots entertain of their powerful neighbour.

It

* Among the Scottish instruments whereof Edward I. possessed himself, there was a papal bull, willing, 'That John de Cheyam should swear fealty to Alexander before he received his temporalities;' *Foedera*, T. ii. p. 215.

1260.

It was agreed that the Queen should lie in at her father's court. Henry again made oath, that he would restore the Queen and her child*.

In the event of Alexander's death, he promised to surrender the child to the Bishops of St Andrew's, Aberdeen, Dunblane, and Galloway, to Malcolm Earl of Fife, Alexander Comyn Earl of Buchan, Malise Earl of Strathern, Patrick Earl of Dunbar, William Earl of Marre, John Comyn, Alexander the steward of Scotland, Alan Dureward, and Hugh de Abernethy, or to any three of them: This assemblage of names seems to indicate, that, in 1260, a coalition of the discordant factions had taken place †.

A daughter was born to Alexander in England, and named Margaret. *Chr. Met. 223.*

1262.

Henry interposed his good offices to prevent a rupture between Haaco King of Norway and Alexander. Haaco assured Henry, that he had no intention of invading the *kingdom* of Scotland; but in this he equivocated. *Foed. i. 753.*

1263.

Alexander had sent the steward of Scotland to demand payment from Henry of the arrears of the Queen's portion. Henry made a payment of 500 marks, which drained the exchequer ‡. He feelingly

* 'Post tempus purificationis ipsius, scilicet post quadraginta dies post partum suum;' *Foedera, T. i. p. 715.*

† From the mention made of the steward of Scotland, Abercrombie, *Martial Achievements*, vol. 1. p. 450. extracts this extraordinary panegyrick, 'He was among those undoubted patriots to whom the Royal infant, was, by King Henry III. of England, to be delivered, than which a greater trust could not be given to a subject: A large testimony, that he was considered as proof against domestic faction or foreign influence.' To many of those undoubted patriots who were proof against domestic faction or foreign influence he had unhappily given the appellation of *Rebels and villanous tyrants*, at p. 314.

‡ 'Per quod nobis pecunia non extat ad manus;' *Foedera, T. i. p. 743.*

1263.

ly lamented his intolerable charges, and the excessive disorder of his finances, and promised to make payment of the remaining moieties at Michaelmas 1263, and Easter 1264. 'I appoint such distant terms,' said he, 'because I mean to be punctual, and not to disappoint you any more.' To an English reader this might seem incredible; but the original instrument exists.

*Torfacus. hist.
Norveg. iv.
47.*

Haco King of Norway invaded Scotland with a mighty fleet. The Norwegians landed at Largs in Cunningham; they were attacked and overcome by the Scots, [2d October 1263.] A tempest arose, shattered and dissipated the Norwegian fleet. Haco sought a retreat in Orkney, and died there*.

In these particulars the Scottish and Norwegian historians agree. As to the cause of the invasion, the force landed, the circumstances of the battle, and the number of the slain, they widely differ. The truth might still be investigated; but the inquiry would be prolix, and not suited to the nature of this work †.

Chr. Mel. 225. 21st January, a son was born to Alexander at Jedburgh; he was named Alexander.

1264.

Ford. x. 18.

Magnus, son of Olave, King of Man, despairing of assistance from Norway, did homage to Alexander at Dumfries, and became bound
to

* It is reported that Haco, just before his death, sent to Alexander the letter which many of the Scottish barons had written, desiring the aid of the Norwegians against their sovereign; *Fordun, L. x. c. 16.*

† We may, therefore, continue to suppose, that Haco led on his army in person, and that 24,000 Norwegians, part of the crew of 160 vessels, fell in battle. Concerning this subject, the curious reader will find some good remarks, though not so many as might have been expected from the learning and abilities of the author, in Dr McPherson's *Critical Dissertations*, p. 291.—300. He says, 'It is hardly possible to believe, that the battle of Largs, if ever such a battle was fought, was so fatal to the Norwegians.' This is a high strain of scepticism indeed! The Chronicle of Melros places the battle of Largs in 1262.

1264.

to furnish to his Lord paramount five gallies with 24 oars, and five with 12*.

An army was sent against those of the western isles, who were supposed to have favoured the invasion of Haco King of Norway. Some of the ringleaders were executed, and their country spoiled. In those times, justice administered by a military force, was always accompanied with rapine.

A civil war arose in England; John Comyn, John de Balliol, and Robert Bruce led a numerous body of Scotfmen to the aid of Henry. Northampton was stormed by the forces of the English King. At the battle of Lewis, [14th May], he was defeated and made prisoner. Edward Prince of England occasioned the loss of the battle, by an impetuosity resembling that of Prince Rupert in the days of Charles I. While he amused himself in chasing the fugitive Londoners, the barons vanquished Henry. In this battle, great slaughter was made of the Scottish auxiliaries; and John Comyn and Robert Bruce were made prisoners.

Contin. M.
Paris, 669.
Hemingford,
581. Knight-
ton, 2447.

1265.

At the battle of Eveshame, [4th August,] Simon de Montfort, leader of the barons, was overpowered, discomfited, and slain. The brutal soldiery cut off the hands and feet of the dead warrior, before whom, when alive, they had often fled. When all was lost, Guy de Balliol, his standard-bearer, refused to quit the field, and died with his master.

Contin. Chr.
Mel. 226. &c.
T. Wikes, 71.

1266.

After long negotiations with Magnus King of Norway, it was agreed, that Norway should yield to Scotland all right over the *Æbudæ* and *Man*, and in general over all islands in the western seas of Scotland.

Ford. x. 19.
Torfaeus, hist.
Norv. iv. 343.

* *Fordun*, not unaptly, calls them *piratical vessels*. This Magnus died in 1265; *Chr. Man. apud Camden. Britannia.*

1266.

land. For the greater security, islands in the south-sea are *included*, and the islands of Orkney and Shetland are *excepted*. It was provided, that the inhabitants of the ceded islands should, in time to come, be governed by the Scottish laws: They had liberty, however, of retiring with all their effects. On the other side, the King and estates of Scotland became bound to deliver to the King of Norway, at the church of St Magnus in Orkney, 4000 marks Sterling of the Roman standard, in four yearly payments of 1000 marks each, and also a yearly quit-rent of 100 marks Sterling for ever*.

Both parties became bound to fulfil their respective obligations under a penalty of ten thousand marks, to be exacted by the Pope.

By this treaty the patronage of the bishoprick of Sodor was reserved to the Archbishop of Drontheim in Norway.

Ford. x. 21. Cardinal Ottobonus de Fieschi, the papal legate in England, required six marks from each cathedral in Scotland, and four marks from each parish-church, for the expences of his visitation †. The King, with the advice of his clergy, forbade the contribution, and appealed to Rome. His clergy gave him 2000 marks for defraying the charges of the appeal.

1267.

Ford. x. 23. A quarrel arose between the King and his clergy. Sir John de Dúnmore had been excommunicated for certain offences against the prior and convent of St Andrew's. The King required Bishop Gamelin to absolve him, even without satisfaction: Gamelin not only refused this, but ratified the sentence, and excommunicated all the adherents of Dúnmore, the royal family excepted. The King, irritated at Gamelin's zeal, suffered the legate to levy part of the disputed contributions. On the other hand, Gamelin repeated the sentence of excommunication.

* 'Annuus redditus;' the treaty is to be found at full length in *Torfaeus Hist. Norveg.* vol. 4. part. 4. L. 6. c. 3.

† 'Nomine procurationis suae;' *Fordun,* L. x. c. 21.

1267.

communication. Dunmore's prudence terminated this unhappy contest: He asked forgiveness, made reparation, and was absolved; the King and his clergy were reconciled. The immediate consequence of this reconciliation was remarkable. The legate demanded admittance into Scotland; the King examined the legate's commission, consulted with his clergy, and peremptorily denied him admittance.

1268.

The legate, having met with this unexpected repulse, summoned *Ford. x. 24.* all the Scottish Bishops to attend him in England, at whatever place he should think fit to hold a council. He also required the Scottish clergy to send two of their number, heads of monasteries, as their representatives: The Scottish Bishops sent two of their number, and the other clergy two; not to assist at, but to watch over the deliberations of the council. The legate procured several canons respecting Scotland to be enacted; but the Scottish clergy disclaimed obedience to them. They now began to feel their own strength, and to exert it.

A similar incident occurred in the course of this year. Pope Clement IV. required the Scottish clergy to pay a tenth of their benefices *Ford. x. 24.* to the King of England, as an aid for an intended crusade. Alexander and the clergy concurred in rejecting this requisition. They said, 'That Scotland itself would equip a competent number of crusaders.' Accordingly David Earl of Athole, Adam Earl of Carrick, with many other barons, undertook the fatal expedition. The Earl of Athole died before Tunis, [1269,] under the banners of the virtuous and unfortunate Lewis IX. of France; the Earl of Carrick died in Palestine, *Chr. Mel. 241. 242.* [1270.]

1269.

In consequence of the Pope's grant, Henry III. attempted to levy *Ford. x. 26.* the tenths in Scotland: The Scottish clergy appealed to Rome: To shew that they were as independent of the English legate as of England, they assembled in a provincial council at Perth. A Bishop of their

1269.

*Historical me-
morials of
Scottish Coun-
cils, 16. et seq.
Concilia Bri-
tan. i. 607, 618.*

their own presided, and canons of their own were enacted, which re-
mained in force until the reformation.

The canons of the councils 1242 and 1269 are those preserved in
the Chartulary of Aberdeen, and, from that Chartulary, published by
Wilkins. None of the writers on our law ever perused them; and yet
they are the only thing that can deserve the title of the *ancient eccle-
siastical code of Scotland*.

Concerning them, it may suffice to observe, that the *first* appointed
a council to be annually held, and *this* under the authority of the bull
of Pope Honorius III. [anno 1225]; and that the *second* canon appoint-
ed each of the Bishops, in rotation, to be *conservator statutorum*; his
office was, during the interval between each council, to enforce obedi-
ence to the canons, under pain of ecclesiastical censures.

These were bold measures, admirably well calculated for securing
the independency of the church of Scotland, but fatal to the preroga-
tive of the Roman see.

1270.

*Boece, xiii.
290. b.*

A son was born to Alexander, and named *David*. He died in his
nonage.

1272.

Th. Wikes, 98.

Henry III. King of England died, [16th November.] During his
long reign, he was, upon the whole, as friendly to Scotland as a
powerful Prince can be to a weaker neighbour.

1274.

*Extr. e Chron.
MS. Adv. li-
brary.
Ford. x. 29.
xi. 12.
Chr. Mel. 242.*

Martha, Countess of Carrick in her own right, the wife of Robert
Bruce *, Lord of Anandale, bare him a son, afterwards Robert I. [11th
July 1274.] The circumstances of her marriage were singular; hap-
pening to meet Robert Bruce in her domains, she became enamoured of
him,

* I comply with the general, though erroneous usage in calling him *Bruce*; the vul-
gar have preserved his real name; They call him *de Brus*.

1274.

him, and with some violence * led him to her castle of Turnbery. A few days after, she married him, without the knowledge of the relations of either party, and without the requisite consent of the King. The King instantly seized her castle and whole estates: She afterwards atoned by a fine for her *feudal delinquency*. Little did Alexander foresee, that, from this union, *the Restorer of the Scottish monarchy* was to arise.

Alexander, with his Queen, and many of his nobility, assisted at the coronation of Edward I. Margaret Queen of Scotland died [26th February 1274-5.] Ford. x. 35.

1275.

Benemundus de Vicci, vulgarly called *Bagimont*, was employed by the Pope to collect the tenth of all ecclesiastical benefices in Scotland, for the relief of the Holy Land; it was paid by all the clergy, except the Cisterians, upon oath, and even under the terrors of excommunication. The Cisterian order had compounded with the Pope, by granting a general aid of 50000 marks; and thus the amount of their revenues throughout Europe remained unknown. The Scottish clergy prevailed on Bagimont to be their solicitor at Rome for obtaining an abatement of the tax; his solicitations, however, were in vain: In that age a commutation might be received for crimes; but papal taxes could not be abated. Ford. x. 35.

The rent-roll by which this tax was levied is known in the history of Scotland, under the title of *Bagimont's roll* †. Historical memoirs of Scottish provincial councils, 18. 26.

1277.

The Bishop of Durham accused Alexander of having encroached on the English marches. Alexander, by his *five* ambassadors, asserted, that he had only maintained the marches according to ancient usage, that Foed. ii. 84.

* 'Vi quādam, si dicere fas est;' *Fordun*, L. x. c. 29.

† In the Calendars of Ancient Charters, p. 336. he is called 'Benemundus de Vic-cic [probably *Vicci*,] Canonicus Astensis.'

1277.

that is, 'to the flood-mark towards the south*.' He requested that commissioners appointed by both crowns might try the controversy.

Calend. of ancient Charters,
328.

It is probable, that the subject of a dispute, agitated with so much solemnity, was no other than a salmon fishing at the mouth of Tweed.

1278.

Foed. ii. 126.
Annal. Waverl. 233.

In the English parliament, [on Michaelmas day,] Alexander swore fealty to Edward I. in general terms. Edward accepted it, 'saving the claim of homage for the kingdom of Scotland, whenever he or his heirs should think proper to make it †.'

Robert Bruce Earl of Carrick performed the ceremony of homage by the command of Alexander, and with the approbation of Edward: It was in these words: 'For the services due on account of the lands and tenements which I hold of the King of England ‡.'

1281.

Ford. x. 37.
Foed. iv. 370.

Eric King of Norway, in his fourteenth year, married Margaret, the daughter of Alexander, in her twenty-first year.

1282.

Foed. ii. 269.

Alexander Prince of Scotland married Margaret the daughter of Guy Earl of Flanders.

1283.

Ford. x. 37.

Margaret Queen of Norway died, leaving an only child, Margaret, called by our historians, *the maiden of Norway*. Alexander Prince of Scotland died [28th January 1283-4.]

Foed. ii. 266.

The King and the estates immediately settled the succession, in a parliament held at Scone 5th February 1283-4. The nobles became bound

* 'Deskes al Flodmark devers le Sud;' *Foedera* T. 2. p. 84.

† 'Salvo jure et clameo, de regno Scotiae, cum inde loqui voluerint;' *Foedera*, T. ii. p. 126.

‡ 'Servitia debita de terris et tenementis quae teneo de Rege Angliae;' *Foedera*, T. ii. p. 126.

1283.

bound to acknowledge Margaret Princess of Norway as their sovereign, 'failing any children whom Alexander might have, and failing the issue of the Prince of Scotland deceased.' Mention is made of *the issue of the Prince*, because the parliament assembled immediately after his death, when it could not be known whether his widow was pregnant. The preference of a younger daughter of Alexander III. to his grand-daughter the Princess of Norway, might have afforded an argument for Bruce, in his competition with Balliol.

In this instrument the territories belonging to Scotland are described to be; 'the isles, not particularized, the Kingdom of Man, Tyn-dale and Penrith.'

1284.

Edward I. requested from Pope Martin IV. a grant of the tenths collected in Scotland for the relief of the Holy Land. The Pope made the grant under three provisos, that Edward himself should assume the cross before Christmas, obtain the consent of the King of Scots, and, out of the money levied, supply the Scottish crusaders; The grant, under such conditions, was elusory.

Foord. ii. 274.

1285.

Alexander, bereaved of all his children, married Jolèta daughter of the Count de Dreux. He did not long survive this union. Riding in the dusk of the evening between Burntisland and Kinghorn, he was thrown from his horse over a precipice, and killed on the spot [16th March 1285-6.] He died in the 45th year of his age, and 37th of his reign.

Extr. e Chron.
nicit.
Foord. x. 40.

Knyghton seems to ascribe his death to a divine judgment, for that he was going to visit his wife in the season of Lent. With a better spirit Fordun speaks, 'Let no one question the salvation of this King, because of his violent death; *he who has lived well, cannot die ill.*'

Knyghton,
2468.
Foord. x. 40.

Alexander was long and affectionately remembered for his incessant labours in distributing justice. He made an annual progress through his

his.

1285.

his kingdom, and held itinerant courts in every quarter: We, whose lot has fallen in more happy times, cannot feel, as our forefathers felt, this act of royal beneficence. *An interposition of the sovereign to overawe the courts of justice,* will not be applauded by us who have leisure to wander after the idea of legislative perfection.

The acquisition of the western islands was a politic measure; but Alexander lived not long enough to render it beneficial.

His conduct towards the neighbouring kingdom was uniformly candid and wise. He maintained that amity with England which interest as well as relation to its sovereigns required; yet he never submitted to any concessions which might injure the independency of the kingdom and church of Scotland.

In some hasty contests with his own clergy, he may have been to blame; yet he soon regained their affections, and united them in opposition to the exorbitant demands of the court of Rome, and to the tyrannical pretensions of its legate.

He could not reform a rude and licentious age; yet his temperance and purity of manners left it no excuse from the evil example of the sovereign.

Our late writers have said much concerning the valuation of lands in Scotland by Alexander III. generally termed *the old extent*. There is, however, one evidence, which has hitherto escaped observation. In the Chartulary of Aberdeen, we have ‘*Rentale Regis Alexandri tertii Vicecomitat. de Aberdene et de Banff.*’ Among other articles this occurs, ‘*de Thanagio de Nathdole, secundum antiquam extentam, xlix. lib. et xvi. denar.*’

Chart. Aber-
deen, 101.

MARGARET

M A R G A R E T.

1286.

MARGARET of Norway, grand-daughter of Alexander III. *Foed. ii. 266.* had been acknowledged heir to the crown of Scotland by the nobility in 1284.

She was an infant, and resided in foreign parts: A Regency, therefore, was appointed by general consent *, [at Scone 11th April 1286.] The guardians of the realm were six. Three for the administration of government beyond the Frith of Forth, William Frazer Bishop of St Andrew's, Duncan Earl of Fyfe, and Alexander Earl of Buchan †; three to the south of the Frith of Forth, Robert Wisheart, Bishop of Glasgow, John Comyn Lord of Badenoch, and James the Stewart of Scotland.

1288.

Sir Patrick Abernethy and Sir Walter Percy, instigated by Sir William Abernethy, lay in wait for the Earl of Fyfe, and murdered him ‡, [25th September 1288.] About the same time, the Earl of Buchan died.

By

* *Buchanan*, L. viii. pr. says affectedly and erroneously, 'Conventus ordinum Scotiam indicitur, in quo de novo rege creando ageretur.' Admitting his capricious notions of the nature of the Scottish government to be just, *this* could not have been the business of the assembly; for Margaret had been already acknowledged heir presumptive of the crown. Fordun seems to say, that the Queen-dowager was with child at her husband's death, but afterwards miscarried; L. xi. c. 3. The uncertainty of the regal succession afforded an additional reason for the naming of regents.

† Fordun confounds him with his son *John*; L. xi. c. 1. *Alexander* Earl of Buchan was dead in 1290; *Foedera*, T. ii. p. 471.

‡ At a place called *Petpollock*; *Fordun*, L. xi. c. 11. Sir Andrew Moray of Bothwell

1288.

Symson. Hist.
of the family
of Stewart,
78.

By the death of Fyfe and Buchan, the guardians were reduced to four. Diffensions arose among them. James the Stewart of Scotland separated himself from his colleagues, and formed an association not only with certain Scottish Lords, but also with Gilbert de Clare Earl of Gloucester, and Richard de Burgh Earl of Ulster: He even took up arms 'in defence,' as he pretended, 'of himself and of his people.'

1289.

Foed. ii. 416.

When all things were thus tending to anarchy, Eric King of Norway interposed: He sent plenipotentiaries to treat with Edward concerning the affairs of the infant Queen and her kingdom*.

Foed. ii. 431.

At the request of Edward, the guardians appointed three of their number, Frazer Bishop of St Andrew's, Wisheart Bishop of Glasgow, and Comyn, together with Robert Bruce, the father †, Lord of Annandale, to assist at this treaty, and to concur with the Norwegian plenipotentiaries, 'saving always the liberty and honour of Scotland ‡,' [at Melros, 3d October 1289.]

Foed. ii. 446.

To this congress Edward sent Geoffroy Bishop of Winchester, Anthony Bishop of Durham, and the Earls of Pembroke and Warrene.

The

well took vengeance on the assassins. He seized Percy and William Abernethy. Percy was executed. William Abernethy was condemned to perpetual imprisonment. Patrick Abernethy fled into France, and died *there*. Fordun says, that Sir Andrew Moray was appointed *guardian* in the room of the Earl of Fyfe. This seems to be a mistake; for Moray was a private baron in 1290; *Foedera*, T. ii. p. 471.

* Towards the end of the year 1286, Eric borrowed 2000 merks Sterling from Edward; *Foedera*, T. ii. p. 339. I presume that his plenipotentiaries had no powers to pay that debt.

† Our own historians, as well as the English, have confounded Robert Bruce *the competitor*, the person here meant, with his son Robert Bruce, Earl of Carrick in right of his wife.

‡ 'Salvis tamen in omnibus, et singulis, et per omnia, libertate et honore Scotiæ;' *Foedera*, T. ii. p. 431.

1289.

The plenipotentiaries met at Salisbury, and settled a convention in manner following.

1. The *Norwegians* promised, ' that Margaret, free from all matrimonial engagements, should be conveyed immediately either to England or to her own territories.

2. The *English* promised, ' that, if Edward received her thus free, he would, on demand, deliver her as free to the Scottish nation; provided always, that good order should be previously established in Scotland, so that she might reside *there* with safety to her person*; and provided also, that the Scots should grant security to the King of England not to bestow Margaret in marriage, unless by his ordinance, will, and advice, and with the assent of Eric, her father.

3. The *Scots* promised, ' That, previous to the arrival of the young Queen, they would establish good order in Scotland, and that they would grant full security for her coming there with safety, and residing there in all freedom.

4. Moreover, the Scots promised ' to remove any of the guardians or ministers of Scotland whom the King of Norway should hold to be unfit for their offices, or liable to suspicion, and to place persons of the best rank and character in their room, by the determination of *the good men* of Norway and Scotland, and, if they differed in the choice, by the umpirage of the commissioners whom Edward might appoint †.

As

* ' *Quaunt le reaume de Escote ferra bien assure et en bone pees, issi ke ele i puisse seurement venir et demorer;* *Foedera*, T. ii. p. 446. Edward was wont to qualify his promises. This proviso seems captious. According to it, the Queen might have been detained an honourable captive during life, under the pretext, that Scotland was not a quiet and safe place of abode for its sovereign.

† Three copies were made of this convention. One in Latin was transmitted to the King of Norway, the others in French, were retained for the use of the English and the Scots; *Foedera*, T. ii. p. 447. At that time *French* was the language of business in both nations.

1289.

As *three* out of the four guardians were parties in this convention, we may conclude, that the guardian who might *be held unfit for his office or liable to suspicion*, was the *fourth*, James Stewart of Scotland.

In this convention no hint is given of *a match with England*: It is probable, however, that the Scottish plenipotentiaries had been founded on that subject.

Foed. ii. 450. Certain it is, that Edward, even before the conclusion of the treaty of Salisbury, had obtained a dispensation from Pope Nicolas IV. for the marriage of his eldest son and the young Queen of Scotland*.

Foed. ii. 472. If we could suppose that all the negotiations of that busy period had been transmitted down to us, we should conclude that the Scottish nation received, from popular rumours, the first account of that alliance on which the fate of Scotland depended. ‘We rejoice,’ said they, in a letter to Edward †, ‘*to hear the general report*, that your Highness ‘has procured a dispensation from the Pope, for the marriage of your ‘son Prince Edward with our sovereign Lady; we beseech your Highness to inform us, *whether the report be true*; if it is, we, on our ‘part, heartily consent to the alliance, not doubting that you will agree

* The Prince of England was the cousin-german of the mother of Queen Margaret. The reasons for this dispensation were, that, if Margaret married any other husband, there might arise enmity between the two nations, and Edward might be prevented from undertaking his promised crusade; *Foedera*, T. ii. p. 450. 16. kal. Dec. 1289. The *first* reason probably originated in England, the *second* at Rome.

† According to the style of that age, they give the appellation of *apostle* to the Pope. This letter is in the name of the *four guardians*, of ten bishops, twenty-three abbots, eleven priors, of Robert Bruce Earl of Carrick, and eleven more Earls, of Robert Bruce Lord of Annandale, and forty-seven more barons, [Vendredi, apres la feste St Gregoire 1289.] Abercrombie, obstinately shutting his eyes against this evidence, affirms, that Robert Bruce, Lord of Annandale, opposed the English match; vol. i. p. 462. p. 469. and on this wilful error founds a notable hypothesis.

1289.

‘gree to such reasonable conditions as we shall propose to your parliament,’ [or council.]

In the same spirit of national impetuosity, they wrote to Eric : They pressed him to send his daughter instantly to England ; and they added, ‘ Hereto we entreat you, and herein we shall be for ever beholden to you ; nevertheless, if you should fail in granting our request, we must, in this exigency, follow the best counsel which God may give us, for the state of the kingdom and its inhabitants. ’

1290.

Eric, from policy or from affection, was unwilling to yield up his only child. In summer 1290, Edward pressed him ‘ no longer to delay a union sanctified by the papal authority, so much desired by both nations, and so necessary for their common welfare. ’

Such arguments could have little influence on Eric, who was at variance with the court of Rome, and who had no political interest in the prosperity of Britain.

Edward, by his ambassador Anthony Bishop of Durham, employed a more powerful engine. He distributed bribes among the Norwegian counsellors, under the decent guise of annual pensions, to be continued until Queen Margaret should attain the age of fifteen*.

The Scots, ignorant of Edward’s negotiations, grew more and more impatient at the delays of Norway. Edward became bound, in a penalty of 3000 merks, to be paid to the guardians, that, before the 1st of November, Margaret should either be landed in Britain, or that

Eric

* ‘ Rex, &c. cum venerabilis pater A. Dunelmensis Episcopus, ad requisitionem nostram obligaverit se quibusdam personis de regno Norwag. in quadringentis libris eisdem personis, singulis annis, solvendis, quousque Domina Margareta, filia egregii Principis Erici, Regis Norwagiæ illustris, et Domina et Regina Scotiæ quindecim annorum plene compleverit ætatem : Nos, in recompensationem illarum quadragintarum librarum, assignavimus, præfato Episcopo maneria subscripta, viz. manerium nostrum de Werk,’ &c. *Prynne* vol. iii. p. 399.

1290.

Eric and his nobles should take a joint oath to deliver her, [15th May 1290.]

Foed. ii. 482.
et seq.

A treaty was concluded between the ambassadors of England* and the guardians, clergy, earls, barons, and whole community of Scotland †, [at Brigham, 18th July 1290.]

The articles proposed by the English and accepted by the Scots were, in substance, as follows.

The marriage of Margaret and the son of Edward was the basis of the treaty.

It was agreed, ‘ I. That the rights, laws, liberties, and customs of Scotland should remain for ever entire and inviolable, throughout the whole realm and its marches, *saving always the right of the King of England, and of all others which, before the date of this treaty, belonged to him, or any of them, in the marches, or elsewhere, or which ought to belong to him, or any of them, in all time coming ‡*’

This was the fatal salvo, so artfully devised, as to bear the semblance of impartiality, and to prevent all suspicion of sinister views. Yet in it the foundations were laid for England’s claim of feudal sovereignty over Scotland.

‘ II. Failing Margaret and Edward, or either of them, without issue, the kingdom shall return to the nearest heirs, to whom it ought of right

* Anthony Bishop of Durham, Ralph Bishop of Carlisle, John Earl Warenne, Henry Earl of Lincoln, Sir William de Vescy, and Henry of Newark, dean of York; *Foedera*, T. ii. p. 482.

† ‘ Inter nobiles viros, comites, barones, *totamque communitatem regni Scotiae*,’ *Foedera*, *ibid.* Bridgeham is situated on the north bank of Tweed, between Coldstream and Kelso.

‡ ‘ Lest I should have mistaken the sense of this proviso, I subjoin it at full length. ‘ Salvo jure dicti Domini nostri, et alterius cujuscumque, quod sibi vel alii cuicumque, super iis quae consistunt in marchiis, vel alibi, ante praesentis concessionis tempora com- petiit, vel competere justo modo poterit in futurum;’ *Foedera*, *ibid.*’

1290.

‘ right to return, wholly, freely, absolutely, and without any subjection; so that hereby nothing shall either *accrue or decrease* to the King of England, to his heirs, or to any one else*.

‘ III. If Margaret survive, she shall be delivered to the Scottish nation, according to the treaty of Salisbury;’ that is, free from all matrimonial engagements.

‘ IV. Immediately upon the marriage, Margaret shall be secured in a jointure, suitable to her rank, wherewith she and her friends may be reasonably satisfied.

‘ V. The kingdom of Scotland shall remain separate and divided from England, free in itself, and without subjection, according to its right boundaries and marches, as heretofore;’ with the salvo, as in the *first* article.

‘ VI. The chapters of churches, having right of election, shall not be compelled to go forth of Scotland for obtaining leave to elect, for presenting the persons elected, or for swearing fealty to the sovereign.

‘ VII. No crown-vassal shall be compelled to go forth of Scotland for the purpose of performing homage or fealty, or of transacting for his *relief*. A like provision is made as to widows, orphans, and all others peculiarly entitled to the protection of the state †. A person shall be appointed in Scotland to act therein, by the authority of the Queen and her husband, reserving always that homage which ought to be performed in presence of the sovereign. Fealty, however, being once done, each man shall have safene of his land immediately, by *breve* from chancery.

‘ VIII.

‘ Ita quod, ratione praesentis facti, Domino nostro Regi, vel haeredibus suis, aut alicui alii, nihil accrescat aliquatenus vel decrescat;’ *Foedera*, T. ii. p. 483.

† The original instrument bears, *miserabiles personae*. I have *paraphrased* the expression according to its legal sense; it cannot be *translated* into modern English. To call them *poor suitors*, would be an imperfect and erroneous interpretation.

1290.

‘ VIII. No native of Scotland shall, in any case, whether of covenant made, or crime committed in Scotland, be compelled to answer out of the kingdom, contrary to the laws and usage of Scotland, heretofore of reason observed *.

‘ IX. The great seal of the kingdom, which has been used since the demise of Alexander III. shall continue to be used until the Queen arrive in her dominions, and perform to God, the church, and the nation what ought to be performed, by the laws and customs of Scotland †. When the Queen arrives, a new great seal shall be made, having the arms accustomed, and the name of the sovereign of Scotland, and no other; and it shall remain in the custody of the chancellor of Scotland ‡ for the time being. He shall be a native of Scotland, and shall be resident in Scotland. In like manner, there shall be chamberlains, a clerk of the rolls of chancery, justiciaries, and other officers of the realm. The wonted course of issuing writs from chancery shall continue.

‘ X. All relicks ||, charters, grants, and other muniments touching the

* ‘ Contra leges et consuetudines ejusdem regni, sicut hæcenus extitit *rationabiliter observatum.*’ Unless there was some refined meaning in the words ‘ *rationabiliter observatum,*’ this article may be held incompatible with the claim of feudal superiority which Edward, at a more convenient season, asserted.

† ‘ Quousque fecerit Deo et ecclesie, ac communitati ipsius regni, quod fuerit faciendum, secundum leges et consuetudines regni supradicti.’ By this circumlocution, the coronation-oath is intended.

‡ It is scarcely necessary to observe, that by *chancellor*, the keeper of the seals is understood; by *chamberlain*, the person who had the superintendency of the royal revenues, &c.

|| ‘ *Reliquiae.*’ The inventory of things found in the treasury of Edinburgh, 20 Edw. I. contains the following articles: ‘ Quatuor cophini, cum reliquiis diversis, unus cophinus cum cruce argentea, in qua est *pars crucis Dominicæ;*’ *Calendar of Ancient Charters*, p. 330.

1290.

‘ the royal dignity of the kingdom of Scotland, shall be deposited in
 ‘ a safe place within the kingdom, and in sure custody, under the seals
 ‘ of the nobility, and subject to their inspection: They shall so remain
 ‘ until the Queen arrive in her dominions, and have living issue.

‘ XI. There shall not be any incumbrance, alienation, or obligation
 ‘ created *, in matters respecting the royal dignity of the kingdom of
 ‘ Scotland, until the Queen arrive in her dominions, and have living
 ‘ issue.

‘ XII. The heirs of the nobility, becoming wards of the crown, shall
 ‘ not be *disparaged* in marriage.

‘ XIII. No parliament † shall be held without the boundaries of
 ‘ Scotland, as to matters respecting the kingdom, its marches, and the
 ‘ inhabitants thereof.

‘ XIV. No tallage, aids, levies of men, or extraordinary exactions ‡
 ‘ shall be demanded from Scotland, or imposed on its inhabitants, un-
 ‘ less for promoting the common interests of the realm, or in the cases
 ‘ where the Kings of Scotland have been wont to demand the same.’

For the observance of this treaty, an ample provision was made of
 oaths, penalties to the papal see, and spiritual censures.

To the treaty, a protestation was subjoined, ‘ that the premises shall
 ‘ be so understood, as that nothing may thereby accrue to, or decrease
 ‘ from, the right of either kingdom or of the sovereigns thereof.’

Edward

* Such I understand to be the sense of the words, ‘ Nulla fiat subjectio, alienatio,
 ‘ vel obligatio rerum, ad regalem dignitatem regni Scotiae pertinentium.’

† *Abercrombie* remarks, vol. i. p. 460. that the word *parliament* occurs here for the
 first time in the history of Scotland. If that be so, the only fair inference is, that we
 got the word from England; for we had the *thing* before under the name of *general*
council.

‡ The word which I have translated *extraordinary exactions*, is *malatelta*, from the
 French *malestest*; in English, it is sometimes termed *maletent*.

1290.

Foed. ii. 487. Edward made haste to pronounce that oath which the treaty of Brigham required*.

The next step which he took was equally politic and bold: He appointed Anthony Beck Bishop of Durham, to officiate as Lieutenant of Scotland †, in the name of Queen Margaret and the Prince of England, yet still ‘in concert with the guardians, and by the advice of the ‘prelates and nobles of the realm.’ The treaty of Brigham gave no such authority to Edward; nevertheless he assumed it, *by reason of his oath to maintain the laws of Scotland!*

Edward, it is probable, meant not that *the Lieutenant* should act alone, unless in case of absolute necessity. Even as *fifth* guardian he might turn the scales of the Scottish counsels. Fraser Bishop of St Andrew’s was the creature of Edward; Comyn favoured England; these two, in concert with the Bishop of Durham, could over-rule the other two guardians.

Foed. ii. 488. He next made a peremptory demand, that all the places of strength in Scotland should be instantly yielded up to him, ‘on account of a ‘rumour of some dangers and suspicions which he had heard ‡.’

Foed. ii. 488. The Scots refused to comply with this demand. By their ambassadors || they offered, on the Queen’s arrival in either kingdom, free of matrimonial engagements, to deliver all their fortresses and castles to her and her intended husband: They also promised to obey her and
him,

* ‘Cum ad leges et consuetudines regni Scotiae observandas *ex sacramenti praestiti debito* teneamur;’ *Foedera*, ii. 487. [28th August 1290.]

† ‘Assignamus *ad tenendum* in eodem regno *locum*, Dominae Margaretae,’ &c.; *Foedera*, ii. 487.

‡ ‘Pur acuns perils e suspecons, que il avoynt entendu;’ *Foedera*, ii. 488.

|| Robert Wisheart Bishop of Glasgow, John Comyn, and Alan Bishop of Caithness. The Bishop of Caithness was an Englishman, a creature of Edward, and as such rewarded by him; *Keith Catalogue of Bishops*, p. 125.

1290.

him, as their joint sovereigns, whenever they came into Scotland, and, either in person, or by delegation, took that oath which the constitution of the realm required.

Meanwhile they engaged, neither to consent to any other marriage of the Queen, nor to yield obedience to any other lord.

Further, if the Queen did not arrive in Britain by the 1st of November, they promised, that all the keepers of strong-holds should become bound, as well by written instruments, as by oath, to keep them in the name, and for the behoof, of the Queen and the Prince of England.

They even undertook to remove all whose fidelity might be justly suspected, to place unsuspected persons in their stead, and to take security for their fidelity*.

There is reason to believe, that Edward returned a favourable answer to the proffers made by the Scottish nation †.

The Bishop of St Andrew's and certain of the nobility assembled at Perth to hear the answer to the propositions. The guardians of Scotland, accompanied by commissioners from Edward, were preparing to receive their sovereign, the child of so many hopes, when the fair system of alliance and harmony between the two nations was at once overthrown. The young Queen sickened on her passage to Britain, landed in Orkney, languished there and died, [about the end of September 1290.]

At the rumour of her death, says the Bishop of St Andrew's, 'the kingdom was troubled, and its inhabitants sunk into despair ‡.'

Provision

* 'Par comun confeyl du Roy de Engleterre, et de bone gent de Escosse;' *Foedera*, T. ii. p. 489.

† 'Responso vestro audito et intellecto, fideles proceres, et *quaedam pars communitatis* regni Scotiae, Celsitudini vestrae immensas referebant gratiarum actiones;' *Letter*, Bishop of St Andrew's to Edward I.; *Foedera*, ii. p. 1090.

‡ 'Propter quod regnum Scotiae est turbatum, et communitas desperata;' *Letter*, Bishop of St Andrew's. *ibid*;

1290.

Provision had been made for the settlement of the crown on the descendants of Alexander III. [in 1284.] The nation had looked no farther, and perhaps it durst not look farther. The progeny of Alexander III. was now extinct: The probability of this event, depending on the single life of a child, must have been foreseen; nor can it be doubted that they who were connected by blood with the royal family, had it in view, and were preparing, secretly and cautiously, to assert their several pretensions.

I N T E R R E G N U M.

Ferd. ii. 1090.

ON the news of the Queen's death, Robert Bruce Lord of Annandale, descended from the second daughter of David Earl of Huntington, unexpectedly appeared at Perth with a formidable retinue*. He affected to keep his intentions concealed. The Earls of Marre and Athole † assembled their followers; parties began to form; the miseries of a disputed succession and an intestine war approached.

John Balliol Lord of Galloway, descended from the eldest daughter of David Earl of Huntington, appears to have resided in England at this critical period; yet he had a secret friend in the Scottish regency, who watched over his interests with dark and dangerous policy. This was William Frazer Bishop of St Andrew's. 'We shall be involved in blood,' said he to Edward, 'unless the Most High provide an instant
remedy,

* The Bishop of St Andrew's informed Edward, that Bruce had been instigated to this by certain persons, 'ad interpellationem quorundam.' It may be conjectured, that Robert Wisheart Bishop of Glasgow is here meant.

† Donald tenth Earl of Marre, John de Strathbolgie, of the family of Fyfe, Earl of Athole in right of his wife Adda.

1290.

‘remedy, by your prudent interposition.’ After having mentioned a report of the Queen’s recovery, he added, ‘*Should John de Balliol present himself before you, my counsel is, that you treat [or confer] with him, so that, in all events, your honour and interest may be preserved**. Should the Queen die, which heaven forefend, I entreat that your Highness may approach our borders, to comfort the people of Scotland, and prevent the effusion of blood, that the faithful of the land may be enabled to preserve their oath inviolated, and prefer *him* to be King who ought of right to inherit; provided always, that he be willing to follow your counsel †,’ [7th October 1290.].

Edward was too sagacious not to discern the full import and utility of this base proposal. Instructed by his Scottish counsellor, he prepared to visit the north of England; but the indisposition and death of

Trivet. 268.

* ‘*Si Dominus Johannes de Balliolo venerit ad praesentiam vestram, consulimus, quod cum ipso tractare curetis, ita quod in omni eventu honor vester et commodum conserventur;*’ *Foedera*, T. ii. p. 1091. From these expressions we may conclude, that the Bishop was no stranger to the measures which Edward, *for his honour and interest*, would probably adopt. Some authors have concluded, that Bishop Frazer was the chaplain of Edward, from the title of *capellanus vester* which he assumes; *Abercrombie*, vol. i. p. 462. *Biograph. Britan.* article *Balliol*.

This, however, I imagine to be a mistake, *capellanus vester* seems to imply no more than what, in a later age, *your oratour and bedesman* implied. Cardinals, if I remember aright, were wont to assume the title of *capellanus vester*; in their addreses to sovereign princes.

† ‘*Dignetur, si placet vestra Excellentia, versus marchias ad consolationem populi Scotici, et ut effusioni sanguinis parcat, appropinquare; ita quod fideles regni sum possint sacramentum conservare illaesum, et illum praeficere in regem qui de jure debeat haereditare, dum tamen ille vestro consilio voluerit adhaerere;*’ *Foedera*, T. ii. p. 1091. I know not what is meant by *the oath* here mentioned. The letter from the Bishop of St Andrew’s is dated thus: ‘*Apud Locris, die Sabbati in crastino Sanctae Fidis Virginis, anno Domini 1290.*’ *Loeris* is now called *Leuchars* in Fyfe. The festival of St Faith was celebrated on the 6th October; this letter, therefore, was written 7th October 1290.

1290.

of his beloved confort Eleanor interrupted, for a while, the projects of ambition. She died in Lincolnshire, [28th November.] He returned to Westminster, and *there* paid the last honours to the faithful companion of all his fortunes.

Walsingham,
54.
Foed. ii. 498.

1291.

It is an opinion generally received, that the people of Scotland, perplexed with the pretensions of different competitors, and dreading a civil war, agreed to leave *the succession* to be determined by Edward. It is said, 'That the practice at that time, in controversies between 'states and princes, seems to have been, to chuse a foreign prince, as 'an equal arbiter, by whom the question was decided;' that the Scots sent the Bishop of St Andrew's, the Abbot of Jedworth, and Galfrid de Moubray, as their deputies to Edward, *then in Gascony*, notifying their resolutions, and claiming his good offices.

Ford. xi. c. 3.
W. Heming-
ford, i. 31.

Foed. ii. 496.
499.

That Edward was not in Gascony during that winter, is certain from authentic records*.

Whether

* Edward returned from Gascony about the feast of the Assumption, 1289; *Trivet*, p. 266. He did not cross the seas in 1290, nor in 1291; he was at Kingsclipton 14th and 23d October 1290.; *Foedera*, T. ii. p. 496. He held a parliament *there* 29th October 1290; *Ryley*, p. 63. He certainly attended his Queen in her last moments; she died at Hareby in the division of Lincolnshire, called Bulinbroke; *Walsingham*, p. 54. *Campden's Britannia*, by Gibson, p. 479. He celebrated her funerals at Westminster 17th December 1290; *M. Westm.* p. 412. He was at Asheridge in Buckinghamshire, 3d January 1290-1; *Foedera*, T. ii. p. 499. He held a parliament *there*, 7th January 1290-1; *Ryley*, p. 66. In like manner might he be traced from records throughout the year 1291. Hence it may be concluded, that the Scottish deputies did not follow Edward into Gascony. Fordun minutely relates the whole progress of their journey, L. xi. c. 3.; he adds, that they returned to Scotland while a parliament was sitting at Clackmannan, and while a report went of the pregnancy of the Queen-dowager: This circumstance shows, that Fordun, by a strange anachronism, has placed in 1290 or 1291, what may have happened in the year of the death of Alexander III. Edward was indeed in France in 1286; *Foedera*, T. ii. p. 320. 324. &c.

But,

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Whether such a resolution was ever taken by the Scottish nation, or such an embassy sent, is doubtful.

Invited, or not invited, Edward resolved to regulate the succession *Foed. ii. 525.* to the crown of Scotland, and, under pretence of that succession, to revive his own obsolete and renounced claim of feudal sovereignty. He commanded the barons of Yorkshire, Lancashire, Westmoreland, Cumberland, and Northumberland, to assemble at Norham with all their powers, *six weeks after Easter* *, [i. e. on the third of June]. John Balliol and Robert Bruce are among the northern barons to whom this order is directed.

Edward

But, it may be said, that although the Scottish deputies did not follow Edward into Gascony, they may have been appointed by parliament to make known the national resolutions to him. This depends altogether on the testimony of *W. Hemingford*, T. i. p. 30. who thus speaks: ‘ Custodes praedicti, praecavere volentes ne forte seditio
‘ crearetur in populo, de consilio magnatum regni Scotiae miserunt ad Regem Angliae,
‘ ut in tanto dubio ejus consilio fruerentur, qui, remissis nunciis, Episcopis scilicet Du-
‘ nolmiae et Karleoli, cum Domino Johanne de Vesci, verbis pacificis et suavoriis exhor-
‘ tatus est eos, ut ordinationi suae, quantum ad successionem regni Scotiae ordinandam,
‘ se sponte subponerent. Qui, convocato parlamento, et communicato communi con-
‘ silio, ordinationique omnes quasi magnates litteratoriè submiserunt; unde praedictus
‘ Rex, convocatis magnatibus suis et clero, tenuit parlamentum suum apud Norham,
‘ quasi in confinio utriusque regni, in quindena Paschae, anno Domini 1291.’

It must be acknowledged that this testimony is express; nevertheless it is inconsistent with Edward’s own declaration; *Foedera*. T. ii. p. 543. I make no doubt that many of the nobility, under the influence of the Bishop of St Andrew’s, and of such politicians as the Bishop of St Andrew’s, may have solicited the interposition of Edward; neither is it improbable that *all* the competitors may have concurred in that solicitation; but I see no sufficient evidence that the measure was *national*.

* ‘ Mandamus vobis, in fide et homagio, quibus nobis tenemini, firmiter injun-
‘ gentes, quod cum equis et armis, et toto servitio, quod nobis debetis, sitis ad nos
‘ apud Norham, a die Paschae proximo futuro in sex septimanas, ad faciendum nobis
‘ servitium vestrum praedictum;’ *Foedera*, T. ii. p. 525. Easter-day happened that year on 22d April; consequently, the day of rendezvous was 3d June. This is a material date, and ought to be remembered.

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Foed. ii. 543. Edward desired the nobility and clergy of Scotland to meet him at Norham, but on an earlier day*.

On the 10th May 1291, the nobility and clergy of Scotland repaired to Norham, within the English territories, and *there* had a fatal conference with Edward.

Edward commanded Roger le Brabanzon, justiciary of England, to inform the assembly, in his name, ‘that he had considered the difficulties in which the kingdom of Scotland was involved by the death of Alexander, and his offspring, and the dangers arising from a disputed succession: That his good-will and affection to the whole nation, and to each individual in it, were sincere; *for, in their defence, he himself was interested*: That he had called the Scots to meet him at this place, with the view that justice might be done to all the competitors, and the internal tranquillity of the kingdom established: That he had undertaken a long journey to do justice, in person, to all, *as Superior, and Lord Paramount of the kingdom of Scotland*: That he meant not to encroach on the rights of any man; but, on the contrary, as Lord Paramount, to administer ample and speedy justice to all †.’

That

* ‘Vos in haec *quindena Paschae* proximè praeteriti, ad locum istum accedere per suas literas *requisivit*, propter aliqua quae vobis *intendebat*, et adhuc *intendit*, exponere et monstrare;’ *Foedera*, T. ii. p. 543. This seems to imply that Edward proposed to hold the conference during the *Easter-holidays*: It was, however, delayed until the 10th May 1291. Our historians and the English dispute as to the sense of the word *requisivit*, whether it means *required* or *requested*. I take no share in this momentous controversy.

† This speech was composed in Latin by William Hotham, Provincial of the Pre-dicant Friars in England, and delivered in French by Roger le Brabazon; *W. Hemingford*, T. i. p. 33. But the speaker judiciously threw aside some of the choicest flowers of monkish rhetoric. Such as this: ‘The reprobate Saul, *from his shoulders and upwards higher than any of the people*, oppressed the Israelites; whereas our Sovereign Lord, by his pious benignity, *raises up and supports those over whom the Prince of Peace hath elevated him*.’ There is plainly an allusion in this passage to the remarkable stature of Edward.—It was indeed a most unfortunate common-place.

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That his purposes might be the more effectually accomplished, he required their hearty recognition of his title as *Lord Paramount*, and he declared his willingness to use their advice in the settlement of the nation.

The whole assembly stood motionless and silent. At length, some *Walsingh. 56.* one had the courage to utter these words: ‘No answer can be made, while the throne is vacant.’ ‘By holy Edward,’ cried the King, ‘By holy Edward, whose crown it is that I wear, I will vindicate my *W. Hemingford. i. 33.* just rights, or perish in the attempt!’

The Scots requested a delay, that they might inform those who *Foed. ii. 543.* were absent, and have an opportunity of consulting together. ‘You were all sufficiently informed,’ said Edward, ‘by the tenor of my summons; I give you, however, a delay till to-morrow*.’

On the 11th May, the Scots renewed their request for a delay: *Foed. ii. 544.* Edward allowed them the term of three weeks, at which period he required them to return a definitive answer. By that time, he knew that the barons, whom he had summoned to meet him at Norham, would be assembled in arms.

It has been said, that the Scots durst not contradict the demands of *Abercrombie, i. 465.* Edward, ‘for that he had all the forces of England at hand, and just ready to massacre every one of them, in case of a peremptory refusal;’ but this is vain declamation. On the 10th May, the forces of Edward were not assembled at Norham. Had he meant to have employed instant violence, he would not have demanded the assistance of Bruce and Balliol, nor have suffered the Scots to depart into their own country

* Such I take to be the sense of the expression in *Magnus Rotulus Scotiae*; ‘Super quo tandem, licet per praefatum Dominum sufficienter, ut proponeretur, fuissent antea praemuniti, quid idem Rex duceret faciendum, fuit eis terminus per eundem proximus dies, videlicet dicti mensis dies undecimus, assignatus;’ *Foedera*, T. ii. p. 543.

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country for three weeks. The truth is, and it must be acknowledged, that the Scots had more formidable enemies than Edward, however powerful and politic. Their mutual distrusts and animosities, the treachery of Frazer the regent, and the pusillanimous time-serving ambition of the competitors, all fought for Edward, and conspired to overthrow the national independency.

Foed. ii. 528. During the interval which Edward indulged to the Scots, he perceived that the assembling them within the territories of England was a measure rash and impolitic, and tending to excite jealousies; he, therefore, by a formal instrument, declared, that the meeting at Norham should not be held as a precedent, [31st May 1291.]

Foed. ii. 546. On the 2d June, Edward gave audience to the Scots in an open field near Upsettlington, on the north bank of the Tweed, opposite to the castle of Norham, and within the territory of Scotland.

Foed. ii. 544. Dug. Chron. series, 24. Robert Burnel Bishop of Bath and Chancellor of England, in the King's name, resumed the proceedings of the former assemblies. He added, that, 'by various evidences, it sufficiently appeared, that the English Kings were Lords Paramount of Scotland, and, from the most distant ages, had either possessed *or* claimed that right *; that Edward had required the Scots to produce their evidences or arguments to the contrary, and had declared himself ready to admit them, if more cogent than his own; and, upon the whole matter, to pronounce righteous judgement: That, as the Scots had produced nothing, the King was resolved, as Lord Paramount, to determine the question of *the succession*.'

At this assembly there were present *eight* persons, who under various titles laid claim to the crown. 1. Robert Bruce Lord of Annandale.

2. Florence

* Such I understand to be the import of the words, 'in ejus possessione, vel quasi possessione, antecessores et progenitores sui Angliæ Reges, a longissimis temporibus retroactis fuerunt;' *Foedera*, T. ii. p. 545.

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2. Florence Count of Holland. 3. John de Hastings Lord of Abergavenny. 4. Patrick de Dunbar Earl of March. 5. William de Ros. 6. William De Vesci, appearing by his attorney. 7. Robert de Pinkeny. 8. Nicholas de Soulis.

The Chancellor, turning to Robert Bruce, demanded, in presence of *Foed. ii. 545.* the assembly of both nations, ‘Whether he acknowledged Edward as Lord Paramount of Scotland, and whether he was willing to ask and receive judgement from him in that character?’

Bruce *expressly, definitively, publicly, and openly* declared his assent*.

The same questions were put to each of the other competitors present: The same answer was made by each. The whole form of this business appears to have been preconcerted.

Sir Thomas Randolph then said, in the name of John Balliol Lord of Galloway, ‘That he had mistaken the day appointed for the adjourned meeting;’ he, therefore, requested, that Balliol might be admitted to answer in person on the morrow †.

3d June, Balliol appeared in person. The Chancellor demanded, *Foed. ii. 549.* ‘Whether he was willing to make answer as the other competitors had done?’ Balliol, after an affected pause, and seeming recollection, pronounced his assent ‡.

The

* ‘Finaliter, expressè, publicè, et apertè,’ are the words used in this memorable instrument; *Foedera*, T. ii. p. 545.

† There is no necessity for the vulgar hypothesis, ‘That the absence of Balliol was intentional, lest he should give offence to the Scottish nation;’ he could not give less offence by appearing *singly*, than if he had appeared in the croud of competitors. As Edward had granted a delay for *three weeks*, it was not unreasonable to suppose, that a term of three weeks, from the time of granting the delay, was understood: Hence Balliol may have indeed mistaken the day appointed for the adjourned meeting.

‡ The words of the record are, ‘congruâ deliberatione praehabitâ;’ *Foedera*, T. ii.

p. 549.

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Foed. ii. 551. The Chancellor then protested, in name of the King, ‘That, although
 ‘ he now asserted his right of *superiority*, with the view of giving
 ‘ judgement to the competitors; yet that he meant not to relinquish
 ‘ his right of *property* in the kingdom of Scotland, acclamable here-
 ‘ after in fit manner and time convenient.’

This was a most insidious refinement in politics. Hitherto all parties had proceeded on the opinion that the crown of Scotland was descendible to *heirs-female*. On this footing it was that the competitors claimed, and made their general reference to Edward. Edward, having once procured the reference, made a wide stretch, and protested that his claim of *property* might be reserved entire. He thereby intimated, that the kingdom of Scotland was a *male-fief*, and not descendible to *heirs-female*; and consequently, that it had returned to himself as *Lord Paramount*, in default of *heirs-male*. Thus, if any of the competitors should hereafter dispute his right of *superiority*, Edward reserved his right of *property*; to be asserted *in fit manner and time convenient*.

Foed. ii. 551. The King himself now spoke. He recapitulated the proceedings in this assembly; he repeated all that his ministers had said in his name; he talked much of his affection for the Scottish nation; he boasted, that for their sake he had postponed all other business, and that he had declined no fatigue, in order to procure the settlement of Scotland. He declared, that he would pronounce a speedy and impartial judgement in the great controversy, secure the observance of the good and laudable customs and laws of Scotland, redress every abuse, and establish the national tranquillity.

Expressing his trust in the divine aid, and his hope that the whole
 business

p. 549. They are remarkable words. Nothing of the same nature occurs in the answers made by the other competitors. I call the pause *affected*; because it is manifest, that Balliol, as well as the other competitors, knew what questions were to be put by the Chancellor of England.

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business would be conducted to the glory of God, he again protested, 'that his claim to the property of Scotland should remain entire.'

Balliol, with officious fervility, approached the Lord Paramount, acknowledged his right of *superiority*, and craved his judgement.

John Comyn, Lord of Badenoch*, one of the regents, made like acknowledgements, and obtained permission to be heard on *his* claim as a competitor. Foed. ii. 552.

The whole *ten* competitors immediately sealed an instrument, of the following tenor: 'For as much as the King of England has evidently shown to us, that the sovereign feignory of Scotland, and the right of determining our respective pretensions belong to him; we, therefore, of our own free will, and without compulsion, have agreed to receive judgement from him, as our Lord Paramount, and we become bound to submit to his award †,' [3d June 1291.] Foed. ii. 553.

Edward hastened to adjust the preliminaries of his decision. It was agreed, by the unanimous voice of the assembly, that Balliol and Comyn for themselves, and for the competitors who approved of their list, should name *forty* commissioners; that Bruce for himself and for the competitors who approved of his list, should name other *forty* ‡; that,

* Commonly called *the Black Comyn*. He must be distinguished from John Comyn the younger of Badenoch, commonly called *the Red Comyn*.

† At Norham, 'le Mardi prochain apres la ascension; i. e. 3d June 1291. Ascension-day fell that year on the 1st June.

‡ The lists of commissioners were made up and delivered on the 5th June; *Foedera*, T. ii. p. 556. This is an additional evidence, that the business had been previously settled. In Bruce's list there appear to have been 22 laymen and 18 ecclesiastics. In Balliol's, 25 laymen and 15 ecclesiastics: But, in Balliol's list, all the ecclesiastics are dignified clergymen, viz. six Bishops, eight Abbots, and the Archdeacon of Dunkeld; whereas, in Bruce's list, there are only five dignified clergymen, viz. two Bishops, two Abbots, and the Dean of Aberdeen. It is singular, that Patrick Earl of March, himself.

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that, to them, Edward should add *twenty-four*, or a greater or less number : That those commissioners should examine the cause deliberately, and make their report to Edward.

Foed. ii. 529. 4th June. All the competitors agreed, that seifine of the kingdom of Scotland and its fortresses should be delivered to Edward; 'because,' said they, 'Judgement cannot be without execution, nor execution 'without possession of the subject of the award.' But this was under condition that Edward should find security to make full restitution in two months from the date of his award, and that the interim revenues of Scotland should be preserved; reasonable allowance being always made for the expences of government.

Foed. ii. 554. 11th June. The Regents of Scotland made a solemn surrender of the kingdom into the hands of Edward : The keepers of castles made a like surrender of their castles.

Edward immediately restored the custody of the kingdom to the regents, Frazer Bishop of St Andrew's, Wisheart Bishop of Glasgow, John Comyn of Badenoch, and James the Stewart of Scotland.

By the command of Edward, the regents appointed Alan Bishop of Caithness, an Englishman, to the office of Chancellor : Edward confirmed the choice, and added Walter of Agmodsham as his associate in office*.

12th

self a competitor, should stand on Bruce's list. We might assure ourselves, without consulting the record, that Frazer Bishop of St Andrew's, early in his recommendation of Balliol, stood on Balliol's list.

* Edward appointed a salary of five marks weekly to the Bishop of Caithness, and of two marks and one half weekly to Walter of Agmodsham; *Foedera*, T. ii. p. 532, [28th June 1291, at Berwick.] There are several circumstances in their oaths of office, which merit the attention of an inquisitive reader; *Foedera*, T. ii. p. 557. By this time *Alexander de Balliol* had been appointed *Chamberlain of Scotland*; the precepts for payment of the salaries are addressed to him. The Bishop of Caithness made oath, 'unicuique de regno praedicto in omnibus, quae ad idem spectant officium, exhibere 'justitiae complementum, literis gratiae ipsi domino Regi specialiter reservatis.'

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12th June. Gilbert de Umfraville Earl of Angus, held the castles *Feod. ii. 531.* of Dundee and Forfar. He said, that he had received them in charge from the Scottish nation, and that he would not surrender them to England, unless Edward and all the competitors joined in an obligation to indemnify him. Edward and all the competitors submitted to the conditions required by Umfraville, the only Scotsman who acted with integrity and spirit, on this trial of national integrity and spirit!

15th June. Edward appointed Bryan Fitzallan to be joined in commission with the Scottish regents. The Scottish regents, Bruce, and his son, Balliol, and many of the principal Scottish barons, swore fealty to Edward. The only ecclesiastic who performed the disgraceful ceremony, was Mark Bishop of Sodor*.

The peace of the King, as Lord Paramount of Scotland, was then *Feod. ii. 559.* proclaimed. The assembly adjourned to the 2d August.

I have made this ample recital of the transactions at Norham and Upsettlington-green; because many material circumstances of that disgraceful story have been omitted or misunderstood by former historians.

Edward transmitted copies of the proceedings concerning the homage and compromise to different monasteries in England, and commanded them to be engrossed in their chronicles †. *W. Hemingford, i. 36.*

Although

* The barons swore *tactis evangelis*; the Bishop, *praesentibus evangelis*. In the list of the jurors, Bruce, his son, and Balliol are placed before the Earls; John Comyn Lord of Badenoch is placed immediately after the Earls, and before *the Stewart*.

Of the Bishop of Sodor, who brought the first fruits of servility to the feet of Edward, Keith thus speaks: 'He suffered much for his fidelity to his country and loyalty to his Prince;' *Catalogue of Scottish Bishops*, p. 180.

Happy, when evil lights on such alone!

† 'Ut in cronicis ponerentur ad perpetuam rei gestae memoriam;' *W. Hemingford, T. i. p. 36.* [at Westminster, 9th July 1291.]

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Foed. ii. 573. Although he had consented that judgement should be pronounced *in* Scotland on this occasion; yet he protested that this should not debar him from pronouncing judgement *in* England, whenever a like case occurred. So eager was he to establish his new right in its utmost rigour! [at Berwick, 3d July 1291.]

Foed. ii. 533. Edward, at the same time, ordered, that no exception should be received in the King's Bench against *breves* produced or returned *there*, which bore date in Scotland, 'for that the two kingdoms are now joined, by reason of the right of superiority over Scotland which the King of England enjoys *.'

Foed. ii. 573. An universal homage was now required †. All who came, were admitted to swear fealty. They who came and refused, were to be arrested, until performance; they who came not, but sent excuses, to have the validity of their excuses tried in the next parliament; they who neither came nor sent excuses, to be committed to close custody.

Foed. ii. 567. During the course of this summer, many ecclesiastics, barons, and even simple burgeses, swore fealty to Edward.
—572.

Foed. ii. 574. The competitors now put in their claims, at the meeting of the auditors, [Berwick, 3d August 1291.]

I. *Florence Earl of Holland*, claimed as great-grand-son of Ada, daughter of Henry Prince of Scotland, and sister of William the Lion, King of Scots.

Foed. ii. 576. II. *Robert de Pinkeny*, claimed as great-grand-son of Marjory, daughter

* Nothing can be plainer than this; and yet we have seen it remarked, that in *Rymer*, T. ii. p. 513. Edward writes to the King's Bench to receive *appeals* from Scotland, as if '*brevia Regis in banco Regis porrecta vel ritornata de data dierum et locorum infra idem regnum Scotiae mentionem facientia*;' could possibly mean *appeals*, or any thing resembling *appeals*!

† '*Custodes regni, debent capere juramenta fidelitatis ab Episcopis, Comitibus, Baronibus, Magnatibus, et aliis nobilibus, de liberè tenentibus, et aliis universis;*' &c. *Foedera*, T. ii, p. 573.

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daughter of Henry Prince of Scotland, and sister of William the Lion, King of Scots*.

III. *William de Ros*, claimed as the great-grandson of Isabella, said *Foed. ii. 576.* to have been the eldest daughter of William the Lion, King of Scots.

IV. *Patrick Earl of March*, claimed as the great-grandson of Ilda *Foed. ii. 575.* or Ada, daughter of William the Lion, King of Scots.

V. *William de Vespi*, claimed as grandson of Marjory daughter of *Foed. ii. 576.* William King of Scots.

VI. *Patrick Galythly*, claimed as the son of Henry Galythly, who *Foed. ii. 577.* was the lawful son, as he contended, of William King of Scots.

VII. *Nicolas de Soulis*, claimed as grandson of Marjory the daughter of Alexander II. and wife of Allan Durward, or *le Huiffier. Foed. ii. 577.*

VIII. *Roger de Mandeville* had made no claim at the congress of *Foed. ii. 577.* Norham or Upsettlington; he now made a claim, in a form most singular. William King of Scots, according to his account, had a son and two daughters: On death-bed, he delivered them to his brother Malcolm King of Scots; Malcolm procured the son to be murdered: One of the daughters died; the other, named Aufrica, was married in Ulster to William de Say: They had an only son William: He had an only child, Aufrica, married to Robert de Wardone: They had an only

* The authenticity of this pedigree is doubtful; it is therein said that Marjory had a daughter Alicia; but the name of the husband of Marjory is not mentioned. Robert de Pinkeny was so little acquainted with the genealogy of the royal family, that he supposed Alexander I. to have been the son of William the Lion, and the father of Alexander II.

1291.

only child Agatha, the mother of the claimant Roger de Mandeville *; he requested that an inquisition might be taken in England, Ireland, and Scotland, for verifying this story.

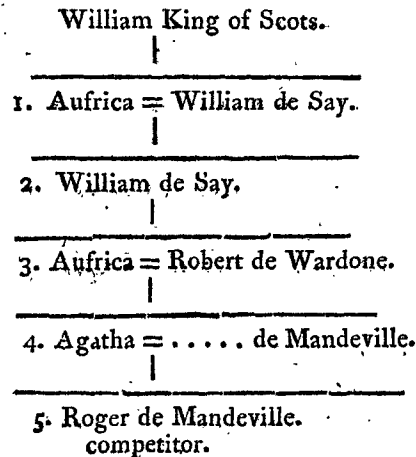
Foed. ii. 577. IX. *John Comyn Lord of Badenoch*, produced a long genealogy, from which he concluded that he was the great-great-grandson of Donald Bane, who once reigned in Scotland; and therefore, that he was the righteous heir to the crown.

Walsingham, 59. Torfaeus. hist. Norveg. iv. 381. X. *Eric King of Norway*, put in his claim, not long after, as heir to his infant daughter Margaret †.

The claims of the competitors hitherto mentioned could not stand the test of an accurate inquiry.

As

* Here is his pedigree, drawn up in common form.



† He also claimed the revenues of Scotland which had become due in the lifetime of Margaret, because he was her administrator-in-law, and had made large deburfsments on her account. He, moreover, demanded the penalty of 100,000 pounds Sterling, incurred by the Scottish nation, through their not receiving the Queen, and not yielding obedience to her, in terms of their covenant; as if her death had not voided the obligation! With more modesty; and shew of reason, he demanded 200 marks yearly, to supply the deficiencies of his wife's portion. It had been estimated at 700 marks yearly; but, as Eric contended, it amounted to no more than 500 marks; *M. Walsingham, p. 59.*

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As there existed descendants of David Earl of Huntington, the *brother* of William King of Scots, it follows, that *the Count of Holland* and *Robert de Pinkeny* had no right: For they claimed on their descent from the *sister* of William.

William de Ros, *Patrick Earl of March*, and *William de Vesci*, were all descended from *illegitimate* daughters of William King of Scots.

The claim of *Patrick Galythly* was ridiculous: Because, if his father was born to William in lawful wedlock, it followed, that Alexander II. and his offspring ought never to have reigned. Ermengarde the mother of Alexander II. survived her husband William. Henry Galythly, therefore, if born in wedlock, must have been born before the marriage of Ermengarde.

If *Nicolas de Soulis* was descended of Alexander II. as his claim set forth, it was by a natural daughter of that Prince. [See above, anno 1251.]

John Comyn of Badenoch could have no title, unless upon the hypothesis, that Malcolm III. and all his descendants, during the course of two centuries, were to be held usurpers.

The demand of *the King of Norway* was made, because other demands, not more plausible, were made. While he claimed the kingdom of Scotland, he also claimed 200 marks yearly, as the deficiencies of his wife's portion. This shews, that he had no hopes of success in his extravagant pretensions.

As to the claim of *Roger de Mandeville*, it supposed, contrary to the truth of history, that Malcolm IV. was the successor of William the Lion; it represented him, contrary to all probability, as a treacherous murderer; and, in proof of all this, it demanded that a general inquiry might be made throughout three kingdoms.

Before sentence, all these frivolous competitors either renounced Feod. ii. 589. their pretensions, or withdrew their appearance.

1291.

The other competitors were the descendants of David Earl of Huntington, the brother of William King of Scots.

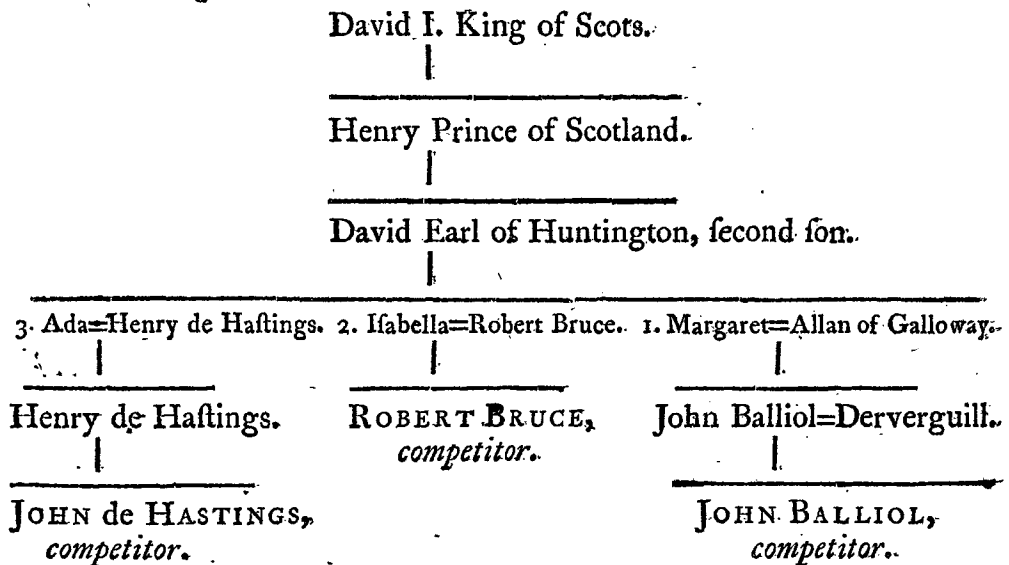
David Earl of Huntington had a son John, who died without issue, and three daughters, 1. Margaret, married to Allan of Galloway. 2. Isabella, to Robert Bruce. 3. Ada, to Henry Hastings.

Foed. ii. 578. John Balliol claimed the kingdom, as being the son of Derverguill, who was the daughter of Margaret, the eldest daughter.

Foed. ii. 579. Robert Bruce claimed the kingdom as being the son of Isabella, the second daughter.

Foed. ii. 578. John Hastings the son of Henry Hastings, who was the son of Ada, the third daughter, contended that the kingdom of Scotland was partible, like other inheritances; and therefore claimed one third of the kingdom.

The Pedigree of the three competitors will be fully understood from the following scheme.



1292.

Foed. ii. 580.
58B. The Scottish commissioners heard parties, and made a report to Edward. Edward, by the advice of the commissioners and of the prelates

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lates and nobles of both kingdoms, ordered the claims of Bruce and Balliol to be *first* heard. Although the claims of the other competitors were reserved, this preliminary judgement did, in effect, determine, that the crown must belong to the descendants of David Earl of • Huntingdon.

Edward required the commissioners to make oath, ‘ that they would
‘ faithfully advise him by what laws and usages the question ought to
‘ be determined.’

They unanimously made answer, ‘ That, in this case, arduous, and
‘ without example, they could not advise him ; for that they themselves
‘ differed in judgement, as to the laws and usages of Scotland.’ They
said, that a fuller deliberation was necessary ; and, therefore, they re-
quested the assistance of the English commissioners*.

The commissioners of the two nations had a conference. In conse-
quence of it, they made this memorable report to Edward : ‘ That there
‘ appeared a diversity of opinions among the fourscore Scottish com-
‘ missioners, by whose advice, if unanimous, the King ought to have
‘ regulated his judgement. That the English commissioners were few
‘ in number ; that there were others in England of more authority and
‘ wisdom than they ; and, therefore, that in a matter so high, they
‘ themselves would not presume to give their advice, without hearing
‘ the better judgement of the prelates, nobility, and other wise men of
‘ England,’ [2d June 1292.]

Edward, in consequence of this self-denial, appointed a parliament
to assemble at Berwick on the 15th day of October 1292.

Meanwhile,

* This is singular. Edward desired to know what law ought to be the rule of judg-
ment. The Scottish auditors, instead of returning a direct answer, said, that they
themselves differed in judgement, either as to *the law of Scotland*, or with respect to
its application to this case. They therefore requested the aid of the English auditors,
men who certainly could not know *more* of the Scottish laws and usages, than the
Scots themselves did!

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Meanwhile, he desired all persons present of both kingdoms to study the case, and to consider what ought to be done.

He declared, that, for the more accurate determination of the cause, he would consult the learned in foreign parts.

Ford. xi. 3.
—9. Fordun avers, that, long before this time, Edward consulted foreign lawyers. He has recorded *the case* and *the opinions*. The case is imperfectly put; the opinions are irreconcilably different*.

Ford. ii. 582. At Berwick, on the day appointed, Edward put *three* questions to his parliament and to the commissioners: To all the questions they made unanimous answers.

1st *Question*. ‘By what laws and usages ought judgement to be given?’

Ans. ‘The King ought and should decide according to the laws and usages of the kingdoms over which he reigns; if there are any such laws and usages applicable to the present case.’

2d *Question*. ‘If there are none such, or if they are different in England and Scotland, how ought judgement to be given?’

Ans. ‘The King may and should make a new law, with the advice of his great men.’

3d *Question*. ‘Ought the succession to the crown of Scotland to be decided in a different manner than the succession to earldoms, baronies, and other inheritances by tenure?’

Ans. ‘The succession to the crown of Scotland ought to be decided in the same manner as the succession to earldoms, baronies, and other *indivisible* inheritances by tenure.’

Bruce

* The opinions would not interest any readers but lawyers; in truth, they do not seem to have been the ground-work of the judgement. There is an historical observation in *Fordun*, L. xi. c. 7. which I do not recollect to have seen elsewhere. He says, that William de Ros pretended, that his great grandmother Isobella, the daughter of William the Lion, had been legitimated: I should have imagined that the observation would have been rather applied to Marjory, the daughter of Alexander II. and grandmother of Nicolas de Soulis.

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Bruce and Baliol demanded a further hearing. They urged their respective pleas and answers at great length. I will make a faithful and concise report of them, to the best of my judgement.

Bruce pleaded, *first*, that Alexander II. despairing of heirs of his own body, had declared, that he held Bruce to be his right heir. It may be proved, by the testimony of persons still alive, that he declared this with the advice, and in the presence of the good men of his kingdom. Alexander III. gave his familiars to understand, that, failing issue of his own body, Bruce was his right heir. Moreover, the people of Scotland took an oath for maintaining the succession of the nearest in blood to Alexander III. who ought of right to inherit, failing Margaret the maiden of Norway and her issue.

Balliol answered, that nothing could be concluded from the acknowledgement of Alexander II. for that he left heirs of his body. Balliol made no answer to what was said of the sentiments of Alexander III. and of the oath made by the Scottish nation to maintain the succession of the next in blood*.

Bruce :

* The first argument of Bruce is confidently urged, and feebly opposed. Balliol's counsel ought to have answered thus : ' The opinion of Alexander II. supposing it to have been given, cannot vary the rules of succession : The proof offered is inadmissible. The constitution of Scotland, and the fate of the competitors, must not depend on the testimony of witnesses concerning words occasionally heard more than half a century ago. If Alexander II. had had any intention of establishing the succession in favour of the descendants of the *second* daughter of his uncle the Earl of Huntington, it was a measure necessary to have been proposed in the great council of the nation ; but it was not. The situation of the royal family renders it incredible, that Alexander II. ever uttered the words which Bruce ascribes to him ; and pretends to prove by the evidence of witnesses, certainly superannuated, probably not impartial. While the sisters of Alexander II. and while John the Scot, Earl of Chester, lived, Alexander could not say, that, failing his own issue, Bruce was next heir to the crown. Now, we know that the Earl of Chester lived till 1237. We do not

pre-

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Bruce pleaded, *secondly*, that the right of reigning ought to be decided according to that natural law whereby kings reign, and not according to any law or usage in force between subject and subject: That, by the law of nature, the nearest collateral in blood has right to the crown. That the constitutions which prevail among vassals and subjects, bind not the lord, much less the sovereign. That, although in private inheritances, which are divisible, the eldest female heir has a certain prerogative; it is not so in a kingdom, which is indivisible: *There* the nearest heir of blood is preferable, whenever the succession opens.

Balliol answered: That the claimants were in the court of their Lord Paramount, and that he ought to give judgment in this case, as in the case of any other tenements depending on his crown; that is, by the common law and usage of his kingdom, and no other. That, by the laws and usages of England, the eldest female heir is preferred in the succession to all inheritance, indivisible as well as divisible.

Bruce

‘ precisely know at what time the sisters of Alexander II. died; but we know that
 ‘ one of them, Marjory, was married, in 1235, to Gilbert Earl Marshal of England.
 ‘ Alexander therefore could not, before 1237, have supposed, that, failing issue of his
 ‘ own body, Bruce was to be his successor. It is true, that, in 1237, Alexander had
 ‘ no children; but he had no reason to despair of having children. In 1239, while of
 ‘ middle age, he married a young woman: In 1241, she brought him a son, afterwards
 ‘ Alexander III. Thus it is more than probable, that Alexander II. never uttered the
 ‘ expressions ascribed to him by Bruce. What is said of Alexander III. is still more
 ‘ vague. It is in vain to talk of what *he may have given his familiars to understand*.
 ‘ In the solemn settlement of the succession in 1284, he made no provision beyond his
 ‘ own issue. The oath taken by the people of Scotland in 1290 is willfully misrepresented:
 ‘ It made mention of *the nearest heirs who ought of right to succeed*, not of
 ‘ *the nearest in blood*. Bruce perceived that the expression in the instrument 1290 left
 ‘ entire the claims of every competitor; he therefore perverted the record by in-
 ‘ terpolating the words, *in blood*.’ Such might have been the answer of Balliol. The
 answer which he made is evasive and nugatory.

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Bruce pleaded, *thirdly*, That the manner of succession to the kingdom of Scotland in former times made for his claim; for that the brother, as being nearest in degree *, was wont to be preferred to the son of the deceased King. Thus, when Kenneth M'Alpine died, his brother Donald was preferred to his son Constantine; thus, when Constantine died, his brother Edh was preferred to his son Donald; and thus the brother of Malcolm III. reigned after him, to the exclusion of the son of Malcolm III.

Balliol answered, That, if the brother was preferred to the son of the King, the example proved against Bruce; for that the son, not the brother, was the nearest in degree †. He admitted, that, after the death of Malcolm III. his brother usurped the throne; but he contended, that the son of Malcolm complained to his liege Lord the King of England, who dispossessed the usurper; and placed the son of Malcolm on the throne. That, after the death of that son, the brother of Malcolm III. again usurped the throne; that the King of England again dispossessed him, and placed Edgar, the second son of Malcolm, on the throne ‡.

Bruce

* ‘Ratione proximitatis in gradu;’ *Foedera*, T. ii. p. 582.

† ‘In hoc probat, quod remotior in gradu succedendi praefertur proximiori; quia filius proximior est patri, in gradu hujusmodi succedendi, quam frater patris;’ *Foedera*, T. ii. p. 584. Here Balliol attempted to answer Bruce’s argument, without understanding it. Bruce supposed an ancestor to be a common stock; and the degrees to be the persons descending from that stock: Hence, the King’s brother stood in one degree nearer the common stock than the King’s son.

‡ The person whom Balliol calls ‘the son of Malcolm III.’ is Donald, held by our historians to have been a bastard. The proper answer to the examples from the history of Scotland, where the uncle excluded the nephew, seems to be this, that they were usurpations, begun under the specious pretence of guardianship to a weak or infant heir, and maintained by policy and violence; but that the nation, unsettled as it was, never acquiesced in such usurpations. Amid the irregularities of barbarous times,

it

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Bruce pleaded, *fourthly*, That there are examples in other countries, particularly in Spain and Savoy, where the son of the second daughter excluded the grandson of the eldest daughter.

Balliol answered, That examples from foreign countries are of no importance; for that, according to the laws of England and Scotland, where Kings reign by succession in the direct line, and Earls and Barons succeed in like manner, the issue of the younger sister, although nearer in degree, excludes not the issue of the elder sister, although more remote in degree; but the succession continues in the direct line; that is, in modern language, primogeniture and the right of representation prevail.

Bruce pleaded, *fifthly*, That a female ought not to reign; for that she is incapable of governing. That, at the death of Alexander III. Derverguill, the mother of Balliol, was alive; and, as she could not reign, the kingdom devolved on him, Bruce, as the nearest male of the blood royal.

Balliol answered, That Bruce's argument was inconsistent with his claim: For that, if a female ought not to reign, Isobella the mother of Bruce ought not, nor Bruce who must claim through her. Besides, Bruce here denies what he himself had acknowledged by his own actions. He was one of the Scottish nobles who swore fealty to a female, the maiden of Norway.

Feod. ii. 586. The arguments having been thus stated on both sides, Edward required the Bishops, Prelates, Earls, Barons, and whole council, and all

it is impossible to trace any consistent order of succession. This seems to be the most probable hypothesis; there are, I doubt not, examples still more recent, of such usurpations in the history of private families. Here let me observe, by the way, that the competitors never appealed to the laws of Kenneth: They probably did not exist at the time of the great competition; and yet we have seen those laws ostentatiously quoted in our days, as authentic evidence of the ancient rules of succession in Scotland.

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all the commissioners, to advise him whether the arguments of Bruce or Balliol preponderated.

He also put this question to them. ‘ By the laws and usages of both
‘ kingdoms, does the issue of the eldest sister, though more remote in
‘ one degree, exclude the issue of the second sister, though nearer in
‘ one degree, or ought the nearer in one degree, issuing from the se-
‘ cond sister, to exclude the more remote in one degree, issuing from
‘ the eldest sister?’

Whether *this* was a fair and full state of the question, I inquire not: Certain it is, that the whole parliament and all the commissioners un-animously made answer,* ‘ That, by the laws and usages of both king-
‘ doms, in every heritable succession, the more remote in one degree
‘ lineally descended from the eldest sister, was preferable to the nearer
‘ in degree issuing from the second sister.’

On the 6th November 1292, Edward decreed, ‘ That Bruce should *Feod. ii. 587.*
‘ take nothing in the competition with Balliol.’ He appointed the claims of the other competitors to be heard.

John Hastings claimed one third of the kingdom of Scotland, in right of Ada the younger sister of Margaret and Isabella. He pleaded,
‘ That the kingdom of Scotland was a divisible inheritance; for that
‘ all lands, tenements, fees, liberties, lordships, and honours held in
‘ chief of the crown of England are divisible; that the homage and
‘ service due by Scotland to the crown of England, prove Scotland to
‘ be under the common law, and therefore divisible; that this was
‘ acknowledged by Balliol himself, who, in his claim, sought to have
‘ the controversy determined by the laws and usages of both king-
‘ doms. This implies, that Scotland is subject to the common law, and
‘ therefore divisible.’

Bruce

* ‘ Ad quod omnes et singuli unanimiter, concorditer, et finaliter responderunt,’ &c.
Fœdera, T. ii. p. 586.

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Bruce also, in contradiction to his original claim, demanded one third of the kingdom, reserving always to Balliol, as descended from the eldest sister, 'The name of King, and the royal dignity.'

Foed. ii. 588. Edward put two questions to his council, [or parliament,] and to the commissioners: 1. 'Is the kingdom of Scotland divisible? If it is not divisible, are its revenues divisible *?'

They made answer unanimously, That the kingdom was not divisible; and that its revenues, if once in the hands of the sovereign, are not divisible.

Foed. ii. 588. On the 17th November, the final hearing of the competition came on, in the hall of the castle of Berwick upon Tweed.

Eric King of Norway, Florence Count of Holland, William de Vesci, Patrick Earl of March, William de Ros, Robert de Pinkeny, Nicolas de Soulis, and Patrick Galythly, eight of the competitors, withdrew their claims.

John Comyn and Roger de Mandeville appeared not; and therefore were held to have withdrawn their claims.

Edward decreed, that Hastings and Bruce should take nothing; for that Scotland, like other kingdoms, was indivisible †.

Foed. ii. 589. He then pronounced his definitive judgement. 'As it is admitted, that the kingdom of Scotland is indivisible, and as the King of England must judge of the rights of his subjects, according to the laws and

* 'An eicætae et acquisita sint partibilia;' *Foedera*, T. ii. p. 588. I give a loose translation of the words; a literal one would be uncouth.

† Edward gave this farther reason why Bruce should take nothing, that he had formerly admitted, that the kingdom of Scotland was indivisible: This was with the view of exposing the contradictions in the pleas offered for Bruce: It was, however, a weak reason on which to found judgement; for that, if the kingdom of Scotland was indeed divisible, no concession made by Bruce could alter its nature, and render it indivisible; and *this*, the more especially, because Bruce made that concession while he was claiming the whole kingdom, as being the nearest in degree.

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‘ and usages of the kingdoms over which he reigns; and as, by the
 ‘ laws and usages of England and Scotland, in the succession to indi-
 ‘ visible heritage, the more remote in degree of the first line of de-
 ‘ scent is preferable to the nearer in degree of the second; therefore,
 ‘ it is decreed, that John Balliol shall have seifine of the kingdom of
 ‘ Scotland.’

Edward, however, renewed his caveat, ‘ That this judgment should
 ‘ not impair his claim to the property of Scotland *.’

Balliol was solemnly charged to be studious of doing justice to his
 people: Should he fail in this, the interposition of Edward, as Lord
 Paramount, was threatened.

Edward ordered the regents of Scotland, and the governors of ca- *Feod. ii. 590.*
 stles to give seifine to Balliol of the kingdom and castles of Scotland,
 [19th November 1292.]

At the same time, the great seal used by the regents † was broken,
 and its fragments deposited in the treasury of England, ‘ in testimony
 ‘ to future ages of England’s right of superiority over Scotland.’

Balliol swore fealty to Edward, [at Norham, 20th November 1292.] *Feod. ii. 591, 592.*

JOHN

* ‘ Salvo jure ejusdem domini Regis Angliae, et haeredum suorum, cum voluerint
 ‘ inde loqui;’ *Foedera*, T. ii. p. 589.

† On the reverse of this seal, the figure of Saint Andrew was engraven, with the
 following inscription, ‘ Andreas Scotis Dux est et compatriotis;’ see *Anderson’s Diplo-*
plomata Scotiae, No 38.

J O H N B A L L I O L.

*W. Heming-
ford. i. 37.*

JOHN BALLIOL was crowned at Scone *, on St Andrew's day, [30th November 1292.]

*Foed. ii. 593.
&c.*

He closed the humiliating scene by doing homage to Edward for the kingdom of Scotland, [at Newcastle upon Tyne, 26th December 1292.]

*Foed. ii. 596.
Ryley, 145.
&c.*

One Roger Bartholomew, a citizen of Berwick, entered a complaint against the judgement of the persons whom Edward had appointed for the administration of justice in Scotland during the interregnum †.

Balliol opposed this, and claimed the performance of a promise which Edward had made, 'to observe the laws and usages of Scotland,

* The privilege of placing the King of Scots on his throne, was claimed by the family of M'Duff Earl of Fife. Duncan, the heir of the last Earl, was a minor at this time, and the ward of Edward. Edward appointed John de St John to officiate for the heir of Fife; *Foedera*, T. ii. p. 600. According to the accuracy of feudal language, he is called, *the son of the Earl of Fife*, and *the heir of Fife*; but not *Earl of Fife*, because he was a minor, and the King held the *Comitatus*. It will be observed that this instrument mentions the privilege of placing the King on the throne, not of crowning him. *Abercrombie* says, vol. i. p. 475. That many of the Scottish Nobility refused to acknowledge Balliol, and, in particular, the three Bruces, John Earl of Caithness, William Douglas, &c. The only reason that I can discover for this singular assertion is, that, at Balliol's parliament, 10th February 1292-3, Robert Bruce Earl of Carrick, *i. e.* Robert the son of the competitor, John Earl of Caithness, and William Douglas, though summoned, are marked as absent. This relates not to the coronation of Balliol, nor to any disavowal of his title. Indeed it proves nothing at all. Bruce *the competitor* was probably not summoned. The Earl of Caithness may be presumed to have been absent by reason of the winter-season, and of his distant abode. It is certain, that the Earl of Carrick, his son, and William Douglas did all acknowledge the title of Balliol in 1293; *Foedera*, T. ii. p. 613. 614.

† It would appear from *Ryley*, p. 146. That Bartholomew's causes had been tried and determined by the guardians of Scotland.

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‘land, and not to withdraw any causes from Scotland into his English courts.’

The demand irritated Edward, and obliged him to develop his intentions more speedily than, perhaps, he had purposed.

He made answer to Balliol, ‘That he had religiously observed his promise; but that the hearing of complaints against his own ministers belonged to him, and was reserved for his special cognisance; and that, in such matters, his subjects had no right to interpose*.’

Further, he protested, ‘That, notwithstanding any temporary concessions before Balliol was declared King, which concessions, however, he neither admitted to have been made, nor to be binding, he still considered himself at liberty to judge in every cause regularly brought before him from Scotland; that he intended to hear such causes in England, and to administer justice to all parties, as Lord Paramount; and therefore would, if necessary, summon the King of Scots to appear in his presence,’ [at Newcastle 31st December 1292.] *Feod. ii. 597.*

This

* *Abercrombie*, vol. i. p. 478. has totally misunderstood the circumstances of this case. He imagines that the judges, from whose sentence the appeal was taken, had been appointed by Balliol: He also says, that Edward ordered justice to be done in the complaints of Bartholomew, *according to the laws of England*; whereas the record expressly bears, ‘per ipsum dominum Regem concordatum est, [quod] *juxta consuetudinem regni Scotiae in negotio praedicto procedatur* ;’ *Ryley*, p. 150. It is remarkable, that the judgements appealed from were in substance affirmed. The record of those judgements is curious, and well deserves the perusal of lawyers: In one of them the question occurred, whether a provision to a wife settled before marriage, [*Dotatio ad estium ecclesiae*,] was a privileged debt? The woman pleaded, ‘quod petitio sua est principale debitum, et, secundum consuetudinem burgorum, debet praeferrri omnibus aliis debitis et prius solvi.’ The judges ordered this question to be answered by the *four boroughs*; ‘consulendum est cum *quatuor burgis* contra proximum parliamentum.’ The four boroughs made answer, ‘that it was a privileged debt;’ and judgement went accordingly; *Ryley*, p. 147.

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This angry and imperious declaration, in all probability, produced a disgraceful instrument, by which Balliol declared, that all the obligations which Edward came under, while he had the custody of Scotland, were already fulfilled: He, therefore, discharged them all. He bound himself and his successors to ratify whatever had been done by Edward's authority, while Scotland was in his custody as Lord Paramount; and, in particular, he renounced all benefit from the convention of Brigham in 1290*.

Calend. of Ancient Charters,
332, &c.

About this time many revenue-accounts, public writings, and records were delivered to Alexander Balliol chamberlain of Scotland, for the use of the Scottish King. They had been formerly transmitted from Edinburgh to Roxburgh, where Edward's auditors for Scottish affairs held their assemblies †.

Foed. ii. 602.

Edward also ordered all the rolls concerning causes which had been heard by the guardians, during the interregnum, to be delivered to Balliol, [4th January 1292-3.]

Foed. ii. 602.

Of his special favour, he appointed seifine of the Isle of Man to be given

* It is called *the charter of Northampton*; because at that place Edward ratified the convention of Brigham. See *Foedera*, T. ii. p. 487. With this absolute renunciation of every thing that carried the semblance of independency, the *Magnus Rotulus Scotiae* concludes.

† The memorandum respecting this delivery seems to have been lodged in the English treasury, 16th January 1292-3; *Calendars of Ancient Charters*, p. 331. It bears, that the writings were delivered to the chamberlain of Scotland, after the coronation of Balliol; so that this must have happened between 30th November 1292, and 16th January 1292-3. In the introduction to the *Calendars*, p. 55. there is exhibited a general view of the contents of the writings, which I transcribe for the benefit of those who are not possessed of that book. 'A great number of rolls and memoranda of revenue-accounts, fine-rolls, wills of Scottish Kings, inquisitions, perambulations, and terriers of lands; rolls and schedules of fealties, done in the isle of Man, petitions, rolls of charters and confirmations, Kings and other letters, and a great variety of other different muniments, relating to the kingdom of Scotland.'

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given to Balliol, in the same manner as it had been held by Alexander III. reserving always his own right, and the rights of all others.

A question arose concerning the extent of the fees which should be paid to the chamberlain of England by the King of Scots, for his homage. Edward fixed them in parliament at *twenty pounds*, being the double of what an Earl paid as the fees of his homage. It has been ingeniously remarked, that, if the Scottish Kings were wont to do homage to England for *their kingdom*, the fees must have been ascertained of old; whereas the regulation made by Edward implies the contrary*.

Foed. ii. 600.

Rapin, iii. 50.

It was soon felt that Edward intended to avail himself of his protestation at Newcastle, [31st December 1292,] and to exercise his new rights of Lord Paramount, with the most provoking rigour.

This appeared in a remarkable case, which all historians mention, but none clearly explain.

Malcolm Earl of Fife had two sons, Colban his heir, and another who is never mentioned but under his family-name of *M'Duff*.

It is said that Malcolm put M'Duff in possession of the lands of Reres and Orey. Malcolm died in 1266; Colban, his son, in 1270; Duncan, the son of Colban, in 1288. To this last Earl, his son Duncan, an infant, succeeded. During the non-age of this Duncan, grand-nephew of M'Duff, William Bishop of St Andrew's, guardian of the earldom, dispossessed M'Duff. He complained to Edward: Edward ordered the regents to try his cause: They restored him to possession.

Ryley, 157.

Matters were in this state when Balliol held his first parliament, [at Scone

Foed. ii. 604.

Scone

* It is certain, that the Scottish Kings did some kind of homage to England: Perhaps, it may be still discovered what was the extent of the fees paid. If no more than *ten pounds*, it would seem to follow, that the homage was done for the earldom of Huntingdon.

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Scone 10th February 1292-3.] *There* M'Duff was required to answer for having taken possession of the lands of Reres and Crey, which were in the custody of the King since the death of the last Earl of Fife.

M'Duff acknowledged the *possession*, but denied the *trespass*. He pleaded, that his father Malcolm had made a grant of the lands to him, and that Alexander III. had by charter confirmed that grant.

It was testified by the nobility present, that Alexander III. had the custody of the lands in controversy, after the death of Malcolm, by reason of the non-age of Colban *, and in like manner, after the death of Colban: That, after the death of Duncan, the son of Colban, the lands were in the custody of the Sovereign, by reason of the non-age of Duncan, the son of Duncan.

This is obscurely expressed; but it seems to imply, that M'Duff had never been seized; and consequently had no right to possess.

He was therefore condemned to imprisonment for his trespass; but action was reserved to him against Duncan, when he should come of age, and against the heirs of Duncan.

It is astonishing, that M'Duff should have omitted his irrefragable defence, that the regents, under Edward's authority, had put him in possession,

* As M'Duff pleaded, that the lands were granted to him by his father Malcolm, and as Colban was under age at Malcolm's death, it follows, either that the grant was made during the non-age of M'Duff, or that he was not the lawful son of Malcolm. The pedigree of the family stands thus:

Malcolm Earl of Fife died 1266.	
2. M'Duff.	1. Colban, died 1270.
Duncan, died 1288.	
Duncan, minor in 1292-3.	

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possession, and that Balliol had ratified all things done under Edward's authority.

M'Duff, as soon as he was set at liberty, petitioned Balliol for a re- *Feod. ii. 606.* hearing, and offered to prove his title of possession by written evidence. Balliol rejected the petition: In this he probably conducted himself by law *. M'Duff appealed to Edward, and in his appeal set forth the judgement of the regents, which had put him in possession.

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Edward ordered Balliol to appear in person before him on the day *Feod. ii. 607.* after the feast of the Trinity, and to make answer to M'Duff's complaint, [25th March.]

Balliol yielded no obedience to the order. Edward again ordered *Ryley, 155.* him to appear on the 14th October.

Meanwhile, the English parliament drew up certain *standing orders*, *Ryley, 153.* in cases of appeal from the King of Scots. They are harsh and cap- tious. One of the regulations provides, ' That no excuse of absence ' shall be ever received, either from the appellatant, or from the King of ' Scots,

* The term of M'Duff's imprisonment cannot be precisely ascertained. The record in *Foedera*, T. ii. p. 604. runs thus: ' Consideratum est, quod praedictus M'Duff ' committatur prifonae,' &c. The imprisonment, however, could not have been for a long term; Judgement was pronounced 10th February; he was at liberty before he fought a rehearing; the appeal was lodged before 25th March: Hence we may conclude, that the term of the imprisonment could not have exceeded a fortnight: It may have been much shorter. If M'Duff had no writings to produce when he petitioned, which he might not have produced at the former hearing *in parliament*, I incline to think, that Balliol could give no redress on the footing of a petition for a rehearing, as of right.

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‘ Scots, respondent ; but that the parties may have counsel, if they demand it *.’

Foed. ii. 613.
614.

Balliol held his *second* parliament, [at Stirling, 3d August 1293]. Sir William Douglas was accused of having deforced the King’s officers. The case is singular. The justiciaries had pronounced a judgement, appointing the mother of Douglas to be infeoff in certain lands, and also appointed 140 marks to be levied out of the lands, for her damages. The King’s officers went to the castle of Douglas, in order to execute this sentence. Douglas seized them, and detained them in durance for a day and a night.

Douglas shaped his defence thus : He said, ‘ That the officers had
‘ come

* In every thing which respects English forms, I speak with great diffidence. The words of the record are, ‘ Et sciendum, quod nullum *essonium* in toto processu Regi Scotiae; sive quer. allocabitur in hoc casu; sed habeant *actornatum* secundum consuetudinem curiae Anglicanae, si sibi viderint expedire.’ *Ryley*, p. 153. If it was the intention of the English parliament, to require the personal attendance of the King of Scots, it is plain, that he must have been obliged to reside constantly in England, to answer for every decree pronounced in his courts, and removed into England by appeal. This will appear from the orders pronounced by Edward in cases of appeal. 1. John Maffon of Gascony, had a claim of debt against Alexander III. for the enormous sum of 2187 pounds Sterling, the price of corn and wine. He demanded justice from Balliol; he appealed on the ground of delay. Edward ordered Balliol to appear and answer, immediately after Whitsunday; *Foedera*, T. ii. p. 605. 2. M^cDuff, as has been seen, appealed; Edward ordered Balliol to appear on the day after the feast of the Trinity; *Foedera*, T. ii. p. 607. 3. The Abbot of Rading had sold the Isle of Man to the Bishop of St Andrew’s. In an action before the King of Scots, the convent endeavoured to set aside the sale. The Bishop removed the cause to the papal see; nevertheless, the convent appealed to Edward, on the ground of delay: Edward ordered Balliol to appear, fifteen days after Michaelmas; *Foedera*, T. ii. p. 615. There are other examples of a similar nature. To make the King of Scots a party in every appeal from his courts, whether for injustice done, or for justice delayed, was a grievous burden. To require his personal attendance at the trial of every appeal, was intolerable.

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‘ come to his castle to give seifine, and to levy the damages. That he told them they did him wrong, as they could not levy the 140 marks so soon ; that, therefore, they must remain there, and so they did, *contrary to their inclination.*’

Judgement was pronounced, That Douglas be committed to prison, to be redeemed from thence at the will of the King, according to law.

Douglas was also accused, for that, contrary to the law of the land, he had imprisoned three men in his castle of Douglas, and beheaded one of them.

He confessed the illegal imprisonment, and submitted himself to the King’s mercy.

The circumstance of his having beheaded one of the men, whom he had illegally imprisoned, appears to have been overlooked*.

Robert Bruce, son of the competitor, and, in right of his wife, Earl of Carrick, resigned the earldom to his son Robert †, and requested the King to receive his son’s homage.

Young Bruce appeared and craved to be admitted to do homage.

It was answered, ‘ That, by the laws of Scotland, the Sovereign must have seifine, before he can receive homage.’ Young Bruce resigned

* This was, probably, a question of jurisdiction. Douglas may have apprehended and detained persons who ought to have been tried in the King’s court. We may, however, presume that the person capitally punished was a notorious criminal.

† ‘ *Quia Roberto de Brus, totum comitatum de Carrick, cum pertinentiis suis, et etiam omnes alias terras quas in Scotia aliquo tempore tenuimus, seu tenere debuimus, ratione Margaretæ quondam Comitissæ de Carrick, sponsæ nostræ, matris ejusdem Roberti, tanquam jus et hæreditatem ejusdem Roberti filii, et hæredis nostri, concessimus, et resignavimus, et quietè clamavimus in perpetuum; Foedera,* T. ii. p. 614. It would seem, that what the father resigned to the son was his *right of courtesy.*

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signed into the hands of the King whatever seifine he himself had, and found security for his father's resignation.

The sheriff of Air was ordered to take seifine of the earldom of Carrick for the King, and to *extend* the lands.

Bruce was required to bring the certificate of this seifine, and then to do homage.

The *father* had not made resignation into the hands of the King; the *son* was a minor: It follows, that the proceedings in this case were not strictly formal, and that Balliol meant to shew favour to the once rival family.

Ryley, 158.

The cause of M'Duff came on: Balliol presented himself before Edward. Being asked what defence he had to offer, he uttered these ever memorable words: 'I am King of Scotland. To the complaint of M'Duff, or to ought else respecting my kingdom, I dare not make answer without the advice of my people.' 'What means this refusal?' cried Edward, 'You are *my* liege-man; you have done homage to *me*; you are here in consequence of *my* summons!' Balliol steadily replied. 'In matters which respect my kingdom, I neither *dare*, nor *can* answer in this place, without the advice of my people.'

Balliol was desired by Edward to ask a farther adjournment, that he might advise with the nation. He perceived the insidious nature of this proposal. His demand for a longer day might have been construed as an acquiescence in Edward's right of requiring his personal attendance at the English courts: He, therefore, made answer, 'That he would neither ask a longer day, nor consent to an adjournment.'

The parliament of England resolved, 'That the principal cause shall remain before Edward, and that the King of Scots shall be held to have offered no defence. Further, that the answer made by the King of Scots, in the presence of Edward, tended to elude and enervate the jurisdiction of his sovereign Lord, and was to the hurt of the royal

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‘royal dignity and crown, in respect the King of Scots therein asserts, that he is not responsible to the King’s court, although in that court he claimed the kingdom of Scotland, made answer to the claims of the other competitors, and obtained judgement; and, therefore, that he is guilty of a manifest contempt of the court, and of open disobedience.’

It was ordered, ‘That M^cDuff, for his imprisonment, shall have damages of the King of Scots, to be taxed by the court. And that the King of England shall inquire, according to the usages of the country, whether M^cDuff recovered the tenements in question by the judgement of the King’s court, and whether he was dispossessed by the judgement of the King of Scots.’

‘And, because it is consonant to law, *that every one be punished in that which emboldens him to offend*, it was resolved, that the three principal castles of Scotland, with the towns wherein they are situated, and the royal jurisdiction thereof, be taken into the custody of the King, and *there remain until the King of Scots shall make satisfaction for his contempt and disobedience.*’

Before this judgement was publicly intimated, Balliol addressed Edward in words of the following import: ‘My Lord, I am your liege-man for the kingdom of Scotland; that whereof you have lately treated, respects my people no less than myself: I therefore pray you to delay it until I have consulted my people, lest I be surprized through want of advice: They who are now with me neither will, nor dare advise me, in absence of the rest of my kingdom. After I have advised with them, I will, in your first parliament after Easter, report the result, and do to you what I ought*.’

Edward

* Balliol put in another petition to Edward which was equitably heard. He claimed feifine of Tindale and Penreth. John Hastings, the competitor, contended, that those estates were divisible; and therefore claimed a third of them, in right of one of the

1293.

Edward must have perceived the studied ambiguity of this petition; nevertheless, out of his special favour, and with the consent of M'Duff, he stayed all proceedings until the day after the feast of the Trinity, in 1294. It is probable, that he considered the resolutions of his parliament as impolitically violent; and that that part of the sentence which adjudged the custody of three principal castles to him, could not be made effectual, unless by force of arms.

1294.

W. Hemingf.
i. 43.

A trifling quarrel between some French and English sailors, about the filling of their water-casks, involved the two nations in war. This event obliged Edward to suspend all proceedings against the King of Scots.

M. Westm. 421.

Edward held a parliament at London, [May 1294.] His nobility agreed to assist him in his military enterprises. Balliol appeared in this parliament †; and, according to an English historian, consented to

the three heirs parceners of David Earl of Huntington. It appeared, however, that the grant of Tindale and Penreth was made to Alexander King of Scotland, and his heirs, *Kings of Scotland*; seifine, therefore, was appointed to be given to Balliol; *Ryley*, p. 160. *Foedera*, T. ii. p. 616.

That I may not interrupt my narrative, I observe here, that, in the following year, 1294, Balliol petitioned Edward for an abatement of the *relief* due from his mother's estates. Edward made answer, that, from inspection of the rolls, there appeared to be due, as the relief for the estates of Derverguill, L. 3289 : 14 : 0; that he was willing to abate L. 3000, and to receive the remainder by payments of L. 20, made half yearly; *Foedera*, T. ii. p. 635.

† Walsingham says, that Balliol, by the advice of the Abbót of Melros, left the English parliament without leave, and in the manner of a fugitive; and that Edward punished him by confiscating his whole English estates; *Hist. Angliae*, p. 64. This is not only adverse to what is reported by other English historians, but is in itself most improbable.

1294.

to yield up the whole revenues of his English estates for three years, in aid of the war against France*.

Edward laid a general embargo on all vessels within his English dominions. He *ordered and requested* Balliol to extend the embargo over Scotland, so that no vessel might pass, nor any person, or any goods whatever, be conveyed into foreign parts; *and this embargo to endure until Edward's further pleasure should be known.* *Foed. ii. 636.*

He also required Balliol to send him some troops for an expedition which he then meditated into Gascony. He required the presence and aid of several of the Scottish Barons for the same purpose †. *Foed. ii. 642.*

The Scots eluded the demands of England. They pretended that they could not bring any considerable force into the field; but the truth is, that they could no longer brook the overbearing dominion of Edward. Actuated by resentment and despair, they secretly negotiated an alliance with Philip the French King. *W. Hemingford. i. 75.*

They assembled in parliament at Scone. Under the specious pretence of diminishing the public charge, they prevailed on Balliol to dismiss

* The estates which Balliol held in England were very extensive and valuable. There is an instrument in *Foedera*, T. ii. p. 1029, wherein some of his estates are mentioned, amounting to upwards of L. 400 yearly. The liberality of this aid might have induced Edward to suspect that Balliol was not sincere. In the event of Balliol joining with France, his estates in England would have been seized by Edward. The treaty, which Balliol soon after concluded with the French King, will account for his voluntary surrender of his English revenues.

† The style is singular: ‘*Per quod vos requirimus et rogamus, in fide et homagio, quibus nobis tenemini, firmiter injungentes, quod de hominibus vestris ad nos mittatis;*’ *Foedera*, T. ii. p. 642. There is a writ much to the same purpose addressed to Bruce Lord of Annandale; *Foedera*, T. ii. p. 643. The Scottish Barons summoned to appear in person are, John Comyn Earl of Buchan, Robert Bruce Earl of Carrick, Gilbert de Umfraville Earl of Angus, John Comyn of Badenoch, Richard Siward, and William de Ferrariis; *Foedera*, T. ii. p. 643. I suspect that they all held lands in England: If so; the style of the summons is the more singular. The common form of such summons is, ‘*Quod sitis ad nos cum equis et armis, et toto servitio.*’

1294.

dismiss all the Englishmen whom he maintained at his court. 'This was ' a prudent measure,' says W. Hemingford; ' it removed the persons ' who might have been spies on their conduct.' They then appointed a committee of twelve, four Bishops, four Earls, and four Barons, by whose advice all national affairs were to be regulated. If we may *M. Westm.* 425. credit the English historians, they had a watchful eye over Balliol himself, and detained him in an honourable captivity.

1295.

Foed. ii. 692. Edward suspected that the designs of Balliol were hostile. Balliol, to remove his suspicions, consented that Berwick, Roxburgh, and Jedburgh, should be delivered to the Bishop of Carlisle, and remain in his custody during the war between England and France. Edward promised to restore the three fortresses at a peace. [16th Oct.]

Foed. ii. 695. Balliol meanwhile negotiated a fatal alliance with Philip, the French King. Philip agreed to give his niece, the eldest daughter of Charles Count of Anjou, in marriage to the son and heir of Balliol*. It was provided, that Balliol should not marry again, without the advice of Philip. The King of Scotland, ' grievously offended at the undutiful ' behaviour of Edward to the King of France, his liege Lord,' engaged to assist Philip in his wars, with his whole power, and at his own charges; especially if Edward invaded France. If Edward invaded Scotland, Philip engaged to assist the Scots, either by making a diversion,

* William Frazer Bishop of St Andrew's, Matthew Bishop of Dunkeld, Sir John de Soulis, and Sir Ingeram de Umfraville, were the Scottish commissioners who concluded this *original* treaty, the ground work of many more, equally honourable and ruinous to Scotland; *Foedera*, T. ii. p. 695. The lady's portion was 25000 livres, ' en livres de Turnois petits; ' her jointure L. 1500. L. 1000 was secured on Balliol's estates in France, viz. Bailleul, Dampierre, Helicourt, and Hernoy, and L. 500 on crown-lands in Scotland, viz. Lanerk, Kadyeou [now Hamilton], Maulsley, Cuninghame, Hadinton, and the Castellany of Dundee. The treaty contains this singular clause, ' Quod, si ' dicti futuri conjuges a dicto Rege vellent fortasse discedere, dicto dotalicio in vita ' etiam Regis ejusdem perfruentur; ' *i. e.* The jointure provided to the widow shall be paid as an independent maintenance to the husband and wife.

1295.

sion, or by sending succours *. Both Princes became bound not to conclude any separate peace ; a nugatory obligation, always required, and always disregarded. [Paris 23d Oct.]

1296.

In consequence of this treaty, the Scots, with a mighty force †, invaded Cumberland [26th March], and wasted the country. They assaulted Carlisle ; the town was set on fire ; the citizens abandoned their posts, and hastened to extinguish the flames ; the women flew to the walls, repulsed the Scots, and forced them to a dishonourable retreat. [28th March.] *Hemingf. i. 87.*

The honour lost before Carlisle was not regained by a second inroad, which the Scots made into Northumberland [8th April.] They burnt the nunnery of Lameley, and the monastery of Corebridge, although dedicated to their patron St. Andrew ; they attempted to storm the castle of Harbottle, and retired in disorder. *Hemingf. i. 93.*

Meanwhile Edward, with an army as numerous, but under more regular discipline, invaded the eastern borders. *M. West. 427. Hemingf. i. 85.*

The Scots had promised to deliver Berwick into the hands of the Bishop of Carlisle ; but they had either failed to perform their promise, or had resumed that important fortress. It was now defended by a strong *Foed. ii. 692.*

* The treaty contains this remarkable proviso : ‘ Quod tam Praelati quam Comites, Barones, et alii nobiles, necnon universitates, communitatesque notabiles dicti regni Scotiae, suas nobis super hoc patentes literas suis munitis sigillis, quam citius fieri poterit, destinabunt ;’ *Foedera*, T. ii. p. 696.

† *M. Westm.* p. 427. and *W. Hemingford*, T. i. p. 87. have recorded the names of the Scottish leaders, viz. John Comyn Earl of Buchan, the General ; the Earls of Menteth, Strathern, Lenox, Ross, Athole, and Marre ; William and Ralf de Moncrief, William St Clair, Richard Seward, and John Comyn son of the Lord of Badenoch, [he whom Bruce slew at Dumfries in 1305-6.] According to Hemingford, the Scottish army consisted of 500 horsemen, and of 40000 infantry. Fordun has erroneously placed this inroad in 1297 ; *L. xi. c. 27.*

1296.

Hemingsf. i.
89-91.

strong garrison *. Edward prepared to assault it by sea and land. His ships precipitantly began the attack; they were all burnt or disabled. Edward, not discouraged at this repulse, led on his army to the assault. The town was taken and sacked, the garrison put to the sword, and the inhabitants butchered, without distinction of age or sex †. [30th March.]

There was a building in Berwick, called *the Red Hall*, which certain Flemings possessed by the tenure of defending it at all times against the King of England. Thirty Flemings, in the spirit of feudal gallantry, maintained this post until evening against the army of Edward; the building was set on fire; the faithful strangers all perished in the flames. On the same day, Sir William Douglas, commander of the castle, capitulated. The garrison, of two hundred men, was permitted to march out with military honours, after having made oath never to bear arms against England ‡.

Feod. xi. 20.

The Scottish historians give a different and more improbable account of the manner in which Berwick was lost. They say, that Edward,

* Composed of the men of Fife, whose Earl was, at that time, under age; *Fordun*, L. xi. c. 20.

† In this carnage, 7500 perished, according to *Fordun*, L. xi. c. 20. Upwards of 8000, according to *Hemingsford*, T. i. p. 91. *Matth. Westm.* p. 427. says 60000; but this, I presume, must be an error of the transcriber for 6000.

‡ 'Eodem etiam die viri fortes, qui erant in praesidio castris, dederunt se, salvis eis vita et membris, terris et catallis, quorum capitaneum, scilicet Dominum Willelmum de Douglas, retinuit ibidem Rex usque in finem ejusdem guerrae suae, ducentos vero viros, qui cum eo fuerant, accepto prius juramento, quod nunquam contra se vel regnum Angliae manum erigerent, portantes arma liberos abire permisit;' *W. Hemingsford*, T. 1. p. 91. Sir William Douglas swore fealty to Edward 10th July 1296; *Prynne*, Vol. iii. p. 649. The reader may compare this account with *Douglas*, Peerage of Scotland, p. 182. who quotes *Rapin*, Vol. i. p. 375. who follows *Buchanan*, L. iv. p. 137.

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Edward, by the advice of the Earl of March, sent forward a detachment under Scottish colours ; that the garrison threw open the gates, and went forth to receive them as their deliverers ; and that by this simple stratagem the town was won.

Balliol, by the advice of his parliament, solemnly renounced the allegiance and fealty which he had sworn to Edward. This bold measure had been resolved upon before the loss of Berwick ; but was not intimated to Edward till after that event. The reasons assigned by Balliol were these : 1. That Edward had wantonly, and upon slight suggestions, summoned Balliol to his courts : 2. Had seized his English estates : 3. Had seized his goods, and the goods of his subjects : 4. Had forcibly carried off, and still detained certain natives of Scotland. He added, That when he made remonstrances, Edward, instead of redressing, had continually aggravated the injuries, and now had invaded Scotland, wasting the country with fire and sword. [At Berwick, 5th April 1296.]

Fordun, xi. 18.
Foed. ii. 707.

This *renunciation* was most favourable to the political views of Edward. He received the instrument rather with contempt than anger : ‘ The foolish traitor,’ said he to Balliol’s messenger, ‘ Since he will not come to us, we will go to him *.’

The fate of Balliol, and of Scotland, was soon decided. While the Earl of March followed the banners of Edward, his wife betrayed his castle of Dunbar to the Scots. Edward hastened Earl Warrenne, with

Hemings, i. 97.
M. West. 427.
Fordun, xi. 24.

* ‘ Ha, ce fol selon tel folie feict ! s’il ne vould venir à nous, nous viendrons a lui ;’
i. 2. ‘ If he will not come to me, and do his duty as a vassal, I will repair to him and exact the rights of a Lord Paramount.’ *Fordun* says, that Henry Abbot of Aberbrothock, a bold spirited man, delivered the message ; L. xi. c. 18. The instrument itself bears, ‘ Per religiosos viros, guardianum Fratrum Minorum de Rokesburgh et *socium suum.*’ This *socius* was probably the bold-spirited Abbot of Aberbrothock, who may have wished to keep himself concealed in the train of the guardian of the Minorites. I observe, by the way, that *Fordun* was not conversant in the French language. He thus translates Edward’s words, ‘ Tibi dico, fili fatue, talem fatuitatem facis,’ &c.

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a chosen body of troops; to recover the castle. Warrenne pressed the siege: The Scots agreed to surrender, unless relieved within three days. On the third day, the whole force of Scotland appeared in order of battle on the heights above Dunbar*. Warrenne marched against them. The impatient Scots abandoned the advantage of the ground, and poured down tumultuously on the English: They were repulsed, broken, dissipated. Many of the fugitives sought shelter in the castle of Dunbar; the rest were scattered. Sir Patrick de Graham maintained his station, and died with honour, lamented and applauded by his enemies †. [28th April.]

Ford. xi. 25.

The vulgar imagined, that the Earls of Athole and Marre fled from the battle, with their followers, through partiality to the Brucean cause. 'It was,' says Fordun, 'the sad consequence of our intestine broils, that *he who had once espoused the one party was never supposed true to the other.*'

There does not appear to have been any treachery at Dunbar. The Scottish army had been employed in pillaging, and had been repulsed in every enterprise; it was too numerous, and without subordination or discipline. Such soldiers, although inspired with the most patriotic principles, could not contend with the flower of England.

Hemingf. i. 97.

Ford. xi. 24.

On the day after the battle, Edward arrived with the remainder of his troops. The castle of Dunbar surrendered at discretion ‡. Our historians

* Upon almost the same ground, and in circumstances not dissimilar, Cromwell overcame the Scots. [3d Sept. 1650.]

† 'Unus autem ex eis miles strenuus, nomine *Patricius de Graham*, inter sapientiores regni illius quam primus, et inter potentiores, nobilissimus, cum gloriam suae laudis minuere nollet, in fine tandem corruit interfectus ibidem; *W. Hemingford*, T. i. p. 96. The present Duke of Montrose is *the seventeenth* from this worthy man in the direct line of male descent.

‡ Among the prisoners were the Earls of Athole, Ross, and Menteth, William St. Clair, Richard Seward, John the son of Geoffroy de Moubray, and John Comyn of Badenoch.

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historians impute this also to treachery; and they accuse the governor, Richard Seward. But this charge is manifestly unjust. Seward had agreed to surrender the castle, if it was not relieved within three days; and it was not relieved*.

Edward, it is reported, with an intention to secure the fidelity of Robert Bruce, Lord of Annandale, had promised to raise him to that throne from which he had, by the memorable award, excluded his father. Bruce now reminded Edward of his promise. ‘Have I no other business,’ replied Edward, ‘but to conquer kingdoms for you †?’ Bruce silently retired, and passed the remainder of his days in safe and opulent obscurity. Ford. xi. 25.

During the short interval between the loss of Berwick and the disaster at Dunbar, an order was made, that all English ecclesiastics, who held benefices in Scotland, should be expelled ‡. The measure in itself was Ford. xi. 21.

Badenoch the younger; *W. Hemingford*, T. i. p. 97. It is generally believed, although without sufficient evidence, that Edward put the Earl of Menteth to death.

* *W. Hemingford*, T. i. p. 95. gives a naive account of the exultation of the besieged at the approach of the Scottish army. ‘They displayed their ensigns on the battlements, and cried out, *Now, ye English dogs with the tails, we will kill you all and cut off your tails.*’ ‘*Eorum vexilla in propugnaculis castris erexerant clamantes ad nostros, et eos probosé vocantes, canes caudatos, et talia quaeque insuper comminantes in mortem et caudarum abscissionem.*’

† ‘Ne avons nous autre chose à faire que à vous reaumys gagner;’ *Fordun*, L. xi. c. 25. ‘Must I conquer for you?’ would have been more concise and forcible: I chose however to follow the turn of the words which Edward is said to have uttered.

‡ *Fordun* says, ‘Prohibentur tales alienigenae inter regnicolas habitare—lege divina ut *Num. c. 18.*’ L. xi. c. 21. The text quoted is in *Numb. c. 18. v. 4.* ‘And a stranger shall not come nigh unto you.’ I wish that such impertinent allusions to the law of Moses had been peculiar to unlearned ages. Little did *Fordun* know that Pope Nicholas IV. had issued a bull, in which the contrary doctrine is maintained, on the authority of another text of Scripture, not more judiciously applied, ‘That with God there is no respect of persons;’ *Foedera*, T. ii. p. 417.

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was judicious ; but the season for it was past. To banish foreign spies, and to animate the loyalty of the Scottish clergy by views of preferment, were important objects. It was, however, too late to provide for this, when Edward had penetrated into Scotland, at the head of a victorious army.

Heming. i. 83. About the same time, and in the like spirit of preposterous policy, all the partizans of England, and all neutrals, were declared to be traitors, and their estates confiscated. *This* was principally aimed at the rival-house of Bruce. Comyn Earl of Buchan obtained a grant of Annandale, which belonged to Bruce. He took a momentary possession of Bruce's castle of Lochmaben. In a fierce age, such an injury could never be forgiven.

Heming. i. 97.
98. While the Scottish nation busied itself in issuing these passionate and feeble edicts, Edward steadily proceeded in his conquest. James the Stewart of Scotland yielded up the strong castle of Rokesburgh, swore fealty to Edward, and abjured the French alliance *, [13th May.] The castle of Edinburgh surrendered, after a short siege ; Stirling was abandoned ; the spirit of Scotland sunk into despondency.

Ford. xi. 26.
Ford. ii. 718. The unfortunate Balliol implored the mercy of his conqueror. Divested of his royal ornaments, and bearing a white rod in his hand, he performed a most humiliating feudal penance. He confessed, that by evil and false counsel, and through his own simplicity, he had grievously offended his liege Lord. He recapitulated his various transgressions, in concluding an alliance with France while she was at enmity with England, in contracting his son with the niece of the French King,

* *W. Hemingford*, T. i. p. 97. says, ' Post dies aliquot processit Rex ad castrum de Rokesburgh, quod diu tenuerat senescallus Scotiae, et statim illud reddidit in adventu Regis, salvo vitâ et membris, terris et catallis.' While Edward was at Rokesburgh, he empowered *Robert Bruce*, the son of the Earl of Carrick, to receive the inhabitants of Carrick into favour, [14th May 1296]; *Foedera*, T. ii. p. 714. In so despicable an office was the renowned *Bruce* employed at his first appearance on the public stage.

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King, in renouncing his fealty, in attacking the English territories, and in resisting Edward. He acknowledged the justice of the English invasion and conquest; and therefore he, of his own free consent, resigned Scotland, its people, and their homage, to his liege Lord Edward *.
[2d July.]

Thus ended the short and disastrous reign of John Balliol: An ill-fated Prince! censured for doing homage to Edward, never applauded for asserting the national independency. Yet, in his original offence, he had the example of Bruce; at his revolt, he saw *the rival-family* combating under the banners of England. His attempt to shake off a foreign yoke speaks him of a high spirit, impatient of injuries. He erred in enterprising beyond his strength: In the cause of liberty, it was a meritorious error. He confided in the valour and unanimity of his subjects, and in the assistance of France. The efforts of his subjects were languid and discordant; and France beheld his ruin with the indifference of an unconcerned spectator.

I N T E R R E G N U M.

AS Edward proceeded northward, the Scottish Barons crouded Foed. ii. 720.
in, swore fealty, and abjured the French alliance.

Some

* Fordun thus describes Balliol: 'Regiis exutus ornamentis, et virgam albam in manu tenens, vi et metu vitae ductus,' &c.; L. xi. c. 26. The record bears, that Balliol made his submission at Kincardin 2d July 1296; *Foedera*, T. ii. p. 718. *W. Hemmingford*, T. 1. p. 99. 100. says that this happened at Brechin; *Fordun*, L. xi. c. 26. at Montrose. All the historians, whom I have had occasion to consult, place this remarkable event on the 10th, not on the 2d of July. Baldred Bisset, the Scottish envoy at Rome, says that Balliol made no such resignation, but that Edward forged the instrument, and appended the great seal of Scotland to it; *Fordun*, L. xi. c. 63.

1296.

Foed. ii. 720.
&c.

Some dignitaries of the Scottish church, and, in particular, Robert Wisheart Bishop of Glasgow, performed that ceremony, [at Elgin, 26th July.]

Heming. i. 100.

At Elgin Edward terminated his northern expedition *. From thence he returned to the south. As an evidence of his absolute conquest, he gave orders, that *the famous stone*, regarded as the national palladium, should be conveyed to Westminster †.

While

* It is remarkable that, during this northern expedition, the Bishop of Durham always commanded the advanced guard. ‘Semper praecessit faciem Regis per unam dietam, vel duas, Dunelmensis Episcopus cum turma sua, cumque iter suum faceret Rex per medium Murref. usque Eloyn [i. Elgin] noluit ulterius procedere, eo quod pacta [i. pacata] vidisset omnia;’ *W. Hemingford.* T. i. p. 100.

† The stone is thus described by *W. Hemingford*, T. i. p. 37. ‘Apud monasterium de Scone positus erat lapis pergrandis in ecclesia Dei, juxta magnum altare, concavus quidem *admodum rotundae cathedrae confectus*, in quo futuri Reges loco quasi coronationis ponebantur ex more. Rege itaque novo in lapide posito, missarum solemnia incepta peraguntur, et, praeterquam in elevatione sacri Dominici corporis, semper lapis datus mansit.’ And again, T. i. p. 100. ‘In redeundo per Scone, praecepit tolli et Londoniis cariari, *lapidem illum*, in quo, ut supra dictum est, Reges Scotorum solebant poni loco coronationis suae, *et hoc in signum regni conquesti et resignati.*’ Walsingham mentions the use to which Edward put this stone. ‘Ad Westmonasterium transtulit illum, jubens inde fieri celebrantium cathedram sacerdotum.’ I have transcribed this account of *the fatal stone*, that it may be compared with the appearance of the stone that now bears its name at Westminster.

Fordun has preserved the antient rhymes concerning it; L. xi. c. 25.

“Hic Rex sic totam Scotiam fecit sibi notam,
 “Qui sine mensura tulit inde jocalia plura,
 “Et pariter lapidem, Scotorum quem fore sedem
 “Regum decrevit fatum; quod sic inolevit,
 “Ni fallat fatum, Scoti quocunque locatum
 “Invenient lapidem, regnare tenentur ibidem.”

This was the stone which Gathelus sent from Spain with his son when he invaded Ireland, which King Fergus won in Ireland, brought over with him, and placed at Scone. As the most proper authority for a story of this nature, see *Acts of Sir William Wallace, by Blind Harry*: B. i. c. 4.

1296.

While the English were at Scone, they carried off some of the charters belonging to the abbey, and tore the seals from others. This is the only well-vouched example which I have found of any outrage on private property committed by Edward's army. It is mentioned in a charter of Robert I. ; and we may be assured, that the outrage was not diminished in the relating.

Edward held a parliament at Berwick, [28th August.] He there received the fealty of the clergy and laity of Scotland. Among those who concurred in this disgraceful national submission, was *Robert Bruce the younger, Earl of Carrick*. Edward took the most prudent measures for the settlement of his new conquest. He ordered the estates of the clergy to be restored. Having received the fealty of the widows of many Scottish Barons, he put them in possession of their jointure-lands *, [3d September.] He even made a decent provision for the wives of many of his prisoners. His conduct in all things bore the semblance of moderation. He displaced few of those who had held offices under Balliol. In general, he suffered the numerous jurisdictions throughout Scotland to remain with the ancient possessors. Yet he judiciously committed the government of certain districts, and of the chief castles in the south of Scotland, to his English subjects, of whose fidelity and vigilance he thought himself assured †.

With

* The prisoners whose wives received grants from Edward were, *Richard Seward*, '40 librat. terrarum, per legalem extentam inde faciendam ;' *Alexander de Meiners*, [now Menzies,] '50 marcat. terrae ;' *Alexander Comyn de Badenoch*, '30 marcat.' *Rich. le Marechal, son of David le Marechal*, '10 marcat. ;'—*Le Scot, son of Michael le Scot*, '50 solidat. ;' *Edm. de Ramsay*, '10 marcat. ;' *Will. de Clopham*, '50 solidat. ;' *Earl of Ross*, '100 librat. ;' *Andrew de Synton*, '5 marcat. ;' *Alicia*, the wife of *William de Lindsay*, who had been absent at the court of Rome for three years, was provided in '10 libr. terrae ;' *Foedera*, T. ii. p. 728. I suspect that all the ladies thus provided were heiresses.

† *William Tonke* was appointed captain of Rokesburgh ; *Foedera*, T. ii. p. 714. *Ofbert*

1296.

Foed. ii. 732. With a view to conciliate the favour of the episcopal order, he granted to the Scottish Bishops for ever, the privilege of bequeathing their effects by will, 'in the same manner as that privilege was enjoyed by the Archbishops and Bishops in England.'

Foed. ii. 730. Neither was he forgetful, as a politician, in shewing respect to the popular superstitions, which, as a man of discernment, he may, perhaps, have secretly despised. In honour of 'the glorious Confessor St Cuthbert,' he gave to the monks of Durham an annual pension of forty pounds, *payable out of the revenues of Scotland*, by the tenure of maintaining before the shrine of the saint two wax tapers, each of twenty pounds weight, and of distributing, twice a-year, one penny

Foed. ii. 732. to each of three thousand indigent persons *. During the Scottish expedition, Gilbert de Grymmesby, an ecclesiastic, had carried the banner of St John of Beverley before the army of Edward. He was provided in the first benefice of twenty marks, or twenty pounds, *that should fall in Scotland*.

Foed. ii. 731. He appointed John de Warenne, Earl of Surry, governor, Hugh de Cressingham treasurer, and William Ormesby justiciary, of Scotland;
768.
Hemingsford,
i. 103. 118.

bert de Spaldington, of the town, castle, and territory of Berwick; *Foedera*, T. ii. p. 716. *Thomas de Burnham*, of Jedburgh, '[castrum de Jedworth et foresta de Selkirke, cum dominicis terris, et omnibus aliis ad praedicta castrum et forestam qualitercunque spectantibus]'; *Foedera*, T. ii. p. 717. *Walter Huntercumbe*, of Edinburgh castle and the three Lothians, '[cum vicecomitatibus de Edinburgh, Linliscu, et Hardington]'; *Foedera*, T. ii. p. 731. *Henry Percy*, of Galloway and the county of Air, '[totius terrae Galwediae ac comitatus nostri de Are]'; *Foedera*, T. ii. p. 731.

* This grant contains also an obligation on the monks to maintain other wax tapers, *staturae decentis et ponderis congruentis*, and to find a priest who should say mass daily in a place called *la Galileye*: This mass was said to women; St Cuthbert, having been injured by the false accusation of a Pictish Princess, would not suffer any of her sex to hear mass within the precincts of the church where his body lay, except in a remote corner called *the Galilee*: See *Davies' Rites and Monuments of Durham*, p. 60.—63. p. 73. 74.

1296.

land; and having thus settled all things in a state of seeming tranquillity, he departed with the glory due to *the conqueror of a free people*.

1297.

This tranquillity was of short duration. Warenne, the governor, Heming. i. 118. Trivet. 299. took up his abode in the north of England, for the recovery of his health. Creffingham, the treasurer, was a voluptuous selfish ecclesiastic, proud, ignorant, and opinionative. Ormesby, the justiciary, grew odious to the nation, by his rigour in exacting the oath of fealty, and by his severity to the recusants. The temper of Scotland at that season required vigilance, courage, liberality, and moderation, in its rulers. The ministers of Edward displayed none of these qualities. While other objects, of interest, or ambition, occupied his thoughts, the administration of his officers became more and more abhorred and feeble. Bands of robbers infested the highways; contempt of government, the forerunner of revolutions, every where prevailed.—At this important moment WILLIAM WALLACE arose.

He was the younger son of a gentleman* in the neighbourhood of Ford. xi. 28. A. Winton. MS. Chr. Paisley.

* Of Wallace of Ellerslie, near Paisley, in Renfrew-shire. Such is the opinion generally received. His *Atchievements*, written by *Blind Harry*, has been long a popular book in Scotland. It would be lost labour to search for the age, name, and condition, of an author who either knew not history, or who meant to falsify it. See *Mackenzie*, *Lives of Scots writers*, vol. i. p. 422. A few examples may serve to prove the spirit of this romancer. He always speaks of Aymer de Valloins Earl of Pembroke as *a false Scottish knight*. He mentions Sir Richard Lundin as one of Wallace's co-adjutors at the battle of Stirling; whereas he was of the opposite party; and indeed was, to all appearance, the only man of true judgement in the whole English army. B. 6. c. 4. he says, that one *Sir Hugh, Jister's son of Edward I.* went, in the disguise of a herald, to Wallace's camp, was detected, and instantly beheaded; that Wallace surprised Edward's army at Biggar, and with his own hand slew *the Earl of Kent*; that many thousands of the English fell in the engagement, particularly *the second son of the King of England, his brother Sir Hugh, and his two nephews*.

1297.

Paisley. Outlawed for some offence*, he associated with a few companions of fortunes equally desperate. This singular person had every popular excellence; strength of body, keen courage, a spirit active and ambitious. By his affability, he conciliated the affections of his followers; by the force of native eloquence, he moulded their passions to his will; by calm, intrepid, and persevering wisdom, he generally maintained authority over the rude and undisciplined multitudes who crowded to his standard.

Heming. i.
118. 119.
Trivet, 299.

In May 1297, Wallace, at the head of a resolute band, infested the English quarters †. His successful predatory expeditions augmented the number of his partisans. Sir William Douglas joined him. Wallace and Douglas, with their united forces, attempted to surprise Ormesby, the justiciary, while he held his courts at Scone. Ormesby saved himself by a precipitate flight. After this enterprise aimed at the root of government, the Scots roved over the country, assaulted castles, and massacred all Englishmen who came within their power. They marched into the west of Scotland. Their party was strengthened, to appearance, by many persons of eminent rank. Among them were Robert Wisheart Bishop of Glasgow, the Stewart of Scotland and his brother, Alexander de Lindesay, Sir Richard Lundin, and Sir Andrew Moray of Bothwell.

The

* The received opinion is, that he was outlawed for killing an Englishman. *Buchanan*, p. 137. says, ‘Cum magnâ vi corporis atque animi esset adhuc adolescens, nobilem juvenem Anglum superbè sibi insultantem occidit. Ob id facinus, profugus domo et latitans, fugae locum subinde mutando, annos aliquot transegit.’ I suspect, however, that this is nothing more than an abridgement of *Blind Harry*, in classical Latin. See *Atchievements of Wallace*, b. i. c. 5. It may be remarked, by the way, that *this* is one of the most specious tales in the book.

† *Fordun* says, L. xi. c. 21. that Wallace pretended to execute the edict of 1296, which appointed all English ecclesiastics to be expelled from Scotland. I hope that this is not true! It has too much the appearance of a political pretext, by which defenceless individuals might be persecuted.

1297.

The young Bruce would have been held a mighty accession to their party. In right of his mother, and by his father's permission, he possessed Carrick and Annandale : So that his territories reached from the Frith of Clyde to Solway. But the wardens of the western marches of England suspected his fidelity, and summoned him to Carlisle. He obeyed, and made oath, on the consecrated host, and on the sword of Becket *, to be faithful and vigilant in the cause of Edward. To prove his sincerity, he invaded the estate of Sir William Douglas with fire and sword, and carried off his wife and children. He instantly repented of what he had done : ' I trust,' said he, ' that the Pope ' will absolve me from an extorted oath.' He abandoned Edward, and joined the Scottish army.

Heming. i.
119. 120.

Warrenne, the governor, exerted himself in quelling an insurrection which he had neglected to prevent. He hastened Sir Henry Percy and Sir Robert Clifford, with a chosen and numerous body, against the Scots. The English found them strongly posted near Irvine, formidable in numbers, but through dissension fatally enfeebled. All the leaders were independent, all untractable. They would neither fight, retire, nor treat by common consent. Sir Richard Lundin, a Baron of approved courage, had hitherto refused fealty to Edward. He now went over to the English, with his followers, and boldly justified his defection.

Heming. i.
122. 123.

* ' Venit ad ipsum diem cum ipso populo Galewaliae, et super sacrosancta mysteria ' juravit, et super gladium Sancti Thomae juramentum praestitit;' *W. Hemingford*, T. i. p. 119. Hemingford says, that the vassals of Annandale, that is, the vassals of the elder Bruce, refused to join in the revolt. The monks of Gisbourn had large possessions in Annandale. Hemingford was of that monastery : He seems to have procured very full information of Scottish affairs at this period. *Populus Galewaliae* must be understood of the men of Carrick, in that age, a part of Galloway. Over the men of Galloway, in the more modern sense of the word, Bruce had no authority.

1297.

defection, saying, 'I will remain no longer of a party that is at variance with itself*.'

Foed. ii. 774. Some of the leaders of this discordant army consented to treat with the English. Bruce, the Stewart, and his brother, Alexander de Lindesay, and Sir William Douglas, acknowledged their offences, and, for themselves and their adherents, made submission to Edward. The Bishop of Glasgow seems to have been the negotiator of this treaty †. [9th July 1297.]

Foed. ii. 774. 775. The inconstancy of Bruce required something more binding than acknowledgements of submission, or oaths of fealty. The Bishop of Glasgow, the Stewart, and Alexander de Lindesay, became sureties for his loyalty and good behaviour, until he should deliver his daughter Marjory as an hostage. [9th July.]

Heming. i. 124. But Wallace scorned submissions; leaving the opulent and powerful Barons to treat with their conquerors, he collected together the faithful companions of his fortunes, and retired indignantly towards the north. The only Baron who adhered to him was Sir Andrew Moray of Bothwell.

Edward

* 'Dicens, se nolle ulterius cum discordantibus et variantibus militare;' *W. Hemingsford*, T. i. p. 123.

† This remarkable instrument is of the following import: 'Be it known to all men: Whereas we, with the commons of our country, did rise in arms against our Lord Edward, and, against his peace, in his territories of Scotland and Galloway, did burn, slay, and commit divers robberies, [*fait arsens, homicides, et divers robberies*]; we therefore, in our own name, and in the name of all our adherents, agree to make every reparation and atonement that shall be required by our Sovereign Lord; reserving always what is contained in a writing which we have procured from Sir Henry Percy and Sir Robert Clifford, commanders of the English forces; at Irvine, 9th July 1297;' *Foedera*, T. ii. p. 774. To this instrument these words are subjoined: 'Escrit à Sire Willaume' The meaning is, as I presume, that the Barons had notified to Wallace, that they had made terms of accommodation for themselves and their party.

1297.

Edward accepted the submission of the Scottish barons who had been in arms. He also granted liberty to the Barons whom he had made prisoners in the course of the former year; but under this condition, 'That they should serve him in his wars against France*.'

W. Heming. i.
124.
Food. ii. 772.
—782.

The measure was politic. He perceived that it was vain to hold the Barons in confinement, while their vassals and ancient dependents were at liberty †. By this artifice, of employing the leaders, he hoped to allure the meaner sort from Scotland, and to waste them insensibly in foreign wars.

The Barons who made the capitulation at Irvine, had treated not only for themselves, but for their party. Wallace and his associates would not accede to the capitulation. The Bishop of Glasgow, who had negotiated the treaty, and Sir William Douglas, who had concurred in it, behaved with more honour than is generally to be found in the transactions of those loose times. Finding themselves unable to perform

Heming. i.
124.
Trivet. 300.

* Their names were, John Comyn Earl of Buchan, Constable of Scotland, Alexander Comyn of Buchan; Alexander and Robert the brothers of John Comyn of Badenoch; John Comyn the younger of Badenoch, [he became bound to give his son as an hostage,] John Comyn of Kilbride; John Earl of Athole, John de Menteth, brother of the Earl of Menteth; Richard Seward, late governor of Dunbar; David de Brechin; William Bifet, son and heir of the deceased Robert Bifet; Richard Lovel, son and heir of the deceased Hugh Lovel; Godéfrey and William de Ros; David the son and David the brother of Patrick Graham; John de Glenurhard; Hugh de Airth; John and Randolph de Grant; Laurence de Angus; Alexander Corbet; Brice Tailor; Alan de Lafceles; Herbert de Morham; Alexander M'Glav, (filius Glav); William Marechal, and John de Drummond.

† *Hemingsford* points this out in strong terms: 'Tota etiam familia magnatum adhaerebat ei. (W. Walays), et licet ipsi magnates cum Rege nostro essent corpore, cor tamen eorum longè erat ab eo;' T. i. p. 125.

1297.

perform what they had covenanted, they voluntarily surrendered themselves prisoners to the English*.

Heming. i.
124.

Wallace ascribed the conduct of Wisheart to traitorous pusillanimity. In the first heat of resentment, he flew to the Bishop's house, pillaged his effects, and led his family captive †.

Ford. xi. 29.

Under the conduct of Wallace and Sir Andrew Moray, the Scottish army increased in numbers and force. While Wallace besieged the castle of Dundee, he received intelligence, that the English drew near Stirling. Wallace charged the citizens of Dundee, under pain of death, to continue the blockade of the castle. He hastened with all his troops to guard the important passage of the Forth; and encamped behind a rising ground in the neighbourhood of the abbey of Cambuskenneth.

Ford. ii. 787.

Brian Fitz-allan had been appointed governor of Scotland by the English King. Warenne remained with the army, waiting the arrival of his successor. He therefore studied to avoid a general action. He imagined that Wallace might be induced, by fair conditions, to lay down his arms, and dispatched two friars to the Scottish camp, proffering terms. 'Return,' said Wallace, 'and tell your masters, that we came not here to treat, but to assert our right, and to set Scotland free: Let them advance, they will find us prepared ‡.'

Heming. i.
226.

He

* It must, however, be remarked, that Edward ascribed this voluntary surrender to the treachery of Wisheart. He asserted, that Wisheart repaired to the castle of Roxburgh under pretence of yielding himself up, but with the concealed purpose of forming a conspiracy, in order to betray that castle to the Scots. In proof of this, Edward appealed to intercepted letters of Wisheart; *Ancient muniments*, London.

† 'Iratus animo, perrexit ad domum Episcopi, et omnem ejus supellestem, arma, et equos, filios etiam Episcopi, nepotum nomine nuncupatos, secum abduxit;' T. i. p. 124.

‡ 'Nos paratos invenient etiam in barbas eorum;' *W. Hemingford*, T. i. p. 126. I believe that the expression might be aptly translated, 'we send them defiance.'

1297.

‘He defies us,’ cried the English, and impatiently demanded to be led on. Sir Richard Lundin remonstrated against the extravagance of making a numerous army defile by a long narrow wooden bridge, in presence of the enemy *; telling them, that the Scots would attack them before they could form on the plain to the north of the bridge, and thus overthrow their disunited forces. He offered to shew them a ford, and with five hundred horse, and a select detachment of infantry, to come round upon the rear of the enemy, and by this diversion, facilitate the operations of the main body. His judicious proposal was rejected, under pretence that the army would be thereby divided; but probably because the English were not assured of his fidelity. Warrenne himself still inclined to avoid a general engagement; but Cressingham passionately exclaimed, ‘Why do we thus protract the war, and waste the King’s treasures? Let us fight, as is our bounden duty.’

Heming. i.
127.
Trivet, 307.

To the ignorant impetuosity of this ecclesiastic, Warrenne submitted his own judgement. The English army began to pass over; Cressingham led the van. Wallace rushed down, and broke them in a moment. The wretched Cressingham fell; many thousands were slain on the field, or drowned in their flight. The loss of the Scots would have been inconsiderable, if Sir Andrew Moray of Bothwell, the faithful companion of Wallace, had not received a mortal wound †. [11th September 1297.]

Ford. xi. 29.

A

* ‘Quoniam, ut dicebant quidam, qui in eodem conflictu fuerant, si a summo mane usque ad horam undecimam, absque ulla interruptione vel impedimento, transissent, adhuc extrema pars exercitus in parte magna remansisset; nec fuit aptior locus in regno Scotiae ad concludendum Anglicos in manus Scotorum, et multos in manus paucorum?’ *W. Hemingsford, T. i. p. 128.* He says, that the English army consisted of 1000 horsemen and 50,000 foot; *ibid. p. 127.*

† ‘Vulneratus occubuit;’ *Fordun, L. xi. c. 29.* The indignities with which the Scots

1297.

Heming. i.
130.

A panic seized the English who had been spectators of the rout; they burnt the bridge *, abandoned all their baggage, and precipitantly fled to Berwick †. Thus was Scotland once more free.

Ford. xi. 29.

The surrender of the castle of Dundee, and of the other strengths of Scotland, was the immediate consequence of the victory at Stirling. The Scots took possession of the town of Berwick, which the English had evacuated.

Ford. xi. 29.

A great famine arose in Scotland, the consequence of bad seasons, and of the disorders of war. With the view of procuring sustenance to his numerous followers, Wallace marched his whole army into the north of England. He took as his partner in command the young Sir Andrew Moray, whose father had fallen at Stirling.

Heming. i.
131.—136.

The English historians pathetically describe the terrors and misery of the inhabitants of Cumberland and Northumberland at this season. The Scottish inroads were generally momentary and transient; but *now* a mighty army fixed its residence in the north of England. That wide tract of country from Cocker-mouth and Carlisle to the gates of Newcastle,

Scots treated the dead body of Cressingham must not be passed over in silence, however dishonourable to the conquerors. ‘*Quem excoriantes Scoti, dividerunt inter se pellem ipsius in modicas partes, non quidem ad reliquias, sed in contumelias; erat enim pulcher et grossus nimis;*’ *W. Hemingford, T. i. p. 130. Abercrombie, vol. i. p. 531.* says, ‘that they made girths of his skin.’ Others say, that they made *saddles* of it. I cannot discover the origin of such exaggerations. It is well that the Scots are not said to have used the skin of Cressingham for tent-coverings and camp-cloaks.

* Buchanan, following *Blind Harry*, reports, that the bridge broke down by means of a stratagem of Wallace. The story is too childish to be repeated. I only mention it, to show how our historians, from the love of the marvellous, have depreciated the glory due to the valour of their countrymen.

† *Hemingford* gives a lively example of this, ‘*Comes noster, oblitus senectutis suae, profectus est apud Berewyck, cum festinatione tanta, quod dextrarius, in quo federat, in stabulo Fratrum Minorum positus, nusquam pabulum gustavit;*’ *T. i. p. 131.*

1297.

Newcastle, was wasted with all the fury of revenge, licence, and rapacity. Wallace attempted to repress these outrages, but in vain: ‘Abide with me,’ said he to the Canons of Hexceldsham, ‘there alone can you be secure; for my people are evil-doers, and I may not punish them*.’

This grievous visitation endured for upwards of three weeks †. *Heming. i. 132.*
Wallace then drew off his army.

1298.

Wallace now assumed the title of *Governor of Scotland, in name of King John, and by the consent of the Scottish nation* ‡. *Anderson, Diplomata Scotiae, No. 44.*

That

* It was at this time that he granted the famous protection to the Prior and Convent: It runs thus: ‘Andreas de Moravia et Willelmus Wallensis, (i. Walays.) *Duces exercitus Scotiae, nomine praeclari Principis Domini Johannis, Dei gratia, Regis Scotiae illustris, de consensu communitatis regni ejusdem, omnibus hominibus dicti regni ad quos praesentes literae pervenerint, salutem. Sciatis, nos, nomine dicti Regis, Priorem et Conventum de Hexhildesham in Northumbria, terras suas, homines suos, et universas eorum possessiones, ac omnia bona sua, mobilia et immobilia, sub firma pace et protectione ipsius Domini Regis, et nostra, justè suscepisse. Quare firmiter prohibemus, ne quis eisin personis, terris, seu rebus, malum, molestiam, injuriam, seu gravamen aliquod inferre praesumat, super plenaria forisfactura ipsius Domini Regis, aut mortem eis, vel alicui eorum, inferat, sub poena amissionis vitae et membrorum; praesentibus post annum minimè valeturis. Dat. apud Hexhildesham, vii. die Novembris; W. Hemingford, T. i. p. 135.* It will be remarked, that, in this instrument, Wallace assumes not the character of *governor*. He and his companion assume no other title but that of *leaders of the Scottish army*. They act in the name of John Balliol, whom they still chose to acknowledge as their sovereign. The prohibition to slay any ecclesiastic of the convent of Hexceldsham, shows that the Scots had been guilty of uncommon barbarities. This protection, by letters patent, was to continue in force for a year, and no longer. Wallace hereby intimated his intention, either of remaining *long* in Northumberland, or of returning *soon*.

† ‘Vacabant Scoti incendiis et rapinis a festo Sancti Lucae, (18th October,) usque ad festum Sancti Martini,’ (11th November); *W. Hemingford, T. i. p. 132.*

‡ ‘Willelmus Walays miles, *custos regni Scotiae, et ductor exercituum ejusdem, nomine*

1298.

That he deserved the office, is certain. *How* he obtained it, must remain for ever problematical.

Under that title he conferred the constabulary of Dundee on 'Alexander, named *Skirmisbur*, and his heirs, for his faithful aid in 'bearing the royal banner of Scotland, which service he actually performs.' This grant is said to have been made 'with the consent and 'approbation of the Scottish nobility *,' [29th March 1298.]

Ford. xi. 31.

From this period I presume to date that jealousy which the great Barons of Scotland entertained of Wallace. Fordun reports, that it was the language of many of the nobility, 'We will not have this 'man to rule over us.' His elevation wounded their pride; his great services reproached their inactivity in the public cause. Pride and envy might affect to consider his hereditary grants as an alarming exercise of sovereign power. Thus did the spirit of distrust inflame the passions and perplex the counsels of the nation, at that important moment, when the being of Scotland depended on its unanimity.

*Foed. ii. 791.
813.*

Edward had passed over to Flanders before the battle of Stirling. He remained there till spring 1298 †.

Returning

* 'nomine praeclari Principis Domini Johannis, Dei gratiâ, Regis Scotiae illustris, de 'consensu communitatis ejusdem;' *Anderfon*, *Diplomata Scotiae*, No 44.

* 'Pro fideli servitio suo et succursu suo praedicto regno impenso, portando vexillum regium in exercitu Scotiae tempore confectionis praesentium, apud Torphichen ' [in West Lothian,] 29th March 1298.' The grant bears, 'per consensum et assensum 'magnatum dicti regni.' I suppose that this must be understood of the Barons who were in the army of Wallace.

† He left England on the 22d August 1297, and returned on the 14th March 1298. He landed at Sandwich; *Foedera*, T. ii. p. 791. p. 813. I mention this last date, as it shows the great improbability of our popular story that Edward met the army of Wallace on Stanmore, 20th March 1297-8, [St Cuthbert's day]; *A. Blair*, *Relationes*, p. 4. 5. quarto edition.

1298.

Returning to England, he summoned the Scottish Barons to a parliament at York, under pain of rebellion. The Scottish Barons, from the dread of Wallace, or from aversion to Edward, disobeyed the summons. The English army advanced towards the borders. The Scots retired.

Heming. i.
144-145.

The English rendezvoused at Berwick, formidable in numbers, and animated by the presence of their sovereign *

Heming. i. 159.

A body of English, commanded by Aymer de Valloins, Earl of Pembroke, landed in the north of Fife. Wallace attacked and routed them in the forest of *Black Ironside* [12th June 1298.] Of the Scots, Sir Duncan Balfour sheriff of Fife was slain †.

A. Blair, Re-
lations, 5.

In

* *W. Hemingford*, says that this army excelled in cavalry. There were 3000 horsemen armed at all points, and upwards of 4000 horsemen in armour, but whose horses were not armed. ‘*Tria millia electorum in equis armatis, praeter equitantes armatos*’ ‘*in equis non armatis, qui numerabantur plusquam quatuor millia electa.*’ The King desired no infantry except volunteers: Their number amounted to 80000; *T. i. p. 159.*

† This is related on the credit of the Scottish historians. The English mention it not. The story, however, is not inconsistent with probability. I cannot say so much for the famous story of *the Barns of Air*. It is asserted, that Wallace, accompanied by Sir John Graham, Sir John Menteth, and Alexander Scrymgeour Constable of Dundee, went into the west of Scotland to chastise the men of Galloway, who had espoused the party of the Comyns and the English. That, on the 28th August 1298, they set fire to some granaries in the neighbourhood of Air, and burnt the English cantoned in them; *A. Blair*, p. 5. *J. Major*, fol. 70. This relation is liable to much suspicion. 1. Sir John Graham could have no share in the enterprize, for he was killed at Falkirk 22d July 1298. 2. Comyn, the younger of Badenoch, was the only man of the name of Comyn who had any interest in Galloway, and he was at that time of Wallace’s party. 3. It is not probable that Wallace would have undertaken such an enterprize immediately after the discomfiture at Falkirk. I believe that this story took its rise from the pillaging of the English quarters about the time of the treaty of Irvine in 1297, which, as being an incident of little consequence, I omitted in the course of this history. See *W. Hemingford*, T. i. p. 123.

1298.

Heming.i.160. In June Edward invaded Scotland by the way of the eastern borders. No place resisted him except the castle of Dirleton. After a resolute defence, it surrendered to Anthony Beck, Bishop of Durham*.

Meanwhile the Scots were assembling all their strength in the interior part of the country. Few Barons of eminence repaired to the national standard. They whose names are recorded, were John Comyn of Badenoch, the younger; Sir John Stewart of Bonkill, brother to *The Stewart*; Sir John Graham of Abercorn †; and Macduff, the grand-uncle of the young Earl of Fife. Robert Bruce again acceded to the Scottish party, and with his followers guarded the important castle of Air, which kept the communication open with Galloway, Argyleshire, and the Isles ‡.

Heming.i.160.
161. The aim of Edward was to penetrate into the west, and *there* to terminate the war. He appointed a fleet, with provisions, to proceed to the Frith of Clyde, and await his arrival in those parts. This precaution was absolutely necessary for the subsistence of his numerous army in a country impoverished and waste.

Waiting

* This castle belonged to the *de Vallibus*; or, *de Vaux*. From its ruins it appears to have been once a mighty fabric.

† Sir John Graham has been generally called of *Dundaff*. Symphon, *History of the Stewarts*, p. 63. calls him of *Abercorn*. See also *Abercrombie*, Vol. i. p. 550. Graham Dominus de Abercorn, in 1303, was proprietor of Dalkeith; *Dalrymple*, p. 397. That estate went from the Grahams to the Douglasses, and was purchased from the family of Morton in 1642 by the family of Buccleugh.

‡ During the course of this winter, Sir Robert Clifford had made two inroads into Annandale, ravaged Bruce's estates, and burnt Annan and ten villages in its neighbourhood; *W Hemingford*, T. i. p. 137. It might be conjectured that such hostilities had estranged Bruce from the English cause; but, in truth, it is hard to reconcile his conduct, in the earlier part of his life, to any principle either of honour or interest; it was altogether capricious and desultory.

1298.

Waiting for accounts of the arrival of his fleet, he established his head-quarters at Temple-lifton, between Edinburgh and Linlithgow *. *Trivet. 312.*

A dangerous insurrection arose in his camp. He had bestowed a donative of wine among his soldiers; they became intoxicated; a national quarrel ensued. In this tumult the Welsh slew eighteen English ecclesiastics †. The English horsemen rode in among the Welsh, and revenged this outrage with great slaughter. The Welsh in disgust separated themselves from the army. It was reported to Edward, that they had mutinied, and gone over to the Scots: 'I care not,' said Edward, dissembling the danger; 'let my enemies go and join my enemies; I trust that in one day I shall chastise them all.'

Edward was now placed in most critical circumstances. As the fleet with provisions had been detained by contrary winds, he could not venture to advance, neither could he subsist any longer in his present quarters. To retreat would have sullied the glory of his arms, and exposed him to the obloquy and murmurs of a discontented people. Yet he submitted to this hard necessity. Abandoning every prospect of ambition and revenge, he commanded his army to return to the eastern borders. At that moment intelligence arrived, that the Scots were advanced to Falkirk. *Heming. i. 162.*

Edward instantly marched against them. His army lay that night in the fields ‡. While Edward slept on the ground, his war-horse struck *Heming. i. 162. 163.*

* *Sir Robert Sibbald, Comment. in Relat. A. Blair, p. 31. says, at Torphichen, because Blind Harry says so. It was an admirable idea to correct W. Hemingford by Blind Harry! Had Edward fixed his head-quarters at Torphichen, his communication with Edinburgh and the Frith of Forth would have been speedily cut off.*

† 'Rixantes cum Anglis extenderunt manus noxias in *Christos Domini* [the anointment of the Lord,] perimentes eis xviii parsonas;' *W. Hemingford, p. 161.*

‡ On a heath to the east of Linlithgow, where the cavalry would have had room to act, if the Scots had attacked them in the night.

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struck him, and broke two of his ribs. The alarm arose, that the King was wounded: They who knew not the cause, repeated the cry, 'The King is wounded; there is treason in the camp; the enemy is upon us.' Edward mounted on horseback, and by his presence dispelled the panic. With a fortitude of spirit superior to pain, he led on his troops. At break of day, the Scottish army was descried, forming on a stony field at the side of a small eminence in the neighbourhood of Falkirk*.

Wallace ranged his infantry in four bodies of a circular form. The archers, commanded by Sir John Stewart, were placed in the intervals. The horse, amounting to no more than a thousand, were at some distance in the rear. On the front of the Scots lay a morass.

Walsing. 75.
M. West. 451.

Having drawn up his troops in this order, Wallace pleasantly said, 'Now I have brought you to *the ring*, dance according to your skill †.'

Edward

'In campo duro, et in latere uno cujusdam monticillii juxta Fawkirke;' *W. Hemingford*, T. i. p. 163.

* *W. Hemingford* is the only historian who gives a circumstantial account of the arrangement of the Scots. He enters into so minute a detail, that there can be no doubt of his having received it from some eye-witness. His words are, 'Statuerunt enim Scotti omnem plebem suam per turmas quatuor, in modum circularum rotundorum, in quibus quidem circulis fedebant viri lancearii, cum lanceis suis obliqualiter erectis. Conjuncti quidem unusquisque ad alterum, et versis vultibus in circumferentiam circularum. Inter circulos illos erant spacia quaedam intermedia, in quibus stuebantur viri sagittarii. Et in extrema parte retrorsum erant equestres eorum;' T. i. p. 163.

† This speech of Wallace has generally been related and explained in a sense very different. I must therefore give my reasons for having departed so widely from the common opinion. *Walsingham*, p. 75. says, 'Dicens eis patriâ linguâ, *I haif brocht you to the King, hop gif you can.*' This short speech has always appeared to me as utterly inconsistent with the character of Wallace. It is commonly understood to mean, 'I have brought you to the King, hope if you can hope.' To say nothing of the impropriety

of

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Edward placed his chief confidence in the numerous and formidable ^{Hemings. 164.} body of horsemen, whom he had selected for the Scottish expedition *. He ranged them in three lines ; the first was led by Bigot Earl Marshal, and

of the appellation of *King*, bestowed by Wallace on Edward, the sentiment, ' you can hope,' seems only fit for the mouth of a coward or a traitor. Abercrombie, perceiving this, has given a more plausible interpretation of the word *hop*. He renders the phrase thus, ' Fly if you can ;' as if Wallace had meant to say, ' Fight, for you cannot fly.' There is nothing incongruous in this sentiment ; but surely it did not merit to be recorded : Neither was it strictly true ; for the Scottish army might have retired with unbroken forces into the forest which lay in the rear. The only satisfactory interpretation of Wallace's address to his troops is to be found in M. Westm. p. 451. ' Ecce adduxi vos ad *annulum*, charolate [chorolate,] sive tripudiate vos, sicut melius scitis.' *King* in Walsingham ought to be *ring* : The words of Wallace were, ' I haif brocht you to the ring, hap, if you can.' *The ring* means the *dance à la ronde*. Douglas translates ' Exercet Diana *choros*,' Æneid ii. thus, ' Ledand *ring-dances* ;' p. 28. l. 42. ' Te iustrare *choros*,' Æneid vii. thus, ' To the scho led *ring-fangis* in karo-ling ;' p. 220. l. 31. Elsewhere, in his own person, he says, ' Sum sang *ring-fangis* ;' Prologue xii. B. p. 402. l. 33. That *hap* or *hop* is understood of dancing, is also plain from Douglas. He thus paraphrases ' Hic exultantes Salios,' Æneid. viii.

' The danfand Preiftis, clepit *Salii*,

' *Happand* and *fangand* ;' p. 267. l. 21.

I need not prove, that ' gif you can,' implies ' if you have skill,' or, ' according to your skill.' The verb is obsolete ; but the noun and the adjective are still remembered. ' Let my right hand forget its *cunning*.' ' A *cunning* artificer,' ' a *cunning* man.'

* ' Comites primae aciei, sc. Comes Marefcallus, Comes Herfordensis, et Comes Lincolnienfis, direxerunt aciem suam linealiter ad hostes, nescientes *lacum* intermedium *bituminosum*. [what we term a *peat-moss*, and what in Ireland is termed a *turf-bog*,] quem cum vidissent, circumduxerunt eum versus occidentem, et sic in parte retardati sunt : Acies vero secunda, scilicet Dunelmensis episcopi, quae constituta fuerat ex xxxvi vexillariis electis, sciens impedimentum laci illius, tendebat ad orientem, ut eum circumduceret ;' *W. Hemingsford*, T. 1. p. 164. I imagine that the three thousand men at arms, or *equites cataphracti*, were in these two lines, and that the rest of the cavalry was placed in the King's division.

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and the Earls of Hereford and Lincoln; the second by the Bishop of Durham, having under him Sir Ralph Basset of Drayton; the third, intended for a reserve, was led by the King himself. No mention is made of the disposition of the English infantry: It is probable that they were drawn up behind, to support the cavalry, and to annoy the Scots with their arrows, and other missile weapons.

Bigot, at the head of the first line, rushed on to the charge. He was checked by the morafs, which in his impetuosity he had overlooked. This obliged him to incline to the solid ground on his left, towards the right flank of the Scottish army. The Bishop of Durham, who led the second line, inclined to the right, turned the morafs, and advanced towards the left flank of the Scottish army. He proposed to halt, till the reserve should advance. 'To mafs, Bishop,' cried Basset, and instantly charged. The flock of the English cavalry on each side was violent, and gallantly withstood by the Scottish infantry: But the Scottish cavalry, dismayed at the number and force of the English men at arms, immediately quitted the field. Stewart, while giving orders to his archers, was thrown from his horse, and slain. His archers crowded round his body, and perished with him *. Often did the English strive to force the Scottish circle: 'They could not penetrate into that wood of spears,' as one of their historians speaks. By repeated charges, the outermost ranks were brought to the ground. The English
infantry

* This is well described by *Hemingford*. 'Inter quos frater senescalli Scotiae, cum ordinasset viros sagittarios de foresta de Selkyrke, casu ex equo cecidit, et inter eosdem sagittarios occisus est. Circumsteterunt enim eum iidem sagittarii, et cum eo corruerunt homines quidem elegantis formae et procerae staturae.' T. 1. p. 165. In those days *the Forest of Selkyrke* appears to have comprehended not only the tract now known by that name, but also the upper part of Clydesdale and Ayrshire. Thus *Hemingford* says, p. 165. 'Diverterunt nostri per medium forestae de Selkyrke, usque castellum de Aye.'

1298.

infantry incessantly galled the Scots with showers of stones and arrows *. M'Duff and Sir John Graham fell †. At length the Scots were broken by the numbers and weight of the English cavalry, and the rout became universal. [22d July 1298.] Ford. xi. 34.

The number of the Scots slain in this battle must have been very great †. As is commonly the case, it is exaggerated by the historians of the victors, and reduced too low by the historians of the vanquished.

On the side of the English, the loss was inconsiderable. The only persons of note who fell were Brian le Jay, Master of the English Templars §, and the Prior of Torphichen in Scotland, a knight of another order of religious soldiery. Trivet. 313.
M. West. 431.

I have

* ‘Peremptis vero sagittariis, dederunt se nostri ad Scottos lancearios qui, ut dictum est, sedebant in circulis cum lanceis obliquatis, et in modum silvae condensae. Dumque non possent equestres ingredi prae multitudine lancearum, percusserunt exteriores et perforaverunt plures lanceis suis. Sed et pedestres nostri sagittabant eos, et quidem allatis rotundis lapidibus, quorum erat ibi multitudo copiosa, lapidabant eos;’ *W. Hemingford*, T. i. p. 165.

† It is a general tradition, that Sir John Graham was slain at Falkirk. The inscription on his tomb is,

‘Mente manaque potens, et Vallae fidus Achates,
‘Conditur his Gramus, bello interfectus ab Anglis.’

This epitaph, I doubt, is not so ancient as the 13th century.

‡ *Walsingham*, p. 42. computes the number of the slain at 60000. *W. Hemingford*, T. i. p. 165. at 50000. *M. Westm.* p. 431. at 40000. *Trivet*, p. 313. at 20000. *Buchanan*, L. viii. p. 139. at 10000.

§ Boece, seeing his name written, *Frere Brian Jay*, has Latinized it thus, *Frerus Brianges*. He says, that this *Frerus Brianges* was ‘Multum peritiâ belli apud suos insignis;’ *Scot. Hist.* B. xiv. fol. 296. a. As *Frerus Brianges* was a warrior of Boece’s own making, he could do no less than provide him with a character. Buchanan mended the style a little, but tells the same story. ‘Ex Anglis, *Frerus Briangius*, in re militari apud suos magni nominis;’ p. 139.

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I have drawn up this account of the action at Falkirk from the testimony of the English historians. They have done justice to the courage and steadiness of their enemies, while our historians have represented their own countrymen as occupied in frivolous unmeaning contests, and, from treachery or resentment, abandoning the public cause in the day of trial*.

The

* It would be tedious and unprofitable to recite all that has been said on this subject by our own writers from Fordun to Abercrombie. How Wallace, Stewart, and Comyn, quarrelled on the punctilio of leading the van of an army which stood on the defensive: How Stewart compared Wallace to 'an owl with borrowed feathers.' How the Scottish commanders, busied in this frivolous altercation, had no leisure to form their army: How Comyn traiterously withdrew with 10000 men; how Wallace, from resentment, followed his example: How, by such disastrous incidents, the Scottish army was enfeebled, and Stewart and his party abandoned to destruction. Our histories abound in trash of this kind: There is scarcely one of our writers who has not produced an invective against Comyn, or an apology for Wallace, or a lamentation over the deserted Stewart. What dissensions may have prevailed among the Scottish commanders, it is impossible to know. It appears not to me that their dissensions had any influence on their conduct in the day of battle. The truth seems to be this: The English cavalry greatly exceeded the Scottish in numbers, were infinitely better equipped, and more adroit: The Scottish cavalry were intimidated, and fled. Had they remained on the field, they might have preserved their honour; but they never could have turned the chance of that day. It was natural, however, for such of the infantry as survived the engagement, to impute their disaster to the defection of the cavalry. National pride would ascribe their flight to treachery rather than to pusillanimity. It is not improbable that Comyn commanded the cavalry; hence a report may have been spread, that Comyn betrayed his country; this report has been embellished by each successive relator. When men are seized with a panic, their commander *must* from necessity, or *will* from prudence, accompany them in their flight. Earl Warrenne fled with his army from Stirling to Berwick; yet Edward I. did not punish him as a traitor or a coward.

The tale of Comyn's treachery, and Wallace's ill-timed resentment, may have gained credit, because it is a pretty tale, and not improbable in itself: But it amazes me that the story of the *congress* of Bruce and Wallace after the battle of Falkirk should have gained

1298.

The Scots in their retreat burnt the town and castle of Stirling. Edward repaired the castle, and made it a place of arms. He then marched into the west. At his approach, Bruce burnt the castle of Air, and retired. Edward would have pursued him into Carrick; but the want of provisions stopped his further progress *. He turned into Annandale, took Bruce's castle of Lochmaben, and then departed out of Scotland by the western borders.

Here may be remarked the fatal precipitancy of the Scots. If they had studied to protract the campaign, instead of hazarding a general action at Falkirk, they would have foiled the whole power of Edward, and reduced him to the necessity of an inglorious retreat.

Edward held a parliament at Carlisle. He bestowed the estates of several of the Scottish Lords on his own followers. As Edward was master of a small part of Scotland only, these estates were given rather

in

gained credit. I lay aside the full evidence which we now possess, 'that Bruce was not, at that time, of the English party, nor present at the battle.' For it must be admitted, that our historians knew nothing of those circumstances which demonstrate the impossibility of *the congress*. But the wonder is, that men of sound judgment should not have seen the absurdity of a long conversation between the commander of a flying army, and one of the leaders of a victorious army. When Fordun told the story, he placed 'a narrow but inaccessible glen' between the speakers. Later historians have substituted the river Carron in the place of the inaccessible glen, and they make Bruce and Wallace talk across the river like two young declaimers from the pulpits in a school of rhetoric.

* 'Cumque fuisset voluntatis Regiae, ut tunc *Gallowalliam* ingrederetur, deficiente tamen pane, defecit et propositum ejus;' *W. Hemingford*, T. i. p. 166. It is plain that the historian speaks of that part of the ancient Galloway which is now called *Carrick*. As that was the estate of Bruce, we have here an additional evidence that Bruce was in arms against England. The seizing the castle of Lochmaben is another circumstance, tending to the same conclusion.

1298.

in *hope* than *possession*. By thus gratifying some of his followers, he disgruntled others*.

1299.

Prynne, iii.
605.

Balliol had remained a prisoner ever since 1296. He had used disgraceful methods to recover his liberty. He had solemnly declared, 'That he would never have any intercourse with the Scots, that he had found them a false and treacherous people, and that he had ground to suspect them of an intention to poison him.' Notwithstanding such solemn professions, Edward still detained Balliol in captivity. At length, by the mediation of the Pope, he enlarged him; but after a singular form: He ordered the governor of Dover to convey him to the French coast, and *there* to deliver him to the papal Nuncio, 'with full power to the Pope to dispose of Balliol and his English estate.' The governor of Dover conveyed him to Wissant, delivered him to the Nuncio, in presence of a notary and witnesses, and took a receipt for his person. [18th July 1299 †.]

Foed. ii. 840.
846.

While

* *Hemingford*, T. i. p. 166. relates an incident, which, though doubtful, must not be omitted. About the time of the battle of Falkirk, one Thomas Bisset came with a body of troops from Ireland, in aid of the Scots, as was supposed. He landed in the island of Arran, and made himself master of it. Hearing of the defeat of the Scots, he notified to Edward, that he had come to assist the English, and had conquered the island in their name; in consideration of his services, he requested a grant of the island to him and his heirs. Edward had promised to make no grants in Scotland without the advice of the Earl Marshall and the Earl of Hereford: Forgetful of this promise, he complied with the request of Bisset. Of the other grants, *Hemingford* thus speaks: 'Assignavit et dedit *in spe* magnatibus suis terras multas magnatorum regni Scotiae, scilicet comitatus comitibus, et baronias baronibus: *Vallem tamen Annandiae*, nec *Galeywayam*, et quosdam comitatus, nemini assignavit. Sed, ut dicitur, ex causa distulit, ne exandererent comites qui paulo ante recefferant, nec fortiti sunt partem inter pares suos;' *Ibid.* p. 166. 167.

† It is reported, that Edward said, in his harsh laconic manner, 'I will send him to the Pope as a perjured man, and a seducer of the people;' *Walsingham*, *Hist. Angl.*

1298.

While Balliol was reduced to this abject state, the Scots still continued to acknowledge him as their sovereign. Notwithstanding the calamity at Falkirk, they were still in possession of the whole country beyond the Forth. Galloway also remained free.

By general consent, William Lamberton Bishop of St Andrew's, *Feod. ii. 859* Robert Bruce Earl of Carrick, and John Comyn the younger *, were chosen guardians of Scotland, in the name of Balliol. Wallace was now reduced to the condition of a private man; nor does it appear that he retained any command in the armies, or influence in the councils, of that nation which he had once freed †.

The first enterprize of the new guardians was against the castle of *Trivet. 316.* Stirling. Edward well knew the importance of that fortress. He prepared to succour the besieged. The Scots posted themselves at *The Torwood* ‡. Their ground was judiciously chosen. It would *Feod. ii. 859.* have

p. 76. Walsingham also says, that when Balliol's coffers were searched at Dover, a gold crown and the great seal of Scotland, were found in his possession; *Ibid.* p. 77. It is hard to explain how the great seal of Scotland should have remained in the hands of Balliol.

* This affords most satisfying evidence, that Comyn was not suspected of any treachery at Falkirk. 'Bruce guardian of Scotland, in the name of Balliol,' is one of those historical phenomena which are inexplicable. *Fordun*, L. xi. c. 34. says, that Balliol named Sir John Soulis a co-regent; but that Soulis, a weak and harsh man, [simplex et rigorosus] was often thwarted by his colleagues, and retired to France in disgust. It appears from *Ryley*, p. 351. that Soulis was one of the guardians of Scotland about 1303.

† We read in *Trivet*, p. 334. 'volebant majores Scotiae, post praelium de Faukirke, Willelmo Waleys tanquam duci et capitaneo obedire.' The context shows that *volebant* is written erroneously for *nolebant*.

‡ It was from the Torwood, in *foresta del Torre*, that the guardians wrote a letter to Edward, with this singular address, 'Wishing him health and the spirit of charity towards his neighbour, [caritatis spiritum erga proximum cum salute], 13th Nov. 1399. *Foedera*, T. ii. p. 859. This letter respected an armistice, upon the conditions of which the parties could not agree.

1298.

have been hardly practicable for Edward to raise the siege of Stirling, without dislodging the Scots from *The Torwood*. His cavalry could not have acted *there*, as in the plains of Falkirk. Yet he was resolved to hazard a battle, notwithstanding every disadvantage of ground. In November, he assembled his army at Berwick; but his Barons pre-emptorily refused to advance. They urged the inclemency of the season, and the dangers of a winter-campaign*. The chief cause, however, of their refusal was, that Edward had not effectually confirmed certain privileges to them according to his promise. Edward ordered the garrison of Stirling castle to capitulate †, and returned home in disgust.

Heming i. 170.*Trivet*, 316.

1300.

Trivet, 316.

In this summer, Edward invaded Scotland by the western marches. His expedition terminated in wasting Annandale, and receiving the submission of the men of Galloway. The Scots had been taught, by fatal experience, how to maintain a defensive war. They chose their posts with skill, and they avoided a general action. According to an English historian, 'The Welch in the English service would not act, and the cavalry could not.' By the mediation of France, a truce was concluded with the Scots, to endure till Whit Sunday 1301 †. [Dumfries, 30th October 1300.]

Foed. ii. 868.
—870.

Robert

* 'Causantibus majoribus loca palustria, propter brumalem intemperiem, immeabilia esse;' *Trivet*, p. 316. The meaning seems to be, that the English army could not arrive at Stirling without passing through some of the *carse grounds*, and that they were impracticable for cavalry at that season of the year.

† *M. West.* p. 445. says, that the garrison consisted of no more than 60 archers, and that it was reduced to the utmost extremities by famine; it surrendered to Sir John de Soulis who commanded the siege.

‡ There is a proviso in this treaty, that the Scots should not bring in *base* money, nor carry *good* out of England; *Foedera*, T. ii. p. 869. At this time John de St John was the English warden of the Western marches; Adam Gordon, the Scottish; *Foedera*, T. ii. p. 870.

1300.

Robert Wisheart, Bishop of Glasgow, had been long detained prisoner by the English. He was now received into favour, and renewed his oath of fealty in the most solemn form*. *Foed. ii. 867.*

In this year a new competitor for the kingdom of Scotland arose.— *Foed. ii. 844.* Boniface VIII. in a bull directed to Edward, averred, that Scotland belonged of ancient times, and did still of right belong, to the holy See. He supported this extravagant claim by strange authorities; such as, ‘That Scotland had been miraculously converted to the Christian faith by the relicks of St Andrew †.’ He then proceeded to confute the pretensions of Edward, by showing that Scotland owed no feudal dependency to the English crown. He required Edward to free all the Scottish ecclesiastics, particularly Wisheart Bishop of Glasgow ‡, and to remove his officers from *the patrimony of the church*. ‘But, [added he], should you have any pretensions to the whole or any part of Scotland, send your proctors to me within six months; I will hear and determine according to justice. I take the cause under my own peculiar cognifance ¶.’

This

* Not from constraint, but of his own free will, he renewed his fealty, swearing upon the consecrated host, and upon the cross *neyt*, and the black cross of Scotland. ‘Ne mie par destrefce, mes par notre bone e agreable volonte. La foyaute, ke nous ly feyimes avant ces oures, renovelons. Et cest ferment avons nous fet sur le cors nostre Seigneur, et la cross neyt, et la blake rode d’Escoce;’ *Foedera*, T. ii. p. 867. [At Holmcoltram, 7th October 1300.]

† *Trivet* was at a loss to understand how the spiritual conquest of Scotland by the bones of St Andrew could confer any right on the successor of St Peter. He therefore put *St Peter* for *St Andrew*; p. 319. The relicks of St Andrew, brought into Scotland by Regulus, consisted of the following pieces: One joint of the Saint’s arm; *item*, Three fingers of his right hand; *item*, One tooth; *item*, One knee-pan; *Fordun*, L. ii. c. 58.

‡ Wisheart had been already set at liberty.

¶ ‘I advocate the cause,’ i. e. I will determine between you and myself. Rymer erroneously dates this bull in 1399.

1300.

Ford. xi. 35.
Walsing. 78.

This interposition of the Pope had been procured by certain Scottish emissaries at the court of Rome *. Walsingham roundly avers, 'That the Scots, knowing all things to be venal at Rome, conciliated the favour of Boniface by large bribes.'

Prynne, iii.
879.

The Pope required the Archbishop of Canterbury, by his clerical obedience, to deliver the bull into the hands of Edward. The Archbishop unwillingly discharged this odious commission. Edward referred the answer to his parliament †.

Prynne, iii.
885.—887.

The Pope's bull afforded matter of very serious consideration to Edward and his counsellors. How they should proceed, was deliberately agitated. Various plans were proposed. Each was liable to objections ‡. The winter was spent in ransacking monasteries for historical vouchers of *the homage*, in procuring the opinions of lawyers, and

* They were William Frier, [dictus Frater, *Foedera*, T. ii. p. 971.], Professor of canon law in the university of Paris, Baldred Bisset, and William Egletham; *Fordun*, L. xi. c. 35. The Pope's arguments for the independency of Scotland were certainly suggested by them. Edward knew this; *Foedera*, T. ii. p. 883. 'Quae procul dubio ab antiquo notoria fuerunt et existunt, licet aliud fortè paternis auribus, *per pacis aemulos et rebellionis filios*, fuerit falsà insinuatione suggestum; quorum machinosa et imaginaria figmenta vestra providentia, quaesumus, aspernetur.'

† Prynne, as well as other compilers, has recorded the Archbishop's answer to the Pope, giving an account of his journey to Scotland, and of his audience of Edward, vol. iii. p. 882. Though disfigured by the ignorance of transcribers, it is curious, and exhibits a lively picture of the state of the country at that time. The Archbishop seems to reckon *Annandale* as part of *Galloway*. *Walsingham* relates, that the Pope wrote, 'Neque esse poterat quin civitas Jerusalem suos cives protegeret, et confidentes in Domino, sicut mons Sion, confoveret.' This having been interpreted to the King, he made answer, with a great oath, 'I will not be silent neither for Sion nor Jerusalem; but while I breathe, I will assert what all the world knows to be my right;' p. 78. The story is characteristical; but, I doubt, is not true; for there is no mention of *Sion and Jerusalem* in the Pope's bull.

‡ Prynne, vol. iii. p. 885.—887. gives a full state of the case. It is incorrectly transcribed. At p. 887. *laicum mandatum*, for *latum mandatum*, makes compleat nonsense.

1300.

and in adjusting proper answers to the Papal pretensions. So important were *pretensions* esteemed, at that period, which in our days can hardly be mentioned without departing from the gravity of historical narrative.

1301.

The English parliament and the King made separate answers to the Pope.

The parliament made answer to this effect: 'All England knows, *Foed. ii. 873*
' that, ever since the first establishment of this kingdom, our Kings
' have been the liege lords of Scotland. At no time has the kingdom
' of Scotland belonged to the church. In temporals, the Kings of
' England are not amenable to the See of Rome. We have, with one
' voice, *resolved*, That, as to temporals, the King of England is in-
' dependent of Rome; that he shall not suffer his independency to be
' questioned; and, therefore, that he shall not send commissioners to
' Rome.

' Such is, and such, we trust in God, will ever be our opinion.

' We do not, we cannot, we must not, permit our King to follow
' measures subversive of *that* government which we have sworn to
' maintain, and which we will maintain *.' [Lincoln, 12th Feb.
1300-1.]

In his answer, the King took a larger compass of argument. Be- *Foed. ii. 883*
ginning from Brute the Trojan, he deduced the feudal homage of *—888.*
Scotland

* That shallow creature Prynne overlooks the noble evidence of *the power of parliament*, arising from this instrument; but takes care to observe, 'That this is a most remarkable evidence of the King of England's ancient indubitable right to, and sovereign dominion over the kingdom and Kings of Scotland in all ages;' vol. iii. p. 893. The Pope's bull affords just as good evidence, that Scotland was the patrimony of St Peter. But 'the instrument was sealed *with one hundred of the seals of the barons*.' Had Boniface supposed, that what was false could be converted into truth, in virtue of the number of seals, he could have produced the seals of a thousand bishopricks, abbeys, and monasteries, in support of his pretensions.

1301.

Scotland down to his own conquest in 1296. But he totally omitted the *renunciation* by the generous Richard*.

To the Pope's claim on the miraculous relicks of St Andrew, Edward opposed another miracle. 'Athelstane King of England,' said he, 'overcame the rebellious Scots in battle, through the intercession of St John of Beverley. He prayed, through the same intercession, for a visible sign, whereby all men of that age, and of the ages to come, might know that the Scots were of right subject to England. Having thus spoken, he drew his sword, struck a flinty rock in the neighbourhood of Dunbar, and made a gash in it of about an ell in length. The evidence of this miracle is twofold: 1. The mark appears on the rock at this day; 2. The legend of the miracle is weekly recited in the church of Beverley, to the praise and glory of St John.' In such a strain did one of the most sagacious princes of that age address himself to the shrewdest ecclesiastic!

Foed. ii. 883.

'This [said he] I communicate to your paternity, not in the form of an answer to a plea, but altogether extrajudicially, and for the single purpose of quieting your conscience.' [7th May 1301.]

Heming. i. 196.

Trivet. 332.

Having thus confuted the Pope, and established the justice of his own cause, Edward again marched into Scotland. This campaign was inactive †. Edward wintered at Linlithgow. He built a castle *there*. His cavalry suffered exceedingly from the severity of the weather, and the scarcity of forage.

Ford. xii. 1.

By

* Wilfully disguising the truth of history, he says, 'That William King of Scots did homage to Richard at Canterbury.' This was the more extraordinary, because he knew that those *enemies of peace*, the Scottish emissaries at Rome, could expose his bad faith and prevarication.

† *Trivet* says, that the castle of Bochenkille surrendered to Edward without resistance; I imagine that *Bonkill* in the Merse is meant; p. 331. Edward built a castle at Linlithgow, which in English is called a Pele; *Fordun*, L. xii. c. 1. That place is still denominated *The Peel*.

1301.

By the mediation of France, a second truce was concluded with the Scots, to endure until St Andrew's day 1302, [ratified by Edward 26th January 1301-2.] *Foed. ii. 892a. —896.*

Subjoined to this treaty, there is a minute, bearing, 'That the French commissioners gave the title of *King* to Balliol, and asserted, that he and the Scots were the allies of France; but the English commissioners asserted, that he was not a King, and that *neither he nor the Scots were allies of France.*'

1302.

We have seen how Boniface VIII. claimed Scotland as a fief of the holy See, and required Edward to remove his officers from *the patrimony of the church*. Alarmed at the resolute answer of the English Barons, or influenced by some meaner motives, he now assumed a different tone. With the cool effrontery of a profligate politician, he thus addressed himself to Wisheart Bishop of Glasgow: 'I have heard with astonishment, that you, as *a rock of offence, and a stone of stumbling*, have been the prime instigator and promoter of the fatal disputes which prevail between the Scottish nation and Edward King of England, my dearly-beloved son in Christ, to the displeasing of the divine Majesty, to the hazard of your own honour and salvation, and to the inexpressible detriment of the kingdom of Scotland. If these things are so, you have rendered yourself odious to God and man. It befits you to repent, and, by your most earnest endeavours after peace, to strive to obtain forgiveness.' [13th August 1302.] *Foed. ii. 902.*

In the same hypocritical style, the Pope directed a bull to all the Bishops of Scotland, concluding thus: 'Hearken to my admonitions, and study to promote the national peace, that I may not be constrained to administer another remedy *.'

After

* 'Nec cogamur super iis aliud remedium adhibere;' *Foedera*, T. ii. p. 905. By this he probably means either excommunication or an interdict.

1302.

Heming. i. 197. After the expiration of the truce, Edward sent an army into Scotland, under the command of John de Segrave. Segrave conducted his troops towards Edinburgh. For the conveniency of quarters, he marched them in three divisions; but so far separated, that they could not support each other. Comyn the guardian, and Simon Fraser, with a small, but chosen band, made a forced march during the night, and at break of day approached the first division, in the neighbourhood of Roslin. Segrave led the first division; instead of falling back, he rashly advanced, and attacked the Scots. His troops were totally defeated, and himself dangerously wounded. With equal gallantry and success, the Scots encountered the second division, and, according to our historians, the third. But this is controverted by the English historians. They report, that Sir Robert Nevill and his men staid behind to hear mass; that, when they came up, they repulsed the Scots *in a great measure*, and recovered many of the prisoners. They add, 'That of all those who staid behind to hear mass, no one was either killed, wounded, or taken prisoner *,' [24th February 1302-3.]

Heming. i. 198.
Trivet, 336.

The

* Our historians may have exaggerated the successes of the Scottish army at Roslin. It must, however, be observed, that the English historians have attempted to throw a veil over the events of that day. This is evident from the manner in which *M. Westm.* p. 445. and *Walsingham*, p. 87. speak. Even Hemingford, though generally a fair writer, leaves more to be collected from his narrative, than he chuses to express. He says, however, 'reversi sunt alii [i. aliqui] in Angliam, deferentes sinistra nova regi.' The miracle related concerning Nevill and his devout attendants. [miraculose ut creditur, contigit,] goes far to prove, that the loss of the English had been great. Hemingford also observes, that, by Nevill's means, 'Scoti in magna parte sunt retrogressi.' The truth of the story, as to the miracle, I take to be this. Nevill, not suspecting the approach of an enemy, had remained in his quarters, performing the devotions of the day, it being the first Sunday in Lent. Before he came up, the English had been totally routed and dispersed. Nevill found some Scottish stragglers on the field, occupied probably in stripping the dead; he dispersed them, and retook some prisoners: All this, as might well have happened, was achieved without loss. I am well pleased to see that

1303.

The valour and perseverance of the Scots were ill seconded by the foreign princes in whom they reposed confidence. Boniface had already deserted them, and had even threatened to anathematise Scotland, once the favourite child of the holy See. Philip le Bel King of France now concluded a treaty of peace with England, wherein all mention of the Scots is industriously avoided. [Paris, 20th May 1303.] *Foed. ii. 923.*

At that time the Scots had seven commissioners in France to watch over the national interests*. They appear to have been the dupes of the policy of the French court. They notified to Comyn the guardian, and their other constituents, that the peace between France and England was concluded. ‘Be not alarmed, [said they], that the Scots are not mentioned in the treaty. The King of France will immediately send ambassadors to divert Edward from war, and to procure a truce for us, until the two kings can have a personal conference in France. At that conference a peace will be concluded beneficial to our

that he retook any prisoners at all: For there is a shocking circumstance mentioned by *Fordun*, L. xii. c. 2. that the Scots slew their prisoners, to disembarass themselves of the trouble of guarding them. In this action an English officer of distinction fell; he is called Sir Ralph *le Cofferer*, from his office; he was paymaster of the army. ‘Ex parte Regis stipendia ministrabat;’ *Hemingford*, T. i. p. 197. *Boece* calls him, *Ralph Confrene*, ‘vir nobilis et strenuus dux;’ p. 297. a. *Tyrrell*, the great castigator of historians, calls him *Robert le Coffer*, a most valiant officer, who then served under the King of England; vol. iii. B. 9. p. 154. as if *Tyrrell* had known any thing of the warlike exploits of this Robert le Coffer in the service of other princes. The ridiculous part of *Tyrrell*’s narrative is, that, after having mentioned the imaginary *Robert le Coffer*, he speaks of *Ralph the Cofferer*, and discovers another battle, different from that of *Roslin*, in which the Scots overthrew the English, whom *Ralph the Cofferer* commanded.

* William Lamberton, Bishop of St Andrew’s, Matthew Crambeth Bishop of Dunkeld, John Earl of Buchan, James the Stewart of Scotland, Sir John Soulis, Sir Ingram Umfraville, and Sir William Balliol; *Foedera*, T. ii. p. 929.

1303.

‘ our nation. *Of this the King of France himself has given us the most*
‘ *positive assurance.* It was the opinion *both of the English and French*
‘ *counsellors,* that our peace would be negotiated with more facility,
‘ and on better terms, if the two Kings were once united in friend-
‘ ship and affinity, [by the marriage of the Prince of Wales and a
‘ daughter of France.] We therefore beseech and advise you to con-
‘ sent to such a truce as the King of France shall propose. But, should
‘ Edward not consent, we earnestly intreat you to prosecute the war
‘ with vigour and unanimity. Marvel not, that none of us return
‘ home at present. We would all have willingly returned; but the
‘ King of France will have us to remain here, till we can bring home
‘ intelligence of the result of this business. Wherefore, for the Lord’s
‘ sake, despair not: But, if ever you acted with resolution, do so now.
‘ For, according to the scriptures, *Whoso fainteth before he arrive at*
‘ *the goal, runneth in vain.* You would much rejoice, if you knew
‘ what reputation you have acquired all over the world, by your late
‘ conflict with the English. The French ambassadors will be im-
‘ powered to treat of peace, as well as to negotiate a truce. This, *as*
‘ *the French counsellors inform us,* is for the better dispatch. Should
‘ such a treaty be proposed, conduct yourselves with all caution, lest
‘ the enemy over-reach you.’

They conclude with intreating the guardian, that the pension grant-
ed to the wife of Sir John Soulis may be continued to her until their
return, ‘ lest her husband, one of their own number, who has hither-
‘ to conducted himself with diligence and fidelity, should be drawn off
‘ from the public service *.’

* ‘ Ne per subtractionem hujusmodi sustentationis praedictus Dominus Johannes,
‘ qui hactenus fideliter et diligenter laboravit circa negotia regni, ab eorundem perfe-
‘ cutione retrahatur.’ This is singular, as Soulis is one of the writers of the letter;
the reason of the pension seems to have been this: His estate lay in East Lothian,
which was then in the possession of the enemy. *Salton* was anciently termed *Soulis-*

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I have made an ample recital of this letter : It exhibits a characteristic portrait of fortitude and credulity.

Edward, now disengaged from foreign wars, bent his whole force Heming, i. 205. to subdue Scotland. He marched into the northern provinces with a mighty army. The Scots were unable to oppose him. The only fortresses that interrupted the course of his conquests was the castle of Brechin. Sir Thomas Maule, distinguished for intrepidity *, com- M. West. 446. manded *there*. While he made an obstinate resistance, he was mortally wounded. ‘ May we not surrender *now* ? ’ said his men. ‘ What, cowards, ’ cried Maule, ‘ yield up the castle ! ’ and with these words expired. Next day the garrison capitulated. Edward continued his victorious progress into Caithness †. He then returned towards the Fordeu, xii. 3. south.

* ‘ Miles audacissimus animo et corpore, ’ is the character given of him by *M. Westm.* p. 446. The same historian says, that he stood on the walls with a towel in his hand, and wiped off the rubbish which the English artillery made. ‘ In subsannationem et derisum totius exercitus Anglicani. ’ A governor in our days imitating the example of Sir Thomas Maule, would be ridiculous : But, in the fourteenth century, this was considered as a sign of *bold defiance*. In those days there were certain *affronts* in the manner of declaring war, and in the mode of resisting an enemy, which now are hardly intelligible. Edward I. tells the Pope, *Foedera*, T. ii. p. 837. that Balliol renounced his homage, ‘ as if he had *desped* me, [per verba effectum *diffidentis* experimentia.]’

† By examining the dates of instruments in Pryne and Rymer, we may, with tolerable exactness, ascertain the progress of Edward during this fatal year: At *Rokeburgh*, 21st May 1303; *Edinburgh*, 4th June; *Linlithgow*, 6th June; *Clackmannan*, 12th June; *Perth*, 28th June—10th July, [An instrument in *Foedera*, T. ii. p. 934. is dated *Perth*, 10th June 1303; but this is a mistake instead of 10th July, as will appear from comparing it with a relative instrument, *ibid.*] *Aberdeen*, 24th August; *Kinlos in Moray*, 20th September,—10th October; *Dundee*, 20th October; *Kinros*, [erroneously printed *Kinlos*,] 10th November; *Dunfermline*, 11th December.* Hence we may conclude, that Edward crossed the Forth near Clackmannan, and that the siege of the castle of Brechin happened in the interval between 10th July and 24th August. As Edward was at Aberdeen 24th August, and at Kinlos in Moray 20th September and

10th

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south. He wintered at Dunfermline. In that place there was an abbey of the Benedictine order; a building so spacious, that, according *M. West.* 446. to an English historian, three sovereign-princes, with all their retinue, might have been lodged conveniently within its precincts. Here the Scottish nobles sometimes held their assemblies. The English soldiers utterly demolished this magnificent fabric. Mr. Westminster justifies their brutal extravagance: ‘The Scots, [says he,] had converted the ‘house of the Lord into a den of thieves, by holding their rebellious ‘parliaments *there.*’ The church, however, and a few mansions, *fit for monks,* were graciously spared by the English reformers*.

Trivet, 337. The only fortress that remained in the possession of the Scots was the castle of Stirling, where Sir William Oliphant commanded. To protect this single place of refuge, Comyn assembled all his forces. He posted his army on the south bank of the river, in the neighbourhood of Stirling, *there* to make the last stand for the national liberty. The Scots fondly imagined, that Edward would attempt to force the passage, as the impetuous Cressingham had attempted in circumstances
not

10th October, there is a probability, at least, that he never marched his army into Caithness. While residing in Moray, he had a view of the coast of Caithness. He may, perhaps, have crossed over in a ship, from curiosity. This may account for the expression of historians, ‘that Edward went as far north as Caithness.’ The truth is, that, at that time, the country to the north of Ross-shire was of small account in the political system of Scotland.

* ‘Cernens igitur exercitus Regis templum Domini, non ecclesiam, sed speluncam esse latronum, quasi fudem in oculo genti Anglorum, misso funiculo exarsionis, antra, ‘muros, palatia omnia exaequans terrae, funditus dissipavit; ecclesiam duntaxat ab incendio reservatâ, et paucis domibus monachis regulariter competentibus;’ *M. Westm.* p. 446. That Knox and his adherents destroyed all our monasteries, is a popular opinion so deeply rooted, that it would be lost labour to endeavour to eradicate it. We know that Dunfermline, Hadington, Melros, Dryburgh, &c. were destroyed by the English. Yet still ‘it was all John Knox’s doing.’ Let me not be misunderstood, as if I were attempting to palliate the outrages of Knox and his followers.

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not dissimilar. But the prudence of Edward frustrated their expectations. Having discovered a ford at some distance, he crossed the river at the head of his whole cavalry. The Scots gave way, and dispersed themselves.

All resources but their own courage had long failed them; that last resource failed them now. They hastened to conciliate the favour of the conqueror. Previous to this, Bruce had surrendered himself to *Trivet, 334.* John de St John, the English warden. Comyn and his followers now *Ryley, 362.* submitted to Edward. [Strathorde, 9th February 1303-4] *.

They stipulated for their lives, liberties, and estates; reserving always to Edward the power of inflicting pecuniary mulcts on them as he should see fit.

From the general conditions of this capitulation, the following persons were excepted: Wisheart Bishop of Glasgow, the Stewart, Sir John Soulis, David de Graham, Alexander de Lindesay, Simon Frazer, Thomas Bois, and *Wallace*.

With respect to them, it was provided, that the Bishop of Glasgow, the Stewart, and Soulis, should remain in exile for two years, and should not pass to the north of Trent: that Graham and Lindesay should be banished from Scotland for six months; that Frazer and Bois should be banished for three years from all the dominions of Edward, and should not be permitted, during that space, to repair to the territories of France.

‘As for *William Wallace*, it is agreed, that he shall render himself *Ryley, 370.* ‘up at the will and mercy of our sovereign Lord the King, if it shall seem good to him †.’

These

* They who submitted along with Comyn, for themselves and for their adherents, were Edmund Comyn of Kilbride, John de Graham, John de Vaux, Godefroy de Ross, John de Maxwell the elder, Peter de Prendregust, Walter de Berkeley, Hugh de Erth, James de Roos, and Walter de Ruthven; *Ryley, p. 369.*

† ‘Et quant à Monsieur Guillaume de Galeys, est acorde, qu’il se mette en la vo-
lunté.’

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These were all the conditions that the Scottish nation stipulated for the man who had vanquished the English at Stirling, who had expelled them from Scotland, and who had once set his country free.

Ford. xii. 3.

Amid this wreck of the national liberties, Wallace despaired not. He had lived *a free man*; *a free man* he resolved to die. Fraser, who had too often complied with the times, now caught the same heroic sentiments. But their endeavours to rouse their countrymen were in vain. The season of resistance was past. Wallace perceived that there remained no more hope, and sought out a place of concealment, where, eluding the vengeance of Edward, he might silently lament over his fallen country.

Trivet, 338.
Ford. xii. 3.

Edward assembled what is called *a parliament*, at St. Andrew's. Wallace, Fraser, and the garrison of Stirling, were summoned to appear: They appeared not, and sentence of outlawry was pronounced against them*.

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M. W. ft. 448.

Edward now prepared to besiege the castle of Stirling. Sir William Oliphant refused to capitulate, not from any expectation of retrieving the

‘lunté et en la grace nostre seigneur le Roy, *si lui semble que bon soit*.’ There may seem to be an ambiguity in the last words; they may relate either to Wallace or to Edward; in either sense, the article of the treaty amounts to this, that Wallace should ‘have no other conditions than those of surrendering at discretion;’ Ryley, *Placita parlamentaria*, p. 370.

* The words of *Trivet*, p. 338. are remarkable: ‘Parliamentum in villa S. Andree, circa medium quadragesimae convocavit, ad locum vero et diem statutum convenerunt omnes, qui vocati fuerant, exceptis Simone Frisel, et Willelmo Waleys, et his qui contra Regem castrum de Strivelin tenuerunt; quorum petente Rege iudicium *secundum juris processum et leges Scotticanas*, omnes qui convenerant concordia sententiâ pronunciant exlegatos.’ It appears from *Foedera*, T. ii. p. 951. that *English* as well as *Scots* sat in the parliament of St Andrew's, ‘convocatis *utriusque regni* proceribus.’ Edward there says, that he undertook the siege of Stirling by their advice.

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the national cause, but from point of honour. Sir John Soulis had committed the castle to his charge, and he was now in foreign parts. Oliphant said, 'That he had never sworn fealty to Edward, but that he had sworn to keep the castle, and therefore must wait the orders of his constituent.' 'I am not to wait for *his* orders, [said Edward]; defend the castle if you will.'

The English historians speak with admiration of the siege of Stirling. Every engine known in those days was employed in the attack*. The King, though far advanced in years, exposed his person with the fire and temerity of a young soldier †. The defence was obstinate and bloody. All the works were ruined, many breaches made, the ditch filled up, and the castle reduced to a pile of rubbish. After a three months siege, Oliphant sought to capitulate ‡. The King would listen to no terms. The garrison was obliged to surrender at discretion. A tedious pageant of submission having been exhibited, with all circumstances of refined ignominy, Edward pronounced sentence:

Heming. i.
205. 206.

M. Westm. 449.

Foed. ii. 951.

* *Hemingford* says, that the wooden engines employed at this siege threw stones of the weight of 200 and even of 300 pounds, T. i. p. 205. *M. Westm.* mentions a *ram*, [aries quem Graeci niconam vocant,] which, however, did little execution. He also mentions a *war wolf*, [lupus belli,] which had a most amazing force. Among the weapons or engines used by the besieged, there was 'quod Anglicè dicitur *espringald*, 'spicula crudelissimi tormenti;' p. 449.

† The account given by *M. Westm.* is singular; it may serve as a specimen of profound monastic eloquence: 'Ecce angelus Sathanae misit in cor hominis Scoti, ut mitteret manum in Christum Domini, qui de turri regem advertens, tensâ balistâ, emissum spiculum direxit ad cor Regis, sed Angelus Domini ictum frustrat. Audi miraculum, telum Diaboli jacitur super Christum Domini, sed, O Sathan, sagittasti Regem, non mactasti Regem. Robam Regis perforasti, in nihilo carnem laedens. Sed neque jumentum fessoris vales perimere, dum per medium lori avolas horribilibus fibilis fellam perforas, nec cutem depilas;' p. 449.

‡ The siege was begun 22d April; *Trivet*, p. 338. the castle surrendered 20th July, *W. Hemingford*; T. i. p. 206.

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tence: 'Let them not be chained*.' This was the only hope of pardon indulged to men whose valour would have been revered by a more generous conqueror.

Hening. i.
214.
Trivet, 338.

About this time Robert Bruce, son of the competitor, died. Edward gave feifine of the lordship of Annandale to his son the Earl of Carrick.

*Ancient Mu-
niments, MS.
London.*

The Earl of Carrick entered into a secret association with William de Lambertson Bishop of St Andrew's, in the form of indenture. By it the parties became bound to assist each other against all persons whatever, and not to undertake any business of moment unless by mutual advice †.

Scotland

* The form of the reddition of Stirling is a singular instrument, and well deserving the perusal of every one who wishes to read *manners*, as well as *events*, in the history of past ages. John Boubs, [J. Bushe], of the city of London, papal notary, has recorded it. 'In the year of the incarnation of our Lord 1304, in the second year of indiction, on the 24th July, and on the eve of the feast of St James the Apostle, in presence of me, notary-public, subscribing, and of the witnesses subscribing, specially called, and also required to witness the premises, in a certain valley, upon a certain road which leads to a certain gate of the castle of Stirling, in the kingdom of Scotland, and diocese of St Andrew's, at the command of our sovereign Lord the King aforesaid, appeared certain noble and discreet persons, namely, the Lords Ralph de Monthermer of Gloucester, and Richard de Burgh of Ulster, Earls, &c. After a minute narrative of the treaty of capitulation, he adds: 'Quibus per ipsum constabularium intellectis, viginti quinque personas de ipso castro secum eduxit, quorum unus, ordinis sancti Dominici praedicatorum, et alius de domo de Kelso fuere, quos usque ad tunicas denudatos, zonis projectis, dictis religiosi exceptis, quos unà cum aliis, sparsis crinibus, flexis genibus, et eorum junctis manibus, et coram eodem Rege etiam elevatis, unà se cum suam, eidem Regi suo Domino ligio contentes, culpam, offensam, injuriam, inobedientiam et reatum, tremulos et quasi cum lacrimis, praesentavit; redens se eidem Regi ac voluntati ipsius, ac alios praesentes, necnon omnes et singulos in castro morantes praedicto, tanquam capitaneus eorundem; necnon et ipsi praesentes se ipsos sicut et alii cum gemitibus et suspiriis reddiderunt,' &c. *Foedera, T. ii. p. 951.*

† This curious deed runs thus: 'Memorandum, quod anno Domini M,CCC,IV. die Sancti Barnabae Apostoli, [11th June], Reverendus in Christo Pater Dominus

' W.

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Scotland was subdued, yet Wallace still lived. With a mean anxiety, Edward sought to discover the retreat of the only Scotsman who had never made submissions. Ralph de Haliburton, a prisoner, offered his assistance for discovering Wallace*. Edward allowed him a temporary liberty, 'to try what he would do' in that dishonourable office. What Haliburton did, is unknown. Certain it is, that Wallace was discovered. The popular tradition is, that his *friend* Sir John Menteth betrayed him to the English †.

Wallace

'W. de Lamberton, Dei gratiâ, Sancti Andreae episcopus, et nobilis vir Dominus Robertus de Brus Comes de Carryk, ac Dominus Vallis Anandiae, apud Cambuskyneth convenientes, et super futuris periculis ad invicem conferentes, volentes ea, prout eis erat possibile, evitare, et aemulorum suorum conatibus prudentius resistere, in forma, quae sequitur, foedus amicitiae inierunt; videlicet, quod ipsi sibi invicem in quibuscunque suis negotiis, et agendis quibuscunque temporibus, et contra quascunque personas, fideliter consulent, atque auxilium sive opem per se et suos, pro totis viribus suo perpetuo [sic MS.] sine fictione praestabunt: Et quod nullus eorum arduum aliquod negotium attemptabit, alio inconsulto, et quod quilibet eorum de periculis alteri imminentibus, quam citius ea perpendere poterit, alium praemuniet seu faciet praemuniri, et eadem pro posse suo faciet impediri. Et ad ista omnia plenè, et sine aliqua fictione fideliter tenenda, adimplenda, et observanda, fide et juramento hinc inde corporaliter praestitis, sub poena decem millia librarum Terrae Sanctae applicanda, se astrinxerunt et obligaverunt.'

* 'Ad ducendum usque in Scotiam in auxilium aliorum hominum terrae illius qui circa captionem Willelmi Waleys vacabant—ad videndum qualiter et quo modo idem Randulphus se velit gerere, et habere;' Ryley, Placita parlamentaria, p. 279.

† Sir John Menteth was of high birth, a son of Walter Stewart Earl of Menteth. At this time, the important fortress of Dumbarton was committed to his charge by Edward. That he had ever any intercourse of friendship or familiarity with Wallace, I am yet to learn. So indeed is said by *Blind Harry*, whom every historian copies, yet whom no historian, but Sir Robert Sibbald, will venture to quote. It is most improbable, that Wallace should have put himself in the power of a man whom he knew to be in an office of distinguished trust under Edward; but it is probable, that Wallace may

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Stow, 209.
M. West. 451.

Wallace was arraigned at Westminster, as a traitor to Edward, and as having burnt villages, stormed castles, and slaughtered many subjects of England. 'I never was a traitor,' said Wallace. To the rest of his indictment he pleaded *guilty*. Sentence of death was pronounced against him. He was immediately executed, with that studied rigour, in the circumstances of punishment, which, seeking to make impressions of terror, excites pity. His head was placed on a pinnacle at London; his mangled limbs were distributed over the land. [23d August 1305*.]

Thus perished Wallace, whom Edward could never subdue. In his last moments, he asserted that independency which a whole nation had renounced. It is singular, that Edward should have pardoned, favoured, and even trusted, the persons who had often made, and as often violated, their oaths of obedience; while the man who never acknowledged his sovereignty fell the single victim of his resentment.

His

may have been committed to the castle of Dunbarton, where Menteth commanded; the rest of the story may have arisen from common fame, credulity, the spirit of obloquy, and the love of the marvellous.

* Honest John Stow, to whom all objects appeared of equal magnitude, tells the story thus: 'William Wallace, which had oft-times set Scotland in great trouble, was taken and brought to London, with great numbers of men and women wondering upon him. *He was lodged in the house of William Delect, a citizen of London, in Fen-church-street.* On the morrow, being the eve of St Bartholomew, he was brought on horseback to Westminster. John Segrave and Geoffrey, knights, the mayor, sheriffs, and aldermen, of London, and *many others, both on horseback and on foot,* accompanying him; and in the great hall at Westminster, he *being placed on the south bench,* crowned with laurel, for that he had laid in times past, that he ought to bear a crown in that hall, as it was commonly reported, and being appeached for a traitor by Sir Peter Malorie, the King's justice, he answered, *That he was never traitor to the King of England;* but for other things whereof he was accused, he confessed them; and was after headed and quartered; Stow, Chr. p. 209.

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His punishment has been ascribed to the barbarities which the army *M. W. p. 451.* under his command exercised in the north of England. This appears to have been a mere pretence: For the army under the command of the Earl of Buchan had exercised the like barbarities; yet *he* was not only pardoned, but received into favour.

Edward now proceeded to make a total settlement of Scotland. He *Ryley, 243.* consulted with Wisheart Bishop of Glasgow, Bruce, and John de Moubray. By their advice, he ordered a general council of the Scottish nation to be held at Perth; that ten commissioners should be elected, viz. two Bishops, two Abbots, two Earls, two Barons, and two for the commons*, one on each side of the Forth; that the commissioners should be invested with full parliamentary powers, and repair to his presence at London.

Accordingly the Scots elected the Bishops of St Andrew's and Dun- *Ryley, 503.* keld, the Abbots of Coupar and Melros, the Earls of Buchan and March; for the barons, John Moubray and Robert Keith; for the commons, Adam Gordon and John de Inchmartin. The Earl of March failed to appear †: Edward appointed Sir John Menteth in his room.

These *ten* commissioners, in concurrence with *twenty* from the English parliament, established regulations for the government of Scotland,

* ‘*Deux pur la commune, un de cea la mer, et un autre de la;*’ *Ryley, p. 243.* *La commune*, at that time meant *the communities of boroughs*, as appears from various passages in Prynne, where the names of those who swore fealty to Edward are recited. Edward's Scottish counsellors were of opinion, that *ten* commissioners were a sufficient number; *Ryley, ibid.*

† *Douglas, Peerage, p. 441.* says, ‘That he refused to serve in such a parliament, *the Scottish affairs beginning then to have a more favourable aspect.*’ This is a discovery indeed! The true reason seems to have been, that he chose to consider himself as an Englishman, which he was by family and in affections.

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land, and for the administration of justice to the people. The ancient forms were preserved so far as they seemed consistent with the dependent state of the nation †.

It was provided, That there should be sheriffs in the different districts of Scotland, natives of either kingdom, to be appointed and displaced in time to come by the guardian and the chamberlain; that they

† It was agreed that John de Bretagne should be the King's lieutenant and guardian in Scotland, William de Bevercotes, chancellor; John de Sandale, chamberlain, and Robert Heron, comptroller.

Next, as to the form of administering justice, that there should be four divisions of the kingdom, and two justiciaries in each division, in manner following:

Loeneys, John de l'Isle and Adam de Gordon.

Galloway, Roger de Kirkpatrick and Walter Burgheton.

Between Forth and the mountains, Robert Keith and William Inge.

Beyond the mountains, Reginald le Chien and John de Vaux of the county of Northumberland.

Here there are several things which may be mentioned in way of illustration.

Loeneys is a corrupted word. In this place it plainly implies all the country to the south of the Forth, which is not comprehended under the name of *Galloway*. I think, that at that time Galloway contained the country now known by that name, the stewartry of Kirkcudbright, Air-shire, and perhaps Nithsdale and Annandale.

John de l'Isle, [*Joannes de Insula*,] was a justice of assize in 1293, and baron of exchequer in 1298; *Dugdale*, Chr. series.

Robert Keith, afterwards marshal of Scotland.

William Inge, retained as King's attorney 1287; attorney general 1292; justice of assize 1293; justice of common pleas 1315; chief justice of the King's bench 1317. He appears to have died in that year; *Dugdale*, *ibid*.

Reginald le Chien, corruptedly for *Le Chesne*, of a Norman family that had large possessions in Moray, and afterwards divided among heirs-parceners; it is now called *Cheyne*.

John de Vaux of Northumberland, probably to distinguish him from *John de Vaux of Dirleton* in East Lothian. *Johannes de Vallibus* was an itinerant justice so far back as 1280; baron of exchequer 1298; justice of assize 1311; *Dugdale*, Chr. Series.

If *Walter Burgheton* was an Englishman, as is most likely, there has been one justiciary of each nation, appointed for each of the four divisions.

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they should execute every thing respecting escheats, as sheriffs were wont to do; and that care be taken, that none be appointed but the most sufficient men, the most profitable for the interests of King and people, and the fittest for the maintenance of good order*.

It

* ‘Ceux Viscuntes facent l’office d’escheterie sicome les Viscuntes sobeient [q. souleient?] faire,’ *Ryley*, p. 504.

The sheriffs first appointed were,

Berwick,	to be named by the captain of Berwick castle.
Edinburgh,	} Ive de Adeburgh.
Haddington,	
Linlithgow,	
Peebles,	Robert Hastang.
Selkirk,	The heritable sheriff. ‘Celui qui est de fes.’
Dumfries,	Richard Siward.
Wigton,	Thomas M’Culloch.
Air,	Godefroy de Ros.
Lanerk,	Henry de St Clair.
Dunbarton,	John Menteth.
Stirling,	William Bisset.
Clackmannan,	Malcolm de Innerpeffer.
Kinros,	The heritable sheriff.
Fife,	Constantine de Lochore.
Perth,	John de Inchmartin.
Forfar,	William de Airth.
Kincardine,	Richard de Dunmore.
Aberdeen,	Norman de Lesley.
Banff,	Walter de Barclay.
Elgyn,	William Wiseman.
Forres and Nairn,	Alexander Wiseman.
Inverness,	John de Stirling.
Cromarty,	William de <i>Urquhart</i> , heritable sheriff.

In this list many errors of transcribers are corrected, as *Makhulagh*, *Lethelyn*, &c. *Dummers* seems to be *Dunmore*, now called *Dunsmoor*. *William de Mohant* is said to be heritable sheriff of *Crembathin*, i. e. *Cromarty*; this seems to be *Urquhart*, disfigured by the

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It was resolved, That the King's lieutenant and the chamberlain should appoint new coroners in the room of those who were unfit, 'unless they held their offices by charter *.'

As to the castles, it was resolved, That Rokesburgh and Jedburgh should be in the custody of the guardian; that John de Kingston should remain captain of Edinburgh castle, Peter Luband of Linlithgow, William Bisset of Stirling, and John Menteth of Dunbarton. Bruce was ordered to put the castle of Kildrummy into the custody of a person for whom he should be answerable. This shows how much Bruce was favoured and trusted at that time.

Ryley, 506.

There follows a provision for the laws of Scotland. This is an important circumstance in our national history. The record runs thus: 'And with respect to the laws and usages for the government of Scotland, it is ordained, that *the custom of the Scots and the Brets* shall, ' for

the transcriber. The names are spelled in the modern manner, whereby they will be the better understood.

There are several things remarkable in this catalogue. 1. No mention is made of *Teviotdale*, otherways called *Rokesburgh*. It is probable that *Teviotdale* was under the jurisdiction of the sheriff of Selkirk, excepting the castellanies of Jedburgh and Rokesburgh. 2. No mention is made of Renfrew. At that time it and the forest of Paisley seem to have been parts of the shire of Lanerk. See *Prynne*, vol. iii. p. 657. 663. where Houston, Fingulston, &c. are said to be in the shire of Lanerk. 3. The shires and counties are uniformly described by the name of the head-borough. 4. Auchterarder is mentioned as a shire; this seems to be *Strathern*. No sheriff is appointed for it; probably because it was a small territory, and because the jurisdiction of the Earl of Strathern extended over the greatest part of it. 5. *Forrès and Nairn* [then called *Invernairn*], are joined. 6. Ross-shire is not mentioned. It was within the jurisdiction of the sheriff of Inverness. 7. Argyle, Caithness, and Sutherland, i. e. south Caithness, are omitted. It may be supposed that these remote districts were not totally subdued. 8. Mention is made of some *heritable sheriffs* who are continued in office, for such may be presumed to be the sense of the phrase, 'celui qui est de fœe.'

* 'Et uent chartres du donn des offices;' Ryley, p. 505.

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‘ for the future, be prohibited, and be no longer practised *. It is also
 ‘ ordained, that the King’s lieutenant shall forthwith assemble the good
 ‘ people of Scotland; and that, at such assembly, shall be read over
 ‘ the statutes made by David King of Scots; and also the amendments
 ‘ and additions which have been made by other Kings; and that the
 ‘ lieutenant, with the assistance which he shall then have, as well of
 ‘ Englishmen as of Scots, shall amend such of those statutes and usages
 ‘ as are plainly against the laws of God and reason, as they best may,
 ‘ in so short a space, and in so far as they can, without consulting the
 ‘ King; and as to matters which they cannot undertake to correct of
 ‘ themselves, that they be put in writing, and laid before the King by
 ‘ the lieutenant, and any number of commissioners, with parliamen-
 ‘ tary powers, whom the Scots shall think fit to chuse: That they shall
 ‘ meet

* We have been told, ‘ That Edward abrogated all the Scottish laws and customs, and endeavoured to substitute the English in their place.’ The *similarity* of the laws of the two nations, before that period, is obvious to every reader: Wherein the characteristic *dissimilarity* consisted, is a more arduous question? Its solution depends on a full and comprehensive view of the laws, usages, and history of the two nations: They who have leisure and abilities will resolve that question: I cannot. Indeed I can do little more than transcribe the record by which it is supposed that the law of Scotland was abrogated. *The usage of the Scots and the Brets*, which was abolished, appears to have been something altogether distinct from the laws of the land. We know from our statute-book, that the people of Galloway had certain usages peculiar to them; *Stat. Alex. II. c. 2.* One was, that causes among them were tried without juries, *Quon. Attach. c. 72. 73.* placed in some ancient MS. among LL. *David I. c. 15.*] and this may, probably, have been the usage which Edward abolished. The people of Galloway were sometimes distinguished by the name of *Scots*; thus *the wild Scot of Galloway*, is an expression to be found in ancient instruments, and is proverbial, even in our days. *The usage of the Brets*, I take to be what relates to the judge called *Brithibh*, or *Brehon*; in Ireland *Brehan*; and consequently, that the thing here abolished was the commutation of punishments, by exacting a pecuniary mulct. See *Dissertations* by Dr John M’Pherson, p. 186. 187.

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‘meet with commissioners appointed by the King, and finally determine as to the premises.’

With respect to the persons whom it might be necessary to remove out of Scotland for the public security, it was provided, that the lieutenant should take the advice of *the good people of the country*, and transmit such dangerous persons to the King, who may confine them in England to the south of the Trent, as he shall see cause.

Measures were also taken for the banishment of Alexander de Lindsay and Simon Fraser, according to the capitulation of Strathorde.

Lastly, it was provided, That an oath should be taken by the commissioners of the two nations. It is nearly the same with that which in modern times is administered to privy counsellors. [23d September 1305.]

Fœd. ii. 968.

Edward granted an indemnity to the Scots under certain conditions. Various fines were imposed, from *one to five years* rent of the estates of the delinquents. *One year's* rent was to be paid by the clergy, excluding the Bishop of Glasgow; *two* by those who were more early in their submissions than Comyn; *three* by Comyn and his associates, by Adam Gordon and Simon Fraser, and by the Bishop of Glasgow; *four years* rent was to be paid by William de Balliol and John Wisheart; and *five* by Ingelram de Umfraville, because they had stood out longer. *Three years* rent was also to be paid by the vassals of Balliol, Wisheart, and Umfraville*.

These fines were to be paid in moieties. The person taxed in one year's rent was to pay half of his income annually; and so of the rest.

* ‘Hugh d’Ardrossan, John de Gourley, John le Naper, et John M’Kilgoigny, qui sont de mesuage les avantditz Ingelram William et John;’ *Fœdera*, T. ii. p. 968. It is probable that the noted proposal of Sir David Dalrymple, King’s advocate, after the rebellion 1715, took its rise from this ordinance of Edward.

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rest. Thus Umfraville, taxed in *five* years rent, was allowed *ten* years to discharge the fine. [15th October 1305.]

There is an express reservation to Edward of all the royal demesnes which Balliol might have alienated. There is also an exception as to persons already in custody, and as to those who had not hitherto made submission.

Edward also recalled the condition of exile which had been annexed to the pardon of Comyn the guardian, David Graham, and the Bishop of Glasgow.

Notwithstanding the original injustice of Edward's cause, it must, in candor, be acknowledged, that the terms of this indemnity were moderate and humane.

Thus, after a long and obstinate contest, was Scotland wholly reduced under the dominion of Edward.

Within *four months*, that system was overthrown, which the incessant labours of *fifteen* years had established by dissimulation, craft, and violence, with a waste of treasure, and the effusion of much blood.

The causes of this singular event are so differently related by the historians of the two nations, and by both in a manner so imperfect and abrupt, that a curious inquirer is at a loss what to credit, and what to disbelieve.

In this unpleasing state of historical scepticism, I pursue the course of my narrative.

Derverguill of Galloway had a son, John Balliol, and a daughter, Marjory. John Comyn was the son of Marjory, and, setting Balliol aside, the heir of the pretensions of Derverguill. As guardian of Scotland, and leader of her armies, he maintained, for *many* years, the unequal contest with Edward. At length, as has been seen, he laid down his arms, accepted conditions of peace, and swore fealty to England. Balliol had repeatedly renounced all pretensions to the crown of Scotland: Comyn therefore might be considered as possessed of his pretensions

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pretensions in right of blood, supported by large estates, a numerous vassalage, and a valour approved in the course of long wars.

The pretensions of Bruce are well known. His grandfather, *the competitor*, had patiently acquiesced in the award of Edward. His father, yielding to the times, had served under the English banners. But young Bruce had more ambition, and a more restless spirit. In his earlier years, he acted upon no regular plan. By turns, the partisan of Edward, and the vicegerent of Balliol, he seems to have forgotten or stifled his pretensions to the crown. But his character developed itself by degrees, and in maturer age became firm and consistent.

Thus might the factions of Balliol and Bruce be said to have revived in John Comyn and the Earl of Carrick.

Ford. xii. 5.

Bruce, according to the traditionary report, made the following proposal to Comyn: 'Support my title to the crown, and I will give you my estate; or give me your estate, and I will support your's.' To *this* Comyn agreed. The conditions were drawn out in an indented instrument, and sealed by both parties. A mutual oath of secrecy was taken. But Comyn, either from a sense of honour, or from the dread of discovery, or with the base hope of ruining a rival, revealed the secret to Edward.

Edward questioned Bruce, and shewed him the letters of his accuser. Bruce found means to sooth the King by mild and judicious answers. Edward still suspected him, not only on account of Comyn's accusation, but because he was the rightful heir of Scotland. Nevertheless, he dissembled his suspicions until he could draw the brothers of Bruce within his power, and thus cut off the whole family at one blow. The King having drank freely one evening, informed some of the Lords about his person, that he had resolved next day to put Bruce to death. The Earl of Gloucester hearing this resolution, sent a messenger to Bruce, with twelve pence, and a pair of spurs, as if he had meant to restore what he had borrowed. Bruce understood that this message warned him of his danger, and counselled him to flee. Much snow

had

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had fallen during that night. Bruce ordered a farrier to invert the shoes of his horses, lest he should be traced in the snow, and immediately set out for Scotland, accompanied with his secretary and his groom. Approaching the west marches, he observed a passenger on foot, whose behaviour seemed suspicious. Bruce discovered him to be the bearer of letters from Comyn to the English King, urging the death or the immediate imprisonment of Bruce. He beheaded the messenger, and pressed forward to his castle of Lochmaben. *There* he arrived on the seventh day after his departure from London.

Bruce repaired to Dumfries, where Comyn happened at that time to reside. Bruce requested an interview with him in the convent of the Minorites. *There* they met before the great altar. Bruce passionately reproached Comyn for his treachery. 'You lie,' cried Comyn. Bruce stabbed him instantly. Hastening out of the sanctuary, he called, 'To horse.' His attendants, Lindesay and Kirkpatrick, perceiving him pale, and in extreme agitation, anxiously inquired, how it was with him? 'Hl,' replied Bruce; 'I doubt I have slain Comyn.' 'You doubt!' cried Kirkpatrick; and rushing into the church, fixed his dagger in Comyn's heart. [10th February 1305-6.]*

Sir Robert Comyn generously attempted to defend his kinsman, and shared his fate †.

The justiciaries were holding their court at Dumfries when this *Heming, i. 229.*
strange

* James Lindesay, a younger son of Alexander Lindesay of Crawford, Gospatrick of Kirkpatrick. From Fordun's account of this deed, it is uncertain whether Lindesay or Kirkpatrick struck the decisive blow: In this uncertainty, I follow the common tradition. See *Hume*, vol. ii. p. 120.

† He is commonly called *Richard*; but a letter from W. de Lamberton, Bishop of St Andrew's, to Aymer de Valence, has these words, 'nous ny avons nule manere de coupe de la morte mon Sire John Comyn ne mon Sire Robert, soun oncle;' *Ancient Muniments*, MS. London.

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strange event happened. Imagining their lives to be sought, they barricaded the doors. Bruce ordered the house to be fired. They surrendered. He permitted them to depart out of Scotland unmolested.

Such is the account of this unhappy catastrophe delivered by our *M. West.* 453. writers. The English relate its circumstances in a different, but not more probable manner. I think that the historians of both nations have erred in their accounts, and that the real nature of this fatal quarrel is still unknown.

My opinion is, 'That Bruce, when he met Comyn at Dumfries, had no intention of imbruing his hands in blood, nor any immediate purpose of asserting his own claim to the crown of Scotland; that the slaughter of Comyn was occasioned by a hasty quarrel between two proud-spirited rivals; and that Bruce, from necessity and despair, did then assert his pretensions to the crown.'

It will be remembered, that Bruce and Comyn were the chiefs of two discordant factions. The interests of the two factions were irreconcilable, although the common exigencies of the state may have united them occasionally in a short and suspicious amity. The pretensions of the family of Bruce to the Scottish crown had been over-ruled by the famous *award*; yet they still subsisted in the inclinations and wishes of the partisans of that family. The same award had established the pretensions of Balliol; and it may now be said, without offence, that his pretensions were favoured by the majority of the Scottish barons. The name of Balliol continued to be used even after he had lost all personal influence over the national councils. Comyn and Bruce had been vicegerents under his acknowledged authority. But, although Bruce had concurred with Comyn in asserting the rights of Balliol, his concurrence could never be held as sincere. It was adverse to his interest; it was inconsistent with his ambition. Comyn, on the other hand, by asserting the rights of Balliol, asserted his own. Setting Balliol aside, who had repeatedly disclaimed all intercourse

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tercourse with Scotland, and setting his son Edward aside, who was a minor, and a captive in England, the pretensions of Comyn in 1305 were the same with those of Balliol in 1290.

Such was the state of parties when Bruce surrendered himself to John de St John, the English warden; made a separate peace; and was received into favour by Edward.

Comyn resisted for some longer space, but at length submitted. In his submission, he secured conditions not only for himself, but also for the leading men of his party. He and his associates were fined in three years rent of their whole estates. As Bruce had been more early in his submission, the fine imposed on him was smaller. Perhaps it was never exacted at all.

When Edward turned his thoughts to the settlement of Scotland, he consulted with Bruce; but it appears that he neglected Comyn altogether. In the establishment 1304, his name is never mentioned.

By a brave ambitious young man, of high birth, and of still higher pretensions, every honour bestowed on a rival would be viewed with jealousy and hatred. In the eye of calm unprejudiced morality, all secret machinations to supplant a competitor are odious: Yet the delicacies of morality seldom affect a politician in his pursuits of court-favour and power.

It is probable, that Comyn might have endeavoured to instil suspicions into the mind of Edward; he might have represented his rival as a dangerous person, versatile and aspiring. Reports of this might have reached the ears of Bruce, and, as generally happens, might have been magnified in the relating*.

As:

* *W. Hemmingford*, T. i, p. 219. seems to hint at this. When speaking of the conference between Bruce and Comyn, he says, 'coepit improperare ei de seditione sua, quod eum accusaverat apud Regem Angliæ, et suam conditionem deterioraverat in damnum ipsius.'

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As a freeholder of Annandale, Bruce was bound to give *suite and presence* in the King's court held at Dumfries. Thus his appearance *there* on the 10th February may be reasonably accounted for, without supposing his intentions to have been hostile. His sudden journey from the south of England may be imputed to the same cause.

The appearance of Comyn at Dumfries was probably owing to some accident of a like nature.

Bruce was full of repentment at the reports which he had heard of Comyn's intrigues. He impatiently demanded an interview, and an explanation. Had Comyn been conscious of what our historians lay to his charge, he would have avoided the interview. Had Bruce meant to assassinate Comyn, he never would have proposed a sanctuary, a place so tremendous, in the notions of those times, for the scene of action. What was the nature of the conversation between two fierce and rival spirits, we can do no more than conjecture. It must have been private. Some few words only could be overheard by prejudiced attendants. It appears that the contest grew warm, and that Bruce struck Comyn with his dagger. No sooner had he achieved this rash deed, than the enormity of the offence distracted his imagination. Murder and sacrilege—they were crimes which Edward, as a sovereign, would not, and as a politician, could not, forgive. The impetuous zeal of the followers of Bruce aggravated the offence, and gave to the whole transaction the appearance of premeditated assassination.

The only alternative left for Bruce was to be a fugitive or a King. Placed in this singular situation, he asserted his claim to the Scottish crown.

To me it seems evident, that Bruce had formed no plan, nor concerted any measures, for making his claim effectual. He had not a single fortress at his command but the castle of Kildrummy, and *that* was at too great a distance to be serviceable; on his first appearance in arms, beside his own brothers and dependents, few barons, and these

1304.

these chiefly young men, ranged themselves under his standard. He had prepared no resources, was little able to annoy the enemy, and had no means of maintaining a defensive war.

I propose these conjectures with much diffidence, and indeed with little expectation of satisfying my readers: For there are some facts which may be termed, *the land-marks of history*, by which men have been wont to conduct themselves. He who removes them, or endeavours to place them in a different point of view, is considered by all parties as a pragmatistical and dangerous innovator.

MISCELLANEOUS.

MISCELLANEOUS OCCURRENCES.

[There are many little circumstances and detached incidents respecting the history of Scotland, which, if inserted in the Annals, or even in the notes, would have embarrassed my narrative, and perplexed the reader. As some of them might afford matter of amusement, and others might possibly convey instruction, I have placed them at the end of the Annals, ranged in a chronological series, under the title of MISCELLANEOUS OCCURRENCES.]

1138.

*Aldred, d. Bel.
Stand. 341.
342.*

FROM the harangue which Aldred supposes Walter L'Espece, the English general, to have pronounced before *the battle of the standard*, we learn that the Scottish infantry were altogether without armour, that they used spears of an enormous length, and that their swords were ill-tempered and brittle; that their only implement of defence was a target of leather, and that in their camp there were jesters or buffoons, and dancers, both male and female*.

1153.

*Char. Melr.
166. 167.
Ford. v. 43.*

William Comyn chancellor of Scotland, promoted by the Empress Matilda to the see of Durham, had many controversies with his clergy. At length some of their number mixed poison with the wine
of

* 'Histriones saltatores et saltatrices;' *Aldred de Bello Standardi*, p. 341. 342.

1153.

of the Eucharist, and administered it to the Bishop. He perceived the poison, yet drank it, and died*. A more extraordinary example of impiety on the one hand, and of misguided devotion on the other, is not to be found in the history of mankind.

In the reign of David I. a grievous famine prevailed in Scotland. *Ford. vi. 33.* Four thousand half-famished wretches repaired to the abbey of Melrose, reared their huts in its neighbourhood, and waited for the beneficence of the brethren. Waltheof, the superior, ordered them all to be fed, although the stores of the abbey were almost exhausted: This was done constantly for three months, without any visible diminution of the quantity of corn in the granaries †. I mean not to derogate from the *charity*; but, as to *the miracle*, any one who has ever seen a room with two doors, may discover its solution.

David I. granted to the abbey of Dunfermline the tenth of all the gold that should accrue to him out of Fife and Fotherif †. *Chart. Dunf. ii. 7.*

Walter,

* ‘Hic Willelmus Comyn Archiepiscopus Eboracensis ad missam suam in ecclesia sancti Petri a ministris altaris—veneno potionatus est, qui, licet venenum videret in calice, nihilominus illud fide fervens sumpsit, et non diu post supervixit. *Dea gratias;*’ *Fordun, L. v. c. 43.* This ejaculation is oddly placed: I suppose, however, that Fordun meant to express his thankfulness to heaven for the faith of the Bishop, not for his murder.

† This story is related by Fordun, from a work which one Jocelin, a monk of Fornes, dedicated to William the Lion, towards the end of his reign, and, consequently, about 150 years after the death of Waltheof, or Waldeve; *Fordun, L. vi. c. 1.*

‡ ‘Omnem decimam de auro quod mihi eveniat de Fife, et de Fotherif;’ *Chart. Dunferm. vol. ii. fol. 7.* *Fotherif* is called *Forthrick*, in *Chart. Cambuskenneth, fol. 2.* Sir Robert Sibbald, *History of Fife, c. 2.* says, that Mr Robert Maule, the antiquary, derived *Forthrick* from *Veachric*, i. e. ‘the painted kingdom,’ or ‘the kingdom of the Picts.’ There seems no occasion here for having recourse to fanciful etymologies; *Forthrick*, the word in the chartulary of Cambuskenneth, is compounded of *Forth* and *rick*, i. e. the kingdom or territory at the Forth: I suppose that it means that country which lies on the northern bank of the Forth, from the neighbourhood of Stirling to where the river is lost in the salt water.

1164.

Spotif. Relig. houses, viii. 1. Walter, the Stewart of Scotland *, founded an abbey at Paisley [in the shire of Renfrew] for the monks of Clugny, a remarkable monument of his opulence and liberality. He died in 1177.

1165.

Chr. Mel. 169. Two comets appeared before sun-rising in the month of August; the one in the south part of the hemisphere, the other in the north. 'A comet, says the author of the chronicle of Melros, is a star which is not constantly seen, but which appears chiefly before the death of a King, or the destruction of a people; and it is of two kinds; that which has a hairy diadem forebodes the death of a King; but that which seems to scatter rays from its tresses, forebodes the destruction of a people.' Such was the antient *theory of comets* with us. There is some reason to suspect that common meteors often pass in the history of ignorant times for comets.

1184.

Chr. Mel. 176. The boundaries of a royal forest were tried by a jury consisting of thirteen. Richard de Moreville, Constable of Scotland, was the foreman. The jurors made oath, not on the Evangelists, but on the relicks belonging to the monastery of Melros. In this question the monastery was a party; and her historian seems to ascribe the verdict in her favour to the terrific virtue of the relicks †.

1184.

R. Hoved. 622. *Ben. Abb. 406.* A fountain near Kilwinning, in the shire of Air, ran blood for eight days and eight nights without intermission: This portent had frequently appeared, but never for so long a space. In the opinion of the people of the country, it prognosticated the effusion of blood. Benedictus Abbas, and R. Hoveden, relate the story of this portent with perfect credulity. Benedictus Abbas improves a little upon

* It is under very great disadvantages that I contradict the received traditions respecting the origin of the house of Stewart: If, however, any of my readers have not already formed an unalterable hypothesis, they will not be displeased at the perusal of some observations on this subject in the Appendix.

† 'Super reliquias ecclesie nostrae cum timore et tremore juraverunt, et veraciter affirmarunt?' *Chr. Melros*, p. 176.

1184.

upon his brother ; for he is positive ' that the fountain flowed with ' *pure blood.*'

1194.

Richard Coeur de Lion renewed the grant of a daily allowance to the Kings of Scotland, whenever they were invited to the English court ; there was allowed a hundred shillings daily during their journey in going and returning ; thirty shillings daily during their attendance at the English court ; twelve loaves of wastel bread, a species of biscuit ; twelve wheaten loaves ; twelve quarts of wine ; whereof four of the King's own wine, and eight of the wine used by his household ; two stone of wax, or four tapers ; a hundred and twenty candles ; whereof forty such as the King used, and eighty such as were used by his household ; two pounds of pepper, and four pounds of cinnamon. Hypocras was in those days the fashionable beverage : This will, in some measure, account for the extravagant allowance of cinnamon ; I suspect, however, that different sorts of spices went under the general name of *cinnamon.*

1196.

There was so great a famine in Scotland, that many persons died of hunger. *Ford. viii. 59.*

1198.

There was a great scarcity in Scotland. ' A *modius* of barley, says Boece, xiii. ' Boece, could hardly be purchased for five *aurei* ;' pity that he did not * 277. a. inform us what he understood by *modius* and *aureus* !

Great plenty ensued in Scotland : Such rapid transition from scarcity to abundance, displays the wretched state of agriculture and polity in that age. *Boece, xiii. 277. a.*

In this year the floods carried away the bridge across the Tweed at Berwick. When the Earl of March, Governor of Berwick, was preparing to rebuild it, Philip, Bishop of Durham, stopped the work ; he said that the ground on the south side of the river belonged to him, *R. Howd. 796.*

1198.

and that he would not permit the Scots to found the abutment of the bridge on his ground. William de Stutteville with much difficulty persuaded the Bishop to desist from his opposition. Had the parties lived in our age, each would have endeavoured to throw the expence of the work on the other.

1201.

Boece, xiii. 278. b. Boece reports, that, from the 6th of January to the 1st of February 1201-2, daily shocks of earthquakes were felt in Scotland. This seems a very accurate story; yet it is hard to say on what occasions it is that Boece ought to be credited. He also mentions a frost so intense, that iced beer was sold by the pound: That beer may have frozen is likely enough; that it was sold by the pound is a fiction.

1202.

Ford. viii. 62. In a provincial council, held at Perth, all who had received priest's orders, on a Sunday, were prohibited from officiating at the altar*.

Ford. vi. 41. William de Malvoisin, Bishop of St Andrew's, from 1202 to 1233, deprived the abbey of Dunfermline of the presentation to two churches, because the monks of that abbey had neglected to supply him with wine enough for his collation after supper. The historian adds, that the monks had indeed prepared a sufficient quantity of wine, but that the attendants of the Bishop improvidently consumed it.

1206.

Ford. viii. 66. *Boece*, xiii. 278. a. In this year, it is said, that William wrought a miracle at York, in the presence of many persons of distinction. 'A boy was miraculously cured by the touch and blessing of William.' So says the continuator of Fordun, who wrote after an interval of two centuries. In the course of the next century, the miracle increased and prospered. Boece says, 'that the patient was the heir of a wealthy family
' in

* In quo concilio amoti sunt ab officio altaris qui die Dominicâ ordinem sacerdotalem susceperunt; *Fordun*, L. viii. c. 62.

1206.

‘in Yorkshire; that he had a running sore at one eye; that one of his feet was contracted, the other impotent; and that he had not the power of utterance. This, as Boece represents it, was a case exceedingly complicated: Where there was such a contrariety of effects, the physicians could not investigate the cause, and therefore they pronounced the patient to be incurable; William, however, cured him by the simple application of the sign of the cross.’

Boece, who was a physician, meant to impose on his unlearned readers; he knew that he was describing the circumstances of a scrophulous case, and that the disease, however inveterate, was simple. *Why* the name of the disease should have been industriously suppressed, *why* the scene of the cure should have been laid in England, and *why* the King of Scots should have been sought out as a person possessed of this healing quality, are questions to be resolved by those alone who invented or improved the miracle.

In the last century, one David Chambers, on the credit of this miracle, fairly canonised William King of Scots*.

D. Camerarius
de Scotorum
Pietate, 125.

He saw, however, the improbability of a foreign prince practising in England; and therefore he added a new circumstance, ‘that the fame of William’s sanctity brought the patient to him.’

1213.

One Andrew, of Moray, was elected Bishop of Ross; but he refused to accept the Episcopal dignity †.

A.

* ‘Sanctus Gulielmus Scotorum Rex, cujus sanctitatem eximiam mirum in modum miraculis a Deo confirmatam fuisse, testantur Coccius, Boetius, Lessaeus, Major, &c.; *D. Camerarius*, de Pietate Scotorum, p. 125. 4to. Paris, an. 1631. The first in this catalogue of witnesses is, as I take it, Jodocus Coccius, a Jesuit who died in 1622.

† ‘Electus est magister Andreas de Murevia qui renuens episcopari, quaesita licentia a Domino Papa tantae dignitatis honorem humiliter resignavit;’ *Chr. Melross*, p. 186.

1216.

Chr. Mel. 192. A remarkable *aurora borealis* was seen in Galloway. In the chronicle of Melros there is a strange account of this phenomenon, drawn up by the Abbot of Glenluce; it is too long to be transcribed.

1231.

Chr. Mel. 201
Ford. ix. 48. Patrick Earl of March, a brave and aged baron, invited his children, relations, and neighbours, to celebrate Christmas at his castle. After a festivity of four days, he sent for the Abbot of Melros, received extreme unction, assumed the monastic habit, bade farewell to his guests, and expired. Never did superstition appear in a more pleasing form.

1236.

Ford. i. 370. Henry III. King of England, published a manifesto, denying that he had, by collusion, contributed to the imprisonment of Richard Siward, or that he had entered into any convention with him contrary to the duty which Siward owed to the King of Scots. This alludes to some transactions, esteemed of moment at that time, but now utterly unknown. Siward was a favourite of Henry; Richard Earl of Cornwall quarrelled with him. Henry, after a vain attempt to reconcile them, banished Siward from his presence. 'I had rather, said he, incur my own displeasure, by banishing my servant, than my brother's by retaining him *.' This single stroke delineates the benevolent and feeble-minded Henry.

1244.

Ford. ix. 61. About this time Hadington, Rokesburgh, Lanerk, Stirling, Perth, Forfar, Montrose, and Aberdeen, were consumed by accidental fire.

1249.

M. Par. 516. Hugh de Chastillon, Count of St. Paul and Blois, had a large ship of war built at Inverness.

1250.

Ford. ix. 62.
x. 3. Peter de Ramsay, Bishop of Aberdeen, procured a bull from the Pope,

* 'Dicens se malle incurrere suam quam fratris indignationem?' *M. Paris*, p. 274.

1250.

Pope, whereby a stipend of fifteen merks of silver was allotted to each vicarage within the diocese of Aberdeen; but the abbots of Aberbrothock and Lindoris considered this augmentation to be exorbitant and oppressive; they therefore assembled a meeting of the abbots and priors by common consent, appealed to the Pope, and obtained a reversal of the ordinance*.

1251.

The body of Margaret Queen of Scotland was removed from its place of sepulture at Dunfermline, and deposited in a costly shrine †. *Ford. x. 3.*
 While the monks were employed in this service, they approached the tomb of her husband Malcolm ‡. The body became, on a sudden, so heavy, that they were obliged to set it down. Still, as more hands were employed in raising it, the body became heavier: The spectators stood. *Act. SS. 10. June 320.*

* ‘Per rescriptam Apostolicam inpetravit ut quaelibet vicaria in Episcopatu suo, ad quindecim mercas taxaretur argenti. Quod videntes abbates de Aberbrothock et Lindoris, se in hac taxatione indebitè gravari, fecerunt quasi omnes abbates, et majores priores Scotiae convocari; et ne caeteri Episcopi alios quoque religiosos hujusmodi taxationibus gravarent, unanimi consensu dicti abbates sedem Apostolicam appellaverunt, et sic ordinationem dicti Episcopi Aberdonensis cassaverunt;’ *Fordun, L. ix. c. 62.* I have given what seems to be the sense of this passage.

† The breviary of Aberdeen ascertains the 19th of June 1251, as the date of this event. It has preserved the collect used in commemoration of the ceremony. ‘Deus nobis qui translationem B. Margaritae Reginae piâ recolimus mente, praeclaris potentiae tuae miraculis illustratam, concede propitius *ipsum meritis et intercessione*, a labore ad requiem, ab exilio ad patriam nos conferri coelestem.’ See *Acta Sanctorum*, 10 June, p. 320. The petition is elegant and affecting; yet it is hard to say how it should be applicable to the removing of the bones of Margaret into a more honourable place in the church of Dunfermline.

‡ The Scots say, that the body of Malcolm was removed from Tinmouth to Dunfermline by Alexander I.; *Fordun, L. v. c. 25.* But the English deny this, and report that, when the Scots haughtily demanded the body of their King, that of a peasant was imposed upon them. ‘Scotis tamen postea corpus sui Regis frontosè postulantibus, concessum est et datum corpus cujusdam plebeii de Sethtune; et ita delusa est Scotorum improbitas;’ *M. Paris, additamenta, p. 129.*

1251.

flood amazed; and the humble monks imputed this phenomenon to their own unworthiness, when a by-stander cried out, 'the Queen will not stir till equal honours are performed to her husband.' This having been done, the body of the Queen was removed with ease. A more awkward miracle occurs not in legendary history*.

1253.

Chart. Morav.
i. 22.

One mark was covenanted to be paid for the expence and risk of conveying twenty marks from Kinguffy [in Badenoch] to Berwick. This affords a lively picture of those times.

1258.

Chart. Inchaf.
36.

At this time, slaves and their children were conveyed from one master to another, in the same manner that sheep and horses are now, and that, not together with lands, but even without lands †.

There

* I am informed, that at Paris, in our enlightened age, the bones of St. Genevieve shew the like *attention* to the bones of St. Marcel.

† Malise Earl of Strathern, granted to the monks of Inchaffry [*insula Missarum* in Strathern,] 'in pura et perpetua eleemosyna, Gilmory Gillendes *servum nostrum cum tota sequela sua*: Et nos et haeredes nostri dictum Gilmory Gillendes, ut supra dictum est, dictis ecclesiae et canonicis warrantizabimus in perpetuum. Ap. Kenmore, die Annunciationis beatae Mariae Virginis, anno Dominicae incarnationis 1258.' He also granted to the same monks, 'Pro salute animae meae et antecessorum et successorum meorum—in pura et perpetua eleemosyna, Johannem dictum Starnes, filium Thomae filium Thore, cum tota sequela sua. Concedo, et pro me et haeredibus meis, in perpetuum ipsis abbati et conventui omne jus et clameum quod ego in eodem Johanne vel *prole ab ipso suscitata* habeo vel habere potero, aut haeredes mei in posterum habere poterunt. Prohibeo etiam omnibus hominibus meis, ne aliquis eorum dicto Johanni vel alicui proli suae molestiam aut gravamen aut aliquod impedimentum inferre praesumat. 7. Id. Maii, an. 1258.' I was permitted to peruse this Chartulary by a person who chose to conceal himself. As the Chartulary of Inchaffry has remained so long unknown, it is possible that other chartularies, which have hitherto escaped observation, may still exist. If the possessors of any such would be pleased to communicate them to me *in confidence*, I should hold it as a singular favour.

1259.

There was a great dearth in Scotland, so that a boll of meal sold at *Ford. x. 11.* four shillings.

1266.

On the eve of the feast of the 11,000 virgins, a great wind arose *Ford. x. 22.* from the north, the sea broke in and overwhelmed many houses and villages between the Tay and the Tweed. 'There was never such a deluge since the times of Noah,' says Fordun, 'as appears from its traces at this day *.' Unhappily the circumstances of this inundation are omitted, while fabulous genealogies and cloister-promotions are credulously and scrupulously recorded.

1267.

Hugh Gifford de Yester died. In his castle there was a capacious cavern formed by magical art, and called in the country *Boball*, i. e. *Hobgoblin-ball*. In our ancient history there is little mention made of magic, and there are scarcely any vestiges of witchcraft. *Ford. x. 27.*

1269.

In a provincial council held at Perth, the Abbot of Melros and most *Ford. x. 25.* of his conventual brethren were solemnly excommunicated. The crimes laid to their charge were, that they had violated the peace of the territory of Wedale †, had assaulted some houses belonging to the Bishop of St Andrew's, had murdered one ecclesiastic, and wounded many others.

The

* 'Sicut adhuc vestigia manifestant;' *Fordun, L. x. c. 22.*

† *Wedale*, i. e. *vallis doloris*; it is now called *Stow*. See *Milne, Description of the parish of Melrose*, p. 24. last edition. I do not applaud Mr Milne's work as very intelligent or very correct: Yet I wish that every minister in Scotland would do as much for the history of his own parish. The labour in composition deserves not to be mentioned, and the expence of printing would be defrayed by the sale of a very few copies. Every minister would thus, *without expence*, contribute to the foundations of a work resembling that which *Cambden*, improperly, calls *Britannia*.

1269.

Chr. Mel. 241. The chronicle of Melros dutifully suppresses all mention of this singular event, and only says, that, in 1269, John de Edirham departed from his office of abbot.

Ford. x. 26. A frost began on the 30th of November, and lasted until the 2d of February following. It was so intense that none could *plow* during that space *. This gives a favourable idea of the state of agriculture at that time. Within the memory of man, there were many places in the low country of Scotland where a frost, from the 30th of November to the 2d of February, would not have been considered as interrupting the ploughing season.

1272.

Ford. x. 30. Many churches, and particularly the church of Aberbrothock, were fired by lightning in winter.

1275.

Foed. ii. 45. Alexander III. had a daily allowance of a hundred shillings, to bear his charges in England, whenever he was summoned thither by the English King †.

Chart. Dunf. ii. 4. In this year there is a grant of 'eight oars in the new boat at the 'Ferry [Queensferry];' the boat is divided into eight shares; eight pennies of rent was to be paid for each share ‡.

1281.

Foed. i. 178. Edward I. lent L. 40 to Robert Bruce, Earl of Carrick, the father
of

* 'Ita quod nemo poterat arare aut terram fodere;' *Fordun*, L. x. c. 26.; but perhaps the sense is, 'that no man could have ploughed or dug the ground.'

† 'Ad mandatum nostrum;' *Foedera*, T. ii. p. 45. I have translated *mandatum*, as if it meant *summons*, that I might not seem to be partial; nevertheless, every one acquainted with the language of those times must know, that *mandatum* was used for *invitation*. Thus Benedictus Abbas says, p. 432. 'tenuit Rex Henricus curiam suam apud Windeshores cum solenni festo—cui per *mandatum* ipsius interfuerunt—Henricus Dux Saxoniae,' &c.

‡ 'Carta de octo remis in novo batello Passagii;' *Chart. Dunf.* v. ii, fol. 4

1281.

of Robert Bruce ; they had been companions in arms during the wars of Palestine*.

1282.

In this year, according to Boece, the plague appeared in Scotland for the first time. When the symptoms of a disease are not described, we cannot be sure of its nature: Any epidemical disease, which the physicians understood not, had the general name of *plague*. M. Paris mentions a *plague* which consumed great part of the Christian army at the siege of Damietta in 1219; as he has carefully described the symptoms, there remains no doubt that it was the scurvy †.

1285.

At a ball, given on the occasion of the nuptials of Alexander III. at Jedwod, [Jedburgh] a ghost, or something like a ghost, danced †. Boece expressly says, that it was a skeleton ‖. A foolish pleasantry to frighten the court ladies, or a pious monastic fraud, to check the growth of promiscuous dancing, probably gave rise to the exhibition of this harlequin skeleton.

The following examples will give a notion, tolerably correct, of the salaries of parish priests during the reign of Alexander III.

Ten marks of silver, six acres of arable ground, and one acre of meadow, were provided to the vicar of Worgs in Galloway. This grant

* Edward styles him, ' dilectus Bachelarius noster ;' *Foedera*, T. ii. p. 178.

† ' Invasit eâ tempestate multos de exercitu *pestis* quaedam, contra quam medici nullum ex arte sua poterunt invenire remedium ; dolor enim occupavit repente pedes et crura, in quibus apparuit caro corrupta, et nigra ; gingivas et dentes nigredo obdurata potentiam abstulit masticandi ; sicque longo doloris tractu afflicti multi ad Dominum migraverunt ; quidam vero usque ad tempus vernale laborantes caloribus beneficio mortis periculum evaserunt ;' *M. Paris*, p. 210.

‡ ' Infecutus est unus, do quo pene dubitari potuit utrum homo esset an phantasma ; qui ut umbra magis labi videbatur, quam pedetentim transire ;' *Fordun*, L. x. c. 40.

‖ ' Effigies hominis mortui, carne nudatis ejus ossibus, visa est ;' *Boece*, L. xiii. fol. 292. a.

1285.

grant was confirmed by Gilbert Bishop of Galloway, who died in 1253.

Chart. Dryburgh, 14.

1268. A pension of *ten marks* Sterling was granted to the vicar of Kilrethny [Kilrenny in Fife]; of *ten marks* to the vicar of Saltoun [in East Lothian]; of *ten pounds* to the vicar of Childer-kirk [the church dedicated to the Innocents, now called Gingle-kirk, in the Merse]; but he was to do duty also at the chappel of Lauder, in the neighbourhood of Childer-kirk; *twelve marks* were provided to the vicar of Godyn [Gulan in East Lothian].

Chart. Aberbroth. i. 14.

1285. The chaplain of Fiven had a grant from the monastery of Aberbrothock of a *hundred shillings*.

Can. cb. of Scot. c. 10.

Hence we may presume to fix the actual medium at *ten marks*. The canons of the church of Scotland, an. 1242 and 1269, fix the *minimum* at *ten marks*.

Ford. x. 43.

Thomas Learmonth, otherwise called the *Rhymer*, a native of Ercheldoune in the Merse, is reported to have lived during the reign of Alexander III. He was famous for his predictions of future events. On the day of Alexander's death, the Earl of March asked him, whether any thing extraordinary would happen next day? 'To-morrow, answered Thomas, will be heard the most vehement wind that ever was known in Scotland.' When the news of the King's death arrived, 'that, said Thomas, was the wind of which I spake.' Fordun relates this story as a proof of his prophetic spirit*.

Pope

* There is still a better story related of Apollonius Tyanæus by *Philostratus*, Lib. iv. c. 43. An eclipse happened at Rome in the days of the Emperor Nero, at the same time there was a violent thunder-storm. Apollonius, lifting up his eyes to heaven, said, 'εσται τι μεγα και ηε εσται;' i. e. 'something great or extraordinary will come to pass, and will not.' No one could understand the sense of this ænigma; however, it was soon explained; for a goblet in the hands of Nero was struck with lightning, and yet he himself escaped unhurt. *This*, according to the admirers of Apollonius, was the remarkable thing which was to happen, and not to happen.

1289.

Pope Nicolas IV. issued a bull, in which he says, that a detestable practice prevailed in Scotland, of excluding aliens from all offices of trust in religious houses; that, in consequence of this practice, the unworthy were frequently preferred to the most deserving. The Pope abolished this practice, because *there is no respect of persons with God.* *Foed. ii. 417.*

1291.

Pope Nicolas IV. issued a bull, exhorting the Scottish Bishops to preach a *crusade*; it is called *verbum crucis*, i. e. 'the word or doctrine of the cross.' So strangely was the import of the Christian dispensation perverted in those times! for every sermon so preached the Pope granted to them *an indulgence of a hundred days*, besides a proportional share of the indulgences conferred on the crusaders themselves. 'The labourer, said he, is worthy of his hire.' I am not so learned in the matter of indulgencies as to know whether the Pope meant to pardon all the sins which the Bishops might commit during a hundred days, or only to deduct that term from their indefinite residence in purgatory. *Foed. ii. 513.*

From this bull we learn, that pilgrimages to the sepulchre of our Lord were prohibited by Papal authority, under pain of excommunication. The reason of the prohibition appears to be, that, if devout persons were permitted to satisfy the desires of misguided piety, by visiting the holy sepulchre in the guise of pilgrims, it would abate their zeal for obtaining the like privilege by force of arms, and the effusion of blood. [18th March 1291.]

At the same time, the Pope issued another bull of less pleasing contents. By it he required the whole ecclesiastics of Scotland to pay the tenth of their revenues annually, during six years, to Edward King of England, in aid of his promised expedition to the Holy Land. *Foed. ii. 518.*

The

1295.

Rent-roll sub-joined to Chart. Kelfo. The Abbot of Kelfo levied, from every house in the village of Bolden, a hen, valued at one halfpenny*.

1298.

W. Heming. i. 160. At the siege of the castle of Disleton, in East Lothian, about the beginning of July 1298, the English soldiers were reduced to great scarcity of provisions; they subsisted on the pease and beans which they picked up in the fields. This circumstance presents us with a favourable view of the state of agriculture in East Lothian, as far back as the 13th century.

1303.

Ford. xii. c. 3. Edward I. wintered in Scotland. His son, Edward of Carnarvon, had his head-quarters at Perth. During all that winter, there was so great plenty in the English quarters, that good wine was sold at the rate of four-pence for a *lagena* of Scottish measure. Fordun, who *J. Maj.* iv. 15. records this, does not explain what he means by *lagena*. J. Major says, that Gascony wine so abounded, as to be sold at almost no price, i. e. at three-pence the pint of Scottish measure †. How a Scots pint of French wine, sold in 1303 at three-pence, should be considered as exceedingly cheap, is beyond my comprehension.

1304.

Ford. xii. 4. Edward I. stript the whole lead off the monastery of St Andrew's, for constructing the machines employed in the siege of Stirling ‡. It was a very antient practice to throw leaden bullets from *catapultae*; here, however, I imagine, that the lead was used as a counterpoise.

Dan. Milice Francoise, i. 62.

Boece,

* This rent-roll mentions Abbot Richard, and consequently cannot be more antient than 1295 when Richard became Abbot. It mentions not the church of Nanthorn, [Nenthorn], acquired by the Abbacy in 1316, and consequently cannot be more recent than 1316.

† 'Vini Vasconici tanta erat copia, quod fermé gratis venundabitur; *pinta* enim tribus duntaxat denariis vaenit;' *J. Major, L. iv. c. 15.*

‡ 'Ad machinas construendas;' *Fordun, L. xii. c. 4.*

1304.

Boece, ever improving on history, says, that the roof of the monastery was of *copper*. He adds, 'that Edward carried it away for 'some purpose or other *.'

Boece, xiv.
297. b.

To this period must be referred the taking of the castle of Urquhart, where Edward murdered every person in it, except the wife of Alexander Bois, the Lord of the castle: She was pregnant at the time; and the English had a religious scruple at killing a child before its birth. The child, so wonderfully preserved, in due time proved a boy. Having slain a mighty bear that infested the country, he received the appellation of *For-beast*; afterwards this came to be pronounced corruptedly *Forbes*. Boece, and many a transcriber from him, relate this story with the utmost gravity of historical narrative †.

Boece, xiv.
298. a.

In this year the monks of Aberbrothock entered into a contract with the Bishop of Brechin, importing, that the Bishop should not augment the pension of any vicar beyond ten pounds sterling.

Ch. Aberbrothock
i. 21.

1305.

An English hermit saw a vision of angels conducting Wallace out of purgatory with much honour. 'But this, says Boece, is regarded by 'most men rather as a dream, or an old woman's tale, than as a 'real event †.' Here he inadvertently delineates the character of his own history.

Ford. xii. 8.
Boece, xiv.
299. a.

APPEN-

* * In suos, nescio quos, usus; Boece, L. xiv. fol. 297. b.

† Martin, *Geneological Collections*, vol. ii. p. 17. says, that one Salvathius Forbes married Moravilla, daughter of Gregory the Great, King of Scotland, about 870, and that all the Forbes's in Scotland are descended from him. But Nisbet, vol. i. p. 317. says, that Achonacher, an Irishman of quality, slew a monstrous *wild-boar*, and from that event took the name of *For-bear*, and that he was the ancestor of the Forbes's. There is a confusion here of *boars* and *bears*, which I will not pretend to unravel. Sir Thomas Urquhart, in one of his rhapsodies, says, that Phorbas, a Greek, was the ancestor of the family; and that, as frequently happens, the appellative became a surname.

† 'Somnii aut anilis fabulae similia quam verae historiae plerisque censentur.' Boece, L. xiv. fol. 299. a.

A P P E N D I X.

No. I.

Of the L A W of E V E N U S,

And the M E R C H E T A M U L I E R U M.

[Some of the notes which I had prepared to the Annals of Scotland were so long, that it became impracticable to range them with the rest in their proper places. I have therefore subjoined them here, in the form of dissertations.]

Vid. ANNALS, pag. 33.

Boece.iii.35.a.

BOECE thus speaks of an Evenus King of Scotland, ‘ Fecit ad
‘ haec plura relatu indigna, leges tulit improbas omnem olentes
‘ spurcitiâ : Ut liceret singulis suae gentis plures uxores, aliis sex, aliis
‘ decem, pro opibus, ducere ; nobilibus plebeiorum uxores communes es-
‘ sent, ac virginis novae nuptae, loci dominus primam libandi pudici-
‘ tiam potestatem haberet. Haec lex, tametsi reliquae duae regum autho-
‘ ritate haud multo post penitus sublatae fuerunt, nullo labore longa
‘ post secula potuit abrogari, adeo ea pestis magnatum adolescentum
‘ animos infecerat ; eam tandem Malcolmus Canmor Rex, divâ Mar-
‘ garetâ Reginâ suadente, ut opportuniori referetur loco, veluti in De-
‘ um et homines injuriam, prorsus submovit, faciens nummum au-
‘ reum, (*Marchetam* nostra vocat aetas), in nuptiis sponsae pudoris
‘ redimendi causâ, loci domino pendendum : Idque populares nostri
‘ vel hoc aevo observant.’

It

It seems, that this wicked King Evenus had for his successor a virtuous person, one Metellanus, who reigned in Scotland at the commencement of the Christian aera.

Of him Boece thus speaks, ‘Spurcas Eveni leges, quarum, loco haud multum ab hoc diverso, est facta mentio, abrogare plurimum est annixus. Sed magnatum, qui veneris et omnium voluptatum remissas habere gaudent habenas, importunitate victus, ne forte tumultum sentiret, proposito destitit.’ Boece, iii. 35. b.

It would appear that the successors of Metellanus were obliged to connive at this brutal law of Evenus, during a period of no less than a thousand years.

At length Malcolm III. abolished it. Of this great event, Boece thus speaks. ‘Illud vero inter caetera haud indignum memoriâ existimem, abrogatam pessimam eam ac pestilentem consuetudinem, olim ab Eveno tyranno inductam, ut Domini praefecti in suo territorio sponfarum omnium virginitatem praelibarent, dimidiatâ argenti marcâ unam [i. primam] noctem a praefectorum uxoribus redimente sponsâ, quam etiamnum pendere coguntur, vocantque vulgò *mulierum marketam*. Nec dissimile est quod haud longè a Lovanio in pago fit quodam, ubi suae sponsae stuprum sponsus a loci praefecto redimit, quâ servitute nulla unquam major fando est audita.’ Boece, xii. 260. a.

One would be apt to imagine that the learned had conspired to write absurdly on this subject.

What Skene has said of *mercheta mulierum* is too ridiculous to be transcribed. d. V. S. Mercheta, et Reg. maj. iv. 31. in not.

Craig implicitly follows the sentiments of Skene; but adds, that the practice was not peculiar to Scotland, that it prevailed in France, and that we got it from France, together with the feudal law. ‘Quod ad marchetas mulierum, puto hoc falso nostrorum hominum moribus tantum ascribi, quasi apud nos solum Domini pudicitiam virginum soliti essent delibare, quae in eorum territorio locarentur; satis enim constat, et eundem morem in Gallia fuisse, et ab iis ad nos cum feudis transisse.’ D. Feudis, ii. d. 3. § 31.

All materials go to the erecting of a system. [Craig, who derived our feudal institutions from France, saw that Skene quoted Cujacius [L. i. *de Feudis* c. 25.] as mentioning a practice in France analogous to the law of Evenus, and he admitted the *practice* for the sake of the *inference*. It happens unfortunately that Cujacius speaks not of any such practice.

Gloss. v. Marchet.

Spelman, *Gloss. v. Marchet.* describes it to be ‘*turpis Scotorum veterum consuetudo, quâ territorii dominus vassalli sponfam primâ nocte comprimeret, floremque carperet pudicitiae.*’ He adds, that St Jerom [Epist. ad Oceanum] censures the impurity of the ancient Scots in these words: ‘*Scotorum et Azotorum ritu, ac de republica Platonis promiscuas uxores, communes liberos habent;*’ and, as a farther evidence of this custom, he conjectures that Laonicus Chalcocondylas took occasion from it to bring a general charge against the whole inhabitants of Britain. It might be improper to quote the passage at full length: The learned reader is requested to peruse it at the place referred to in the margin.

D. Rebus Turcicis, 49.

D. Bello Gallico, v. 14.

Spelman did not recollect that, what St Jerom says, in his loose declamatory style, of the Scots, Cæsar had said of the Britons in general, and that his other witness, Chalcocondylas, wrote about the beginning of the *sixteenth* century.

I have sometimes thought that the hearty old English fashion of saluting the mistress of the house, ambiguously reported to Chalcocondylas, has been the occasion of his ridiculous account of British manners in the fifteenth century.

Be this as it will, it is certain, that Spelman did not perceive, what was sufficiently obvious, that St Jerom and Chalcocondylas speak not of customs which have even the most remote affinity to the supposed law of Evenus.

Gloss. v. Lair.

Spelman knew how to interpret the phrase ‘*per totam Cantium Archiepiscopus habet mulierem.*’ If, therefore, he had not suffered his judgment to be warped by the opinions of former writers, he might

might have attained to the truth in his inquiries concerning *mercheta*; but, submitting himself to the authority of popular legends, he speaks without hesitation of a *territorii dominus*, and of a *vasallus*, in Scotland, during the reign of King Evenus, who is reported to have been contemporary with Augustus Cæsar.

Du Cange seems so thoroughly convinced by the testimony of Boece, and the comments of Skene, that, in order to confirm their story, he has misinterpreted a record, as I shall have occasion hereafter to shew. *Gloss. v. Mercheta.*

Another French author, Laurier, hints at the same practice having prevailed in France, and, on the authority of Skene, derives it from the law of Evenus. It will be remarked hereafter, that Laurier has totally misunderstood the nature of that custom to which he alludes. *Gloss. Franc. v. Cullage.*

But all this is nothing, when compared with the testimony of Dr. Plot: He says, ‘I have *seen* a particular record of one Maynard of Berkshire, who held his lands by this tenure of the Abbot of Abington, in these words: *Willielmus Maynard, qui tenuit terras in Heurst, cognoscit se esse villanum Abbatis de Abendon, et tenere de eo in villenagio, et per villanas consuetudines, viz. per servitium. 18 d. per annum, et dandi maritagium et marchetam, pro filia et sorore sua, ad voluntatem ipsius Abbatis, &c.* Placita de Banco Regis a die, Pasch. 34. Hen. III. Rot. 20. Berks. [This record is printed in Spelman]. Nor did it only prevail in England and Scotland, but, as *I have heard*, in the Isle of Guernsey [This also is from Spelman], and in the kingdom of Ireland too, where, I am told, by Colonel Vernon, it is called *Lokempy*.’ *Hist. of Staffordshire. 78.*

The record quoted by Plot might have convinced him that the vulgar account of *marchetum* was inadmissible.

Nevertheless, he pursues the tract of venerable system, and even attempts to confirm the absurdities of former writers, by deducing the origin of *Borow-English* from this supposed privilege of the Lord. ‘The eldest son, says he, *being presumed* to be the Lord’s, they usually settled their lands, and not without reason, upon the youngest

‘son, whom they thought their own, which, being practised a long while, grew at length into a custom.’

When writers of reputation err, there is a literary decency, which requires that they should be quoted and confuted, although their arguments may be too weak to require a confutation, and so illogical as scarcely to be capable of it.

Plot says, ‘that men usually settled their estates on the youngest son, the eldest being presumed to be the Lord’s.’

Here there is a *presumption* founded on experience, and a *general practice* arising from that *presumption*. We must therefore suppose, that there was a general coincidence of the following circumstances: 1. That a woman bore her first child within eight or nine months after marriage. 2. That this first child was a male. 3. That this male child was existing when the father made a settlement of his estates. 4. That a father had generally two sons, and no more. All those events must have frequently concurred, in order to the establishing what, Plot says, ‘grew at length into a custom,’ or became a presumption, directing a particular order of succession.

According to the laws of calculation, such a coincidence of events *must*, and in fact *does*, rarely occur.

But the most curious circumstance of all is, that Plot, seeing the word *merchetum* in the record, sagaciously concluded, that a law similar to that of King Evenus prevailed in England so late as 34. Hen. III. and that the Abbot of Abbington did, or might, take advantage of that law. All this is supposed, in order to prove that a law, on the principles of that of King Evenus, was introduced into England, no one knows how or when.

Antiquit. Se-
lect. Septen.
484. 489.

Keyfler, a German of much reading, has treated of the *mercheta*, and has contributed large additions to the absurdities of the writers who went before him. He says, ‘Anglis dicuntur *maiden-rents*, h. e. ‘*reditus e virginitatibus provenientes*. In terris Mecklenburgicis pretium unius uncialis sive thaleri passim statutum est, qui thalerus vocatur *der Klauen Thaler*, credo, quod, eo persoluto, virgo unguibus
‘*Dynastae*

‘*Dynastae* eripitur. Nonnulli tempora solvendi stipendii translata sunt. Novimus oppidum in tractu Albino cujus incolae mulieres nuptae *quotannis* die Martini ante solis occasum quatuor nummos minutos argenteos cum dimidio [$4\frac{1}{2}$ Pfennig] quaestori tenentur offerre; tabulae publicae eos reditus consignant sub rubro *des frauen geldes*, vulgus vocat *den—zins*.’ Here a capitation-tax annually paid by married women is supposed to have the same origin as our fabled *mercheta*. Keyfler adds, with some humour, ‘Si vetera ex praesentibus dimetiri fas est, lubentissimè domini antiquissimi hujus regionis pristino jure carere potuerunt, cum id habeat peculiare, ut non nisi deformes omnisque pulchritudinis expertes nunc quidem gignat.’

To the law of *mercheta* Keyfler ascribes certain fines imposed on coelibacy by the laws of some territories in Germany. For, says he, with the utmost gravity, bachelors deprived their Lord either of pleasure or of profit, and were therefore punished. ‘Coelibes maximè injurii erant in Dominos; antiquissimos enim parte voluptatum, recentiores redditibus frustrabant;’ p. 488. Sundry observations, equally profound, may be seen in Keyfler. Any thing may be proved from any thing, if such fantastical arguments are admitted.

The first author who ventured to speak with judgment of *mercheta mulierum* was Wachter. He thus expresses himself: ‘Skenaeus leges *marchetae primus protulit, in quibus etiam comitum filiae taxantur. Item marcheta filiae comitis est Reginae 12. vaccae. Quis credat comites voluisse ante hanc legem latam filias suas regibus permolandas praebere? Aut episcopos tam impudentes fuisse, ut quod de Ambianensi episcopo scribitur, voluerint a subditis tributum exigere, quod primae noctis stipendium esset? Quanto rectius haec consuetudo ex dominio eminente, tanquam omnium praestandorum fonte, derivatur? Matrimonia omnibus temporibus fuerunt circumscripta et moribus quibusdam gravata, quid mirum, si aliquando nubere non licuit absque vacca vel alio munusculo? Quicquid hujus est, argumentum subjectionis est, non pretium virginitatis.’*

Gloss. Germ.
v. *Reit-schoff.*
1279.

The story of the Bishop of Amiens, to which Wachter alludes, will be mentioned in the sequel.

Gloss. v.
Merch.

Wachter, in another passage of his Glossary, says, ‘*Merch*, virgo, ‘*puella*, Graec. *μεγαλή*. Camb. *March*, Pruffis et Lithuanis *merg*. [Box-horn in *Lex. Antiq.*] Britan. *Merch* filia, nata—an sensum ab equa, ‘*merch* Germanicé ad virginem translatum dicemus [cum Skenaeo]? ‘At qualis est ista virgo quae equitandam se praebet? Mittamus igitur equam, et vocem Celticam ducamus a Scythico *maer*, virgo; per gutturalem annexam, quâ magnoperé delectabantur Celtæ in vocibus Scythicis, ut paulo ante patuit ex *March*, equa, quod eodem artificio factum e simpliciore et minimè aspirato *mar*—*maer* pro virgine extat in *Indice Veretii Scytho-Scandico*, a *march* barbara Latinitas fecit *marcheta*, tributum virginate, quod puella vel pater puellae domino solvit, non pro redimendo stupro, sed pro venia et licentia nubendi, ut dixi prolixè in *Reit-schofs*.’

It would seem that Wachter meant to have added, that *scæat*, A. Sax. *Skat*, and the like, in other northern dialects, implied *tributum*; and therefore that *marchskat*, softened with a Latin termination into *marcheta*, was *tributum a puella solutum*.

The substance of the etymological part of this article in Wachter’s Glossary is, that, in the northern dialects, *maer*, *merg*, *merch*, *march*, signified a *daughter*, or a *young woman*.

Wh. Kennet,
Parochial Antiquities, v.
maritagium.

To this I add, that, in several places of England, as a learned clergyman observes, the diminutive *merkin* is used for *pubes mulieris*; and that, within our own memory, in Scotland, the word *merekin* was used for a girl, in the same sense as the Greek *μεγαλιον* *.

Wachter

* An eminent English antiquary says, that *Mercheta* is apparently nothing more than the *merch-ed* of Howel Dha; ‘the daughter-hood, or the fine for the marriage of a daughter;’ *Whitaker*, History of Manchester, 8vo, vol. i. p. 359. I suppose that by *daughter hood* the learned author meant ‘the state of a daughter;’ as *man, manhood, brother, brother-hood*, &c. I cannot imagine that, in the Welsh language, *ed* implies a *fine for a marriage*.

In a copy of Skene, *de verborum significatione*, belonging to John Swinton of Swin-

Wachter appears to have been more fortunate in discovering what *mercheta* was not, than in ascertaining with precision what it was.

Merchet, *merchetum*, or *mercheta*, had two several significations.

I. It implied 'a fine paid to the Lord by a fokman or villain, when his unmarried daughter chanced to be debauched.'

That such a fine was paid to the Lord by the antient usages of England, and that it was denominated *merchetum*, we are informed by Spelman himself, who makes mention of it, though in a transient *Gloss. p. 398.* manner. '*Merchetum*, hoc est quod fokemanni et nativi debent solvere, pro filiabus suis corruptis seu defloratis, 5. s. 4. d.' *Regist. Abb. de Burgo S. Petri in Bib. Cotton.*

This is the record which Du Cange has grossly misinterpreted, by his paraphrase, in these words: 'Id est, ni fallor, ne corrumpantur aut deflorentur a suis dominis in prima nuptiarum suarum nocte.' *Gloss. v. Marcheta.*

P. Blesensis has preserved an incontestible evidence of the nature of this fine. He says, that, in the time of Joffridus, who became Abbot of Croyland in 1109, each *villain* of the township of Wridthorp paid to the Abbey, '*ourlop* pro filiabus correptis;' [a manifest error for *corruptis*.] We all know that *ourlop* is, in old English, precisely what *transgression* is in modern English; from A. Sax. '*ofer-leopan*, *ofyr-leopan*, transire.' In Scotland, an occasional trespass of cattle on a neighbouring pasture is still termed *ourlop*. P. Blesensis uses *ourlop* for the *mulct*, the consequence of the *transgression*. Of this species of metonymy there are frequent examples. *Continuatio Ingulphi, 115.*

Instances of the same sort of fine are to be found in Blount's Ancient Tenures. Thus: 'In Fiskerton and Moreton [Com. Not.] every she-native that married or committed fornication, paid, *pro redemptione sanguinis*, 5 s. 4d.' This also I take to be the meaning of what Blount *Blount, ancient tenures, 153.* quotes *Ibid. 155.*

ton, Esq; there is written, by an unknown hand, '*mercheta* is Celtic; *mhere* ludus; *thead*, primus; *ergh*, nox.' This word at full length would be *mherecheadergh*. It might be abridged, for *ergh* seems superfluous.

quotes from *Liber Nigér Heref.* 158. 'W.M. tenet novem acras terrae custumariae in Bosbury—et debet quasdam consuetudines, viz. *San-* ' *guinem suam emere.*' Although Blount says that 'by *sanguinem suam* ' *emere*, was meant that the tenant, being a bondman, should buy out ' his villainous blood and make himself a free man *.'

If then such a custom was established in England, and if the fine or mulct in such cases was termed *merchetum*, we may conclude that the same word, when used with us, had a similar signification.

From what has been said, we may perceive that *mercheta mulierum* was a covenant between *the Lord* and *the villain*, concerning the redemption of an offence committed by the unmarried daughter of the *villain*. How different this from the usage which Boece reports to have been introduced by Evenus, and abolished by Malcolm III.?

II. But *merchetum* or *mercheta* was not limited to this sense: It was also used for expressing another *villain* custom:

When a *sokeman* or a *villain* obtained his Lord's permission to give away his daughter in marriage, he paid a composition or acknowledgement; and, when he gave her away without obtaining such permission, he paid a fine. This composition, acknowledgement, or fine was termed *merchetum* or *mercheta*; and it is of it that Wachter speaks. It was sometimes termed *maritagium*; but we must distinguish *maritagium*, as used in that sense, from the same word in its more general import.

There are two records in Spelman where *merchetum* is used for the custom which I describe.

1. *Extenta manerii de Wivenho.* 18. Dec. 40. Edw. III. 'Ric. Burre ' tenet unum mesuagium, et debet tallagium, sectam curiae et *merchet*, ' hoc modo; *quod si maritare voluerit filiam suam cum quodam libero* ' *homine extra villam, faciet pacem domini pro maritagio, et si eam ma-* ' *ritaverit alicui costumario villae, nihil dabit pro maritagio.*'

2. *Placitae*

* Any curious person, who inclines to publish an edition of Blount's antient treasures, may command the use of my notes.

2. *Placita coram concilio Domini Regis*, Term. Mich. 37. Hen. III. Rot. 4. Suffolk. ‘*Johanna Deakony attachiata fuit ad respondendum hominibus de Berkholt, quare exigit ab eis alia servitia, &c. Unde dicit quod tempore Regis H. [Henry II.] avi Regis solebant habere talem consuetudinem, quod quando maritare volebant filias suas, solebant dare pro filiabus suis maritandis duas oras, quae valent 32 denarios, &c. postea veniunt homines et concedunt, quod—debent dare merchetum pro filiabus suis maritandis, scilicet, 32 denarios.*’

To the same custom the following passages, in the Chartulary of Kelfo, seem applicable: ‘*Merchetas de filiabus hominum suorum habebit, et de filiabus suis dabit nobis merchetas.*’ And again, ‘*Dabit etiam, tam ipse quam haeredes sui, duos solidos pro Herieth, et merchet de filiabus suis non dabunt.*’

Chart. Kelfo.
fol. 38. 41.

In England this was a *villain* custom. Hence Bracton, ‘*qui tenet in villenagio, talliari potest ad voluntatem Domini—item dare merchetum ad filiam maritandam;*’ and ‘*merchetum vero pro filia dare non competit libero homini, inter alia, propter liberi sanguinis privilegium.*’

Bracton. iv.
T. i. c. 28. §
5. ii. T. i. c. 8.
§ 2.

Papebroch has published a grant in the 10th century, by a Count Eilbert, in the Ardennes, which will contribute to throw light on this subject. ‘*Constituit praeterea, quatenus ex his duabus partibus et potestatibus, quasi gens una et populus unus, sibi invicem familiae haerent, et sine exactione contraria et Bathinodii questu, Florinensis homo ex Walciodorensi potestate mulierem sumens, legitime sicut sibi parem ducat; sicut versa vice similiter Walciodorensis de Florinensi potestate mulierem sumendo, faciet.*’ Papebroch says, that *Bathinodium* is *Bednodum*, or *Bed-nood*, i. e. *lecti necessitas*.

Acta Sanctor.
30. Apr. 821.

From what has been observed in the course of this dissertation, the import of this grant will be clearly understood. By it the inhabitants of both territories were declared to be *custumarii*, in common; and consequently, if they married in either territory, the rule was, that *nihil dabunt pro maritagio*, to use the words in one of the grants quoted by Spelman.

I suppose that the same custom, which I have attempted to explain, might be traced throughout all the countries of Europe, and might in them all be explained with equal facility.

The probable reason of the custom appears to have been this: Persons of low rank, residing on an estate, were generally either *ascripti glebae*, or were subjected to some species of servitude similar to that of the *ascripti glebae*. On that estate they were bound to reside, and to perform certain services to the Lord. As women necessarily followed the residence of their husbands, the consequence was, that when a woman of that rank married a stranger, the Lord was deprived of part of his *live-stock*. He would not submit to this loss, without requiring an indemnification; at first, the sum paid by the father of the young woman would nearly amount to an estimated indemnification; and, as the *villains* were grievously under the power of their Lord, it would be often exorbitant and oppressive. In process of time, the Lord would discover, that as the young women of his estate were exported, the young men of his estate would import others; so that, upon the whole, no great prejudice could arise from *extra-territorial marriages*. Hence the indemnification would be converted into a smaller pecuniary composition, acknowledging the old usage, and the right of the master. As the intrinsic and marketable value of money decreased, this stated composition would be gradually omitted out of terriers and rent-rolls, or would be thrown into the aggregate sum of rent.

LL. Burg. 19. From the account which I have given of the nature of *merchetum mulieris*, we may learn the meaning of a passage in *LL. Burgorum*. ‘Sciendum est, quod in Burgo non debet audiri—*Merchetac, here-zeld, nec aliquid de similibus.*’ The reason is, these were *villain* performances, not exigible from the tenants of the King in free burgage. The words, *et de similibus*, imply, other *villain* customs not enumerated.

R. g. Majest.
iv. 31.

I am fully aware, that the famous passage in *Regiam Majestatem* will be opposed to my hypothesis. It runs thus: ‘Sciendum est, quod secundum assisam terrae Scotiae, quaecunque mulier fuerit, sine

‘ *nobilis* five ferva, five mercenaria, *marcheta* sua erit una juvenca, vel tres solidi, et rectum fervientis tres denarii. Et *si filia libera fit*, et non domini villae, *marcheta* sua erit una vacca vel sex solidi, et rectum fervientis sex denarii. Item *marcheta* filiae Thani vel Ogetharii duo vaccae, vel 12 solidi, et rectum fervientis 12 denarii; item *marcheta* filiae Comitum est Reginae 12 vaccae.’

It must be admitted, that this passage supposes the *marcheta* to have been paid for the daughter of an Earl, as well as for a female slave, which is inconsistent with the usage of England, and with the reason assigned by me for that usage. If the regulations in *Regiam Majestatem* were indeed an *assisa terrae Scotiae*, it will follow, that the right of composition extended much farther in the practice of Scotland, than in the neighbouring country.

To any one who would incline to examine this passage critically, I recommend the following queries. 1. At what precise period was the price of a cow in Scotland equal to six shillings? 2. What is *ferviens*? Is it the sheriff, or some inferior officer? 3. At what time was the fee of the King’s officer the 12th part of the sum leviable? 4. How happened it that the *marcheta* of a woman nobly born, and that of a female slave, was the same? How happened it, that the *marcheta* of the daughter of a Thane was four times as much as that of a woman nobly born? 6. Whence comes it to pass, that the *marcheta* of a *filia libera* was the double of the *marcheta* of a *mulier nobilis*? 7. In what court was the *marcheta* exigible in the case of the daughter of one holding by the tenure of free burgage? We know from *LL. Burgorum*, that it was not exigible in the borough-court.

A solution of these queries may lead to a just notion of this *assisa terrae Scotiae*.

I flatter myself, that the reader will now perceive what are the genuine senses of the word *mercheta*. From the deduction which I have made, he may perhaps discover its etymology; but it is of no moment although he should not. For, when once the *thing* is known, inquiries into the etymology of the *word* expressing it, are rather curious than useful.

Antiently there prevailed a custom in various parts of Europe, which some writers appear to have confounded with the *mercbeta* of Britain. It has been generally termed the *jus primae noctis*. Its origin was this.

By the 13th chapter of the iv. council of Carthage, it was thus enacted: ‘Sponsus et sponsa, cum benedictionem acceperint, eadem nocte, *pro reverentia ipsius benedictionis, in virginitate permaneant.*’ A plain man would have deduced a contrary inference from the *reverentia benedictionis*; yet, according to the rule here established, it seems that we ought to say, ‘cum mensae benedictio *hodie* accesserit, *cras* coenabimus.’ This capricious African conceit was received into the canon law. It is twice repeated in the decretals*.

i. Distinct.
23. c. 33. ii.
Gaus. 30. c. 5.

Capit. Reg.
Franc. I. vii.
c. 463. apud
Baluz. i.
1129.

Improvements were afterwards made upon this constitution; in the capitularies of the Kings of the Franks, it is thus written: ‘Uxor suo tempore, ut mos est, sacerdotaliter cum precibus et oblationibus a sacerdote benedicatur, et a paranympis, ut consuetudo docet, custodita et sociata a proximis, quae tempore congruo petita legibus detur et solemniter accipiatur, et *biduo vel triduo* orationibus vacent et castitatem custodiant, ut boni soboles generentur, et domino suis in actibus placeant.’

Beſchryving
der aloude Re-
geering wyze
van Huland,
iii. 166.

G. Van Loon conjectures, with great appearance of reason, that the *biduum vel triduum* was introduced on no less authority than that of the book of Tobit, c. viii. v. 4.

This custom prevailed long in France; the clergy, however, judged it expedient to mitigate the rigor of the canon. The Bishops of Amiens, in particular, were wont to grant dispensation to the parties on receiving payment of certain dues. Payment at length having been refused, the Bishop insisted on his procrastinating right, and the cause came to be tried in the parliament of Paris. Charondas says, ‘Nous lisons en un ancien arrêt du 26. de May 1409, donné contre l’*esque*

Reſponſes du
droit Fran-
çois I. vii.
R. 79.

* I am informed, that the superstitious abstinence sanctified by the council of Carthage, is still observed by the vulgar in some parts of Scotland.

‘vesque d’Amiens, par lequel, non obstant l’ancienne coustume de son diocese, de prendre argent des nouveaux mariez pour la premiere licence de coucher avec leurs femmes, ledit evesque fut debouté du droit de la dite prestation pecuniaire, et depuis a esté donné autre arrest contre l’Abbé de Rebois en semblable espece.’

Papon dates this judgement 1st March 1401; and he adds, ‘declaratum fuit—sponfos citra scrupulum et impetratam ejus veniam prima mâ nocte una concumbere posse.’

*Corpus Juris
Francici XV.
i. arr. 1.*

It would seem, that neither the parties nor the judges knew the origin of the practice. For Charondas says, ‘Les anciens, pour la simplicité de l’age, ou quelque gaillardise qui lors facilement se laschoit et permettoit, ont accordé plusieurs choses n’estant paravanture qu’on les deust tirer à consequence, et sur un usage de quelque temps fonder un droit perpetuel; mais depuis qu’on cognoist le mauvais fondement de tel usage, qui se tourne en abus, il est besoin de l’abolir et supprimer; car, en matiere de police publique, ou d’abus, contraire a l’honesteté civile, le temps ne les jugemens sur ce donnez n’emportent auctorité de coustume, ne de chose irrevocablement jugée, et partant ne faut tirer en consequence ce qui a esté premierement introduict contre la raison du droit.’

Van Loon, a late antiquary of Holland, has made some observations concerning the *jus primae noctis*, which appear to be learned and ingenious. His words are, ‘As mention has been made of the tribute paid by the *serfs* to their masters for permission to marry, it will not be foreign from the subject, if we now treat of the redemption paid for the *jus primae noctis*, which is called by the French *le droit de cullage**, and with us *het recht des eersten nachts*, and is known

*Beschryving
der aloude
Regeering
woyze van Ha-
land, iii. 164,
&c.*

* ‘*Culagium tributum a subditis matrimonio jungendis domino exsolvendum. Gall. Cullage. Adde, eodem nomine, varie tamen pronunciato, vocabant munus in cibus vino vel pecunia exhibendum a recens nupto sociis;*’ *Carpentier, suppl. ad Gloss. Du Cange.* The last words are remarkable, as they tend to confirm an observation which Van Loon makes in the sequel.

‘ known in the lordships of Voshol, Schegen, Sluipwyck, and Rhoon,
 ‘ as also in many places of Germany, England, and Scotland.’

Here Van Loon supposes that the *mercbeta* was paid for redemption of the *jus primæ noctis*. After having mentioned the law of E-
 venus as related by Boece, and its supposed repeal about the 12th
 century, he adds, ‘ In the like sense, many of our writers understand
 ‘ the *recht van den eersten nacht*; not however in consequence of this
 ‘ foreign ordinance; for, of what force could the ordinance of a Scot-
 ‘ tish King be among the Frisons? But they represent it as a remnant
 ‘ of Paganism, which, on the introduction of Christianity, was com-
 ‘ muned into a payment of a certain sum of money.’

‘ Although, at first sight, this account of the origin of an antient
 ‘ lewd custom, may appear specious; yet I must fairly acknowledge,
 ‘ that the very existence of such a custom among the Pagan Frisons,
 ‘ seems altogether conjectural, and without any warrant from antiqui-
 ‘ ty. I therefore think, that such an hypothesis ought not to be impli-
 ‘ citly received; and this the rather, because it is contrary to every
 ‘ thing that Tacitus has written concerning the manners of the antient
 ‘ Germans. He says, that adulteries were rare among those people,
 ‘ and were severely punished; and that the innate chastity of the Ger-
 ‘ mans contributed more to the preventing of wantonness, than the
 ‘ most rigorous sanctions of the Roman laws.’

‘ Thus also, in the sermons preached by Boniface in this country, for
 ‘ the conversion of the Frisons, the worship in sacred groves, various
 ‘ other heathenish superstitions and lasciviousness in general, are cen-
 ‘ sured; but we do not find that the abuse in question is ever men-
 ‘ tioned, although it merited especial censure.’

‘ Besides, although the laws of the Frisons mention various punish-
 ‘ ments inflicted on lewdness, as well in the case of freemen as of bond-
 ‘ men, there is not any vestige of a redemption of this nature to be
 ‘ found in them.’

‘ I should wish to know by whom this redemption was exacted dur-
 ‘ ring the reigns of the Kings of the Franks. Certainly not by the
 ‘ Princes’

‘ Princes themselves, far less by the Lords of feignories ; for, at that
 ‘ time, there were no Lordships or feignories in this country ; nei-
 ‘ ther could it be by the hundred men, [*centenarii*] ; for they, in the
 ‘ same manner as the Counts, [*Graven, or comites*], were bound to judge,
 ‘ not according to their own pleasure, or arbitrarily, but partly by the
 ‘ laws of the Frisons, partly by the common law, or the *capitula* of
 ‘ the Frank Kings.’

‘ It appears to me, that this redemption of the *recht van den eersten*
 ‘ *nacht*, must be derived from a very different source. In the fourth
 ‘ council of Carthage, held in the year 398, it was ordained, that all
 ‘ new-married persons, out of respect for the sacerdotal benediction,
 ‘ *eâdem nocte in virginitate permancant*. This species of continency
 ‘ was not only enforced by the general constitutions of the Kings of
 ‘ the Franks, but also prolonged for three nights, after the example of
 ‘ Tobias, that the bridegroom might employ that interval in prayer,
 ‘ with this charge, that the bride should remain in the mean time un-
 ‘ der the custody of her attendants, and only after the expiration of
 ‘ the three nights should be delivered over to the society of the bride-
 ‘ groom. Nevertheless, when, about the beginning of the 12th cen-
 ‘ tury, the office of judges in the tribunal of a hundred [*centenae*] had
 ‘ become hereditary, instead of elective, as in the days of the Kings
 ‘ of the Franks ; and when, in the following century, the jurisdiction
 ‘ of the Counts [*Graven*] became feudal, the antient constitutions of
 ‘ those Kings, touching the abstinence for three nights, &c. were ne-
 ‘ glected by the new Lords of the country ; and, if they were not to-
 ‘ tally abolished, at least the redemption of this inconvenient custom
 ‘ was permitted ; just as in Brabant at this day, persons newly betro-
 ‘ thed are permitted to purchase an exemption from having their
 ‘ bans thrice proclaimed. It is of such a sort of redemption, that I
 ‘ think the *recht van den eerst nacht* ought to be understood.

‘ There is an old custom, probably arising from the same cause,
 ‘ and which still subsists among our peasants ; by it, on payment of a
 ‘ dinner

‘ dinner of fish, or any thing else, the attendants on the bride sell and deliver her over to the bridegroom.’

Were it necessary, more observations might be added on this subject ; but I apprehend, that enough has been already said to explain the nature of the *jus primae noctis*, as well as of the *mercheta*.

Bayle dict. v.
Nisiciv. rem.
M.

I cannot, however, omit mentioning a remark made by Mr Bayle. This subject suited his taste ; it afforded him an opportunity of quoting books that are little known, of using gross language, and of representing man in odious colours. Having mentioned that the house of Rovere in Piedmont had a strange privilege, he subjoins this note : ‘ C’etoit un droit de pucelage des filles que leurs vassaux epousoient. ‘ Un Cardinal de cette maison jetta dans le feu la patente de ce privilege. *Cotal costume* l’auteur venoit de parler de celle que Malcolm [Evenus] Roi d’Escoffe avoit etablie, *cotal costume de Paganis et de Gentili su gia in Piemonte, et il Cardinale illustrissimo Hieronimo della Rovere mi diceva haver egli stesso abbruciato il privilegio che aveva di cio la sua casa ; ces paroles sont d’un auteur qui vivoit au commencement du xvii. siecle ;’ Bonifaccio Vannozi avvertimenti politici, tom ii. p. 253.*

Since the well-meaning Cardinal thought fit to burn the grant, we may be allowed to doubt of its contents, until some other evidence of them shall appear. It is probable, that he imagined *that* to be a lewd and flagitious privilege, which, in the course of this dissertation, has appeared to have been of a nature altogether inoffensive.

Bayle adds, ‘ Monsieur Pars Minister de Katwic raconte, dans un ouvrage Flamand, intitulé *Katwykse oudheden*, c’est a dire *antiquitez de Katwic*, p. 196. que certains seigneurs de Hollande, il en nomme quelques uns, ont eu un semblable privilege, et que les Etats l’ont aboli en leur donnant quelque argent.’

I have had no opportunity of consulting the treatise here quoted ; but I see that Van Loon has gone over the same ground ; and I presume, that the Lords, who are said by Pars to have enjoyed this privilege,

vilege, were the Lords of Voshol, Schegen, Slaipwyck, and Rhoon, of whose *recht van den eersten nacht Van Loor* has given a satisfactory account.

Some apology may, perhaps, be necessary for the medley of languages which has been employed in this dissertation. The truth is, that I meant to convey my sentiments to the learned, without being intelligible to common readers. This excuse will, I flatter myself, be candidly received.

No. II.

A COMMENTARY on the XXII. STATUTE

WILLIAM the LION.

Vid. ANNALS, pag. 141.

IN Skene's edition, the xxii. statute of *William the Lion* runs thus :

‘ § 1. Si aliquis liber homo intestatus decefferit, bona ipsius per manus amicorum suorum et parentum, ac per provisionem sanctae ecclesiae, distribuentur, salvis unicuique debitis, quae defunctus debuerat.

‘ § 2. Et cum post mortem alicujus decedentis intestati, et obligati aliquibus in debitis, bona deveniunt ad ordinarium disponenda, obligentur ordinarii ad respondendum de debitis, quatenus bona defuncti sufficiunt.

‘ § 3. Eodem modo, quo executores respondere tenentur, si decedens testamentum fecisset.’

The just interpretation of the statute seems to be this :

‘ § 1. If a free man die intestate, his effects shall be distributed by the hands of his relations, and by the provision or superintendency of holy church, reserving to every one his claims for what the deceased owed.

‘ § 2.

‘ § 2. And when, upon the death of one intestate and bound in payment of debts, his goods come to the disposal of the Ordinary, the Ordinary shall be liable in payment of the debts, to the extent of the effects of the deceased.

‘ § 3. In the same manner, as executors are liable when the deceased has made a testament.’

The translation by Skene, as it generally happens, is erroneous*.

He renders *per manus amicorum suorum et parentum* thus, ‘ be the sight of his friends [and] parents.’ I do not see why the obvious meaning of the words should be departed from. *Per manus* is not ‘ be the sight,’ but ‘ by the hands,’ or ‘ ministrations.’ A similar expression occurs in the 1st canon of the council of Clermont, ann. 1096. ‘ *Episcoporum deficientium res per archipresbyterorum seu archidiaconorum manus, aut secundum mortuorum iudicium pro ipsorum salute in elemosynas dispensentur, aut successori qui futurus est reserventur.*’

P. Marca de
Concordia,
1029.

The phrase *amici et parentes*, does not mean ‘ friends and parents,’ but ‘ friends and relations,’ used as synonymous; and so the words are used in Scotland at this day. With us, ‘ a near friend’ is not ‘ an intimate familiar,’ but ‘ one near to us in blood.’ Hence we say, ‘ her friends have used her ill ever since her disgraceful marriage;’ and, ‘ he is poor, and neglected by his wealthy friends,’ &c.

The expressions, *et cum post mortem alicujus decedentis intestati, et obligati aliquibus in debitis, bona deveniunt ad ordinarium disponenda*, are thus rendered by Skene. ‘ After the decease of anie man intestate, and awand debts to creditors, his goods suld be disposed be his ordinary.’ Whereas the sense is, ‘ when the effects of one dying intestate, and in debt, come to the disposal of the ordinary,’ or, ‘ to be distributed

T t 2

* I know not for what cause it is, that the translation of the old laws by Skene has obtained such authority with us, as to be quoted by our lawyers in place of the original; that strangers, ignorant of the laws of Scotland, should have so quoted it, is not surprising.

‘distributed by the ordinary.’ By comparing § 1. and 2. it seems plain, that *disponere* in § 2. and *distribuere* in § 1. are synonymous.

The meaning of § 1. is, ‘That the effects of one dying intestate were to be distributed, among those having any claim to them, by the relations of the deceased, and by the church.’

From the words, *per provisionem sanctae ecclesiae*, it may be inferred, that the church had a superintendency in this distribution.

I will not much enlarge on the rise and progress of that administration which Bishops assumed over the moveable estates of persons dying within their dioceses; the following slight sketch will give a general view of the subject.

L. 28. Cod. d.
Episcop. et
Cler.

In the seventh century, the Emperors Leo and Anthemius ordained, that money left for the redemption of captives should be at the disposal of the bishop of the diocese within which the testator resided at the time of his death.

L. 46. Cod. d.
Epif. et Cler.
et Nov. 131.
c. 11.

Justinian extended this power of disposal to any legacy left for the ransoming of captives, or for the maintenance of the poor. [*ὅτις ἀναγε-
ρσιαις αἰχμαλωτων ἢ ἀποτροφῆς πτωχων.*] And he decreed, that the heir should forfeit the succession, in case he delayed to account to the Bishop.

The transition was easy from this power which Bishops obtained, to the power of obliging the heir to account for all legacies, whether left to pious uses, or to individuals.

Tit. i. de Test.
c. 6. § 4.

Accordingly Covarruvias lays it down, ‘*posse Episcopum intra quinque menses, aliudve tempus arbitrarium, cogere haeredes et executores testamentarios ultimam voluntatem ad executionem deducere, per censuram ecclesiasticam vel per interdictum administrationis bonorum defuncti, textus optimus hic; Nov. 131. et Decr. Gregor. III. Tit. 26. c. 17. c. 19. ex quo praecipue haec assertio colligitur, etiam quoad legata profana.*’

The power being once established of obliging the executor to render an account of his administration to the Bishop, there were many reasons which concurred for vesting the administration in the Bishop, when the deceased died intestate, and without naming an executor.

1. The received opinion of the sanctity of the clergy. Whether this opinion was well founded or erroneous, it is not my province to inquire.

2. Their peculiar knowledge in the art of writing, and of every thing respecting accompts.

3. The efficacy of ecclesiastical denunciations for obtaining discovery of the concealed effects of the deceased.

4. The security of the effects themselves, while in the custody of men whose persons were held sacred, and who generally resided within a sanctuary.

5. The duty which the Canonists term *restitutio de male ablatis*.

Add to all this, 6. That men were wont to purchase the prayers of the church by testamentary bequests, either from piety, for the souls of their parents, from fashionable loyalty, for the souls of the sovereign and his predecessors, or from more interested motives, for relieving themselves out of purgatory. It was therefore to be presumed, that every person would have made a bequest to the church, had he had time and opportunity of distributing his effects by will; and hence it was natural for the church to interpose, with the view of rendering such intencion effectual; but it was most unnatural to presume, that he who died intestate, meant to leave his whole effects to the church. *Quod plerumque fit, praesumitur*, is a known maxim; but the maxim, *quod quam rarissime fit, praesumitur*, would seem new and extraordinary.

Essays on Dr. H. 174. &c.

Such appears to have been the rise and progress of that administration which the Ordinaries assumed over the moveable estates of persons dying intestate.

The *first* section of the xxii. statute of William the Lion, shews how matters were conducted when the relations of the deceased appeared and put in their claim. The distribution of the effects in such case was, 'per manus amicorum et parentum, et per provisionem sanctae ecclesiae.'

But

But cases might frequently happen, where the relations of the deceased would not concern themselves in his succession; as when the relations standing in the same degree were numerous, and the value of the effects inconsiderable, or when the debts due to the deceased were so large as to embarrass the succession.

To such cases the *second* section of the xxii. statute of William the Lion seems to relate. ‘When the effects of one dying intestate, and in debt, come to be distributed by the Ordinary.’ This, as has been shewn, is the sense of the words, ‘Cum post mortem alicujus decedentis intestati, et obligati aliquibus in debitis, bona deveniunt ad Ordinarium disponenda;’ not, as has been sometimes supposed, ‘that, after the decease of any man intestate, and owing debts to creditors, his goods shall be disposed by his Ordinary.’

This last interpretation is erroneous; and the error has arisen from overlooking the word *cum* in § 2. and from not distinguishing between the different cases put in § 1, and § 2.

In § 3, it is declared, that the Bishop is accountable to the creditors of the person dying intestate, in the same manner as executors named by the deceased are accountable. This seems rather to declare and enforce the former practice, than to introduce a new law. A similar form of expression is to be found in other statutes of William the Lion. Thus, c. xiii. ‘Nullus potest in lecto aegritudinis suae, de qua moritur, alienare aliquas terras quas haereditariè possidet.’ And yet no one imagines that this statute introduced the law of Death-bed. See also to the same effect, c. xvii. § 1. and c. xxvii. § 2. Such indeed must be the stile of statutes, when the law, from being *consuetudinary*, becomes *written*.

For the illustration of this subject, much light would have been obtained from the transactions of the synods or provincial councils in Scotland,

Scotland, had those monuments of ecclesiastical antiquity remained entire.

All that I have been able to discover relative to the present question, is contained in the proceedings of a provincial council held at Perth, 16th July 1420. *Chart. Morav.*
fol. 62. 63.

At that assembly, the clergy of each diocese were required to report upon oath, what was the practice in administering, or, in our law-language, as to the *confirmation of testaments*. They unanimously reported, upon oath, as follows.

‘ That Bishops and Ordinaries had been in the constant practice of *confirming the testaments* of all persons within their respective dioceses, and of *naming executors to those who died intestate*.

‘ That it was the constant practice to sequester the effects of the deceased, until their latter-wills were presented to the Ordinary, and regularly confirmed in his court.

‘ That the Ordinary required all executors to administer upon oath, and, as far as in them lay, truly to perform all the reasonable injunctions of the deceased, and also to be ready, whenever required, to render an account of their administration to the Ordinary, and to all others concerned.’

They further reported, ‘ That the practice was, first to pay the debts of the deceased, and then to divide his effects into three equal portions, whereof one was given to his widow, and one to his children; that the executors bestowed the remaining third in payment of legacies*, and for obsequies and prayers in behalf of the deceased: That for this third, or *dead’s part*, the executors of the deceased were wont to pay a composition to the Ordinary, at the rate of five *per cent.* for the charges of confirmation.’

It

* If this comprehends the case of persons dying intestate, the mention of *legacies* may seem singular; but it will be remembered, that the Canonists used great latitude in establishing nuncupative legacies. Of this, I believe, some remarkable vestiges still remain in the law of England.

It will occur to every intelligent reader, that no mention is here made of the case of a person leaving neither widow nor children. In the 15th century, marriages were more early with us, and possibly more fruitful than at present. Besides, men were more frequently cut off by violent deaths than they are under a better government, regularly established; and, consequently, the number of women who survived their husbands, would be greater then than now; yet still the event of a man dying without leaving either widow or children, must have often occurred; and *there*, I presume it was, that the clergy reaped their best harvest.

The council at Perth, in 1420, ratified all the usages already mentioned, and enjoined both clergy and people to observe them.

At no period of the Scottish history had the clergy a fairer opportunity of committing excesses than under the regency of Robert Duke of Albany and his son Murdoch. The power of that branch of the royal family prevailed, without a rival, for near forty years. The policy of the father favoured the churchmen, who flattered him, and supported his administration. The imbecility of the son rendered him incapable of redressing grievances; and yet, if we can believe the solemn and uncontradicted assertion of the whole Scottish clergy, the manner of applying the effects of persons who died intestate, even in the 15th century, scarcely merited the name of *abuse*. Of *shameless rapacity*, and of *monstrous practices*, I discern no traces; and yet such appellations have been bestowed on the conduct of the Scottish clergy. This has been principally occasioned by an error in interpreting the xxii. statute of William the Lion.

I have only to observe farther, that there is no probability that abuses would have been tolerated during the reign of William the Lion, which were not actually practised during the regency of Murdoch Duke of Albany. Scotland was no less ignorant and superstitious at the beginning of the 15th century, than it was towards the close of the 12th. At the beginning of the 15th century, a weak pusillanimous creature

creature was the nominal head of the state. Towards the close of the 12th, there reigned a sovereign, high-spirited and vigilant, and one who opposed the encroachments of the clergy, and contemned the thunders of the Papal See.

This consideration is, of itself, sufficient to prove, that the received interpretation of the xxii. statute of William the Lion is erroneous.

OF THE XVIII. STATUTE OF
ALEXANDER II.

Vid. ANNALS, pag. 161.

OF the statutes of Alexander II. as published by Skene, the chapter xviii. 'De Maneleta, id est, *Guild*,' is one of the most remarkable.

It runs thus: 'Si firmarius tuus ponat *maneletam* in terra domini Regis vel Baronis, et non vult eam deliberare et mundare, debet puniri sicut feductor, qui ducit exercitum in terram domini Regis vel Baronis. § 2. Item, si natus tuus habeat *maneletam* in terra tua, pro qualibet planticula dabit tibi, vel cuilibet alio suo domino, mutonem ad forisfactum suum. Et nihilominus terram mundabit a *maneleta*.'

Guild is, in English, *the corn marygold, or chrysanthemum segetum*. The word seems to be an abbreviation of the German *goldblum*.

The Scottish botanists, as Sutherland, Sibbald, Morison, and Alston, do not mention it by the name under which it is known in Scotland.

Threlkeld says, 'It is, in some places, a pest to the corn; and manour-courts do amerce careless tenants who do not weed it out before it comes to feed.'

Linnaeus observes of this plant, 'Accessit in Hallandiam, cum frumento è Jutlandia ante 60 annos petito;' and again, 'Dani lege obstringuntur plantas omnes ex agris eradicare.'

*Stirpes Hi-
bernicæ,*

*Flor. Suec.
296.*

It has not yet found its way into Switzerland or Lapland*.

I am told that this ordinance continues to be enforced in the barony of Tinwald in Annandale.

For illustrating the Scottish ordinance, Skene has referred to a passage in the civil law, and to a passage in the natural history of Pliny. The passage quoted from the civil law respects those who maliciously sow weeds among their neighbour's corn; that from Pliny, speaks of the weeds which spring up among corn; but it mentions not any law for extirpating them; and therefore is foreign from the intendment of the statute in question.

L. 27. § 14.
D. de Leg. l-
quit.
Plin. Hist.
Nat. l. xviii.
c. 17. l. e.
44. § 1

The likening him who sows weeds in the land of the King or Baron, to him who raises sedition in the army, is a curious notion, and altogether feudal.

Although the ordinance may seem to say, that the fine of a sheep was to be exacted for every plant of the corn-marygold that was suffered to come to seed; yet the sense is, that such fine was to be exacted, even if a single plant was suffered to come to seed.

The evil apprehended from this noxious weed must have been very great, if it induced the Scottish legislature, in the 13th century, to publish an ordinance so strict, and with such severe penalties.

This leads me to observe, that I have examined several MSS. of our old laws in the Advocates Library, particularly Lord Cromerty's MS. which is the most antient of all, that of Monynet 1488, and of Bannatine 1520, as also the old version in the Scottish language; yet in none of them is this statute concerning *guild* ascribed to Alexander II. It is however to be found in the treatise *de Judiciis*, c. 6. 7. with this single verbal difference, of *menelatam* for *maneletam*. Upon what authority it was that Skene ascribed this ordinance to Alexander

U u 2

II.

* These illustrations concerning *the guild*, were communicated by Dr John Hope, professor of botany in the university of Edinburgh. One might be led to imagine, that *menelat* or *manelet* was a Gaelic word; yet I am assured, that the word is not known in that language; the word used for *guild* being *brenandrol*, i. e. 'that which rotteth corn.'

II. I know not; neither will I inquire whether it was justifiable in him to transplant an ordinance out of the treatise *de judiciis*, whose age and author are unknown, and to place it among the statutes of Alexander II. This, however, I must observe, that the more I compare the work of Skene with the antient MSS. of our law, I am the more persuaded that he was a careless, and even an unfaithful publisher; and that, if curiosity should ever lead us to study the antient laws of Scotland, we must explore the sources which he has neglected or corrupted.

In confirmation of this remark, I beg leave to transcribe a statute of Alexander II. as published by Skene, with his version of it; and then to subjoin the same statute as it appears in the most antient MS. of our laws, that which Lord Cromerty presented to the Advocates Library.

Lex Aquarum, c. 16.

[‘ Haec est assisa Regis Alexandri facta apud Perth, die Jovis ante
 ‘ festum Margaretae, per Comites, Barones, et Judices Scotiae,] quod
 ‘ filum aquae, seu medium aquae, *lie streame*, debet esse liberum usque-
 ‘ quaque in tantum, adeo quod unus porcus trium annorum bene pas-
 ‘ tus possit se vertere infra filum aquae, ita quod neque rostrum por-
 ‘ ci nec cauda appropinquet sepi vel ripae.’

Skene’s version runs thus: ‘ That the stream of the water sal be in
 ‘ all parts swa free, that ane swine of the age of three zeares, well feed,
 ‘ may turne himself within the streame round about, swa that his
 ‘ snout nor taill *fall not touch the bank of the water.*’

Every reader must, at first sight, perceive, that the explication of this statute depends upon the sense of the word *sepi*. Skene, however, has omitted that word in his version. He supposes that the meaning of the statute is, ‘ That the mid-stream shall be so wide, as that a swine may
 ‘ turn itself without touching, either with its snout or tail, *the bank of
 ‘ the river.*’ This is altogether unintelligible; for it supposes the *mid-stream* to be close to the bank of the river.

The word *sepes*, which in the MSS. used by Skene is joined to *ripa*, is as comprehensive as the word *septum*. *Sepes*, a hedge or mound;

mound; *Hutton*. Lat. Lexicon 1583. 'Septa sunt, five ea lignea
' sunt, five lapidea, five qualibet aliâ materiâ sint, ad continendam trans-
' mittendamque aquam excogitata; l. 1. § 4. *D. de. Rivis.*' *Seper*,
therefore, in this place, is the hedge or heck, the palisadoes, or rails
placed for interrupting the course of the salmon; and the sense is, that
the mid-stream shall, for a certain breadth, be free from such hedge
or heck. This breadth is expressed according to a form of measure-
ment adapted to the notions of a rude age.

All the ambiguity has arisen from the interpolation of the word
ripa, which appears to have been put in this place for a *bank or mound*
across the river, not for *the bank of the river*.

But the sense of the statute is perfectly clear in Lord Cromerty's
MS. 'Quod filum aquae, scilicet *medium streum*, debet esse liberum
' usquequaque, in tantum quantum unus porcus trium annorum be-
' ne pastus est longus, et possit se vertere infra filum aquae, ita quod
' nec groyn [*the snout*] porci neque cauda *appropinquet sepi.*'

BULL of POPE INNOCENT IV.

Vid ANNALS, pag. 163.

INNOCENTIUS Episcopus, &c. Venerabilibus fratribus Lyncoln, Wygorn, et Lycchefelden. Episcopis, salutem et Apostolicam benedictionem. Clamat in auribus nostris Scotiana ecclesia, et adversus eos, qui fidelem Scotiae videntur regere populum, et heredem illius Christianissimi Regis, adhuc impuberem, obtinere suae potestati subiectum, multiplicem se habere proponit materiam questionis, et caritativa quidem in illos primum querela dirigitur, pro rege puero, et pro regno, quod videlicet eidem regi pupillo bene non consulant, dum thronum ejus novi aulici ascendentes, amotis sanitatis consiliis, quibus providus eum suffulcerat vivens adhuc patrius affectus, justitiâ et judicio non conformant, nec in sua regnum ipsum integritate conservant. Dum iidem novi aulici novis consiliorum machinis ecclesiasticam impetunt libertatem *, quam profecto qui violant, principum robur quo fides viget catholica, et regia dirigitur celsitudo, confringunt. Inter caetera quae in derogationem ecclesiasticae potestatis in partibus illis ministri regni et locorum domini post obitum clarae memoriae Regis Scottorum, quem fides et libertas ecclesiae Christianissimum habuit defenforem, sub rege tenerae indolis attemptare dicuntur, nemini videri non debet absolum et absurdum, et divini et humani judicii animadversione.

* It is curious to see the cant concerning *the new ministry*, and *the church in danger*, used among the Scots in the thirteenth century. Impartial posterity will judge, whether this declamation was selfish or patriotic.

madversione plectendum, quod cum ecclesiarum prelati excommunicationis, vel interdicti, seu suspensionis sententias, ob contumaciam seu offensam proferunt in subiectis, ad eos, ut hujusmodi sententias revocent, literatoria sub nomine regis jussa manant, qui nisi praeceptioni pareant, ad id per bonorum suorum confiscationem sacrilegam compelluntur, sicut aliquibus ejusdem regni episcopis dicitur contigisse.

Super possessionibus quoque, seu rebus quas in jus divinum pia contulit largitas devotorum, clerici per regia trahuntur edicta contra clericum privilegium ad iudicium seculare, nec audiuntur jus publicum allegantes, sicque per iudicis incompetentis injuriam nonnunquam ecclesiae suis possessionibus spoliantur. Et praeterea, cum aliquibus possessionibus clericis in eleemosynam a laicis perpetuam donatis, nihil sibi praeter exercitum ad defensionem regni et commune auxilium retinent donatores, iidem ministri et alii laici eorum favore suffulti, per adjunctionem hujusmodi praedictas possessiones laicantes fore censentes, eas in omnibus parvis conditionis efficiunt, cum possessionibus laicorum, et in divini juris dispendium, interpretatione perversa donatorum munificentiam restringentes, laicae subjiciunt servituti. Non attendentes quoque quod laicis, quantumlibet religiosis de rebus ecclesiasticis nulla est possibilitas distribuendi attributa ecclesiastica praedia, invitatis et contradicentibus dominis, limitare propria temeritate, et de ipsorum fructibus in quorum possessione pacifica ecclesiae fuisse noscantur per tempora longiora, sequentes interdum perjuria laicorum, qui clericis quidem sunt infesti, [et] proferunt pro laicis contra clericos iniqua iudicia, quae tandem per spoliationis violentiam exsequuntur; porro de jure patronatus, quam sit spiritualibus causis annexum nemo fere non novit; sed licet per hoc quod explorati sit juris, illud ad iudicium ecclesiastici examinis pertinere de generali, et jure consentanea regni praedicti consuetudine, sit obtentum; id tamen ibidem novis conviciis usurpatur a laicis, et, ut super hoc cum de illo agendum fuerit ad forinsecum recurratur iudicium, jam ex parte Regia est publice proclamatum. Fidei vero ac iuramentandi modum quis abnuat inter spiritualia negotia, nisi quis de fide non senserit computandum, et cum carne se in hac parte spiritui

spiritui contumaciter praeferente, coeperunt in partibus vestris regia scripta discurrere, per quae in regis notam et regni iacturam redundant, ne quis ad observationem iuramenti vel fidei per censuram ecclesiasticam cogatur, inhibetur.

Sane, licet sit de antiqua ejusdem regni consuetudine introductum, et velut humanae disciplinae consonum pacificè usque ad hoc tempus observatum, ut praelati quandem poenam infligant pecuniariam, pro delictis quae ad censuram ecclesiasticam noscuntur pertinere, cum delinquentes perspexerint spirituali gladio, quo non est poena severior, feriendos. Jam regni praedicti magnates, et alii temporali praediti potestate, consuetudinem immutare volentes laudabilem, subditis suis ne hujusmodi poenae pareant interdicit. Ad ea insuper quae ab humani jure dominii divinae potestatis auctoritas abdicavit, ministrorum sui cultûs usibus profutura, praesumptuosa nimis atque damnabilis eorundem magnatum prorogatur audacia de foeno, molendinis, pascuis decimas solvi ecclesiasticas interdicens. Si qui vero super iis praestandis in iudicium coram ecclesiasticis iudicibus evocantur, actores persequi jus divinum, aut iudices super eo iustitiam exhibere poscentibus, missa sub nomine regis edicta prohibitoria non permittunt, quin potius hoc sub gravis poenae interminatione proposita iidem iudices coguntur jam rite prolatas nuper sententias revocare. Clerici vero uxorati ejusdem regni, qui clericalem deferentes tonsuram clericali gaudere solent privilegio, et cum bonis suis sub ecclesiasticae protectionis manere praesidio ab antiquo, solitae immunitatis beneficiis exuuntur, et sub nova rediguntur onera servitutis. Verum, ne parum illis esset per hoc in Scoticanam ecclesiam deliquisse, peccatum adjecerunt, non satis veniale in Romanam, dum plenitudinem potestatis qua Deus sedem Apostolicam praedidit, quantum in ipsis est vacuare conantes, clericos literarum nostrarum impetratores, et iudices delegatos a nobis ab agendo vel cognoscendo, commissa tractare negotia prolatis regiis prohibitionibus et interminationibus non permittunt, in ejusdem sedis intolerabilem injuriam et contemptum; verum quia [i. quamvis] pastorum interest praecipuè pro salute gregis, et pro decore libertatis ecclesiasticae,

clesiasticae se objicere ascendentes ex adverso, nonnulli de clero ut concussis columnis aedificium corruat adversus pontifices suos, impias, ut dicitur, inter se colligationes et conspirationes innectunt, in periculum ecclesiastici status et ordinis, et suarum perniciem animarum. Gravia sunt haec, nec possunt sine culpa incorrecta relinqui, vel dissimulatione aliquâ praeteriri: Quae quidem, ex eo praecipue, quod in quibusdam religiosis et clericis cooperationis habere dicuntur favorem, a quibus in laicos, quos salutaribus remediis a tantorum peste morborum curare debuerant, corruptela producitur, zelum excitant salutiferae ultionis, et tempestivum suadent medicinae antidotum praeparari, ne in regis dispendium, quem aetatis infirmitas, ut dicitur, ista non capiens excusare quodammodo videtur a culpa, et in actores ejus retorquere delictum, nec non in detrimentum regni, lapsum fidei et ruinam catholicae libertatis praemissa malorum initia per morosam tolerantiam in illis Christianae **** ipsis invalescant. Cum enim qui talia nequiter agunt vel agenda suadent, non sit incerta damnatio, et promptum in eos apud Deum durae animadversionis judicium non dormitet, pastoralis sollicitudinis zelus tunc in eis miseretur et commodat, cum in peccatis culpis eorum severius excandescit. Quare fraternitati vestrae per Apostolica scripta districtè praecipiendo mandamus, quatenus consiliarios, officiales, ministros regis, regnique ejusdem magnates, et alios tam religiosos et clericos, quam laicos, haec et iis similia praesumentes, eorumque fautores, qui negligenter, cum possent perturbare, perversos fovere videntur, ut praesumptiones praedictas in statum debitum sine morae dispendio suadeant revocare, et a consimilibus prorsus abstineant in futurum; non impediens ullo modo per se, vel alios, vel impediri quantum in eis sit permittentes ecclesiarum rectores, et clericos, super praemissis, et aliis, uti pacificè jurisdictionibus, libertatibus, et immunitatibus, in temporalibus suis bonis, juxta constitutiones canonicas et civiles, ac consuetudines approbatas, per excommunicationem, in personas, et interdictum in terris, si laici fuerint, quacunquè etiam dignitatis, vel potestatis eminentiâ praefulgentes. Si vero clerici cujuscunquè dignitatis, gradus, vel ordinis, per privationem, vel suspensi-

onem perpetuam a praelationibus, dignitatibus, et beneficiis ecclesiasticis, auctoritate nostrâ, sublato cujuscumque appellationis obstaculo, de plano, et absque judiciorum strepitu, quotiens expedierit vel oportuerit, et super hoc requisiti fueritis, compellatis, praelatos nihilominus et clericos facpe fati regni quos laicorum ad opprimendam totaliter ecclesiasticam libertatem, et clerum quemcumque nunc, vel in posterum, contra solemnitatem judiciariam constiterint intentores; nisi hoc eeleriter emendare curaverint, moniti competenter cum literis nostris causam ipsorum contingentibus personaliter infra preemtorium terminum eis praefigendum a vobis ad sedem apostolicam, ab officiis beneficiisque suspensos, venire rogatis, prout egerint recepturos. Subditos quoque quos contra praelatos conspirationis facinus deprehenderitis admisisse poenâ canonicâ punientes, non obstante, si aliquibus eorum forsitan sub quacunque forma uberiore generaliter, vel specialiter, a sede Apostolica sit indultum, quod excommunicari vel suspendi non possunt, vel ipsorum terrae subjici ecclesiastico interdicto, seu quavis aliâ dictae sedis indulgentiâ, per quam commissâ vobis jurisdictionis executio impediri valeat vel deferri, et de qua plenam et expressam in literis vestris fieri mentionem oporteat, seu constitutione de duabus dietis edicta in concilio generali, sive quod Scotis dicimur concessisse, ut extra regnum Scotiae nequeant per literas apostolicas ad iudicium evocari. Et, si non omnes iis exequendis potueritis interesse, duo vestrum nihilominus ea exsequantur. Dat. Jan. pridie Kal. Junii. pontificatus nostri anno octavo. Deo gratias.

From this verbose and passionate Bull, we learn that the ministers of Alexander III. were charged as being guilty of the following enormities, subversive of the christian faith. 1. They issued orders requiring the Scottish Bishops to recal certain sentences of excommunication, interdiction, and suspension pronounced by them. 2. They obliged the clergy to appear before secular judges, in matters concerning the patrimony of the church. 3. They held those to be laic fees, which laymen had bestowed on the church, under the condition of performing military service, and of bearing a share in public aids. 4. They nar-
rowed

rowed the antient boundaries of ecclesiastical possessions on the evidence of laymen, who are ready to perjure themselves in order to prejudice the church. 5. By proclamation, issued in name of the King, they commanded questions concerning patronages to be tried before the secular court. 6. They prohibited ecclesiastical censures for enforcing the observance of oaths. 7. They prohibited bishops from imposing pecuniary censures. 8. They abolished the exaction of several sorts of small tythes. 9. They circumscribed the privileges of the married clergy. [This is obscure in the original.] 10. They would not permit causes to be tried by the papal delegates. These were the ten *grievances* of which Pope Innocent IV. so vehemently complained. It is remarkable, that, according to the Pope's account, many Scottish ecclesiastics had entered into associations, for abetting the enormities of the ministers of Alexander III.

No. V.

W A L T E R S T E W A R T,

E A R L O F M E N T E T H.

1296.

Vid. ANNALS, pag. 239.

OUR later historians unanimously assert, that, after the surrender of Dunbar, Edward I. put the Earl of Menteth to death. I once believed what I now must number among the legends of Scotland.

Ford. xi. 24. It derives its origin from a passage in Fordun, loosely expressed, and which has been misapprehended by inattentive readers. He says, ‘Alii quamplures milites et barones, spe vitam salvandi, ad castrum de Dunbar fugientes, prompto animo ibidem sunt recepti, quos omnes numero LXX milites, praeter famosos armigeros, et alios valentes viros, una cum Willelmo Comite Ross, et Comite de Menteth, custos ejusdem, Scotus, nomine Richardus Seward, tanquam ad occisionem oblaturus, omnes Regi Angliae praesentavit: *Quos sine misericordia diversis mortibus et poenis subire mandavit.*’ The meaning is, ‘That Edward inflicted capital and other punishments on the prisoners.’ Fordun does not say, *who* were treated with more, *who* with less rigor.

From

From this passage, it cannot be concluded that the Earl of Menteth was treated with more rigor than the Earl of Ross. Now we know, that the Earl of Ross was not capitally punished; but, on the contrary, was well treated by Edward.

H. Boece tells the story somewhat differently: ‘Septuaginta equites aurati, cum *Wilhelmo Comite Montifrosarum, et Comite Menteth, ac virtute insignes aliquot milites, rebus desperatis, in castellum Dounbaren. se receperunt; sed obsessi ab Anglo, omnium rerum inopiâ coacti sunt sese, cum Comite Castelli, et quicquid inerat, dedere, quos e vestigio crudeliter cruciatos occidit.*’

*Boece, xiv.
294. a.*

Boece has introduced into this story an *Earl of Montrose*, who never existed; and, not satisfied with killing all the prisoners, has put them to death by exquisite tortures.

Bellenden, in his paraphrase of Boece, says, ‘Eftir this disconfour, the Erlis of *Marche* and *Menteith*, with 70 knichtis, fled to the castle of *Dunbar*, and war seigit sa lang, quhill thay war conffranit, for lack of vittalis, to be rendered to Kyng Edward, and thair lyvis to be saifit; nochtheles, *thai war al slane be this cruel tyrane Kyng Edward, but ony respect to his fayth or promes.*’

*Bellenden,
xiv. 3.*

Here Bellenden, omitting Boece’s tortures, has substituted a flagrant breach of the articles of capitulation, which is altogether of his own invention. He omits Boece’s *Earl of Montrose*; but, in his paraphrase, he falls into a more ludicrous mistake. Boece speaks of a *Comes Castelli* among the prisoners, i. e. Richard Seward the Governor; but Bellenden, knowing that *Dunbar* and *March* were the two titles of one man, has translated *Comes Castelli* by the *Earl of March*; and thus has made Edward inflict a capital punishment on his most zealous and most favoured partizan.

Bishop Lesley executes all the *Knights*, but spares the *Earls*.

Lesley, vi. 235.

Buchanan seems to have suspected the truth of this popular tale. He avoids all particulars, and says, ‘In omnes captivos crudeliter saevitum.’

*Buchanan,
viii. 137.*

Enough

Enough has been said to prove, that our historians talk at random concerning the cruelty which Edward displayed at the surrender of Dunbar, and that they either copy, misunderstand, or pervert the meaning of each other.

I see no evidence that Edward killed Walter Stewart, Earl of Menteth; on the contrary, I observe, 1. That no reason can be given why he should have put him to death, and yet have favoured the Earl of Ross. 2. There is no reason for believing that Walter Stewart was alive in 1296. Had he been alive at that time, he must have been very aged, and unfit for rapid marches; yet we find the person who was Earl of Menteth in 1296, to have been a leader in different inroads against the English. 3. We have the express evidence of Trivet, and of Walsingham, that the Earl of Menteth, taken at Dunbar, was confined a prisoner in England, and that he afterwards engaged to serve Edward in his foreign wars.

Trivet, 293.
307.
Walsingham,
Ipod. Newstr.
487.

From all which, I think that we may conclude, that the person taken at Dunbar was not *Walter*, but his son *Alexander*, Earl of Menteth.

It is not strange, that in a country, like ours, where the accuracy of history was little regarded, this opinion as to the death of the Earl of Menteth should have prevailed; for it is true, 'that Edward King of England inflicted a capital punishment on the Earl of Menteth, whom he had made prisoner.' Edward III. did this to Graham, Earl of Menteth. Thus the story is true, and the names of the parties are justly related; but the mistake lies in the time, and in the persons. There are many errors in our history, for which so specious an apology cannot be made.

No. VI.

O F M ' D U F F,

S L A I N A T F A L K I R K I N 1298.

Vid. ANNALS, pag. 261.

SYMPSON was the first of our antiquaries who perceived that *the Hist. House of the Stewarts, 63.* *M'Duff* who joined Wallace was not the Earl of Fyfe, but his great-uncle. I shall endeavour to confirm his hypothesis by the arguments which, probably, he had in view, but omitted, as being foreign to the purpose of his work.

Our genealogical writers relate, ' that Duncan Xth Earl of Fyfe, ' murdered by the Abernethies in 1288, had a son, *Duncan, XIth Earl of Fyfe, slain at Falkirk 22d July 1298*, who had a son, Duncan, ' XIIth Earl of Fyfe, married to Mary de Monthermer, niece of Edward II.'

There is much reason to believe, that Duncan Earl of Fyfe, married to Mary de Monthermer, was the son, not the grandson of Duncan, murdered by the Abernethies in 1288; and, consequently, that *the intermediate Duncan, called the XIth Earl of Fyfe, never existed.*

I mean to illustrate this proposition, by shewing the great improbabilities which attend the contrary hypothesis.

In 1270, Colban Earl of Fyfe died, leaving a son, Duncan; a child *Ford. x. 28.* of eight years old; therefore Duncan, the son of Colban, could not have been born earlier than 1262.

In 1284, Duncan, having become of age, was admitted to the possession of his earldom. *Ford. x. 30.*

In .

Ford. xi. 11.

In 1288, he was murdered by the Abernethies. At that time he could not be more than 26 years old. His being admitted to the earldom in 1284, renders it probable that he had only entered his eighth year when his father died; and, consequently, that he was only 25 at his own death.

Now, supposing Duncan, who was murdered in 1288, to have married at 14, and to have had a son in the following year, *that son* must have been born in 1277; and supposing that son, called *the XIth Earl*, to have married at 14, and to have had a son in the following year, *that son*, the husband of Mary de Monthermer, must have been born in 1292, and, consequently, could not have been older than 14 in 1306, when Edward I. demanded the Pope's consent to his marriage with Mary de Monthermer.

Ford. ii. 1024

Thus, to pave the way for the possibility of the existence of the *intermediate Duncan*, it is required, that the grandfather and the father should both have married at 14; and it must also be supposed, that the grandson was to have married at 14, although, in fact, it happened that his marriage was not solemnized till a year later.

We must also hold, that the grandfather had a son at 15, and that the father had a son at 15.

If Duncan was but just turned of *seven* in 1270, when his father Colban died, which, for the reason already given, is probable; then, to make the bridegroom of Mary de Monthermer to be 14 in 1306, we must farther suppose, that either his father or his grandfather married at 13, and had a son at 14.

This, taking it in another view, is to suppose, that a man may be a great-grandfather, in the male line, at 45.

Such a combination of events is, I believe, unexampled in the history of northern nations.

Yet all this must be supposed, in order to establish the existence of a person who is not mentioned in any antient instrument, and who, indeed, is never mentioned in history at all, unless it be in these words

of

of Fordun, 'M'Duff comes de Fyfe, cum ejusdem incolis, penitus sunt Ford. xi. 34.
'extincti.'

If, on the contrary, we suppose, that Duncan Earl of Fyfe married when he came of age in 1284, he may have had a son born in 1285, and that son would have been just of age in 1306, when Edward I. proposed to bestow his grand-daughter on him. This hypothesis is agreeable to the ordinary course of things; but the other is improbable, and scarcely possible.

I might add other illustrations of this subject from the word *comes*, implying, when loosely taken, the same thing as *custos comitatus*; but I know that many readers despise such minute inquiries; neither, indeed, do I much esteem them. They are, however, useful in some degree, unless it be held, that true and fabulous genealogies are of equal value, and that it matters not whether the histories of noble families be authentic or false.

No. VII.

OF THE DEATH OF JOHN COMYN.

10th FEBRUARY 1305-6.

Vid. ANNALS, pag. 292.

IN the account of the death of Comyn, as recorded by the Scottish historians, there are many circumstances liable to suspicion; and there are some absolutely false.

It is most improbable that Bruce should have made this proposal to Comyn, 'Support my title to the crown, and I will give you my estate; or, give me your estate, and I will support your title to the crown.' At that time Bruce stood in high favour with Edward, consulted and trusted. Such a proposal, made by one in such circumstances, would naturally have alarmed the suspicions of Comyn, and would have made him apprehend *a false confidence*.

According to Fordun's account, Comyn accepted *one* of the alternatives; but it does not appear *which*; so that we are left to suppose, that Comyn agreed 'either to be *King of Scotland, or Earl of Carrick*.'

f Barb. 17.

Barbour, indeed, obviates this difficulty; for he says, that Comyn made the proposal, not Bruce; and that Bruce answered, 'I will take the crown, for it is mine of right, and yield my lands to you.' But how could Comyn make such a proposal to a person whom he knew to be in the entire confidence of Edward? And how strange is the answer ascribed to Bruce; an answer reviving the ancient contest of succession,

of succession, at the very moment when a coalition of parties was proposed ?

Barbour and Fordun concur in asserting, ' that the conditions of *Barb. 17.*
' this covenant were drawn up in the form of indenture, and that the *Ford. xii. 5.*
' instrument was sealed by both parties.' It must be held extraordinary, that the two conspirators met together, should have committed such a secret to writing, as if it had been a legal covenant to have force in a court of justice ; but more extraordinary still, that they should have done this at the imminent hazard of intrusting their lives and fortunes to the fidelity of a third party ; for, I presume, it will be admitted, that two Scottish barons, in that age, could not have framed such an indenture without assistance.

That Edward should have pretended to be satisfied with the justification offered by Bruce, is incredible. It is no less incredible that Bruce should have supposed Edward to have been satisfied with such a justification, after having perused the letters from Comyn.

It is remarkable that Edward, in the first public instrument which makes mention of the slaughter of Comyn, expressly says, ' That he *Ford. ii. 988.*
' himself reposed entire confidence in Bruce *.' I see no reason which could have induced Edward to make this declaration, if he had been possessed of written evidence for proving that the intentions of Bruce were hostile.

Barbour reports, ' That Edward, having received Comyn's part of
' the indenture, summoned a parliament, and that Bruce appeared
' there : That, on the first day of the parliament, Edward exhibited
' the indenture, and charged Bruce as guilty of treason : That Bruce
' desired to have inspection of the indenture till next day, and pledged
' his whole estates for his appearance.' This is a very ignorant account of the manner of proceeding of an English parliament in a case of treason, while the nation was in peace. There is, however, less occasion to insist on this circumstance ; because we are certainly informed, by the English historians, and by the publishers of records, that no such parliament was assembled. Besides, the instrument just quoted

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● ' De quo plenam fiduciam habebamus ;' *Ford. ii. p. 988.*

ted from *Foedera*, compleatly confutes Barbour's story. For how could Edward have had the effrontery to declare to the world, 'That he 'reposed entire confidence in Bruce,' if he had openly charged him in parliament as guilty of treason?

That Edward disclosed his purposes against Bruce, in an unguarded moment of festivity, is ridiculous, and *that* the more especially, as the historian had said, just before, that Edward postponed his resolution of taking vengeance on Bruce, until he had secured his absent brothers.

It is altogether incomprehensible, that Ralph de Monthermer, called *Earl of Gloucester*, the King's son-in-law, should have betrayed the secrets of his sovereign and benefactor, in order to preserve the life of one whom he must have viewed in the light of a foul and ungrateful rebel. An acute writer, perceiving this improbability, has said, in general, that Bruce received the information *from a nobleman at Edward's court, his intimate friend.*

The mysterious restitution of *twelve-pence and a pair of spurs*, which the Earl of Gloucester is supposed to have borrowed from Bruce, cannot fail of exciting a smile; it is just as if Sir G. S. should borrow half a guinea and a horseman's whip from the M. of R. The ridicule and absurdity of this circumstance are softened by making the restitution to have been of '*a pair of gilt spurs and a purse of gold;*' but we must take the story as we find it in Fordun.

The sage precaution of inverting the horse-shoes, is no better than the rest. The backward traces in the snow would not prevent this material circumstance from being known, that Bruce's horses had issued forth of the stable. Besides, it happens that we have tolerable reason to believe that no snow fell at that time. Bruce arrived at Lochmaben on the 7th day after his departure from London; he went immediately to Dumfries, met with Comyn, and slew him. As Comyn was slain on the 10th February 1305-6, it follows that Bruce left London on the 2d of February 1305-6. Now, according to an account

of

of the weather given by M. Westminster, a contemporary historian, *M. Westm.* there was a great frost, *accompanied with snow*, from the 15th December 1305, to the 25th January 1305-6; and *when men imagined that the severity of the winter was over*, the frost set in again on the 13th of February, and continued until the 13th of April *. This account seems hardly consistent with the *immense snow*, [nix immanis,] which, according to Fordun, fell in the night of the 1st of February. ⁴⁵³

The only other extravagant circumstance which I shall mention, is that of Comyn dispatching a special messenger *on foot*, in the month of February, immediately after a great thaw, on a journey of full 400 miles, with letters to the King of England, which required the utmost dispatch. To add to the absurdity, this messenger is supposed by Fordun to have been privy to the contents of the letters, which he was employed to convey.

If readers can digest so many absurdities, it is an ungrateful labour to set plain truth before them.

No. VIII.

* 'Subsecuta est hyems frigidissima, mortales perimens, et durante gelu et nive glaciali a 18. Kal. Januarii, usque ad 8. Kal. Februarii. Et cum putarent homines hyemem evasisse, iterum aer cogebatur in nubes, et flante Euro assidue rediit gelu, et duravit gelu ab Idibus Februarii usque ad Idus Aprilis.' M. Westm. p. 453.

No. VIII.

OF THE ORIGIN OF THE HOUSE

O F

S T E W A R T.

Vid. ANNALS, pag. 298.

*Boece, xii. 251.
b. Lesley, vii.
260. &c. &c.*

OUR historians have recorded the achievements of *Walter the Stewart of Scotland*, in the reign of Malcolm III. He is said to have been the father of Alan, and the grandfather of *that* Walter, who was *indeed* Stewart of Scotland in the reign of David I. and Malcolm IV.

It may perhaps be ascribed to strange prejudices, or to a spirit of scepticism, when I declare, that hitherto I have seen no evidence that such a person as *Walter Stewart of Scotland, in the reign of Malcolm III.* did ever exist.

*Symson. History of the Stewarts, 18.
19.*

We are gravely told, ‘ That Walter the son of Fleance, the son of Banquo, Thane of Lochaber, having killed a man at the court of Griffith, Prince of Wales, sought refuge with Edward the Confessor; and, having killed another man at Edward’s court, sought refuge with Alan *the Red*, Earl of Britany: That, on the Norman invasion, he came to England with the Earl of Britany, and signalized himself at the battle of Hastings in 1066: That the Earl of Britany, by his first

'first wife Emma, daughter of Siward, Earl of Northumberland, had an only child Christian; and that he bestowed her in marriage on the young hero.'

This is the story, which, after various improvements since the days of Boece, has had the good fortune to obtain credit.

That Walter, before he had well attained to the age of manhood, should have slain two men in private quarrels, is a circumstance improbable, yet possible; and, therefore, I object not to it.

But his alliance with the Earl of Britany cannot be so easily admitted.

Alan surnamed *le Roux*, a younger son of Eudo, Earl of Britany, was one of the gallant adventurers who came over with William the Conqueror; *he had neither territories, nor court.* The historians of Britany positively assert that he had no children. Besides, it is hard to say, by what accident Alan *le Roux* should have become acquainted with Emma the daughter of Siward Earl of Northumberland!

*Lohmeat. Hi.
Noire de la
Bretagne, i.
98.*

I suppose that our historians invented this alliance, in order to strengthen the connection between Walter the Stewart and Malcolm III.

According to one account, the genealogies of their families stand thus:

Siward Earl of Northumberland *

Emma=Alan Earl of Britany. Another daughter=Duncan K. of Scots.

Christina=Walter the Stewart.

Malcolm III.

Thus Walter the Stewart and Malcolm III. were cousins german.

According

* There was a certain Princess of Denmark, who brought forth a son to a Bear. This son was called *Bern*, and, naturally enough, had ears like a bear. He was the father of Siward Earl of Northumberland; *Brompton, p. 945. ap. Twissen.*

According to another account, the genealogy of their families stands thus :

Siward Earl of Northumberland.	His sister=wife of Duncan.
Emma=Alan Earl of Britany.	Malcolm III.
Christina=Walter the Stewart.	

Thus the mother of Walter the Stewart, and Malcolm III. were cousins german.

Anderson, Diplomata, No. lxxiii. lxxiv.

It is said, 'That Walter the Stewart had a son *Alan*, also Stewart of 'Scotland.' The evidence of this is to be found in a charter granted by Earl Gospatrick, and in another charter granted by his son Waldeve, Earl of March, at Dunbar. In them *Alden* or *Aldan Dapifer* is mentioned as a witness, that is, say our antiquaries, *Allan, the Stewart of Scotland.*

This is the fundamental proposition on which the genealogy of the house of Stewart, as it is commonly understood, may be said to rest.

It will be remarked, that this hypothesis takes it for granted that *Alden* or *Aldan*, and *Alan* are the same: Upon what authority, I know not.

The *Alden* mentioned in the two charters seems to have been *the Stewart of Earl Gospatrick, and of Earl Waldeve, not the Stewart of Scotland.*

To the charter by Earl Gospatrick, there are eight witnesses: Andrew the Arch-deacon; Adam his brother; Nigel the chaplain; Ketel the son of Dolphin; Ernald; *Alden the Stewart [Dapifer]*; Adam 'the son of Alden; Adam the son of Gospatrick.'

It

Is it possible for credulity itself to believe, that *the Alden* placed so low in such company, was *the High Stewart of Scotland*, a man at least as honourable as Gospatrick himself?

I can have no doubt that the witnesses to this charter were the dependants or household-servants of Earl Gospatrick, and that, if we interpret *Nigellus Capellanus* to be *Nigel the Earl's chaplain*, we must interpret *Aldenus Dapifer* to be *Alden the Earl's steward*.

To the charter granted by Earl Waldeve there are nine witnesses. *Alden Dapifer* is the seventh in order. There are only three among them who seem to have been landed-men: 'Elias de Hadeftandena, [probably Haffenden], William de Copland, and William de Hellebat, [q. Ellbotle]; all the three are placed before *Alden Dapifer*.

It has been remarked, 'That, in those days, the title of *stewart*, or 'dapifer, was too high a title to be given to the retainer of an Earl.' I answer, that the Saxon Chronicle, anno 1093, says, 'Morael of Boeb- Chr. Sax. 199.
'baburh was thaes Eorles *steward*,' i. e. Morel of Bamborough was this Earl's *stewart*, or the *stewart* of Robert Earl of Northumberland.

Besides, to a charter granted by Earl Gospatrick the elder, *Lambertus Dapifer* is a witness. If *Lambertus Dapifer*, in a charter of Gospatrick the elder, implies *Lambert the steward of the family of March*, why should *Aldenus Dapifer*, in the charters of the son and grandson of Gospatrick, imply *the Stewart of Scotland*?

I believe that no defender of the common hypothesis will answer this objection, by pretending that *Lambertus Dapifer* was indeed *Stewart* Anders. Diplom. 72.
of Scotland. Such an answer would leave no room for Walter, Stewart of Scotland, who is held to have been a distinguished personage in the reign of Malcolm III.

It is curious to see upon what slight grounds our antiquaries have established the connection between *Aldenus Dapifer* and the House of Stewart. *Walterus filius Alani* appears to have flourished in the reign of David I. In the reign of Malcolm IV. he is termed *Dapifer*. Hence it has been rashly concluded, that *Walterus Dapifer filius Alani*

was the son of that *Aldenus Dapifer* who is a witness to the charters of Gospatrick and Waldeve.

I persuade myself, that *Alden Dapifer*, and *Alan the father of Walter Stewart* of Scotland, in the reign of Malcolm IV. were different persons, and that they had nothing in common but the Christian name, if indeed they had that in common.

Some of my readers may demand, ‘*Who then was Alan the father of Walter, Stewart of Scotland in the reign of Malcolm IV.?*’

I can only answer this question by demanding, ‘*Who was the father of Martach Earl of Marre in the reign of Malcolm III.; of Gilchrist Earl of Angus in the reign of Alexander I.; of Fergus Lord of Galloway in the reign of Malcolm IV.; or of Friskinus de Moravia, ancestor of the family of Sutherland, in the reign of William the Lion?*’ Or, to keep in the supposed line of the royal family of Stewart, ‘*Who was the father of Banquo Thane of Lochaber?*’

Many answers may, no doubt, be made to this last question. Kennedy says, that the father of Banquo was one of the seven sons of Corc King of Munster; Sir George M’Kenzie, of Ferquhard, the son of Kenneth III.; and Simpson, the son of Ferquhard Thane of Lochaber, the son of Kenneth, the son of Murdoch, the son of Doir, the son of Eth King of Scotland.

Abercrombie,
i. 444.

It is remarkable, that Abercrombie relates all those contradictory stories, without ever suspecting the natural inference arising from them, ‘That, if noble persons are not satisfied with a long pedigree, proved by authentic instruments, they must believe in flattering and ignorant fictions; and that, if they scorn to wait for the dawn of record to enlighten their descent, they must bewilder themselves in dark and fabulous genealogies.’

In the reign of David I. before the middle of the twelfth century, the family of the Stewarts was opulent and powerful. It may, therefore, have subsisted for many ages previous to that time; but when, and what was its commencement, we cannot determine.

TABLES,

T A B L E S.

SHEWING

The Succession of the **KINGS** of **SCOTLAND**;

FROM

MALCOLM III. to **ROBERT I.**

Their **MARRIAGES, CHILDREN,** and the time of their **DEATH**;

AND ALSO,

The **KINGS** of **ENGLAND, FRANCE,** and the **POPES,** who were their
Contemporaries.

KINGS.

MALCOLM III. the son of Duncan, began to reign in 1057.

DONALD, furnamed *Bane*, the younger son of Duncan, usurped the throne 1093.

DUNCAN, the natural son of Malcolm III. expelled Donald furnamed *Bane*, and reigned in his stead, May 1094.

DONALD, furnamed *Bane*, was restored.

EDGAR the son of MALCOLM III. began to reign 1097.

ALEXANDER I. the son of MALCOLM III. began to reign 8th January 1106-7.

MARRIAGES.

MARGARET, daughter of Edward the son of Edmund, furnamed *Ironside*, King of England. Married about 1070. Died 16th November 1093. Buried at Dunfermline.

Sibilla, a natural daughter of Henry I. King of England, married 1107, died 12th June 1122.

CHILDREN.

Edward, slain, with his father near Alnwick, 1093.

Ethelred, who became a churchman.

Edmund, died in prison.

EDGAR, died 8th January 1106-7.

ALEXANDER, died 27th April 1124.

DAVID, died 24th May 1153.

Matildis, married Henry I. King of England, 15th November 1100. Died 1st May 1118.

Mary, married Eustace Count of Boulogne, 1102.

William, a commander of the Scottish armies in the reign of DAVID I.

Madoch Earl of Athole, married Margaret Daughter of Haco Earl of Orkney.

D E A T H S.	E N G L A N D.	F R A N C E.	P O P E S.
<p>MALCOLM III. slain near the castle of Alnwick, 13th Nov. 1093, in the 36th year of his reign. His body was deposited at Timmouth, and afterwards removed to Dunfermline.</p>	<p>Edward Confess. Harold, 1065. William I. 1066. William II. 1087.</p>	<p>Henry I. 1031. Philip I. 1060.</p>	<p>Stephen IX. 1057. Nicolas II. 1059. Alexan. II. 1061. Greg. VII. 1073. Victor III. 1086. Urban II. 1087.</p>
<p>Malcolm III. had a natural son, <i>Duncan</i>, who reigned in Scotland during a short space.</p>			
<p>DONALD was deposed May 1094.</p>			
<p>DUNCAN was assassinated by Malpedir Earl of Mernes, 1095.</p>	<p>William II. 1087.</p>	<p>Philip I. 1060.</p>	<p>Urban II. 1087.</p>
<p>DONALD was deposed 1097. His eyes were put out, and he was condemned to perpetual imprisonment. The time of his death is unknown.</p>	<p>William II. 1087.</p>	<p>Philip I. 1060.</p>	<p>Urban II. 1087.</p>
<p>EDGAR died 8th January 1106-7 in the 10th year of his reign.</p>	<p>Henry I. 1100.</p>	<p>Philip I. 1060.</p>	<p>Urban II. 1087. Pascal II. 1099.</p>
<p>ALEXANDER I. died 27th April 1124, in the 18th year of his reign.</p>	<p>Henry I. 1100.</p>	<p>Philip I. 1060. Louis VI. le Gros, 1108.</p>	<p>Pascal II. 1099. Gelasius II. 1118.</p>

KINGS.

DAVID I. the son of MALCOLM III. began to reign 27th April 1124.

MALCOLM IV. surnamed *the Maiden*, the son of Henry Prince of Scotland, and grandson of DAVID I. began to reign 24th May 1153.

WILLIAM, surnamed *the Lion*, son of Henry Prince of Scotland, and grandson of DAVID I. began to reign 9th December 1165.

ALEXANDER II. son of WILLIAM, surnamed *the Lion*, began to reign, 4th Dec. 1214.

MARRIAGES.

Matilda, daughter of Waltheof Earl of Northumberland, and widow of Simon de St Liz, Earl of Northampton, died 1130.

Ermengarde, daughter of Richard Viscount of Beaumont. Her grandmother was a natural daughter of Henry I. King of England. Married 1186. Died 1233. Buried at the monastery of Balmurinach or Balmerino, which she had founded.

1. *Joan*, daughter of John King of England, married June 25. 1221, died March 4th 1237-8, without issue. 2. *Mary*, daughter of Ingelram de Couci of Picardy, married 15th May 1239; had issue, a son, ALEXANDER.

CHILDREN.

Henry. He died before his father, 12th June 1152. *Henry* married Ada the daughter of the Earl of Warenne and Surrey. Their children were, MALCOLM, born 1142. WILLIAM, born 1143. *David* Earl of Huntington, born 1144. *Ada*, married Florence Count of Holland 1161. *Margaret* married 1. Conan IV. Duke of Britany 1160. 2. Bohun Earl of Hereford. *Matilda* died unmarried 1152.

MALCOLM IV. was never married; but he had a natural son, who died before him.

ALEXANDER II. born in 1198.

Margaret married Hubert de Burgh, justiciary of England, 1222.

Isabella, married Roger son of Hugh Earl Bigot, 1225.

Marjory, married Gilbert Earl Marshal of England, 1235.

Bocce says, that WILLIAM had another son, *John*, drowned in his cradle at Perth; but this is doubtful.

ALEXANDER III. born at Rokesburgh, 4th Sept. 1241.

D E A T H S.

David died at Carlisle 24th May 1153, in the 30th year of his reign.

MALCOLM died at Jedburgh, 9th Dec. 1165, in the 24th year of his age, and 13th year of his reign.

WILLIAM died at Stirling, 4th Dec. 1214, in the 72d year of his age, and 49th of his reign, buried at the Abbey of Aberbrothoc. His natural children were,

1. *Robert*, surnamed of *London*, [but this is doubtful.]

2. *Henry*, surnamed *Gelatly*.

3. *Isabel*, married Robert de Brus, 1183, and Robert de Ros, 1191.

4. *Ada*, married Patrick Earl of March, 1184, died 1200.

5. *Margaret*, married Eustace de Vesci, 1192.

6. *Aufrica*, married William de Say.

ALEXANDER II. died in the island of Kerary, near the Sound of Mull, 8th July 1249, in the 51st year of his age, and 35th of his reign. Buried at the Abbey of Melros.

E N G L A N D.

Henry I. 1100.
Stephen 1135.
Henry II. 1154.

Henry II. 1154.

Henry II. 1154.
Richard I. 1189.
John 1200.

John, 1200.
Henry III. 1216.

F R A N C E.

Louis VI. le Gros, 1108.
Louis VII. le Jeune 1137.

Louis le jeune 1137.

Louis VII. le jeune 1137.
Philip II. Auguste 1180.

Philip II. Auguste 1180.
Louis VIII. 1223.
Louis IX. 1226.

P O P E S.

Honorius II. 1124.
Innocent II. 1130.
Celestin II. 1143.
Lucius II. 1144.
Eugen. III. 1145.

Eugen. III. 1145.
Anast. IV. 1153.
Hadrian IV. 1154.
Alexan. III. 1159.

Alexan. III. 1159.
Lucius III. 1181.
Urban III. 1185.
Greg. VIII. 1187.
Clement III. 1188.
Celestin III. 1191.
Innoc. III. 1199.

Innoc. III. 1199.
Honor. III. 1216.
Gregor. IX. 1227.
Celestin. IV. 1227.
Innoc. IV. 1243.

KINGS.

ALEXANDER III. son of ALEXANDER II. began to reign 8th July 1249.

MARGARET, called *the Maiden of Norway*, the daughter of Margaret Princess of Scotland, and granddaughter of ALEXANDER III. began to reign 16th March 1285-6.

JOHN BALLIOL began to reign 17th November 1292.

MARRIAGES.

1. *Margaret*, daughter of Henry III. King of England, married 26th Dec. 1242, died 26th Feb. 1274-5; had issue. 2. *Joleta*, daughter of the Count de Dreux, married 1285; without issue.

CHILDREN.

Alexander, born at Jedburgh, 21st Jan. 1263-4, married Margaret, daughter of Guy Earl of Flanders, 1282, died 28th January 1283-4; without issue.

David, born in 1270, died in nonage.

Margaret, born 1262, married Eric King of Norway, 1281, died 1183, leaving an only child, MARGARET, called *the Maiden of Norway*.

EDWARD, he invaded Scotland in 1332, and reigned for a short space. 2. *Henry*, slain at Annan 16th Dec. 1332

DEATHS.

ALEXANDER III. was killed by a fall from his horse between Bruntisland and Kinghorn, 16th March 1285-6, in the 45th year of his age, and 37th of his reign.

MARGARET died in Orkney September 1290, in the 5th year of her reign.

JOHN BALLIOL resigned the crown 2d July 1296, in the 4th year of his reign; died 1314.

ENGLAND.

Henry III. 1216.
Edward I. 1272.

Edward I. 1272.

Edward I. 1272.

FRANCE.

Louis IX. 1226.
Philip le Hardi,
1270.
Philip le Bel,
1285.

Philip le Bel,
1285.

Philip le Bel,
1285.

POPE.

Innoc. IV. 1243.
Alexan. IV. 1254.
Urban IV. 1261.
Clement IV. 1265.
Gregor. X. 1271.
Innoc. V. 1276.
Hadrian V. 1276.
John XXI. 1276.
Nicolas III. 1277.
Martin IV. 1281.
Honor. IV. 1285.

Honor. IV. 1285.
Nicolas IV. 1287.

Celestin V. 1294.
Bonif. VIII. 1294.

CHRONOLOGICAL ABRIDGEMENT.

I Intended to have made a compleat INDEX to the Annals of Scotland ; but I soon perceived that I had not leisure for executing such a work. The reader, therefore, is entreated to accept of this CHRONOLOGICAL ABRIDGEMENT OF EVENTS instead of an INDEX.

The writers who have been consulted in the course of this work, do not all compute the beginning of the year from the same day. One or two of them hold the year to commence at Michaelmas, others at Christmas, others on the 1st of January, and others on the 25th of March. This last was the legal computation with us, until the beginning of the seventeenth century ; and yet our authors have not uniformly observed it.

Such diversity is sometimes productive of uncertainty and confusion ; but the various methods used for describing the days of the year, occasion a much greater intricacy. Some writers affect to compute after the Roman fashion, by Kalends and Ides. This manner of computation, in itself inconvenient, becomes more embarrassing through the ignorance or carelessness of the transcribers of MSS. Other writers, following a course still more inconvenient, describe the dates of events by computing from moveable feasts, or by mentioning the day of the week previous to the festival of some saint.

From these causes, it became a matter of no small difficulty to ascertain and arrange the dates of the numerous events recorded in the Annals of Scotland. Some errors, in this respect, have been discovered and amended ; others, which may have escaped my observation, will be excused by the candid reader.

DUNCAN

A. D.		Page
1034	DUNCAN succeeded his maternal grandfather Malcolm II.	1
1039	Duncan was assassinated by M'Beth in the neighbourhood of Elgin	1
1055	Malcolm, the son of Duncan, invaded Scotland	2
1056 Dec. 5.	M'Beth was slain at Lunfanan in Aberdeenshire	3
1057 April 3.	Lulach, successor of M'Beth, was slain at Effie in Strathbolgie	3
April 25.	Malcolm III. was crowned at Scone	4
1061	Malcolm, having quarrelled with Tostig Earl of Northumberland, invaded that territory	5
1065 Jan. 5.	Edward the Confessor died : Succeeded by Harold	5
1066	Tostig, brother of Harold, invaded England : Having been repulsed, he sought refuge with Malcolm	5
Sept. 25.	Harold, King of Norway, and Tostig, were slain at Staneford-bridge, near Yorke	6
Oct. 14.	Harold, King of England, was slain at the battle of Hastings : William, Duke of Normandy, succeeded him	6
1068	Edgar Ætheling, heir of the Saxon line, fled to Scotland	6
	His sister Margaret married Malcolm III.	7
Jan. 28.	The Northumbrians revolted, and surprized Durham	8
1069 Sept. 11.	The Danes landed in England	9
Oct. 22.	The Northumbrians and Danes stormed the castle of Yorke, and then dispersed themselves	9
1070	Malcolm invaded England	10
1072	William the Conqueror invaded Scotland, and concluded a peace with Malcolm	13
	William the Conqueror fortified Durham	14
1073	Edgar Ætheling was received into the favour of the Conqueror	18
1079	Malcolm invaded and wasted Northumberland	19
1080	Robert, the son of the Conqueror, invaded Scotland ;—repulsed ;—built Newcastle	19
1087 Sept. 9.	William the Conqueror died : Succeeded by his second son, William Rufus	19
	Edgar	19

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1087	Edgar Ætheling again took refuge in Scotland	20
1091. May.	Malcolm invaded England, and concluded a peace with William Rufus	22
1092	William Rufus built a castle at Carlisle	23
1093 Aug. 24.	Malcolm repaired to Gloucester, to have an interview with William Rufus, and returned home in disgust	23
Nov. 13.	Malcolm having invaded England, was slain near Alnewick castle	24
Nov. 15.	His son Edward died of the wounds he received at Alnewick	24
Nov. 16.	Margaret, Queen of Scotland, died	25
	Donald Bane, the brother of Malcolm III. landed from the Hebrides, and assumed the crown of Scotland	44
1094 May.	Duncan, a bastard of Malcolm III. expelled Donald Bane, and reigned in his stead	45
1095	Duncan was assassinated, and Donald re-ascended the throne	46
1097	Edgar Ætheling, with the approbation of William Rufus, invaded Scotland; and having overcome Donald, placed Edgar, the son of Malcolm III. on the throne	47
1098	Magnus, King of Norway, it is said, made himself master of Orkney	48
1100 Aug. 2.	William Rufus was slain in the New Forrest: Succeeded by his brother Henry I. surnamed Beauclerc	48
Nov. 15.	Henry I. married Matildis, sister of Edgar King of Scots	48
1102	Eustace, Count of Boulogne, married Mary, the other sister of Edgar	48
1106 Jan. 8.	Edgar, King of Scots, died: Succeeded by his brother Alexander I.	48
1107	Alexander married Sibilla, the natural daughter of Henry I. King of England	49
	Alexander consented that his brother David should possess the Scottish part of Cumberland	49
1109 July 30.	After long contests, Turgot, a monk of Durham, was consecrated bishop of St Andrew's	50

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A. D.		page
1115 Aug. 31.	Turgot, Bishop of St Andrew's, died	51
1118 May 1.	Matildis, Queen of England, died	51
1120 June 29.	Eadmer, a monk of Canterbury, was elected to the see of St Andrew's, and soon after quitted it	51—62
1121	Ralph Flambard, Bishop of Durham, founded the castle of Northam, on the south bank of Tweed	62
1122 June 12.	Sibilla, wife of Alexander I. died	62
	John, Bishop of Glasgow, was suspended by Thurstin Archbishop of York, for having refused canonical obedience to him. The Bishop of Glasgow appealed to Rome	63
1123 January.	Robert, prior of Scone, was elected Bishop of St Andrew's	63
1124 April 27.	Alexander I. died : Succeeded by his brother David	63
1125	John of Crema, a Cardinal and Papal legate, held a council at Rokeburgh	65
1127	Henry I. King of England, made a settlement of the crown in favour of his daughter Matilda	66
1128	Robert, Bishop of St Andrew's, was consecrated	66
1130	Angus, Earl of Moray, was slain by the Scots at Strickathrow in the county of Forfar	67
	Matildis, the wife of David, died	67
1135	Henry I. King of England, died : His sister's son, Stephen Earl of Mortaigne, ascended the throne	67
	David marched into England to assert the pretensions of Matilda : Not being supported, he was obliged to make peace with Stephen	67, 68
February.	Henry, Prince of Scotland, did homage to Stephen for the honour of Huntington, &c.	68
1136	David prepared to invade Northumberland ; but was persuaded to consent to a truce	69
1137	David invaded Northumberland, and assaulted the castle of Werk, unsuccessfully	69
1138	Stephen marched against David : David retired into Scotland	70
	Stephen	

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1138	Stephen wasted the Scottish borders, and then retreated	71
1138 Mar 31.	David again invaded Northumberland	71
June 5.	The Scots defeated the English at Clitherow, on the borders of Lancashire	72
	The castle of Norham surrendered to the Scots	72
Aug. 22.	The English defeated the Scots at Cutton-moor, near Northalerton	72—79
	The castle of Werk surrendered to the Scots	82
1139 April 9.	Peace was concluded at Durham, between Stephen and David Henry, Prince of Scotland, after having accompanied Stephen to the siege of Ludlow castle, married the daughter of the Earl of Warrene	82 84
1140 Feb. 2.	Ranulph, Earl of Chester, unsuccessfully attempted to surprise Prince Henry; but having been joined by the Earl of Gloucester, he defeated the army of Stephen at Lincoln, and made him prisoner	84
1141	David repaired to Matilda at London: A conspiracy having been formed against her, she fled with David: David, after many dangers, escaped into Scotland	85, 86
1149	Henry, the son of Matilda, had an interview with David at Carlisle: An unsuccessful plan was formed for dethroning Stephen	90
1151	One Wimund, an impostor, who had excited troubles in Scotland, was made prisoner, and his eyes were put out	86—89
1152 June 12.	Henry, Prince of Scotland died	91
1153 May 24.	David I. King of Scots, died at Carlisle: Succeeded by his grandson, Malcolm IV.	93
Nov. 5.	Somerled, Thane of Argyle, with the children of Wimund, invaded Scotland	101
1154	One Arthur, who had plotted against the King, was killed in single combat	102

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1154 Oct. 25.	Stephen King of England died : Succeeded by Henry II.	102
1156	Donald, the son of Wimund, was made prisoner	102
1157	Wimund was pardoned by the King of Scots, and retired to the monastery of Biland in Yorkshire	102
	Somerled agreed to terms of accommodation with Malcolm	103
	Malcolm had an interview with Henry II. at Chester; did homage to him; ceded his possessions in the northern counties to him, and obtained from him the territory of Huntington	103, 104
1158	Malcolm had an interview with Henry II. at Carlisle: Having been denied the honour of knighthood, he returned to Scotland in disgust	104
1159	An embassy was sent from Scotland to Pope Alexander III.	105
	Malcolm went to France, and served in the army of Henry II. He was knighted by that King	105
1160	An insurrection in Scotland. Ferquhard Earl of Strathern, and five other Earls, unsuccessfully attempted to seize the person of the King at Perth	106
	An insurrection in Galloway: Malcolm overcame Fergus Lord of Galloway: Fergus assumed the monastic habit	106, 107
1161	The sisters of Malcolm were given in marriage; Margaret to Co- nan Count of Britany, and Ada to Florence Count of Hol- land	107
	Malcolm expelled the mutinous inhabitants of Moray, and plant- ed new colonies in their room	107
1163 July 1.	Malcolm did homage to Henry II. and his infant son, at Wood- stoke	108
	Roger, Archbishop of York, the legate of Alexander III. sum- moned the Scottish clergy to a council at Norham: They re- monstrated against this, and appealed to Rome	108
1164	Somerled invaded Scotland: He and his son Gillicolane were slain at Renfrew	108

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1164	It is said, that the people of Scotland constrained William, the brother of Malcolm, to assume the office of regent	109
1165 Dec. 9.	Malcolm IV. died at Jedburgh: Succeeded by his brother William	109
1166	William, surnamed <i>the Lion</i> , served in France under the banners of Henry II.	111
1168	William, dissatisfied with Henry, sent ambassadors to France for negotiating an alliance with that crown	111, 112
1170	Henry II. celebrated Easter at Windsor, attended by William and his brother David: He knighted David	112
June 15.	Henry II. celebrated the coronation of his son	112
June 16.	William and David did homage to the young King	112
1172	William having in vain solicited the restitution of Northumberland, quarrelled with Henry II.	113
1173	William entered into an alliance with the rebellious son of Henry II. invaded England, and unsuccessfully besieged Werk and Carlisle	113
	The English malcontents were defeated in Suffolk, and their leader, the Earl of Leicester, made prisoner	114
1174	The vassals of the Earl of Leicester put David, the brother of William, in possession of the castle of Leicester	114
July 13.	William invaded Northumberland: He was surpris'd and made prisoner near Alnewick: He was conveyed to Falaise in Normandy: His brother David retreated to Scotland	114—116
Dec. 8.	A treaty was concluded at Valogne in the Cotentin; by which William became the liegeman of Henry for Scotland, and all his other territories: William was released from his captivity	117
1175	William, with his clergy and barons, did homage to Henry II. at York	119
	Cardinal.	

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1176	Cardinal Huguccio Petreleonis, the papal legate, held a council at Northampton, where the Scottish Bishops asserted the independency of their church	119
1178	Ada, the mother of the King of Scots, died	120
	William founded an abbay at Aberbrothock in honour of Thomas a Becket	121
1179	William marched an army to repress some disorders in Ross, and built two castles in that country	121
1181	Roger, Archbishop of York, the papal legate, excommunicated William, and put Scotland under an interdict, because William had expelled and banished John Bishop of St Andrew's	121—125
1182.	Lucius III. recalled the sentence pronounced against William: The dispute as to the see of St Andrew's was amicably adjusted: Pope Lucius conferred the <i>golden rose</i> on William	125, 126
1184	The Pope refused to grant a dispensation for the marriage of William with Matildis of Saxony, grand-daughter of Henry II.	127
	Henry restored the earldom of Huntington to William, who conferred it on his brother David	127
1186	After long and bloody dissensions, a pacification ensued in Galloway	127—129
Sept. 5.	William married Ermengarde, daughter of Richard Viscount of Beaumont, at Woodstoke	129
1187 July 30.	Donald Bane, called M'William, grandson of Duncan the bastard King of Scotland, pretended a title to the crown, seized Ross, and wasted Moray: William led an army against him: A marauding party, commanded by Rolland of Galloway, slew M'William near Inverness	130
1189	Clement III. declared that the church of Scotland was immediately subject to Rome	130
	Henry II. offered to restore the castles of Rokeburgh and Berwick which he held, if William would pay the tenths of his kingdom	dom

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	dom for the holy war : The Barons and Clergy of Scotland rejected the offer	131
1189 July 6.	Henry II. died : Succeeded by his son Richard, surnamed <i>Coeur de Lion</i> . N. B. This omitted in the Annals through inadvertency.	131
Dec. 5.	Richard restored Scotland to its independency	131—133
1190	David, Earl of Huntington, married Matildis, daughter of Ranulph Earl of Chester, and immediately departed for the Holy Land	134
1195	William held a parliament at Clackmannan : It is said, that in that parliament, measures were taken for regulating the succession to the crown : William made a change in the coin	134
1196	William de Moreville, Constable of Scotland, died : Succeeded by Roland of Galloway, who had married Ela the sister of Moreville	135
	Troubles in Caithness : William dispersed the insurgents headed by Harold Earl of Orkney and Caithness	135
1197	The rebels again appeared in arms, headed by one Roderic, and Torphin the son of Harold : The King's forces defeated and slew Roderic near Inverness : William marched into Caithness, seized Harold, and detained him captive, until Torphin became an hostage for him : Harold having again rebelled, it is said, that Torphin's eyes were put out	135, 136
1198 Aug. 24.	William built the castle of Air	136
1199	A son born to William at Haddington, named <i>Alexander</i>	136
	Richard, King of England, slain at Chalus in the Limosin : Succeeded by his brother John. N. B. This omitted in the Annals	136
1200 Nov. 22.	William did homage to John at Lincoln, and demanded back the northern counties	136
1201 Oct. 12.	The Scottish Barons swore fealty to the infant son of William at Muffelburgh	136
		Margaret,

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1201	Margaret, sister of William, and mother of Constantia, Duchess of Britany died : Her daughter Constantia died	136
1204	Misunderstanding between John and William concerning a castle at Tweedmouth : Fruitless conference between the two Kings at Norham	137
1205	David, Earl of Huntingdon, swore fealty to the Prince of Scotland	137
1208	Innocent III. confirmed the privileges of the Scottish church	137
1209	Alan, son of Roland of Galloway, married Margaret the daughter of David Earl of Huntingdon	137
	Rupture between John and William : Terms of peace adjusted by the mediation of their Barons : William delivered his daughters Margaret and Isabella to John, that they might be provided in suitable matches	137
1210	An inundation happened at Perth : William and his family escaped with difficulty : It is said that his infant son John was drowned	138
1211	A parliament at Stirling : An aid granted to William by the Barons and the boroughs	138
	Troubles in the North : Guthred, of the family of M ^c William, wasted Ross : An army sent against him ; but Guthred avoided a general action	139
1212	Guthred, betrayed by his followers, was put to death by William Comyn, justiciary of Scotland	139
	Alexander, Prince of Scotland, was knighted by John, tho' excommunicated	139
1214 Dec. 4.	William, King of Scots, died at Stirling : Succeeded by his son Alexander II.	139
Dec. 10.	Alexander II. crowned at Scone	142
1215	Donald M ^c William, and others, made an inroad into Moray : They were defeated	142
	Alexander, espousing the cause of the Barons against John, invaded Northumberland, and unsuccessfully besieged Norham	143

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	Alexander invaded Cumberland: The Scots in his army burnt the monastery of Holmcultram: Many of them were drowned in the Eden: Alexander retreated	144
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Oct. 17.	John, King of England, died; succeeded by his son Henry III. Gaulo, the Pope's legate, excommunicated Alexander and the whole kingdom of Scotland	144
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May 25.	The army of Lewis routed at Lincoln: Lewis made a separate peace	145
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1230	Alexander, on invitation, visited Henry III. at York	150
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1247	Roger de Quinci, Earl of Winchester, who had married one of the co-heiresses of the Lord of Galloway, was attacked in his castle by his vassals: He forced his way through the enemies, and fought redress from Alexander: Alexander chastised the insurgents, and reinstated him - - -	159, 160
1248	Alexander made an unsuccessful expedition against the province of Argyle - - -	160
1249 July 8.	Angus of Argyle had been wont to do homage to the King of Norway for certain lands: Alexander required this homage; and was preparing to force it, when he died in the island of Kerarry: Succeeded by his son Alexander III. - - -	160
July 13.	Alexander III. was crowned - - -	162
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	Simon de Montfort, Earl of Leicester, came to Scotland with a secret commission from Henry III. - - - - -	165
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1263	Henry paid 500 merks of his daughter's portion, and pleaded his inability to pay more	175
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1269	Henry III. attempted to levy the tenth which the Pope had granted him : The Scottish clergy appealed to Rome : They held a provincial council at Perth, wherein one of their own Bishops presided, and enacted canons which continued in force until the reformation	179, 180
1270	A son born to Alexander, named <i>David</i> : He died in his nonage	180
1272 Nov. 16.	Henry III. King of England, died : Succeeded by his son Edward I.	180
1274 July 11.	Martha, Countess of Carrick, the wife of Robert Bruce, Lord of Annandale, bore a son, <i>Robert</i>	180
	Alexander, his Queen, and many of his nobility, at the coronation of Edward I.	181
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1281	Eric King of Norway, married Margaret the daughter of Alexander	182
1282	Alexander, prince of Scotland, married Margaret the daughter of Guy Earl of Flanders	182
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Mar 16.	He was thrown from his horse over a precipice between Burntisland and Kinghorn, and killed on the spot	183
April 11.	A regency, consisting of six, was appointed in parliament [at Scone.]	185
1288 Sept. 25.	Sir Patrick Abernethy and Sir Walter Percey murdered the Earl of Fyfe, one of the guardians : The Earl of Buchan, another of the guardians, died	185
	Diffensions arose among the four survivors : The Stewart formed an association with certain Scottish Lords, with Gilbert de Clare Earl of Gloucester, and Richard de Burgh Earl of Ulster, and took up arms 'in defence of himself and his people'	186
1289	Eric, King of Norway, interposed, and sent plenipotentiaries to treat with Edward I. concerning the infant queen	186

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- 1289 Oct. 3. The guardians appointed three of their number, Frazer Bishop of St Andrew's, Wisheart Bishop of Glasgow, and John Comyn, together with Robert Bruce the father, to assist at this treaty, 'saving the liberty and honour of Scotland' - - - 186
- Preliminaries were adjusted at Salisbury - - - 187
- Edward procured a dispensation from Pope Nicholas IV. for the marriage of his eldest son with the young Queen of Scotland 188
- The Scots were eager to have the English match concluded, and pressed Eric to send his daughter to England - - - 189
- 1290 Eric was unwilling to yield up his child; but Edward overcame this obstacle, by distributing bribes among the Norwegian counsellors - - - 189
- May. 15. Edward became bound in a penalty of 3000 merks, payable to the guardians of Scotland, that, before 1st November 1290, Margaret should either be landed in Britain, or that Eric and his nobles should take a joint oath to deliver her - - - 189, 190
- July 18. A treaty was concluded between the ambassadors of England and the Scots, [at Brigham], adjusting the marriage-articles between Margaret Queen of Scots, and Edward the son of the English King. - - - 190—193
- Aug. 28. Edward made oath to observe the treaty of Brigham: He appointed Anthony Beck, Bishop of Durham, to officiate as lieutenant in the name of Queen Margaret and the Prince of England; and he demanded, that all the places of strength in Scotland should be yielded up to him; but the Scots refused to agree to his demands - - - 194
- Sept. — Margaret, Queen of Scotland, died in Orkney - - - 195
- The competitors for the crown of Scotland began to assert their pretensions - - - 196
- Nov. 28. Edward prepared to visit the north of England; but his journey was delayed on account of the sickness and death of his consort, Eleanor - - - 197, 198
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1291 April 16.	Edward commanded the Barons of the north and north-west of England, to assemble, with all their powers, at Norham, on the 3d of June	199
	He also desired the nobility and clergy of Scotland to meet him at Norham, but on an earlier day	200
May 10.	The nobility and clergy of Scotland had a conference with Edward at Norham : At this conference Edward required that his right of <i>Lord Paramount of Scotland</i> should be acknowledged	200
	The Scots requested a delay ; but Edward required them to make answer on the morrow	201
May 11.	Edward allowed the space of three weeks to the Scots, for deliberating and making answer	201
May 31.	He declared, that the meeting at Norham, in the English territories, should not be held as a precedent	202
June 2.	He gave audience to the Scots at Upsettlington, on the north bank of Tweed, and again asserted his right as Lord Paramount. Robert Bruce, and seven other competitors for the crown of Scotland, acknowledged his title, and declared their willingness to receive judgment from him in that character	202, 203
June 3.	John Balliol and John Comyn appeared, and made a like declaration	203
	The Chancellor of England protested, in name of the King, That his claiming the <i>Superiority</i> should not prejudice his right to the <i>Property</i> of Scotland	204
June 3.	The competitors sealed an instrument, by which they acknowledged Edward as superior of Scotland, requested judgment from him, and became bound to submit to his award	205
	It was agreed, that the competitors should name eighty commissioners, and Edward twenty-four, or a greater or less number, and that the commissioners named should examine the cause, and make their report to Edward	205
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1291 June 4.	The competitors agreed that feifine of Scotland, and its fortrefles, should be given to Edward	206
June 11.	This having been performed, Edward reftored the custody of the kingdom to the regents ; he ordered them to confer the office of Chancellor on Alan Bishop of Caithness, an Englishman, and he added Walter of Agmodfham as his affociate in office	206
June 12.	Gilbert de Umfraville, Earl of Angus, refused to deliver up the castles of Dundee and Forfar, unless Edward, and all the competitors, joined in an obligation to indemnify him. This was granted	207
June 15.	Edward appointed Bryan Fitzallan to be joined in commission with the Scottish regents. The regents, Bruce, Balliol, Mark Bishop of Sodor, and many of the principal Scottish Barons, swore fealty to Edward	207
July 3.	Edward protested, that, if a question concerning the fucceffion to the crown of Scotland again occurred, he should be at liberty to pronounce judgment in England	208
	Homage from the people of Scotland was required, under various penalties	208
Aug. 3.	The competitors put in their claims [at Berwick]. The auditors having heard the parties, and made a report to Edward,	208-211
	Edward appointed the claims of Bruce and Balliol to be first tried	212
June 2.	The commissioners differed in opinion, as to the question by what law the controversy ought to be determined ; and, therefore, referred themselves to the better judgment of the prelates, nobility, and other wise men of England	213
	Edward appointed a parliament to assemble at Berwick on the 15th of October	213
	After having consulted with his parliament, upon some preliminary	213

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	nary questions, he allowed Bruce and Balliol to be heard at great length	214-219
1293 Nov. 6.	Edward decreed, that Bruce should take nothing in the competition with Balliol; and he appointed the claims of the other competitors to be heard	219
	John Hastings claimed a third of the kingdom of Scotland, as a divisible inheritance; Bruce made a like claim	219, 220
Nov. 17.	All the other competitors either withdrew their claims, or no longer insisted on them	220
	Edward then decreed, that the kingdom of Scotland was indivisible, and, therefore, that Bruce and Hastings should take nothing; and, by his final award, adjudged the kingdom to Balliol	220, 221
Nov. 19.	Edward ordered the Regents of Scotland, and the Governors of castles, to give seifine to Balliol	221
Nov. 20.	Balliol swore fealty to Edward [at Norham]	221
Nov. 30.	John Balliol was crowned at Scone	222
Dec. 26.	He did homage to Edward for the kingdom of Scotland [at Newcastle upon Tine]	222
Dec. 31.	One Bartholomew, having complained to Edward of a sentence pronounced by the Regents, Balliol contended, that the cause could not be removed from Scotland into the English courts; but Edward declared, that he would hear that, and every other cause of the like nature, and, if necessary, would summon the King of Scots to appear before him, notwithstanding any temporary concessions which might have been made	222, 223
	Balliol executed an instrument, by which he declared, that all the obligations which Edward came under, while he had the custody of Scotland, were already fulfilled; he became bound to ratify whatever Edward had done, and renounced all benefit from the convention at Brigham in 1290	224
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1293	Balliol then craved a delay until he might consult with his people. Edward staid all proceedings until the Feast of Trinity 1294 231
1294	A war broke out between France and England - 232
May	A parliament was held at London, where, it is said, Balliol yielded up the whole revenues of his English estates for three years, in aid of the war against France - 232
	Edward laid an embargo on all vessels within England, and ordered and requested Balliol to do the same in Scotland: He also requested Balliol to send him troops to the war in Gascony; and he required the aid of some Scottish Barons for the same purpose - - - 233
	The Scots eluded the request, as they were negotiating a treaty with France - - - 233
	A parliament at Scone. Balliol, under pretence of oeconomy, dismissed all Englishmen from his court. A committee of twelve, out of the estates, appointed for regulating all national affairs 234
1295 Oct. 16.	Balliol, perceiving himself suspected by Edward, consented, that, during the war with France, the Bishop of Carlisle should hold the castles of Berwick, Rokeburgh, and Edinburgh. Edward promised that they should be restored at a peace - 234
Oct. 23.	Balliol concluded an alliance offensive and defensive with France, [at Paris]. - - - 234
1296 March 28.	The Scots invaded Cumberland, and unsuccessfully assaulted Carlisle - - - 235
April 8.	They invaded Northumberland, burnt some monasteries, unsuccessfully assaulted Harbottle, and retired - 235
March 30.	Meanwhile Edward besieged Berwick, which had remained in the hands of the Scots: The town was sacked; the castle surrendered - - - 236
April 5.	Balliol, by the advice of his parliament, renounced his allegiance and fealty to Edward - - - 237

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11 D. 126 March 28.	Earl Warenne laid siege to the castle of Dunbar, which the Counts of March had betrayed to the Scots - - - - - 238
April 28.	The Scottish army attacked the besiegers, and were totally routed 238
29.	Edward arrived at Dunbar, and the castle surrendered 238
	About this time the Scots ordered all beneficed persons, of English birth, to depart from Scotland - - - - - 239
	And they declared all partisans of England, and all neutrals, to be traitors, and their estates to be confiscated - - - - - 240
May 13.	The Stewart yielded up the castle of Rokesburgh, swore fealty to Edward, and abjured the French alliance. The castles of Edinburgh and Stirling were also yielded up - - - - - 240
July 2.	Balliol implored pardon of his offences, and resigned Scotland, its people, and their homage to Edward - - - - - 241
	Edward proceeded northwards, and the Scottish Barons crowded in to swear fealty - - - - - 241
July 26.	Wisheart Bishop of Glasgow, and other dignitaries of the church, performed that ceremony [at Elgin] - - - - - 242
	Edward returned to the south from Elgin. He ordered the Stone at Scone to be conveyed to Westminster - - - - - 242
Aug. 28.	He held a parliament at Berwick. Robert Bruce the younger, Earl of Carrick, and many of the clergy and laity of Scotland did fealty - - - - - 243
	Edward endeavoured, by moderation and lenity, to secure his new conquest; and, having established military and civil governors, departed into England - - - - - 244
127	William Wallace began to infest the English quarters: He and Sir William Douglas attempted to surprize Ormesby, the justiciary, while he held his courts at Scone - - - - - 245
	The Scots roved over the country, and massacred all Englishmen who came within their power. They marched into the west, and were joined by many persons of rank - - - - - 246
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	Sir Henry Percy and Sir Robert Clifford marched against the Scots, who had become enfeebled through dissension	247
July 9.	The Scottish Barons, without consulting Wallace, submitted to Edward [at Irvine].	248
	Wallace and Sir Andrew Moray retired into the north	248
	Edward accepted the submissions of the Scots, and set his prisoners at liberty, under condition that they should serve him in his French wars	249
	The Bishop of Glasgow and Sir William Douglas had treated in name of all the Scots ; finding that Wallace would not accept of the terms offered, they voluntarily surrendered themselves to the English. Wallace, in revenge, pillaged the Bishop's house	250
Sep. 11.	Wallace drew his troops near Stirling : The English rashly attacked him, and were totally routed. In this action Sir Andrew Moray was mortally wounded	251
	The English were seized with a panic, and abandoned Scotland. Dundee, and the other castles in Scotland, surrendered to Wallace : The Scots took possession of the town of Berwick, which the English had relinquished	252
Oct. 18.— Nov. 11.	Wallace led his army into England, and remained there for three weeks, wasting the country to the gates of Newcastle	252
1298 March 29.	Wallace, as <i>Governor of Scotland, in name of King John, and by the consent of the Scottish nation</i> , made a grant of the constabulary of Dundee to Alexander Skirmitchur, his standard-bearer	254
	Edward, who had been for some time in Flanders, returned to England,	land,

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	land, and summoned the Scottish Barons to meet him at a parliament at Yorke: But they disobeyed his summons 255
June 12.	While the English army was rendezvousing at Berwick, the Earl of Pembroke landed in the north of Fife: Wallace attacked and defeated him [in the forest of Black Ironside.] 255
June —	Edward invaded Scotland, and took the castle of Dirleton in East Lothian, the only place which made resistance 256
	While Edward was encamped between Edinburgh, and Linlithgow, a quarrel arose between his Welsh and English troops, in which much blood was shed 257
	Edward, unable through scarcity of provisions to proceed into the west, gave orders for a retreat; but hearing that the Scots were at Falkirk, he marched to attack them 257
July 22.	The Scots were totally defeated at Falkirk: Sir John Stewart, Sir John Graham, and M'Duff were slain 258—262
	The Scots, in their retreat, burnt the town and castle of Stirling: Bruce, when he heard of the loss of the battle, burnt the castle of Air, and retired into Carrick: Edward could not pursue him, by reason of the want of provisions: Having taken Bruce's castle of Lochmaben in Annandale, Edward returned into England 263
	He held a parliament at Carlisle, and bestowed the estates of several of the Scottish Lords on his followers 263, 264
1299 July 18.	By the mediation of the Pope, Edward set Balliol at liberty, and had him conveyed into France 264
	The Scots chose Lamberton Bishop of St Andrew's, Robert Bruce Earl of Carrick, and John Comyn the younger, guardians of Scotland 265
	The guardians besieged and took the castle of Stirling, which Edward attempted in vain to relieve 266
	Edward invaded Scotland, wasted Annandale, and received the submission of Galloway 266
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	Wisheart Bishop of Glasgow was pardoned by Edward, and received into favour	267
	Pope Boniface VIII. claimed the kingdom of Scotland	267, 268
Feb. 12.	The English parliament made answer to the Pope, and denied his pretensions	269
1301 May 7.	Edward also, in a laboured manifesto, denied the Pope's pretensions	270
	Edward marched into Scotland, built a castle at Linlithgow, and wintered there	270
Jan. 26.	By the mediation of France, a second truce was concluded with the Scots, to endure until the 30th November 1302	271
1302 Aug. 13.	Pope Boniface, relinquishing his pretensions, charged the Bishops of Scotland to submit to the English government	271
Feb. 24.	The English army, commanded by John de Segrave, was totally routed by the Scots, under the command of John Comyn and Simon Frazer [at Rollin.]	272
1303 May 20.	The King of France made peace with England, without taking any notice of the Scots, [at Paris.]	273, 274
from May 21. to Oct. 10.	Edward invaded Scotland, besieged and took the castle of Brechin, and subdued all the north of Scotland	276
	He dispersed the Scots assembled near Stirling	276, 277
Feb 9.	Comyn and his followers submitted to Edward, [at Strathord], and obtained pardon, under certain conditions. The only conditions which they made for Wallace were, that he should render himself up at the will and mercy of the King, if it shall seem good to him	277
	Edward assembled a parliament at St Andrew's; sentence of outlawry was pronounced in it against Wallace, Simon Frazer, and the garrison of Stirling	278
1304 July 24.	Edward besieged the castle of Stirling. Sir William Oliphant, the governor,	

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1304 A. D.	governor, surrendered it up, after an obstinate defence, for three months - - - 279, 280
	Robert Bruce, son of the competitor, died. Edward gave seifine of Annandale to his son the Earl of Carrick - - - 280
1305 June 11.	The Earl of Carrick entered into a secret association with Lamber-ton Bishop of St Andrew's - - - 281
Aug. 23.	Wallace having been apprehended, was tried and executed, [at London.] - - - 282
Sept. 23.	Edward made a total settlement of Scotland, with the advice of Wisheart Bishop of Glasgow, Bruce, and John de Moubray 283
Oct. 15.	He granted an indemnity to the Scots, under certain conditions 288, 289
Feb. 10.	Robert Bruce Earl of Carrick slew John Comyn of Badenoch, [at Dumfries.] - - - 288—295

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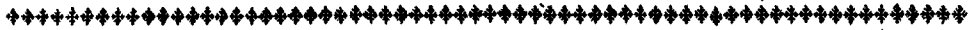
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A N N A L S

O F

S C O T L A N D.



A N N A L S

OF

S C O T L A N D.

FROM

THE ACCESSION OF ROBERT I. SURNAMED BRUCE,
TO THE ACCESSION OF THE HOUSE OF STEWART.

By Sir DAVID DALRYMPLE.

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MDCCLXXIX.

A D V E R T I S E M E N T.

THE Author once proposed to have continued **THE ANNALS OF SCOTLAND** to the Restoration of James I.

But there are various and invincible reasons which oblige him to terminate his Work at the accession of the House of Stewart.



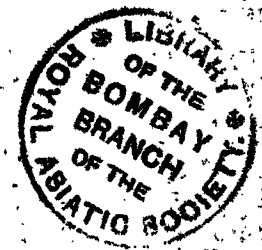
A N N A L S

OF

S C O T L A N D,

From the ACCESSION of

R O B E R T L



1306.

ROBERT BRUCE had many and formidable obstacles to surmount in his progress to sovereign power; the solemn oaths, and even the general inclinations of the nobility; the revenge of the potent house of Comyn; the whole force of England; and the guilt of what was commonly held to be a *sacrilegious murder*.

Without any resources but in his own valour, and in the untried fidelity of a few partisans *, Bruce ascended the throne of his ancestors, [at Scone, 27th March 1306.] Fordun, xl. 9.

The Earls of Fyfe, descendants of the celebrated M'Duff, had the privilege of crowning the Kings of Scotland. At this time Duncan Earl Trist, 342.
M. W. 454.

* 'Manum erexit contra omnes et singulos de regno Scotiae, *exceptis paucissimis sibi benevolis;*' Fordun, L. xii. c. 9.

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Earl of Fyfe favoured the English interest; but his sister Isabella, wife of the Earl of Buchan, secretly withdrawing from her husband, repaired to Scone, asserted the pretensions of her ancestors, and again placed the crown on the head of ROBERT I. * [29th March.]

M. West. 453.
Barbour, 28.

Posterity ought to remember the chief associates of Bruce in his arduous attempt to restore the liberties of Scotland.

They were, William of Lambyrton Bishop of St Andrews; Robert Wisheart Bishop of Glasgow; the Abbot of Scone; the four brothers of Bruce, Edward, Nigel, Thomas, and Alexander; his nephew Thomas Randolph of Strathdon; his brother-in-law, Christopher Seaton of Seaton; Malcolm [5th] Earl of Lennox; John of Strathbogie [10th] Earl of Athole; Sir James Douglas; Gilbert de la Haye of Errol, and his brother Hugh de la Haye; David Barclay of Cairns in Fife; Alexander Fraser, brother of Simon Fraser of Oliver Castle; Walter de Somerville of Linton and Carnwath; David of Inchmartin; Robert Boyd; and Robert Fleming †.

Edward

* In *Scalae Chron.* ap. Leland. *Collectanea*, vol. 1. p. 542. this bold action is ascribed to her mother-in-law, Elizabeth de Quinci, daughter of Roger de Quinci, Earl of Winchester, Constable of Scotland, and widow of Alexander Comyn, Earl of Buchan. 'The Countess of Boughan, because her sunne was absent, lying at his manor of Witnick, [*r. Whitwick*] by Leicestre, took upon her to corone Robert Bruce at Scone, in Scotland.' This authority is very express; yet I incline to follow the writers of that age, *Trivet*, p. 342. and *M. Westm.* p. 454. *M. Westm.* accuses this intrepid lady of a criminal partiality for the new King; 'transgresso maritali thoro, exarserat in speciem et concupiscentiam fatui coronati.' The Monk who calls Robert Bruce a fool, may be permitted to call the Countess of Buchan an adulteress; such idle stories are always circulated by malice and credulity in times of public disorder.

† *Randolph*, afterwards Earl of Moray; *Seaton*, ancestor of the Duke of Gordon, Earl of Winton, Earl of Dunfermline, and Viscount Kingston; *De la Haye*, of Earl of Errol; *Fraser*, of Lord Lovat and Lord Salton; *Somerville*, of Lord Somerville; *Inchmartin*, of Earl of Findlater, Earl of Aulie, and Lord Bamf; *Boyd*, of Earl of Kilmarnock; *Fleming*, of Earl of Wigton. *Math. Westm.* p. 452. adds, Alan Earl of Menteth.

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Edward I. was at Winchester when tidings of the revolution in Scotland arrived; he immediately appointed Aymer de Valence, Earl of Pembroke, to be guardian of that kingdom *, and despatched a messenger to the Pope, informing him of the violation of the sanctuary, and of the slaughter of Comyn. With equal diligence the Pope issued an

Trivet, 342.
Foedera, ii.
988. 997.

Mentesh. Nigel Campbel, the predecessor of the Duke of Argyle, &c. and Fraser of Oliver Castle, were also engaged in the cause; but it does not appear that they assisted at the coronation of Robert I.

To this list, David Moray Bishop of Moray, might be added. The English asserted, that he preached to the people of his diocese, 'that it was no less meritorious to rise in arms for supporting the cause of Bruce, than to engage in a crusade against the Saracens.—Quia dedit eis intelligere, praedicando, periculo animae suae, quod non minus possent mereri, qui cum Domino Roberto in ipsius auxilium contra Regem Angliae et suos infurgerent, et partem ipsius Roberti juvarent, quam si in Terram Sanc- tam contra Paganos et Saracenos proficissent.' [*Sic MS*] *Records, London*. This Bishop was the founder of the Scots College at Paris. *Keith, Catalogue*, p. 82.

As there will be frequent occasion for quoting the metrical life of Robert Bruce, by John Barbour, it may be proper to premise some particulars concerning the author. He was bred to the church, and obtained the office of Archdeacon of Aberdeen: While he enjoyed that office, he had leave to study at Oxford, 31mo Edw. iii *Calendars of Antient Charters*, p. 219. He finished his history in 1375, and he died an aged man in 1396. This circumstance is to be learned from *The Chartulary of Aberdeen*, fol. 115. where, 10th August 1398, mention is made of 'quondam Joh. Barber Archidiaconus Aberd.' and where it is said that he died two years and a half before; therefore, in 1396. Barbour, when he describes the person of Thomas Randolph, Earl of Moray, seems to speak as from his own observation. Randolph died in 1331. Supposing Barbour to have been 80 at his death, he was 15 at the death of Randolph. *Fordun*, L. xii. c. 9. says, 'Magister Johannes Barbarii, Archidiaconus Aberdonensis, in lingua nostra materna disertè et luculenter satis ipsa ejus particularia gesta, nec non multùm eleganter peroravit.' There is reason to believe that the language of Barbour, obsolete as it may now seem, has been modernized by some officious transcriber.

* The letters patent to Pembroke are drawn up in an enraged and vindictive style. In them Edward says, 'That Bruce was a person in whom he reposed entire confidence; [de quo plenam fiduciam habebamus.] *Foedera*, T. ii. p. 988. The Pope's bull is dated from Bourdeaux, 18th May 1306. *Foedera*, T. ii. p. 997.

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an order, authorising the Archbishop of Yorke, and the Bishop of Carlisle, to excommunicate Bruce and his adherents.

Trivet, 342.
Hemming-
ford, i. 221.
Langtoft, ii.
332.

Edward, now become infirm, and having lost the use of his limbs, proceeded to London by slow journeys *. At his arrival *there*, he conferred the honour of Knighthood on his son the Prince of Wales, on the Earls of Warenne and Arundel, and on near 300 more. At a feast given on occasion of this solemnity, the King, although aged and debilitated, made a vow †, that he would take vengeance on Robert Bruce for his insult offered to God and the church; and this duty having been performed, that he would not, for the future, unsheath his sword against Christians, but would haste to Palestine, wage war with the Saracens, and never return from that holy enterprize.

The

* Movit se Rex versus Londonias currizando, quia, ob infirmitatem quam habuit in tibiis, non potuit equitare; *Trivet*, p. 342.

† The circumstances attending this vow, as related by *M. Westm.* p. 454. are singular. ‘Tunc allati sunt in pompatica gloria duo cygni vel olores ante Regem, phalerati retibus aureis vel fistulis deauratis, desiderabile spectaculum intuentibus. Quibus visis, Rex votum vovit Deo coeli et cygnis,’ &c. This is a most extraordinary passage, for the interpretation of which I have consulted antiquaries, but all in vain. The same ceremony is mentioned in *Le livre des trois filz de Roys*, f. 91. ‘Après parolles on fist apporter ung paon par deux damoiselles, et jura le Roy premier de deffendre tout son dit royaume à son pouvoir,’ &c.

Sir Henry Spelman, *Aspilogia*, p. 132. observes, that the antient heralds gave a swan as an *impresa* to musicians and singing men. He adds, ‘sed gloriæ studium ex eodem hoc symbolo indicari multi asserunt.’ He then quotes the passage from *M. Westm.* but he neither remarks its singularity, nor attempts to explain it.

Ashmole, *History of the Garter*, c. 5. sect 2. p. 185. observes, that Edward III. had these words wrought upon ‘his surcoat and shield, provided to be used at a tournament,

‘Hay, Hay, the wythe swan,

‘By G——s soul, I am thy man.’

This shews that a *white swan* was the *impresa* of Edward III. and perhaps it was also used by his grandfather, Edward I. How far this circumstance may serve to illustrate the passage in *M. Westm.* I will not pretend to determine.

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The Prince of Wales vowed, in aid of his father's vow, that he would not remain two nights in the same place until he reached Scotland *.

The Earl of Pembroke, Robert de Clifford, and Henry de Percey, hastened to Scotland to oppose the progress of Bruce, and the Prince of Wales followed with his companions. Edward appointed his army to rendezvous at Carlisle: He himself moved slowly towards the north, being conveyed in a litter. He was seized with a dysentery, halted in the neighbourhood of Carlisle, and remained in those parts during the winter †.

The first enterprize of the King of Scots was against Perth, where Pembroke, the English guardian, had fixed his head-quarters. The Scots, in the popular strain of chivalry, challenged the English commander to the open field; he answered, 'that he would fight them on 'the morrow.' The Scots betook themselves to the neighbouring wood of Methven. Towards the close of the day, Pembroke sallied forth and attacked them. Sir Philip de Moubray unhorsed the King; Seaton

* It is probable that that age did not discover the strange nature of the vow which the heir apparent made for enabling the King to go into perpetual exile.

† The English historians, antient as well as modern, assert, that Edward I. marched into Scotland in 1306, and, in the manner of a savage conqueror, over-ran the country. It is certain, however, from the dates of various instruments in the second volume of *Foedera Angliae*, that Edward did not march into Scotland in 1306. On the 22d July 1306, he was at Beverley; *Foedera*, T. 2. p. 1005. 28th July, at Threk; *ib.* p. 1005. 14th August, at Corbridge; *ib.* p. 1017. 28th and 31st August, at Newburgh in Tindale; *ib.* p. 1018. 1020. 6th and 7th September, at Thirlewal; *ib.* p. 1025. 7th October, at Lanercost; *ib.* p. 1027. He speaks at that time of his having been recovered from a dangerous illness by the care of Nicolas de Lynchewyk his physician. He appears to have remained at Lanercost during the months of October, November, December, January, and February; *ib.* p. 1022.—1027. He was at Lynstock on the 6th of March; *ib.* p. 1045; and at Carlisle, or in that neighbourhood, from 10th March, to the beginning of July 1307; *ib.* p. 1046.—1058.

Triest, 343.
Barbour, 29-
34. *M. Walsm.*
455. *Fordun.*
xi. 2.

1306.

Seaton rescued him *. It is said that John de Haliburton, who served in the English army, made the King prisoner; but, discovering who he was, set him at liberty. Hugh de la Haye †, Barclay, Frazer, Inchmartin, Somerville, and Randulph, were taken, and the Scottish army was dispersed. [19th June.]

Leland, i. 542.
Barbour, 36.
Barbour, 37. Robert retired with the broken and dispirited remains of his party into the fastnesses of Athole ‡. After having lurked for some time among the mountains, and endured much hardship, they came down into the low country of Aberdeenshire. At Aberdeen the King met his wife, and many other ladies, whom his brother Nigel had conducted thither, all determined to share the worst of fortunes with their fathers and husbands.

Barbour, 39. 40. Bruce and his followers, at the approach of the English, again sought refuge among the mountains; and, accompanied with their faithful women, retreated into Breadalbine.

Barbour, 40. 43.
Fordun, xii. 2. The King was now on the borders of Argyle. Alexander of Argyle, Lord of Lorn, had married the aunt of Comyn. Eager to revenge the death of his nephew, he attacked the King. A fierce combat ensued: Douglas and de la Haye were wounded, and the royalists were overpowered.

* Barbour ascribes this honour to Seaton, and minutely relates the circumstances of the story, p. 34. Seaton's office of Esquire to the King adds probability to Barbour's relation. *M. Westminster* says, that the King was *thrice* unhorsed, and that Simon Frazer *thrice* rescued him. 'Ter a dextrariis prostratus est, et per Simonem de Freyfel, bellatorem egregium, ter levatus;' p. 455.

† This is probably the same person whom *M. Westm.* p. 455. calls *Hutting Mare-scallus et vexillifer pseudo-Regis*. He also mentions *Hugh*, the King's chaplain, as among the prisoners.

‡ Of that army, with which, a few weeks before, he had asserted his title to the crown, he could hardly collect 500 men. Barbour relates, that his brother Edward Bruce, the Earl of Athole, Douglas, Gilbert de la Haye, and Nigel Campbel, remained with him. Barbour also mentions a *Sir William the Barondown*, as one of the band, p. 36. 37. *Who* this person was, I know not.

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overpowered. Bruce placed himself in the rear of his small disordered band, and, by persevering valour, checked the pursuit of the enemy *.
[11th August.]

Hitherto the King and his associates had earned a hardy sustenance by the chase of wild animals, and by fishing; but winter now approached, and there was no hope of subsisting at that season in the open fields.

Barbour, 39.
40.

Bruce sent his Queen, and the other ladies, to the strong castle of Kildrummy in Marre, under the escort of his brother Nigel, and all his horsemen; himself, with two hundred men, resolved to force a passage into Kintyre, and from thence to cross over into the northern parts of Ireland.

Barbour, 51.

At the banks of Lochlomond their progress was interrupted. Douglas, after long search, discovered a small leaky boat, in which he passed over with the King. The rest followed, some by the conveyance of the boat, and others by swimming. They were now reduced to the extremities of famine. While they roved in quest of food through the adjacent forests, they met Lennox, ignorant till then of the fate of his sovereign: They all wept.

Barbour, 53.

Barbour, 55.

Angus of the isles, Lord of Kintyre, hospitably received the King into his castle of Dunavarty. From thence the King, with a few faithful companions, passed over to Rathrin, an island on the northern coast of Ireland *, and there eluded the search of his enemies.

Barbour, 61.

A

* According to Barbour, p. 43. two brothers named *Makendorfer*, which he interprets *the sons of Durward*, and another person, had vowed, if they encountered Bruce, either to slay him, or perish in the attempt. They overtook him at a narrow pass, and were all slain by his single prowess. This story, related with many minute circumstances, may be true; I could not, however, venture to place it in my narrative. The place where Bruce was defeated by the Lord of Lorn, is called *Dalry*, i. e. *the King's field*, probably from that event. See *Fordun*, L. xii. c. 11. It is in the neighbourhood of a village which now bears the name of *Clifton*.

† This island is described by Mr Donald Monro, Dean of the isles, 1549, in the following

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A miserable destiny awaited his friends and partisans whom he had left in Scotland.

Ryley, 510.

An ordinance was issued by Edward in council, commanding the guardian of Scotland to make proclamation, that all the people of 'the country do search for, and pursue, all who have been in arms against the English government, and have not delivered themselves up; and also, all who have been guilty of other crimes; and that they apprehend them dead or alive.' And declaring, 'That they who are negligent in the discharge of this duty, shall forfeit their castles, and be imprisoned during the King's pleasure.'

The guardian was also commanded to punish, at his discretion, all who harboured the offenders described in the proclamation.

Farther, it was ordered, that all who were at the slaughter of Comyn, or were abettors of that deed, or voluntarily and knowingly harboured the guilty persons, or their accomplices, should be drawn and hanged.

And that all who were already taken, or might hereafter be taken, in arms, and all who harboured them, should be hanged or beheaded.

As for those, who, having been in arms, had surrendered themselves, it was ordered, that the most distinguished and dangerous offenders among them should be imprisoned during the King's pleasure.

And that all, whether of the ecclesiastical order, or laymen, who had willingly espoused the party of Bruce, or who had procured †, or exhorted,

following words: 'On the south-west frae the promontory of Kintyre, upon the coast of Irland, be four myle to land, layes an iyle, callit *Rachlaine*, pertaining to Irland, and possessit thir mony yeires by Clan Donald of Kyntyre, four myles long, and twa myle braide, guid land, inhabit and manurit;' *Description of the Western isles*. p. 6.

† 'Preschantz le poeple d'Escofe de lever contre le ley;' Ryley, p. 510. Tyrrel, Vol. iii. B. 9. p. 174. has committed several errors in his translation of this ordinance.

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exhorted the people of Scotland to rise in rebellion, should, upon conviction, be imprisoned during the King's pleasure.

With regard to the commons, who might have been constrained to take up arms, a discretionary power of fining or ransoming them was committed to the guardian.

This ordinance was rigorously enforced.

The wife of Bruce, and Marjory his daughter by a former marriage, dreading to be besieged in Kildrummie, fled to the sanctuary of St Duthac, at Tain in Rosshire. The Earl of Ross violated the sanctuary, and delivered them to the English *.

The Countess of Buchan, who had crowned Bruce, was committed to close confinement in the castle of Berwick †.

William

* *M. Westm.* relates, p. 454. that Bruce, returning from his coronation, said to his wife, 'Yesterday we were Earl and Countess, now we are King and Queen;' and that she answered, 'You may be a summer King, but, I suppose, you will not be a winter King;' that Bruce, enraged at this contemptuous speech, would have killed her, had not the bystanders prevented him: That, however, he banished her to Ireland; and that the Earl of Ulster, her father, transmitted her to the English King. These circumstances may be considered as fabulous.—The directions given for the entertainment of Elizabeth, the wife of Bruce, are preserved in *Foedera*, T. ii. p. 1013. She was to be conveyed to the manor of Brustewick: To have a waiting-woman, and a maid servant, advanced in life, sedate, and of good conversation: A butler, two men-servants, and a foot-boy, for her chamber, sober, and not riotous, to make her bed, [*Est ele un garzon a pée, por demorer en sa chambre, tuel q̄ soit sobre et ne un riotous, por son lit faire*]: Three greyhounds when she inclines to hunt: Venison, fish, and the fairest house in the manor. This unfortunate lady was removed to another prison in 1308. *Foedera*, T. iii. p. 94. In 1312, she was removed to Windsor castle, twenty shillings weekly being allowed for her maintenance; *ib.* p. 302. 306. She was committed to the castle of Rochester in 1314; *ib.* p. 475. She was not set at liberty till towards the close of 1314; *ib.* p. 489. 496.—Marjory, the daughter of Bruce, was given in charge to Henry Percy; *Foedera*, T. ii. p. 1014.

† *M. Westm.* p. 455. says, 'Capitur etiam et illa impiissima conjuratix de Buchan, de qua consultus Rex, ait, quia gladio non percussit, gladio non peribit, verum, propter illicitam,

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Trivet, 345.
M. West. 455.

William of Lambyrton, Bishop of St Andrews, owed his preservation to the dignity of his ecclesiastical character. Edward would have inflicted

‘illicitam conjurationem quam fecit, in domicilio lapideo et ferreo, in modum coronae fabricato, firmissimè obstruatur, et apud Bervicum sub dio forinsecas suspendatur, ut sit data, in vita et post mortem, speculum viatoribus, et opprobrium sempiternum.’ Other English historians, copying *M. Westminster*, have said the same thing. We cannot, therefore, blame Abercrombie for saying, ‘She was put in a wooden cage, shaped like a crown, and in that tormenting posture hung out from high walls, or turrets, to be gazed upon and reproached by the meanest of the multitude;’ vol. i. p. 579. *Hemingford*, vol. i. p. 221. relates the story in a manner somewhat different. He says, that the Earl of Buchan, her husband, sought to kill her for her treason; but that Edward restrained him, and ordered her to be confined in a wooden cage.

The intentions of Edward I. touching the durance of the Countess of Buchan, will be more certainly learned from his own orders, than from the report of *M. Westminster*. His orders run thus: ‘By letters under the privy seal, be it commanded, that the chamberlain of Scotland, or his deputy at Berwick upon Tweed, do, in one of the turrets of the said castle, and in the place which he shall find most convenient, cause construct a cage strongly latticed with wood, [*de fuis*, i. e. beams of timber or pales], cross-barred, and secured with iron, in which he shall put the Countess of Buchan.

‘And that he take care that she be so well and safely guarded therein, that in no sort she may issue therefrom.

‘And that he appoint one or more women of Berwick, of English extraction, and liable to no suspicion, who shall minister to the said Countess in eating and drinking, and in all things else convenient, in her said lodging-place.

‘And that he do cause her to be so well and strictly guarded in the cage, that she may not speak with any one, man or woman, of the Scottish nation, or with any one else, saving with the women who shall be appointed to attend her, or with the guard who shall have the custody of her person.

‘And that the cage be so constructed that the Countess may have therein the convenience of a decent chamber, [*esement de chambre courtoise*]; nevertheless, that all things be so well and surely ordered, that no peril arise touching the right custody of the said Countess.

‘And that he to whom the charge of her is committed shall be responsible, body for body, and that he be allowed his charges;’ *Foedera*, T. ii. p. 1014.

Such

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inflicted a capital punishment on him, had he been a layman; and, indeed, the duplicity of his conduct merited the severest vengeance.

The Stewart of Scotland had given his eldest son, Andrew, as an *Records, Lon.* hostage to Edward. Edward placed him with the Bishop of St Andrews. On hearing of the slaughter of Comyn, Edward demanded back the youth, probably with a view of securing the fidelity of his father. The bishop, instead of restoring his charge, put him into the hands of Bruce*.

It appears, also, that the Bishop had been accused to Pembroke the guardian, of having had some share in the slaughter of Comyn; the Bishop not only asserted his innocence of the charge, but also disclaim-
ed

Such were the orders of Edward I. and he surely was not a man who would suffer his orders to be disobeyed. Here, indeed, there is a detail concerning the custody of a female prisoner, which may seem ridiculously minute, but which is inconsistent with the story related by *M. Westminster*, and other historians.

To those who have no notion of any cage but one for a parrot or a squirrel, hung out at a window, I despair of rendering this mandate intelligible.

* This singular incident is to be found in the answers made by the Bishop of St Andrews, when he was examined before commissioners appointed by Edward, at Newcastle, 9th August 1306. 'Objectum fuit adhuc praefato Domino Episcopo, per praedictum Dominum Robertum de Cottingham, quod cum Dominus Rex Angliae eidem Episcopo, tanquam illi de quo prae caeteris terrae suae Scotiae, tam nobilibus quam praelatis, confidebat, personam Andreae filii et haeredis Domini Jacobi Senescalli Scotiae tradiderit custodiendam, auditoque nemum, tam de modo [i. mure] et interfectione quondam Domini Johannis Comyn Domini de Badenaugh, quam infidelitate, rebellionem, et excogitata nequitia Roberti de Brus, et eidem adhaerentium, eidem Episcopo per suas literas mandaverat, quod statim visis suis literis dictum Andre-
am eidem Domino Regi remandaret; quare idem Episcopus regio mandato praedicto recepto et intellecto non paruit, sed ipsum Andream dicto Roberto de Brus, ejusdem Domini Regis Angliae inimico notorio et proditori, liberavit. Palam et expressè cognovit organo vocis suae Episcopus prelibatus, quod negare non potuit bono modo quin ipse eundem Andream dicto Roberto de Brus, etiam postquam dictum mandatum regium receperat, ut praemittitur, liberaverat, et non potuit inde [*sic MS.*] ut dicebat. *MS. Records, London.*

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ed any concern in the insurrection, and offered to make every sort of submission to the King of England*.

Records, Lon. Immediately after this, he renewed his oath of fealty to Edward, in presence of the guardian. Under pretence of urgent business, he obtained leave to return home. He then assembled a considerable body

* This also is to be learned from the same records. The bishop of St Andrews thus writes to the Earl of Pembroke: ‘ A noble homme e sage Monsieur Aymar de Valence, Seigneur de Montignak, lieutenant nostre Seygneur le Roi en les parties d’Escoce, William par la grace de Dieu Evesque de St. Andrew, salut en Dieu. Sachez nous par nostre volonte estre obligé a nostre Seygneur le Roi d’Engleterre, que nous enosterons en toutes les manieres que nous deverons selom ceo que nostre Seygneur le Roi e soun counseil ordonera que faire devoms, que nous ny avons nule manere de coupe de la morte Monfire John Comyn, ne mon Sire Robert soun oncle, ne de la commencement de ceste guerre, e a ce nous nous enobligoms de nous oster aussi bien devers le linage cum devers la pees nostre Seygneur le Roi. E si ceo faire ne povins, demoryons a la volonte nostre Seygneur le Roi com ataint. E de toutes autres choses que nostre Seygneur le Roi savera dire vers nous, nous nous mestoms a sa volonte de haut e de bas, e a cestes choses faire e performer al avant dit Monsieur Aymar avoms doné nos lettres overtes ensealés de nostre seal. Doné a la Fontaine d’Escoce le 9 jour de Juyn, l’an du regne le Roi Edward 34.’ This is, in substance, as follows: ‘ Be it known, that we have voluntarily agreed to clear ourselves, in whatever manner our Lord the King and his council shall appoint, of any accession to the death of John Comyn Lord of Badenoch, and Robert his uncle, or of having had any share in the rise of the present war, and we will clear ourselves thereof, both with respect to the kindred of the deceased, and to public justice; and if we fail herein, we consent to be at the will of the King as a person convicted. And as to whatever else our Lord the King may have to alledge concerning us, we submit ourselves wholly to his pleasure. And, in testimony of our willingness to perform all these things to Aymer de Valence, Lord of Montignac, the King’s lieutenant in Scotland, we have granted these our letters patent, sealed with our seal. Given at Scotland well, this 9th June, and of King Edward the 34th year.’

The Bishop of St Andrews was, at first, confined in the castle of Nottingham, but was afterwards removed to the tower of the castle of Winchester; *Foedera*, T. ii. p. 1015 16. There will be occasion hereafter to relate the other incidents of the life of this singular person.

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body of his vassals and dependents, and sent them to the aid of Bruce *.

Robert Wisheart, Bishop of Glasgow, held the castle of Coupar in Fife against the English. He was made prisoner there †, arrayed in armour; and, in that uncanonical garb, was conducted to the castle of Nottingham ‡.

*M. West. 455.
Records, Lon.*

The castle of Kildrummie was besieged by the Earls of Lancaster and Hereford. One Osburn treacherously burnt the magazine. The garrison, deprived of provisions, surrendered at discretion. Nigel, the brother of Bruce, a youth of singular comeliness, was among the captives.

*Barbour, 65.
Leland, ii.
543.*

* In a memorandum for drawing up a charge against the Bishop of St Andrews to be presented to the Pope, are these words: ' Idem Episcopus Sancti Andree, per modicum tempus ante diem Dominicum, quo Robertus de Brus, cum toto posse suo, cum Domino Adomaro de Valencia, et suis secum ibidem ex parte Domini nostri Regis existentibus, praelibat, ad præsatum Dominum Adomarum venit, et ad fidem et pacem Domini Regis rediens, ipse gratias et voluntati se submitit, et admissus fuit ab eodem, et juramentum præstitit corporale dicto Domino Adomaro, nomine Domini Regis, de fideliter se tenendo; et subsequenter causam fingens, per tres vel quatuor dies proximo præcedentes diem belli ad disponendum super quibusdam suis agendis, petita ab eodem Domino Adomaro licentiâ et obtentâ, sub manueptione tum competente recessit, et per illos dies quotquot potuit de suis adunare equitum armatorum, et aliorum dicto Roberto de Brus, ad juvandum eum dicto die belli contra dictum Dominum Adomarum et suos, destinavit, sicut evidentiâ facti ipso die evidenter apparebat, tam per eorum aliquos ibidem captos, quam ipsorum alios quoram cadavera testimonium perhibent veritati; *Records, London.*

† ' Le chastel de Coupre en Fiff en Eſcoce, lequel meisme l'Evêque, come hom de guerre, tynt puis contre les gentz nostre seigneur le Roi, jusques à tant qu'aucuns de gentz nostre Seigneur le Roi, qui feurent de la compagne Monsieur Aymer de Vallence vindrent au dit chastel e le pristrent par force, sur le dit Evêque et illoques. Leust meisme l'Evêque pris; *Records, London.*

‡ ' Exercitus tamen regius discurrens per totum regnum Scotorum, coepit persequi fugitivos, et plures peremerunt, et aliquos vivos comprehenderunt, utpote Episcopos et Abbatem prædictos [the Bishops of St Andrews and Glasgow, and the Abbot of Scone], loricated et armatos subtus exterius tegumentum; *M. Westm. p. 455.*

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tives. He was tried by a special commission at Berwick, condemned, hanged, and afterwards beheaded*.

Barbour, 65.
Trivet, 345.

A like sentence was executed against Christopher Seaton at Dumfries †. He had married the sister of Bruce, and had assisted at the slaughter of Comyn. His brother Alexander suffered a similar death at Newcastle.

M. Westm. 456.

The Earl of Athole, attempting to escape by sea, was discovered, and conducted to London. He there underwent the complicated punishment which, in those times, the law of England inflicted on traitors ‡. [7th November].

Simon

* *Trivet*, p. 344. and *M. Westm.* p. 455. relate, that he was taken at a castle in Kintyre, which the English besieged, in hope of finding Bruce there; but I follow *Barbour*, p. 65. *M. Westm.* calls him *miles pulcherrimae juventutis*. The only time that that historian seems to feel compassion in describing the varied punishments inflicted on the partisans of Bruce, is, when he speaks of this young man; indeed, his only offence appears to have been, that he followed the fortunes of his brother.

† *Barbour* says, that he was betrayed by his confident and familiar friend, one M'Nab, p. 63. *Trivet*, p. 365. says, that he was taken at the castle of Lochore [in Fife]; he adds, 'quem, cum non Scotus sed Anglicus esset, jussit Rex deduci usque Dumfries, ubi quendam militem de parte Regis occiderat, ibique judicium subire coactus, tractus suspensusque est, ac ultimo decollatus.' I suppose the meaning of this to be, that, as Seaton was an English baron, Edward honoured him with a trial by jury, while he inflicted capital punishment on the others, without any such formalities.

‡ 'In equuleo 30 pedum suspensus est: Postea semivivus demissus, ut majores cruciatus sentiret, crudelissimè decollatur. Truncus vero illius, praeaccenso in conspectu ejus vehementi igne, unà cum carne et ossibus, in favillas et cineres funditus conflagrantur.' *M. Westm.* p. 456. *Langtoft*, vol. ii. p. 335. says, 'That the Earl was not drawn, that poynnt was forgyvyn.' He was in some sort allied to the royal family of England, his mother being a daughter of Richard the natural son of King John. *Scala Chron.* ap. Leland, vol. ii. p. 543. says, 'The Earl of Atheles, by cause he was cousin to the King of England, and sonne to Maude of Dour his aunt's, was sent to London, and there was hanged upon a pair of galows 30 foote hyer then other.' *Tante*, here translated *aunt*, means the father's cousin-german. *M. Westm.*

P. 456.

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Simon Frazer, a renowned warrior, was executed at London, and his head was placed on the point of a lance, near the head of Wallace*. With him Herbert de Norham suffered. Both had repeatedly sworn fealty to Edward. *M. West. 455. Langtoft, ii. 335.*

Many other Scotsmen of inferior degree were punished capitally †. *M. West. 455.*

Edward bestowed the lordship of Annandale, the paternal estate of Bruce, on the Earl of Hereford; the earldom of Carrick, his maternal estate, on Henry Percey; and the earldom of Athole on Ralph de Monthermer, commonly styled Earl of Gloucester ‡; but he soon after repurchased the grant of Athole, at the price of 5000 merks. *Hem. i. 224. Feod. iii. 7.*

Thus

p. 456. relates, That Edward, at that time, was grievously sick; but hearing that the Earl of Athole was taken, he endured the pains of his disease with more patience: 'Quo audito, Rex Angliae, etsi gravissimo morbo tunc langueret, levius tamen tulit dolorem.'

* 'What pity,' cries Langtoft, 'that a person of such prowess, and endued with so many virtues, should have incurred the guilt and the punishment of treason!' vol. ii. p. 335.

† Allas, it was to mine, his vertus and his pruesse.

‡ So fele in him were sene, that perist for falsnesse.

‡ There is a strange witticism to be found in *M. Westm.* p. 455. 'Hugo Capellanus patibulo ante caeteros primitus est affixus, quasi diceret, Ego presbyter vobis praebeo iter.' The author, himself an ecclesiastic, might have recollected, that, to hang a churchman by civil authority, was no jesting matter. *Barbour* relates, p. 74. That, when the pleasure of Edward was demanded concerning those who had been made captive in the Scottish war, he answered, after his abrupt manner, 'Hang them all.' This anecdote is, perhaps, not true; yet it is characteristic.

‡ Joan the daughter of Edward I. and widow of Gilbert de Clare Earl of Gloucester, married Ralph de Monthermer, a person neither distinguished for his rank nor his military prowess. *Hemingsford* calls him *miles simplex et segnis*; T. i. p. 224. E. Bisse, *not. in N. Upton de studio militari*, says, 'That he had the title of Earl of Gloucester, untill his stepson became of age, and that he then divested himself of it: 'Dum adolefceret privignus ejus Gilbertus de Clare, Comitibus Glocestriae titulo est ornatus, cumque Gilbertus annum aetatis 21. explefset, eum exiit, et inter barones accens.

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Thus did Edward chastise the Scots for their breach of faith. It is remarkable, that, in the preceding year, he himself procured a papal bull, absolving him from the oath which he had taken for maintaining the privileges of his people*. But the Scots, without papal authority, violated their oaths, and were punished as perjured men. It is a truth not to be disguised, that, in those times, the common notions of right and wrong were, in some sort, obliterated. Conscience, intoxicated with indulgences, or stupified by frequent absolution, was no longer a faithful monitor amidst the temptations of interest, ambition, and national animosities.

Many Scotsmen of considerable distinction submitted themselves to the conqueror, and were either received into his favour, or slightly punished †.

Randolph,

‘accensebatur.’ Bisse has given an engraving of the seal of Ralph de Monthermer, with this inscription, ‘S. Radulfi de Monte Hermerii, Com. Glovernie et Hertford.’ Yet it seems, that, in public instruments, he was constantly styled *Ralph de Monthermer*, without any addition.

* The title of this memorable instrument in *Foedera*, T. ii. p. 978. is, ‘*Bulla de Rege absolvendo et juramentis et excommunicationibus super observatione Magnae Chartae et Forestae adnullandis.*’

† As Allan Earl of Menteth, Sir Patrick de Graham, Sir William de Moray de Sandford, Sir Walter de Moray, Sir Hugh Lovel and his brother William; *Foedera*, T. ii. p. 1012.—1014. At that place there is a singular memorandum inserted, ‘Fait a remembrer les terres Monsieur Gilbert de la Haye pour Monsieur Huce le Despencer;’ *Foedera*, T. ii. p. 1013. These lands, it would seem, were a ministerial morsel. Malise, Earl of Strathern, accused as an accomplice in the Scottish insurrection, successfully pleaded, that he had been compelled, through fear of death, to acknowledge the sovereignty of Bruce. There is extant a long narrative drawn up by the Earl of Strathern: In it he says, ‘That, when he refused to do homage, Robert Boyd said to Bruce, *Give me the lands, and put him to death, and cut off his head, and the heads of all who refuse homage to you.* [Sir Robert Boid dist a son Roy, que il donnaist les terres, et ly meist au mort, et ly coupa la teste, et tuz les autres que quy grucerent a fer homage],’ *Records*, London.

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Randolph, the nephew of Bruce, obtained mercy, through the intercession of Adam de Gordon, and was admitted to swear fealty to Edward. *Lol. ii. 542. Barbour, 36.*

The young Earl of Marre, nephew of the first wife of Bruce, was imprisoned, 'but not chained, in respect of his tender years*.' This special favour vouchsafed to a child shows how closely state-prisoners were guarded at that time. *Foed. ii. 1013.*

It does not appear that James the Stewart of Scotland had joined in the revolt against Edward; nevertheless, a new oath of fealty was exacted from him †. He did homage in person to the English King, [at Lanercoft near Carlisle, 23d October 1306.] *Foed. ii. 1022.*

To conclude all, Bruce and his adherents were solemnly excommunicated. This ceremony was performed by the Cardinal Legate ‡, [at Carlisle, about February 1306-7.] *Hem. i. 226.*

During the winter, Bruce had remained in Rachrin, a retreat unknown to his enemies. At the approach of spring § he secretly passed over into the island of Arran. From thence he despatched a person *Barb. 81. 212.*

* 'Q'il soit hors de fers, tant come il est de si tendre age;' *Foedera*, T. ii. p. 1013.

† He swore fealty on the two crosses of Scotland most esteemed for their sanctity, [called *la Croix Noirs et la Blache Rode*], on the consecrated host, on the holy gospels, and on the relics of the saints, and he submitted himself to instant excommunication in the event of his violating this complicated oath; *Foedera*, T. ii. p. 1022.

‡ 'Cardinalis Hispaniae—revestivit se et ceteri Episcopi qui aderant: accensisque candelis et pulsis campanis, terribiliter excommunicaverunt Dominum Robertum de Bruce, cum fautoribus suis, tanquam hominem perjurum et perturbatorem injustum communis pacis et quietis;' *W. Hemingford*, T. i. p. 226. The person here called *the Cardinal* of Spain, was Peter, a cardinal priest under the title of S. Sabinus; *Foedera*, T. ii. p. 1031.

§ Fordun says, that he had received aid from a powerful lady, Christina of the isles; *L. xii. c. 12.* According to the English historians, Bruce appeared in arms about Michaelmas 1306. This circumstance, in itself improbable, is inconsistent with the narrative of Barbour.

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son of confidence * into Carrick, to learn how his vassals in that territory stood affected to the cause of their antient Lord. He enjoined the messenger, if he saw that the dispositions of the people were favourable, to make a signal at a day appointed, by lighting a fire on an eminence above the castle of Turnberry.

The messenger found the English in possession of Carrick; Percy, with a numerous garrison, at Turnberry; the country dispirited, and in thralldom; none to espouse the party of Bruce, and many whose inclinations were hostile.

From the first dawn of the day appointed for the signal, Bruce stood with his eyes fixed on the coast of Carrick. Noon had already passed, when he perceived a fire on the eminence above Turnberry. He flew to his boat, and hastened over. Night surprised him and his associates while they were yet on the sea. Conducting themselves by the fire, they reached the shore. The messenger met them, and reported, that there was no hope of aid. 'Traitor,' cried Bruce, 'why did you make the signal?' 'I made no signal,' replied he; 'but observing a fire on the eminence, I feared that it might deceive you, and I hastened hither to warn you from the coast.'

Bruce hesitated amidst the dangers which encompassed him, what to avoid, or what to encounter. At length, obeying the dictates of valour and despair, he resolved to persevere in his enterprize †.

He

* Barbour says, that the name of the messenger entrusted with this commission was *Cuthbert*; p. 82.

† *Barbour*, p. 91. ascribes this bold resolution to the counsels of his brother, Edward Bruce, whom he represents as thus speaking:

————— 'I say you sickerly,
' There shall no peril that may be
' Drive me estoons unto the sea;
' Mine aventure here take will I,
' Whether it be easeful or angry.'

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He attacked the English, carelessly cantoned in the neighbourhood of Turnberry, put them to the sword, and pillaged their quarters. Percey, from the castle, heard the uproar, yet durst not issue forth against an unknown enemy. Bruce, with his followers, not exceeding three hundred in number, remained, for some days, near Turnberry; but succours having arrived from the neighbouring garrisons, he was obliged to seek shelter in the mountainous parts of Carrick.

He looked for aid from his brothers Thomas and Alexander, who had assembled a band of adventurers in Ireland and the adjacent isles. With seven hundred men they landed at Lochrian in Galloway. Duncan M'Dowal, a powerful chieftain of that country, attacked them at their landing, and totally routed their little army *, [9th February, 1306-7.] The two brothers, and Sir Reginald Crawford, were grievously wounded, and made prisoners. M'Dowal presented his bleeding prisoners

* *Langtoft*, vol. ii. p. 337, says, that *Makedowal*, a sergeant of *Galweie*, surprised them on Ash-Wednesday, as they were returning from divine worship. But *M. Westm.* p. 458. relates the event in the following manner: 'Hoc itaque anno, nono die Februarii, quidam Scotus de Galvedia, Duncanus M'Doil nomine, occurrit navigio magno, repleto septingentis bellatoribus, applicantibus super terram suam, cum trecentis non multis eo amplius viris, et peremit ferè omnem exercitum, hos in acie, hos in saltu, hos in fuga, et plures submersi sunt in mari; sed hos præcipuos de interfectis in prælio obtulit Domino Regi, videlicet Malcolmii M'Kail, Domini de Kentir caput, et duorum Regulorum Hibernensium capita, Reginaldum de Crawford, et Thomam Brus milites, et Alexandrum de Brus, germanos pseudo-regis, sauciatos et semineces præsentavit.' Lest there might be any doubt of Edward's severity, *M. Westm.* adds, after having given an account of the execution of the prisoners, 'That to this their heads bare witness, being placed on the castle and gates of Carlisle; testimonium huic perhibent eorum capita super castellum et super portas urbis confixa;' *Barbour*, p. 65. says, that Sir Bruce Blair was executed in company with Sir Reginald Crawford; but he erroneously supposes this to have happened in Scotland. *Langtoft*, vol. ii. p. 336. observes, that Alexander Bruce had been educated at Cambridge, where he made very extraordinary proficiency in literature; and adds, that he was Dean of Glasgow.

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prisoners to the English King at Carlisle. The King ordered them to instant execution.

Barbour, 96.
—102.

While Bruce endeavoured to strengthen his party in Carrick, Douglas passed secretly into Douglasdale, and discovered himself to some of his vassals in whom he could confide. They concerted a plan for surprising the English at Douglas castle, on Palm Sunday. The whole garrison went in solemn procession to a neighbouring chapel. Douglas and his vassals suddenly rushed in, and put them all to the sword. They then plundered and burnt the castle *, [19th March, 1306-7.]

1307.

Triet, 346.
M. Weß, 458.
Barbour, 157.

The Earl of Pembroke advanced into the west of Scotland to encounter Bruce. Barbour relates, that, according to the mode of those times, the English commander and Bruce appointed a day for the combat: That Bruce entrenched himself at Lowdown-hill: That Pembroke attacked him and was defeated. But the English historians relate, that Bruce attacked Pembroke. It is certain that Bruce obtained the victory. Three days after this action, Bruce routed Ralph de Monthermer with great slaughter, and obliged him to fly to the castle of Air. For some time Bruce blockaded that castle; but, at the approach of succours from England, he retired.

It was at this period, according to the English historians, that the partisans of Bruce were dispersed, while he himself wandered among woods and morasses, destitute of aid, and beset with enemies on every side. Barbour, however, asserts, that this happened before the combat

Barbour, 104.
—156.

* *Barbour*, p. 93. says, That the person in whom Douglas placed his chief confidence was called *Thomas Dickson*. He adds, That about ten persons were made prisoners in the chapel, that Douglas put them all to death, and, placing their bodies in the magazine of the castle, set fire to the whole. This was termed *Douglas's larder*, in the savage pleasantry of that age. In 1306-7, Palm Sunday, the sixth Sunday of Lent, fell on the 19th of March.

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bat at Lowdown-hill *; and he minutely describes the dangers that Bruce underwent, and his many perilous escapes. It must be acknowledged, that, in the narrative of Barbour, some adventures are recorded which have a romantic, and others which have a fabulous appearance. To separate what may be true, or probable, from what is exaggerated, incredible, or false, would be a laborious task, and might lead into a longer inquiry than the nature of this work will admit.

In this year the English burned the monastery of Paisley.

Ford. xii. 14.

The tedious indisposition of the English King had retarded his preparations for quelling the insurrection in Scotland. Edward now flattered himself that the violence of his malady was abated. As a proof of his recovery, he offered up his horse-litter in the cathedral church of Carlisle. Impatient to chastise the Scots, he mounted on horseback, and proceeded towards Solway. He was so weak that he could advance no farther than six miles in the space of four days. On the 6th of July 1307, he reached Burg on Sande, and next day expired, in sight of that country which he had devoted to destruction.

Trivet, 347.
Langbe, 11.
339.

By will, he appointed his heart to be conveyed to the Holy-land; and he settled a stipend for the maintenance of a hundred knights, who, during one year, were to perform military service in honour of the cross.

Trivet, 347.

With

* Barbour is positive that the battle of Lowdown-hill was fought on the 10th May 1307. The English historians, as Trivet, p. 346. and M. West. p. 458. say, That it was fought *post pascha*; this naturally implies *soon after Easter*; as, in 1307, Easter fell on the 26th of March, it would seem, that the English historians supposed the battle to have been fought long before the 10th of May. W. Hemingsford, contradicting all other writers, says, 'That Bruce lurked amidst moors and morasses with about 10,000 men, *quasi cum decem millibus virorum pedestrium*,' T. ii. p. 237. as if 10,000 men could have found subsistence in the deserts which are on the frontiers of Airshire and Galloway!

1307.

M. Woff. 458.
Froissart, i. 27.

With his dying breath, he gave orders that his corps should accompany the army into Scotland, and remain without burial until that country was totally subdued*.

Tyrrel. iii.
179.

The dying injunctions of Kings are seldom regarded. The body of Edward was deposited in the Royal sepulchre of Westminster, by his son Edward II. †.

Foed. iii. 5.

The young King marched into Scotland. His first act of royalty was the making a grant of the earldom of Cornwall to his favourite Piers de Gaveston, whom Edward I. had lately banished †.

Foed. iii. 7.

The Earl of Pembroke was continued in the office of guardian of Scotland, and impowered to receive to mercy all the Scots, excepting those who had had a share in the slaughter of Comyn, or who had been originally engaged in the insurrection §, [28th August].

Foed. iii. 7.

Edward II. advanced to Cumnock, on the frontiers of Airshire, and then returned to England. By this inglorious retreat, after such mighty preparations for a decisive campaign, he rendered Bruce and his partisans more bold, and he disheartened all in Scotland who favoured the English cause.

Foed. iii. 10.

He had declared Pembroke guardian of Scotland; yet, within a fortnight

* *Froissart*, T. i. c. 27. relates this circumstance in the following manner: 'Quand il mourut, il fit appeler son aîné fils, par devant ses Barons, et lui fit jurer sur les saints, qu' aussi tost qu'il seroit trepassé, il le feroit bouillir en une chaudiere, tant que la chair se departiroit des os, et apres feroit mettre la chair en terre et garderoit les os, et toutes les fois que les E스코is se rebelleroient contre lui il semordroit les gens et porteroit avecques lui les os de son pere.'

† On his tomb there was this inscription: 'Edwardus primus Scotorum malleus hic est. *Passum serva.*' See *Tyrrel*, vol. iii. B. 9. p. 179.

‡ This grant, soon followed by others, was very extravagant, impolitic and odious, is dated at Dumfries 6th August 1307.

§ 'Qu'il ne furent mie conseilantz ne assistantz au compassement de ceste darreine guerre en Escosse.' [at Cumnock 28th August 1307]; *Foedera*, T. iii. p. 2.

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night after, he conferred that office on John de Bretagne, Earl of Richmond *, [13th September].

As soon as the English King had retreated, Bruce invaded Galloway. He commanded the inhabitants to repair to his standard; and, on their refusal, wasted the country with fire and sword †. Edward ordered the guardian to march against him. Bruce was put to flight ‡.

Bruce retired into the north of Scotland, and, without opposition, over-ran the country. Returning southwards, he was encountered by John Comyn, Earl of Buchan, with a tumultuary body of English, and of Scots who adhered to the English interest. At the first approach of the enemy, the troops of Buchan fled, [25th December].

About this time, a grievous distemper began to consume the strength of Bruce, and gradually to enfeeble his active spirit, so that there remained no hope of his recovery §.

The

* He was taken bound to maintain 60 men at arms in his household, and for this he was to have an allowance of ten merks daily; *Foedera*, T. iii. p. 10.

† John de St John appears at this time to have commanded the English troops in Galloway. Mention is also made of ‘*Donegal, &c. et tota communitas majorum et hominum Galewydiae,*’ as being faithful to England; *Foedera*, T. iii. p. 14. I suppose that *Donegal* or *Donegan*, is the same with the *M’Doil* or *M’Dowal*, who had lately defeated the brothers of the Scottish King. Edward II. thus describes the invasion of Galloway by Bruce: ‘*Robertus de Bras, et complices sui, inimici et rebelles nostri, ad easdem partes Galewydiae jam venerunt, ibidem roborias, homicidia, depraedationes, incendia, et alia damna quamplurima perpetrantes, necnon et homines partium illarum et partium adjacentium contra nos insurgere procurantes et compellentes.*’ *Ib.*

‡ The evidence of this fact rests on the authority of the *Chronicle of Lanercost*, quoted by *Tyrrell*, vol. iii. p. 225. *Abercrombie*, vol. i. p. 583. seems to question the truth of it; and yet, unless it is supposed to be true, it will be difficult to account for the march of Bruce into the north.

§ ‘*Rex fame, frigore, et infirmitate depressus;*’ *Fordun*, L. xii. c. 16. It is probable that his disease was of a scorbutic nature. Ever since the unfortunate action at Methven, in summer 1306, he had been exposed to the vicissitudes of the seasons, and had endured all kinds of hardships.

1308.

Fordun, xii. 17. The Earl of Buchan, with Moubray, an English commander, assembled a numerous body of troops, eager to efface the dishonour of the former year. Not far from Inverury, in Aberdeenshire, the armies met. Bruce requested that he might be lifted from his couch, and placed on horseback. Too feeble to support himself, he was held up on each side. He led on his companions, charged and discomfited the enemy, and pursued them for many miles with great slaughter *.

Barbour, 177. [22d May]. It is a traditionary report, that, by the agitation of his spirits on that day, he was restored to health. ‘The insults of those men,’ said he, ‘have wrought my cure †.’

Fordun, xii. 17. After the manner of that fierce age, Bruce took revenge on the Earl of Buchan, by wasting his territory ‡.

At this dawn of prosperous fortune, many Scots, who had hitherto adhered to the English interest, ranged themselves under the standard of Bruce. Among them Sir David de Brechin is mentioned §.

Fordun, xii. 18. Meanwhile, Edward Bruce, the King’s brother, invaded Galloway. He defeated the inhabitants of that country near the river of Dee, [29th June].

John.

* On the feast of the Ascension, which fell that year on the 22d of May.

† *Barbour*, p. 177. thus relates the expression which the King used.

‘Yes, said the King, withoutten weer.

‘Thair boait has maid me haill and feer,

‘For shoud no medicine so soon

‘Have cured me, as they have done.’

‡ *Barbour* speaks feelingly of the ravages committed in Buchana.

‘After that well fifty year

‘Men meened the heirship of Buchan.’

It is probable that *Barbour* here described what fell under his own observation.

§ From a circular letter addressed by Edward II. to the Scottish Barons, it appears, that, on the 20th May 1308, the following persons were understood to be faithful to the English interest, David Earl of Athole, William Earl of Ross, and Hugh his son, Patrick Earl of Dunbar, and Patrick his son, *David de Brechin*, *David de Graham*, *Reginald de Cheyne*, *Robert de Keith*, *Henry de St Clair*, *John de Kingstoun*, *Adam de Swinburn*, and *Henry de Haliburton*; *Foedera*, T. iii. p. 81.

1308.

John de St John, with 1500 horsemen, had advanced to oppose the inroad of the Scots. By a forced march he endeavoured to surprise them; but intelligence of his motions was timely received. The courage of Edward Bruce, approaching to temerity, frequently enabled him to achieve what men of more judicious valour would never have attempted. He ordered the infantry, and the meaner sort of his army, to entrench themselves in strong narrow ground. He himself, with fifty horsemen, well harnessed, issued forth under cover of a thick mist, surprised the English on their march, attacked and dispersed them*.

Barbour, 188.

Having thus overthrown his enemies, Edward Bruce assailed the various fastnesses of Galloway, expelled the English garrisons, and at length subdued the whole country †.

*Barbour, 191.
Fordun, xii. 17.*

It was probably about this time that Douglas, while roving about the mountainous parts of Tweedale, surprized and made prisoners Alexander Stewart of Bonkill, and Thomas Randolph the King's nephew ‡.

*Barbour, 192.
&c.*

Douglas conducted Randolph to the King of Scots. 'Nephew,' said the King, 'you have been an apostate for a season; you must now be

Barbour, 193.

* Sir Alan de Cathcart, the companion of Edward Bruce, related the particulars of this expedition to Barbour: 'He was a knight,' says Barbour, 'worthy, brave, and courteous.' It is pleasing to trace a family likeness in an ancient portrait.

† In an old monkish rhyme preserved by Fordun, L. xii. c. 17. it is said,

'*Insula combusta, tempet scotis inimica.*'

By *Insula* I understand interior Galloway, or that part of the country which is adjacent to Ireland.

‡ Barbour says 'at the water of *Line*.' This I understand to be the stream which, passing near Kirkurd, falls into the Tweed above Peebles. Douglas approaching a house in the moorlands, heard some one say, 'The D——;' hence he concluded that there were strangers in that house: He found in it Stewart, Randolph, and Adam de Gordon: The last made his escape, the others were made prisoners; *Barbour*, p. 192.

193.

1308.

‘ be reconciled.’ Randolph fiercely answered, ‘ You require penance
 ‘ of *me*, yourself rather ought to do penance. Since you challenged the
 ‘ King of England to war, you ought to have asserted your title in
 ‘ the open field, and not have betaken yourself to cowardly ambus-
 ‘ cades.’ The King calmly replied, ‘ *That* may be hereafter, and
 ‘ perchance e’er long : Meanwhile, it is fitting that your proud words
 ‘ receive due chastisement; and that you be taught to know my right
 ‘ and your own duty.’ Having thus spoken, he ordered his nephew
 into close confinement.

Barbour, 194.
 &c.

The King was now able to take vengeance on the Lord of Lorn, who, after the discomfiture at Methven, had reduced him to such extremity of danger. He invaded Lorn, and arrived at a narrow pass, having a high mountain on the one side, and a precipice washed by the sea on the other *. *There* the troops of Lorn lay in ambush. Bruce ordered Douglas to make a circuit, and gain the summit of the mountain. He himself, with the rest of his army, entered the pass: They were instantly assaulted. Douglas, from the superior ground, discharged a shower of arrows, rushed down sword in hand, and overthrew the enemy. John, the son of Alexander de Argyle, Lord of Lorn, who had conducted this unsuccessful ambush, from his galley was spectator of the discomfiture of his people †, [about 23d August].

Robert

* *Barbour*, p. 195. calls the mountain *Cretthinben*.

† At this place, *Barbour* has introduced a generous sentiment :

- ‘ To John of Lorn it should displease
- ‘ I trow, when he his men might see
- ‘ Be slain and chafed in the hill
- ‘ That he might set no help theretill.
- ‘ But it angers as greatumly
- ‘ To good hearts that are worthy,
- ‘ To see their foss fullfill their will
- ‘ As to themselves to tholl the ill.”

1308.

Robert spoiled the country, and took the castle of Dunstaffnage, the chief residence of this too independent Lord. Lorn and his son were permitted to depart with their ships *. *Barbour, 108. Ford. xii. 18.*

While Bruce and his associates thus exerted themselves in wresting Scotland from the English, every thing was feeble and fluctuating in the counsels of their enemies.

Edward II. fondly imagined that he might reconcile the Scots to the English government by the mediation of William de Lambyrton, Bishop of St Andrews. This turbulent, though timid ecclesiastic, after having been conveyed from prison to prison, at length made submissions which procured his enlargement, then his full liberty, and presently the confidence of Edward. *Ford. iii. 82.*

William de Lambyrton took a most solemn oath to be the faithful liege-man of England; and, with the zeal of a new convert, engaged to publish the sentence of excommunication against Bruce and all his adherents †, [11th August.] *Ford. iii. 98.*

The

* *Barbour*, p. 48. says, That Alexander of Argyle, Lord of Lorn, submitted himself to Bruce; but that his son John retreated to his ships. I follow the narrative of *Fordun*, L. xii. c. 18. who says, That Alexander of Argyle retired into England, where he soon after died.

† Edward made an allowance to him of L. 100 yearly out of the revenues of the see of St Andrews, [20th May 1308], *Foedera*, T. iii. p. 80. John de Moubray, Alexander de Abernethy, Robert de Keith, Adam de Gordon, and Henry de Haliburton, became sureties for his good behaviour. Edward permitted him to be a prisoner at large, within the county of Northampton; *Foedera*, T. iii. p. 82. He informed the Pope, That he had set the Bishop of St Andrews at liberty. ‘He has been well advised,’ said Edward, ‘to make his submissions in the most ample manner, and I no longer apprehend any bad offices from him;’ [23d July 1308], *Foedera*, T. iii. p. 98. The Bishop took the oath of fidelity to Edward ‘super corpus Domini sacratum et crucem’ *Gnaith*; [11th August 1308]. *Foedera*, T. iii. p. 98. He was one of the English commissioners for negotiating a treaty with Scotland; [18th February 1309-10] *Foedera*, T. iii. p. 201. Edward informed the Pope, That he expected much aid from the exhortations

1308.

Foed. iii. 94.
160. 161. 175.
195. 203.

The measures of Edward varied from day to day. This is visible from the frequent changes which he made in the government of Scotland. The Earl of Richmond was removed from the office of guardian, and Robert de Umfraville, Earl of Angus, and William de Ros de Hamelake, were appointed joint guardians. To them Henry de Beaumont was added: But, within four days, a commission was issued, appointing Robert de Clifford sole guardian, and another appointing Robert de Umfraville sole guardian, because the King knew not which of the two would accept of the office. It appears that Clifford accepted, and was constituted sole guardian. After an interval of about three weeks, Gilbert de Clare, Earl of Gloucester, was named captain-general in Scotland; Clifford was again named guardian, and soon after was succeeded by John de Segrave*.

Foed. iii. 127.

Philip King of France endeavoured to promote a reconciliation between Edward II. and Bruce. With the permission of Edward, he sent a special messenger, Oliver des Roches, to treat with Bruce and the Bishop of St Andrews. The situation of that prelate was singular: After having renewed his fealty to Edward, he appears to have returned to Scotland, and to have had confidential intercourse with Bruce, [4th March 1308-9.]

Through

hortations of the Bishop of St Andrews, in whom the Scots had especial confidence; [24th July 1311] *Foedera*, T. iii. p. 274. To the same purpose he wrote 7th March 1311-12. and 11th July 1312; *Foedera*, T. iii. p. 308 332.

* Robert de Umfraville Earl of Angus, and William de Ros de Hamelake, were appointed joint guardians, 21st June 1308; *Foedera*, T. iii. p. 94. Henry de Beaumont was added to the commission, 16th August 1309; *Foedera*, T. iii. p. 160. Robert de Umfraville Earl of Angus, and Robert de Clifford, had each of them a commission to be sole guardian, 20th August 1309; *Foedera*, T. iii. p. 161, because the King knew not 'quis eorum custodiam illam admittere debeat.' Gilbert de Clare Earl of Gloucester was appointed Captain General in Scotland, 14th September 1309; *Foedera*, T. iii. p. 175. Robert de Clifford was again appointed guardian, 15th December 1309; *Foedera*, T. iii. p. 195. John de Segrave succeeded him, 10th March 1309-10; *Foedera*, T. iii. p. 203.

1309.

Through the mediation of the King of France, Edward consented to a truce with the Scots.—Edward charged the Scots as guilty of a violation of the truce *, and summoned his barons to meet him in arms at Newcastle, on the 29th of September, in order to march against the enemy. *Foed. iii. 147.*

Still, however, inclining to pacific measures, he authorised Richard de Burgh, Earl of Ulster, to treat with Bruce, [2d and 21st August.] *Foed. iii. 150. 163.* The commissioners appointed by Bruce for conducting this treaty, were Sir John de Menteth, and Sir Nigel Campbell.

The Sieur de Varennes, the French ambassador at the English court, acted a treacherous part. He openly sent a letter to Bruce, under the title of *Earl of Carrick*; but, in secret, he entrusted the bearer with other despatches, addressed to *the King of Scots*. Edward having intercepted the letters, transmitted them to Philip King of France; for he either believed, or affected to believe, that Philip had not authorised the duplicity of his ambassador, [2d August.] *Foed. iii. 150.*

Philip sent his brother Lewis, Count de Evreux, and Peter Guy, Bishop of Soissons, ambassadors to the English King, and again solicited a truce with Scotland. Edward impowered Robert de Umfraville, and three others, to negotiate and conclude the truce; but, at the same time, he declared that he did this ' at the request of Philip, ' as his dearest father and friend, but who was in no sort to be considered as the ally of the people of Scotland †, [29th November.] *Foed. iii. 192.*

This

* Edward, however, in an instrument 29th November 1309, *Foedera*, T. iii. p. 192. candidly acknowledged that the infringement of the truce was reciprocal; but it was not judged expedient to acknowledge this in a deed of a public nature.

† ' Come de nostre tres chere pere. [father-in-law] et ami, et come a celui que de riens ne se tient d'estre alyes as gentz d'Escoffe.'—The other commissioners for concluding the truce were, John de Crombwell, [Cromwell,] John Wogan, and John de Benstede. It was specially provided that nothing done should be valid, unless consented to by Wogan and Benstede; *Foedera*, T. iii. p. 192.

1309.

Foed. iii. 193. This negotiation was soon interrupted. Bruce laid siege to the castle of Rutherglen in Clydesdale: Edward sent his nephew, the young Earl of Gloucester, to raise the siege *, [3d December.]

Foed. iii. 201. The treaty was renewed. Edward appointed commissioners for that purpose. The Bishop of St Andrews was one of the number, [16th February 1309-10.] It appears that the truce was concluded, but that the Scots disregarded it.

Ford. xii. 18. In this year, James, the Stewart of Scotland, died, [16th July.]

1310.

Foed. iii. 20. The progress of Bruce now became alarming. Perth, where John Fitz Marmaduke commanded, was threatened by the Scots. Edward made preparations to secure that important post, and he appointed a fleet to sail to the Tay †.

Foed. iii. 213. He named the Earl of Ulster to the command of a body of troops which was to assemble at Dublin, and from thence to invade Scotland.

Foed. iii. 223. *Ford.* xii. 18. He commanded his barons to meet him in arms at Berwick; but the English nobility, disgusted at the government of Edward, and of his favourite Gaveston, repaired unwillingly and slowly to the royal standard.

The

* Historians are silent as to this event; but, it is probable, that the siege was raised; for, according to our writers, Edward II. in the following year, penetrated to Renfrew. Had Rutherglen been in the possession of the Scots, it is not to be supposed that Renfrew would have remained under the English dominion, or that Edward would have directed his march thither. Rutherglen appears to have been won from the English in 1313. See *Barbour*, p. 120.

† At this time Alexander de Abernethy was appointed warden of the country between Forth and the mountains of Scotland, 15th June; *Foedera*, T. iii. p. 211. John de Cauton was appointed Admiral of the fleet for the succour of Perth, 15th June; *Foedera*, T. iii. p. 211. but his command was soon after conferred on Simon de Montague, 6th August; *Foedera*, T. iii. p. 223. John de Argyle, or Lorn, was at this time in the service of England, and had his station on the west seas; *Foedera*, T. iii. p. 223.

1310.

The season was now far advanced. Edward countermanded the troops which were to have invaded Scotland under the Earl of Ulster: But, although he relinquished one part of his plan, he resolved to execute the other. Towards the end of September he invaded Scotland. Quitting the common tract, he marched his army by a route which would have proved exceedingly hazardous, had there been any enemies to oppose him. He passed from Rokesburgh, through the forest of Selkirk, to Biggar; from thence, it is said, that he penetrated to Renfrew. Without making any abode in those parts, he turned back by the way of Linlithgow, and retreated to Berwick. After this ill-concerted and fruitless expedition, he remained inactive at Berwick for eight months*.

Foed. iii. 223.*Foed.* iii. 225.—230. *Ford.*

xii. 18.

Foed. iii. 274.

During this invasion Bruce avoided encountering the English †. He recollected the disasters at Dunbar and Falkirk, where the Scots, instead of protracting the war, hazarded the fate of the nation on a single battle. He also knew that an invasion undertaken in autumn would ruin the heavy armed cavalry, on which the English placed their chief confidence. At that time there was a famine in Scotland incredibly grievous ‡. This national calamity may be said to have fought for

Foed. iii. 283.

* Edward was at Rokesburgh 20th September 1310; *Foedera*, T. iii. p. 225. at Biggar, 1st and 6th October, *ib.* p. 226. 227. *Fordun*, L. xii. c. 18. says, that Edward proceeded as far as Renfrew. But he certainly did not halt there: For he was at Linlithgow on the 13th October. There he remained till the 25th; *Foedera*, T. iii. p. 228. He appears to have returned to Berwick before the 10th November; *ib.* p. 230. He continued at Berwick until 24th July 1311. *ib.* p. 274.

† Of this Edward made a boast to the Pope. ‘R. de Brus et sui complices, dum prius in partibus Scotiae ad eorum rebellionem reprimendam fuimus, in abditis latitabant, ad instar vulpium;’ *Foedera*, T. iii. p. 283.

‡ ‘Propter guerrarum discrimina tanta erat panis inopia, et victualium carissima in Scotia, quod in plerisque locis, impellente famis necessitate, multi carnibus equorum et aliorum pecorum immundorum vescabantur;’ *Fordun*, L. xii. c. 18. The English historians mention a great dearth in England at that period; *Trivet. continuatio*, p. 8.

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for Bruce. It must have embarrassed and retarded the motions of an army in that age, when magazines and the other resources of modern war were unknown.

Neither is it improbable that Bruce might have had secret wellwishers in the camp of the enemy, and have received intelligence from them of the discontents which prevailed among the English nobility, more eager to destroy Gaveston, than to recover Scotland.

Foed. iii. 233. Certain it is, that, on his arrival at Berwick, Edward learned that many of his English subjects had supplied the Scots with provisions, arms, and horses. By proclamation, under the pains of forfeiture, he prohibited this abuse. As England was not at that time a commercial nation, it may be conjectured, that the persons who supplied their enemies with military stores, and exposed their countrymen to the miseries of war, were not so much actuated with the desire of gain, as with the spirit of thwarting an odious administration.

Foed. iii. 238. The King of Scots projected a winter invasion of the isle of Man*. He had partisans in that quarter who infested the coasts of England. Edward, however, took measures for repressing those piratical incursions, and secured the island from invasion.

1311.

Barbour, 199. About this time the castle of Linlithgow was surpris'd by the stratagem of a poor peasant, one William Binnoek. The English garrison dreading

* During the disputed succession, Sir William Montacute, said to be descended from the antient Kings of Man, expelled the Scots. He mortgaged the island to Anthony Beck Bishop of Durham. Edward I. granted it to the Bishop for his life. On the death of that Bishop, Edward II. bestowed the island on his favourite Gaveston, and, after his demise, on Henry de Beaumont, with all the demesne and royal jurisdiction thereto belonging; *Camden*, Britannia, p. 1060. At this time [1310], the Bishop of Durham had possession and governed the island by his Stewart [Senescallus], Gilbert M'Askil; *Foedera*, T. iii. p. 238.

1311.

dreading no enemy, kept a flight guard. Binnock engaged eight resolute men in his enterprize. He concealed them in a load of hay, which he had been employed to drive into the castle. As soon as the gate was opened to let in the carriage, the conspirators sprung from their concealment, mastered the guard, and possessed themselves of the place.

Robert dismantled the castle of Linlithgow, and the other castles which he won in the course of the war. This was one of the favourite maxims of his policy*. He saw that the English, by means of castles judiciously placed, had maintained themselves in Scotland, with little aid from their sovereign. And, perhaps, he apprehended, that, when the country came to be settled in peace, the possession of castles might render his own barons no less formidable to the crown, than the English garrisons had been to the nation.

Edward,

* The maxims [or political testament] of Robert Bruce are preserved in old Scottish metre. See *Fordun*, L. xii. c. 10. They are curious, and not difficult to be understood.

‘ On fut fuld be all Scottis weire
 ‘ Be hyl and moffe thaimself to weire,
 ‘ *Let wod for wallis be bow and speire*
 ‘ That innymeis do thaim na dreire ;
 ‘ In strait placis gar keip all stoire,
 ‘ And byrn the planen land thaim befoire ;
 ‘ Thanen sall they pass away in haist
 ‘ Quhen that they find naithing bot waist,
 ‘ With wyllis and waikenen of the nicht
 ‘ And mekill noyes maid on hycht,
 ‘ Thanen sall they turnen with gret affrai,
 ‘ As they were chast with sward away.
 ‘ This is the counfall and intent
 ‘ Of gud King *Robert’s testament.*’

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Foed. iii. 271. Edward, projecting a second expedition into Scotland, ordered his army to rendezvous at Rokeburgh. This rendezvous, however, did not take place.

Foed. iii. 284.
Ford. xii. 18. Bruce had so well established his authority throughout his own dominions, that he now resolved to invade England. He led his army into the bishoprick of Durham, and ravaged the country with that cruelty and licentiousness which disgrace the character of a brave man*. Yet it was not strange, that, in a fierce age, one who had seen the ruin of his private fortunes, the captivity of his wife and only child, and the tortures and execution of his dearest relations and tried friends, should have thus satiated his revenge. He led back his army into Scotland, loaded with spoil.

Barbour, 180.
Ford. xii. 18. At his return Bruce laid siege to Perth. The conditions which he offered to the garrison were scornfully rejected. After having lain before the town for six weeks, he raised the siege; but, in a few days, he provided scaling ladders, and, with a chosen body of infantry, approached the works. The night was dark, and favoured his enterprise. The King himself carried a ladder, and was the foremost to enter the ditch †. There chanced to be present a French gentleman, who,

* Edward II. in a letter to the Pope, 17th October 1311, *Foedera*, T. iii. p. 284. thus describes the inroad of Bruce: 'Robertus et sui complices—Regnum nostrum Angliae hostiliter ingressi, in diversis partibus Marchiae ejusdem regni, et praecipue in Episcopatu Dunelmensi, rapinas, depraedationes, incendia, et homicidia perpetrarunt, aetati vel sexui innocenti, aut immunitati ecclesiasticae libertatis, pro dolor non parcentes.' *Fordun*, L. xii. c. 18. relates the same event, although in another style: 'Anghiam intravit, ipsam devastando, praedas innumeras abduciendo, et ingentem stragem igne et ferro inferendo. Sicque Dei virtute gens Anglorum perfida, quae multos injustè spoliaverat et cruciaverat, jam justo Dei judicio diris subicitur flagellis.'

† *Barbour* says, p. 182. that when the King passed the ditch at Perth, in order to scale the walls, the water stood to his throat. This shews that Bruce was not of a stature

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who, when he saw the King pass on, exclaimed, 'What shall we say of our French Lords, who spend their days in good cheer and jollity, while so worthy a knight hazards his life to win a miserable hamlet *?' Saying this, with the gay valour which has always distinguished the French nobility, he threw himself into the water, followed the King, and shared his danger and his glory. The Scots, animated by the example of their Prince, scaled the walls †. The town was taken,

ture beyond that of other men. If he had been much taller than his soldiers, the water which flood to his throat must have drowned them.

* The words of *Barbour*, p. 182. are these:

' That time was in his company
' A knight of France, wight and hardy,
' And when he in the water saw
' The King pass so, and with him to
' His ladder unabatedly,
' He sailed him for the ferly,
' And said, O Lord! what shall we say
' Of our Lordis of France, that ay
' With good morsels farces their paunch,
' And will but eat and drink and daunce,
' When sik a knight, and so worthy
' As this, through his great chevalry,
' Into sik peril has him fet
' To win a wretched hamlet?'

† *Barbour* says, That the King was the second man that took the wall. This little circumstance adds much to the credibility of *Barbour's* narrative. A writer of romance would have represented the King as the first. From the manner in which *Barbour* relates the story, it seems probable, that the gallant Frenchman first entered the town. I could not, however, venture to affirm this, though it would have adorned the narrative. One *William Oliphant* commanded in Perth at this time; *Fordun*, l. xii. c. 18. It is not certain whether he was the same person who so resolutely defended *Stirling* castle against *Edward I.* This much is certain, that *Oliphant*, the gover-

nour

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ken, plundered, and burnt; and the works levelled, [8th January 1311-12.]

Ford. iii. 300. Edward again attempted to make a truce with the Scots. For this purpose he gave ample powers to David Earl of Athole, and five others, [at Berwick 26th January 1311-12.]

Ford. iii. 303. At this time, his mode of policy was to attach to his interest those among the Scots nobility who had hitherto favoured the cause of England. With this view he granted two manors to the Earl of Athole, [8th February 1311-12].

Ford. iii. 303. William Sinclair, Bishop-elect of Dunkeld, had been the enemy of England, and on that account Edward had opposed his election. Edward now solicited the Pope in his favour. This he did at the request of Henry de St Clair, the Bishop's brother, who had continued faithful to the English interest, [8th February 1311-12].

1312.

Ford. iii. 313.
Ford. xii. 19. The King of Scots invaded England, burnt great part of the city of Durham, and threatened to besiege Berwick. Edward fixed his residence *there*, to repress the incursions of the Scots, as he pretended; but, in truth, because he dreaded the machinations of his own barons, and judged himself insecure in the south.

Ford. xii. 19. In the course of this year, the King of Scots assaulted and took the castles of Butel *, Dumfries, and Dalswinton, with many other fortresses.

The

nour of Stirling castle was set at liberty by Edward II, on finding sureties for his fidelity to England; [24th May 1308] *Feodera*, T. iii. p. 82. At the same time, and on like conditions, the Earl of Strathern was set at liberty; *Ibid.* Barbour mentions the Earl of Strathern as being with the English garrison at Perth when the town was stormed. He adds, that the Earl's son fought under the banners of the King of Scots, and made his father a prisoner, p. 183.

* *Fordun*, L. xii. c. 19. calls it 'castrum de *Botha*,' or 'de *Buthé*.' I imagine that some

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The castle of Rokesburgh, a post of the utmost importance, had been committed by Edward to the charge of Gillem de Fiennes, a knight of Burgundy. While the English garrison was revelling on the eve of Lent *, Douglas scaled the castle. Simon of Leadhouse, who had constructed the scaling-ladders, was the first to mount the wall. The garrison retreated into the inner tower. De Fiennes received a mortal wound, and his soldiers capitulated, [6th and 7th March 1312-13.]

Ford xii. 19.
Barbour, 205.
&c.
Lelan. ii. 346.

Randolph having been received into favour by his uncle the King of Scots, eminently distinguished himself in the common cause. Barbour, who probably had seen Randolph, thus describes him: 'He was of comely stature, broad visaged, and of a countenance fair and pleasant; the friend of brave men, loyal, just, and munificent.' Barbour adds, 'That he was jovial and amorous, and altogether made up of 'virtus*.'

Barbour, 204.

The castle of Edinburgh had for governor, Piers Leland, a knight of Gascony. Randolph blockaded it so closely, that all communication with the adjacent country was cut off. The garrison, suspecting the fidelity

Lelan. ii. 346.
Barbour, 204.

some castle in Galloway is *bers* meant, rather than Rothsay in the island of Bute; probably the castle of *Bute* in Galloway, belonging to the Baliol family.

* Boccæ's description of the revels of *Shrove-Tuesday* is lively and judicious; 'quærit omnes homines, mentis abstinentiæ instantis, vino libidinibusque indulgent;' L. xiv. fol. 301. a.

† The words of *Barbour*, p. 204. are these:

'In company solacious
'And therewith blyth and amorous;
'And if that I the sooth fall say,
'He was fulfilled of beantie
'Als of virtues all made was he.'

This portrait, drawn by a grave ecclesiastic, is of a singular style, yet it has great appearance of truth.

1312.

fideliſty of Leland, thruſt him into a dungeon, and choſe another commander in his ſtead.

Barbour, 211.
—219.
Ford. xii. 19.

Matters were in this ſtate, when one William Frank preſented himſelf to Randolph, and offered to ſhew him how the walls of the caſtle might be ſcaled. This man, while young, had reſided in the caſtle, and having an amorous intrigue in the neighbourhood, had been wont to deſcend the wall during the night, by means of a ladder of ropes, and through a ſteep and intricate path to arrive at the foot of the rock. The road, although amidſt perilous precipices, had become familiar to him, and he ſtill retained a perfect remembrance of it. Randolph, with thirty men, undertook the enterpriſe of ſcaling the caſtle at midnight. Frank was their guide, and the firſt who aſcended the ſcaling ladder *. Before the whole party could reach the ſummit of the wall, an alarm was given, the gariſon ran to arms, and a deſperate combat enſued; but their governor having been ſlain, the Engliſh yielded, [14th March, 1312-13.]

Barbour, 219.
Lelan. ii. 546.

Leland †, the former governor, being releaſed from his impriſonment, entered into the ſervice of the Scottiſh nation.

1313.

Ford. iii. 404.

The number of Bruce's partiſans increaſed with his ſucceſſes. The Earl of Athole, who had lately obtained a grant of lands from the King of England; revolted to the Scots.

Through

* Sir Andrew Gray followed him: Randolph himſelf was the third that mounted the ladder; *Barbour*, p. 215.

† *Barbour* calls him *Piers Lombard*. But Leland, the antiquary, has preſerved his name, *Colleſtanea*, vol. ii. p. 546. On the margin he gives him the appellation of *Petrus Lelandius, Vicount of Edinburgh*, and adds, that 'Brus, after, ſurmized treaſon upon hym, becauſe he thought that he had an Engliſh hart, and made him to be hangit and drawn.'

1313.

Through the mediation of France, the conferences for a truce with the Scots were renewed, [17th May, 1313.] *Ford. iii. 415.*

This, however, did not retard the military enterprises of the Scots. They invaded Cumberland, and wasted the country. The people of Cumberland demanded succour from Edward. He being just about to depart into France, extolled their fidelity, and desired them to defend themselves until his return, [23d May.] *Ford. iii. 416.*

The invasion of Cumberland appears to have been only a feint to conceal the designs of Bruce against the isle of Man. He landed there, overcame the governor*, took the castle of Ruffin, and subdued the country, [11th June.] *Chr. Man, ap. Camden, Brit. annis, 1057. Ford. xii. 19.*

Edward, on his return to England, found that many of his nobles had refused to give their attendance in a parliament summoned to meet at London. In order to raise troops for resisting the Scots, who still threatened the English borders, Edward endeavoured to borrow money from the clergy, and he again summoned his parliament to meet: The Earl of Lancaster, and other discontented lords, appointed a muster of their forces under the less offensive appellation of a *tourneament*. The King, by repeated proclamations, prohibited that assembly. Nevertheless, Lancaster and his associates, in contempt of the royal authority, repaired to the *tourneament*, and refused to concert measures for opposing the common enemy. An inquiry into the causes of this obstinate disregard of the national interest would be a matter of long investigation, and is foreign to the subject of these annals. *Ford. iii. 422. 428. 433.*

Such of the Scots as still remained faithful to England, deputed Patrick

* In the Chronicle of Man subjoined to *Camden, Britannia*, p. 1057. this person is called *Dingawy Dowill*. In the *Annals of Ireland*, *ib.* ad an. 1313. he is called *the Lord Donegan Odowill*. If he was a Galwegian, I imagine him to have been that *Duncan M'Dowal* who defeated and made prisoners the two brothers of the King of Scots, near Lochryan, in 1306.

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Patrick Earl of March, and Adam de Gordon, to lay their miserable state before Edward, both from the increasing power of Bruce, and from the oppression which they suffered under the government of the English ministers. Edward bestowed high encomiums on their faithfulness and constancy; required them to persevere in their duty; promised to lead an army to their relief; and assured them that he would redress all their grievances, [28th November.]

Barbour, 220. Meanwhile the Scottish arms prospered. Edward Bruce made himself master of the castles of Rùtherglen and Dundee, and laid siege to the castle of Stirling. Philip de Moubray, the governor, offered to surrender, if he was not relieved on the feast of St John the Baptist, [24th June,] in the following year: To this offer, Edward Bruce, without consulting his brother, agreed.

*Barbour, 221.**Ford, xii. 20.**Foed, iii. 482.**Barbour, 222.*

The King of Scots was highly displeased at this rash treaty. By it the military operations were interrupted, and a long interval allowed to the English for assembling their utmost force; while, at the same time, the Scots were reduced to the necessity either of raising the siege with dishonour, or of hazarding the kingdom on the event of a single battle. Robert, however, consented to the treaty, and resolved to meet the English by the appointed day.

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Immense were the preparations made by Edward for relieving the castle of Stirling. They were suitable to the power and resources of a mighty people on an occasion so important.

Foed, iii. 463.
478.

Edward ordered ships to be assembled for invading Scotland; invited to his aid Eth O'Connor, chief of the Irish of Connaught; and twenty-six other Irish chiefs; summoned his English subjects in Ireland to attend his standard, and put both them and the Irish auxiliaries under the command of the Earl of Ulster, [26th March.]

Foed, iii. 463.
481. 482.

After having summoned his barons to meet him in arms at Berwick on the 11th of June, he issued a proclamation, requiring about

22,000

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22000 foot soldiers from different counties in England and Wales, to rendezvous at Werk*.

The

* The writ addressed to the sheriff of Yorkshire may serve as a specimen of the style used at that time. ‘ Rex vicecomiti Eborum, salutem : Cum pro expeditione guerrae nostrae Scotiae, quatuor millia hominum in comitatu tuo eligi, et ad nos ad partes Scotiae duci mandaverimus, ita quod essent ad nos ibidem ad dies jam transactos; ac jam intelleximus, quod Scoti inimici et rebelles nostri nituntur, quantum possunt; se in magna multitudine peditum, in locis fortibus et morosis, ubi equitibus difficilis patebit accessus, ad invicem congregare inter nos et castrum nostrum de Stryvelin, ut sic rescussum ejusdem castrum, quem citra festum nativitatis Beati Johannis Baptistae proximum futurum, juxta conditionem, cum dictis inimicis nostris per constabularium dicti castrum initam, sub poena amissionis ejusdem, facere oportebit, et quem, divina optulante clementia, citra festum dictum facere proponimus, pro viribus impedirent;’ *Foedera*, T. iii. p. 481. An eminent historian says, ‘ That the army of Edward, which, according to the Scots writers, amounted to an hundred thousand men, was probably much inferior to that number;’ *Hume*, History of England, vol. ii. p. 135. In proof of this, he observes, that ‘ we find in *Rymer*, T. iii. p. 481. a list of all the infantry assembled from all parts of England and Wales, and they are only 21,540.’ It is strange that the author should have so widely mistaken the sense of the record. In *Rymer* there is not a list of all the infantry assembled from all parts of England and Wales, but merely an order to the sheriffs of twelve counties, to two Earls, and to six or seven Barons, requiring them to furnish certain quotas of infantry. The counties mentioned are Cheshire, Derbyshire, Durham, Lancashire, Leicestershire, Lincolnshire, Northumberland, Nottinghamshire, Shropshire, Staffordshire, Warwickshire, and Yorkshire.

A writ, indeed, was directed to the Earl of Gloucester and Hertford, and another to the Earl of Hereford and Essex; but those writs respected the particular estates belonging to the two Earls, and not the counties under their administration.

The writs published by Rymer relate not to the southern or western counties of England. It is not probable that Edward would have invited the aid of 27 Irish chiefs, and yet have neglected to require the assistance of the most populous parts of his own dominions. If we take into the account the Irish, and the English subjects residing in France, and if we suppose that all the counties and all the barons in England furnished their quotas in equal proportions, we shall have no difficulty in pronouncing, that the numbers of the English army, as related by our historians, are within the limits of probability.

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Barbour, 229. The King of Scots appointed a general rendezvous of his forces at the Torwood, between Falkirk and Stirling. Their number somewhat exceeded thirty thousand. There were also upwards of fifteen thousand; an unarmed and undisciplined rabble, who followed the camp, according to the mode of those times.

Barbour, 232. Th. de la More, ap. Camden, 594. The King determined to wait the English in a field which had Stirling on the left, and the brook of Bannock on the right*. What he most dreaded was the strength and multitude of the English cavalry. The banks of the brook were steep in many places, and the ground between it and Stirling was partly covered with wood. The place, therefore, was well adapted for opposing and embarrassing the operations of horsemen. The King commanded many pits to be dug in every quarter where cavalry could have access. These pits were of a foot in breadth, and between two and three feet deep. Some slight brushwood was laid over them, and they were carefully covered with sod, so as not to be perceptible by a rash and impetuous enemy. Barbour describes their construction in a lively manner: 'They might be likened,' says he, 'to a honeycomb.' This implies that there were many rows of them with narrow intervals †.

By

probability. Edward himself says, and it is a circumstance which merits attention, that he had summoned to the rendezvous all who owed military service; [totum servitium nostrum,] *Foedera*, T. iii. p. 478.

* The author of *the history of Stirlingshire* is positively certain that the King of Scots drew up his army, having its front to the south, and with Stirling on the rear. After having examined the ground, I am as positively certain, that Barbour, whom I follow, has justly described the position of the Scots in that memorable day. Their front appears to have extended from the brook called *Banockburn* to the neighbourhood of St Ninians, pretty nearly upon the line of the present turnpike road from Stirling towards Kilsyth. The stone in which Bruce is reported to have fixed his standard is still to be seen.—The partisans of the other hypothesis will do well to point out what was Randolph's post, and how he came to be engaged with Clifford.

† The description given by Barbour shews, that Buchanan had a very imperfect notion

tion

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By this disposition the King exposed his left flank to the garrison of Stirling; but the inconsiderable number of soldiers in that garrison could not have greatly annoyed the Scots. Besides, Moubray the governor had consented to a truce, and, if he had assailed the Scots before the fate of the castle was determined by battle, he would have been deemed *a false knight*. In those days, the point of honour was the only tie which bound men; for dispensations and absolutions had effaced the reverence of oaths.

Edward proceeded triumphantly on his march for the relief of Stirling castle *. *Barbour, 227.*

On the 23d June, the alarm came to the Scottish camp, that Edward was approaching. *Barbour, 232.*

The King of Scots resolved that his troops should fight on foot. He drew them up after this manner. He gave the command of the center to Douglas, and to Walter the young Stewart of Scotland; of the right wing to Edward Bruce, and of the left to Randolph; he himself took charge of the reserve, composed of the men of Argyle, the islanders, and his own vassals of Carrick. In a valley to the rear †, he

tion of the artifice employed by Bruce. His words are: ‘*Brullius—in locis aequioribus fossas praealtas duxit, in quibus palos acutos ita infixit, ut supernè integumentum e sevi cespite fraudem celaret: Murices autem ferreos, ubi commodum videbatur, spargi iussit*’ L. viii. p. 145. Barbour speaks not of the *calthrops* which Buchanan mentions; but it is possible that they also may have been used.

* *Barbour, p. 227.* describes this march with an elegance not unworthy of Chaucer.

- ‘ Then Sol was bright, and shining clear,
- ‘ And armours that bright burnished were
- ‘ Sa blonyt with the sun its beam
- ‘ That all the land seemed in a leam,
- ‘ Banners right fairly flawinand
- ‘ And pensels to the wind wavand.’

† According to the report of the country to the west of a rising ground, called *Gilles hill*; and, indeed, there appears not any other place in that neighbourhood which corresponds with the account given by Barbour.

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he placed the baggage of the army, and all the numerous and useless attendants on the camp.

He enjoined Randolph to be vigilant in preventing any advanced parties of the English from throwing succours into the castle of Stirling.

*Barbour, 238.
&c.*

Eight hundred horsemen, commanded by Sir Robert Clifford, were detached from the English army; they made a circuit by the low grounds to the east, and approached the castle. The King perceived their motions, and coming up to Randolph, angrily exclaimed, 'Thoughtless man *! you have suffered the enemy to pass.' Randolph hastened to repair his fault, or perish. As he advanced, the English cavalry wheeled to attack him. Randolph drew up his troops in a circular form, with their spears resting on the ground, and protended on every side †. At the first onset Sir William Daynecourt, an English commander

*Barbour, 240.
Trivet contin.
14.*

* The words of *Barbour*, p. 239. are :

- ' For the King had said him rudely,
- ' That a rose of his chaplet
- ' Was fallen, for where he was set
- ' To keep the way, these nién were past.'

The phrase, 'a rose has fallen from your chaplet,' is obscure. I imagine that *rose* implies the large bead in a rosary or chaplet, for distinguishing a *Pater noster* from an *ave Maria* in the numeration of prayers. Hence, to say, 'that a rose has fallen from a person's chaplet,' means, literally, that he has been careless in his devotions, and has omitted part of the prayers which he ought to have repeated; and, by metonymy, that he has neglected any charge committed to him. 'He was set to keep the way,' means, 'he had the charge of guarding that passage.' Hence we may learn, that Randolph commanded the left wing. That circumstance is not clearly expressed by *Barbour*.

† So I understand the words of *Barbour*, p. 240.

- ' Set your spears you before,
- ' And back to back set all your rout,
- ' And all the spears their points out;
- ' So gate us best defend may we,
- ' Environed with them if we be.'

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commander of distinguished valour, was slain. The enemy, far superior in numbers to Randolph, environed him, and pressed hard on his little band. Douglas saw his jeopardy, and requested the King's permission to go and succour him. 'You shall not move from your ground,' cried the King; 'let Randolph extricate himself as he best may. I will not alter my order of battle, and lose the advantage of my position.' 'In truth,' replied Douglas, 'I cannot stand by and see Randolph perish; and therefore, with your leave, I *must* aid him.' The King, unwillingly, consented; and Douglas flew to the assistance of his friend. While approaching, he perceived that the English were falling into disorder, and that the perseverance of Randolph had prevailed over their impetuous courage. 'Halt,' cried Douglas, 'those brave men have repulsed the enemy; let us not diminish their glory, by sharing it.'

Meanwhile the vanguard of the English army appeared. The King of Scots was then in the front of the line, meanly mounted, having a battle-ax in his hand, and a crown above his helmet, as was the manner in those times. Henry de Bohun, an English knight, armed at all points, rode forward to encounter him. The King met him in single combat; and, with his battle-ax, cleft the scull of Bohun, and laid him dead at his feet*. The English vanguard retreated in confusion.

Monday the 24th of June 1314, at break of day †, the English army moved on to the attack.

The

* In *Scala Chron. ap. Leland, Collectanea*, T. ii. p. 546. it is said, 'Bruse, with his owne hands, killed *Pers Monfort*, an English knight, in the woodes by Strivelin.' I observe that *Pers Monfort* is not mentioned in the list of the slain; *Trivet*, contin. p. 14 but that *Henry de Bohun* is. *Barbour* relates, that the Scottish leaders blamed the King for his temerity in encountering Bohun. The King, conscious of his error, changed the discourse, and said, 'I have broke my good battle-ax;' p. 246.

† *Thomas de la More* says, edit. *Camden*, p. 594. That the English spent the night before

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Lelan. ii 546.
Walsing 105

The van, consisting of the archers and lancemen, was commanded by Gilbert de Clare Earl of Gloucester, nephew of the English King, and Humphry de Bohun, Earl of Hereford, constable of England*.

Barbour, 257.

The ground was so narrow, that the rest of the English army had not space sufficient to extend itself. It appeared to the Scots as composing one great compact body †.

Barbour, 227.

Edward, in person, brought up the main body. Aymer de Valence, Earl of Pembroke, and Sir Giles d'Argentine, two experienced commanders, attended him †.

Maurice

before the battle in drunkenness and riot: * *Vidistes primâ nocte Anglos baud Anglice
'more vino madentes, crapulam eructantes, Wassaile et drinkbaile plus solito intonan-
'tes.*

* The Earls of Lancaster, Warenne, Warwick, and Arundel, were absent from the English army. They pretended that Edward had failed in performing certain conditions promised to them. *Walsingham, p. 104.*

† *Barbour, p. 257.* says,

‘ ————In a *sbiltrum,*
‘ It seemed they were all and some,
‘ Outtane the *wouner* alienarly,
‘ That right with a great company
‘ By themselves arrayed were.’

In another passage, p. 260. he says, that the English had nine *batties*, or large bodies. *Walsingham, p. 105.* says, ‘ *Duces Anglorum pedites cum arcibus atque lan-
'ceis, in prima component acie, equites *diversis* aliis retro constituant.*’ It would seem that the intervals between the different bodies of infantry were small.

‡ ‘ His own battle ordained he,
‘ And who should at his bridle be?
‘ Sir Giles de Argentine he set
‘ Upon a half his renzie to get,
‘ And of Vallange Sir Aymery
‘ On the other half, that was worthy,
‘ For in their sovereign bountie
‘ Out o’er the lave assied he.’

Barbour, p. 227.

Thomas

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Maurice Abbot of Inchaffray, placing himself on an eminence, celebrated mass in sight of the Scottish army. He then passed along the front, barefooted, and bearing a crucifix in his hands, and exhorted the Scots in few and forcible words, to combat for their rights and their liberty. The Scots kneeled down. 'They yield,' cried Edward; 'See, they implore mercy.' 'They do,' answered Ingelram de Umfraville, 'but not ours. On that field they will be victorious, or die.'

*Ford. xii. 21.**Barbour, 258.*

The two armies, exasperated by mutual animosities, engaged. The conflict was long and bloody. The King of Scots, perceiving that his troops were grievously annoyed by the English archers, ordered Sir Robert Keith, the Marshall, with a few armed horsemen, to make a circuit by the right, and attack the archers in flank. The archers having no weapons, were instantly overthrown, and falling back, spread disorder throughout the army*. The King of Scots advanced with the reserve †. The young and gallant Earl of Gloucester attempted

*Barbour, 259.**60**Walsing. 105.*

Thomas de la More admits that Edward was in the third body; but, he adds, that he was accompanied by Bishops, and other ecclesiastics; and by that cowardly bird of prey, H. le Despencer, 'vecoris ille milvus,' p. 594.

* It is generally supposed that the English horsemen were entangled in the snare which Bruce had laid for them. But Barbour makes no mention of that circumstance, although he minutely describes the nature of Bruce's stratagem. If I mistake not, the movement executed by Sir Robert Keith was decisive of the battle. The English had crowded their whole infantry into the van, or first line, and, confiding in their unwieldy numbers, had not foreseen the danger of being taken in flank by a few men at arms.

† It would seem, from some expressions in Barbour, p. 267. that the King of Scots brought up the reserve to the right of his army. This shows that there had been a great slaughter of the Scots, by which, in that circumscribed ground, there was place left for the reserve to fall into the line. The words of Barbour are,

'When this was said, they held their way,

'And on one field assembled they,

All

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tempted to rally the fugitives, but was unhorsed, and hewen to pieces * —the confusion became universal. At that moment the numerous attendants on the Scottish camp, prompted by curiosity, or eager for plunder, issued from their retirement in the rear. It seemed as if fresh troops had arrived in aid of the Scots. The English fled with precipitation on every side. Many crowded to seek relief among the rocks in the neighbourhood of Stirling castle; and many rushed into the river and were drowned.

Barbour, 272.

Pembroke and Sir Giles d'Argentine had attended on Edward during the action. When Pembroke saw that the battle was irretrievably lost, he constrained Edward to quit the field. 'It is not my wont to fly,' said d'Argentine, renowned for his prowess in the Saracen wars; then spurring on his horse, and crying out, '*An Argentine,*' he rushed into the battle and met death †.

Douglas,

* *All their four battles, with that weir*

† *Fightand in a front haillily.*

a in this place, as in others, is, in modern language, not a but one.

* *Th. de la More*, ap. Camden, p. 594. says, That the Scots would have saved the Earl of Gloucester, had they known him, but that, on that day, he had neglected to put on '*togam propriae armaturae,*' that is, the upper garment on which his arms were depicted, or his *coat armorial*.

† I know little of this singular personage. In Scotland his renown was great. According to the vulgar opinion, the three most eminent worthies of that age were, the Emperor Henry of Luxemburg, Robert Bruce, and *Sir Giles d'Argentine*; *Fordun*, L. xiii. c. 16. in *Scala Chron.* ap. Leland. T. ii. p. 547. it is said, '*Giles de Argentine,*' 'a stoute warrior, and late cum from the werres of Henry Lusenburg Emperor, said, 'that he was not wont to fly, and so returnit to the Englische host, and was slayne.' It is reported, that, in the wars of Palestine, he thrice encountered the Saracens, and in each encounter slew two of their warriors: 'It was no mighty feat,' said he, 'for one Christian knight to overcome and slay two Pagan dogs;' *Fordun*, L. xii. c. 16. *Baston the Carmelite*, ap. *Fordun*, L. xii. c. 22, thus speaks:

* *Nobilis.*

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Douglas, with sixty horsemen, pursued the English King, on the spur. At the Torwood he met Sir Laurence Abernethy, who was hastening with twenty horsemen to the English rendezvous. Abernethy abandoned the cause of the vanquished, and joined with Douglas in the pursuit. Edward rode on without halting to Linlithgow. Scarcely had he refreshed himself there, when the alarm came that the Scots were approaching. Edward again fled. Douglas and Abernethy pressed hard upon him, and allowed him not a moment of respite*. Edward at length reached Dunbar, a place distant more than sixty miles from the field of battle. The Earl of March opened the gates of that castle to Edward, protected him from his pursuers, and conveyed him by sea into England †.

Such

* *Nobilis Argenteus, pugil inclitus, dulcis Egis,*† *Vix scieram mentem, cum te sequens vidi.*

The first line mentions the three chief requisites of a true knight, noble birth, valour, and courtliness. Few Leonin couplets can be produced that have so much sentiment. I wish that I could have collected more ample memorials concerning a character altogether different from modern manners. Sir Giles d'Argentine was a hero of romance in real life.

* *Darbour* describes the constancy of the chace in a lively manner, but which I chuse to express in Latin, † *Scoti pertinacius insabant, ita quidem ut ne vel mungendi locus hostibus concederetur* p. 282.

† † *Comte Patrik of Marche sul gently receivd King Edward into his castel of Dunbar, and thens the King cam by water to Berwick;* *Scala Chron.* ap. Leland, T. ii. p. 547. *Th. de la More*, p. 394. relates a circumstance which is characteristic. † *Ille non equi velocitas, non hominum industria Regem ad inimicis liberavit, sed Mater Dei quam Rex invocavit. Cui Rex et filio suo vovit, si salvus evasisset, se eorum pauperibus ejus Carmelitis mansionem, in *Matri Dei* titulo insignitam, pro 24 fratribus Theologiae studio deputatis, quod et postea fecit Oxonii et expensis ditavit, dissuadente Spencer.* To this vow of Edward II. Christ college in Oxford, where Sir Walter Rawleigh was educated, owes its establishment; *Antiq. Oxon.* T. ii. p. 103.

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G

1314.

Barbour, 278. Such was the event of the battle of Bannockburn *; an action glorious in its circumstances, and of decisive moment.

On the side of the Scots, no persons of note were slain, except Sir William Vipont, and the favourite of Edward Bruce, Sir Walter Ross.

When Edward Bruce heard of his death, he passionately exclaimed, 'Oh that this day's work were undone, so Ross had not died †.'

Triv. contin. But the loss of the English was exceedingly great. Of barons and ¹⁴*Walsing.* 105. bannerets, there were slain twenty-seven, and twenty-two made prisoners.

* The English call it the battle of Bannockmoor; *Walsingham*; p. 105. or, of Stirling; *Murimuth*, p. 46. *Leland*. T. ii. p. 546.

† *Barbour*, p. 278. Thus relates the incident.

' That he said, making evil cheir
' That him were levir that journey were
' Undone, than he so dead had been.
' Outtaken him, men has not seen.
' Where he for any man made meating,
' And the cause was of his loving
' That he to his sifter per amours
' Loved,' &c.

Barbour, *ib.* relates a singular incident, which, according to his account, is connected with the friendship of Edward Bruce and Sir Walter Ross. Bruce had married Isabella the sister of David de Strathbogie Earl of Athole; he slighted her, and engaged in an unlawful intercourse with the sister of Sir Walter Ross. Athole brooked not this affront, and resolved to revenge his private wrongs, although, at the hazard of the state. While the two armies were about to engage, he assaulted the King's head quarters at the abbey of Cambuskenneth, and slew the guard, with Sir William Keith its commander. *Barbour* adds, That for this base deed he forfeited. I know not what judgment to form of this story. It is certain that the Earl of Athole returned to the service of England, *Foedera*, T. iii. p. 644 [an. 1317]. And it is equally certain, that sentence of forfeiture was pronounced against him in parliament, 1323. 'Per judicium in parlamento nostro tento apud Cambuskynet, de consensu totius cleri et populi editum, in festo Sancti Jacobi apostoli, anno 1323;' *Chart. Dunferm.* T. ii. fol. 24. It is strange that punishment should have been delayed, until 1323, of an offence so atrocious, said to have been committed in 1314.

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soners. Of knights there were slain forty-two, and sixty made prisoners*. The English historians mention as the most distinguished among the slain, the Earl of Gloucester, Sir Giles d'Argentine, Robert Clifford, Payen Tybetot, William le Marechal, and the Seneschal of England Edmund de Mauley. Of esquires there fell seven hundred †; the number of common men killed or made prisoners is not related with any certainty.

The Welshmen who served in the English army were scattered over the country, and miserably butchered by the Scottish peasants. *Barbour, 276.*

The English who had sought refuge among the rocks in the neighbourhood of Stirling castle, surrendered at discretion. Moubray the governor performed the conditions of his capitulation, yielded up the castle, and entered into the service of the King of Scots. *Barbour, 276. 280.*

The privy-seal of the English King fell into the hands of the enemy ‡. *Triv. contin. 15. Feod. iii. 483.*

The

* In *Trivet, Contin. p. 14.* there is a list of some of them. From the specimen there given, it may be presumed, that, if the list were complete, most of the ancient English families would find the names of their predecessors among the slain, or among the prisoners, at Bannockburn.

† 'Scutiferorum septingentorum;' *Walsingham, p. 105.* As to the meaning of the word *Esquire*, it is said by *Spelman Gloss. p. 508.* 'Scutifer, nobilitatis, scilicet appellatio apud Anglos penultima, hoc est, inter equitem et generosum;' i. e. 'A squire is that rank which is below that of a knight, and above that of a gentleman.' This description is not satisfactory; it has a modern look.

‡ 'Dominus Rogerus de Northburgh, custos Domini Regis targiae, ab eo ibidem ablatae, una cum Dominis Rogero de Wikenfelde et Thoma de Switonat, dicti Domini Rogeri clericis, pariter detinebantur ibidem, ob quod Dominus Rex citò postea fieri fecit sigillum, volens illud *privatum sigillum* appellari ad differentiam *targiae* scilicet, ut praemittitur, ablatae;' *Trivet. contin. p. 15.* *Spelman* understood not the meaning of the word *targia*: He says, *Glossar. p. 532.* 'Targia pro scuto, a Gall. Target.' *Walf. in Edw. II. A. D. 1314. p. 105.* *Rogerus de Northburgh, custos Targiae Domini Regis.* The continuator of *Trivet* seems to distinguish this *targia* from the *privy-seal*.

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Barbour, 277. The Scots were enriched by the spoils of the English camp, and the ransoms of many noble prisoners.

In the treatment of the prisoners who were allotted to him, the King of Scots displayed much generosity. He set at liberty Ralph de Monthermer, and Sir Marmaduke Twenge *, without ransom. By humane and courteous offices, he alleviated the misfortune of the captives, won their affections †, and shewed the English how *they* ought to have improved *their* victories.

Triv. contin.
16. *Walsingham*, 106.

The King of Scots sent the dead bodies of the Earl of Gloucester † and Lord Clifford to be interred in England with the honours due to their birth and valour.

Ford. xii. 22.

There was one Baston, a Carmelite friar, whom Edward had brought with him in his train to be spectator, as was popularly reported, of his achievements, and to record his triumphs. Baston was made prisoner, and

seal. This is a matter of small importance; it may, however, be observed that it is fully explained by an instrument in *Foedera*, T. iii. p. 483. Rex, &c. quia *privatum* sigillum nostrum a nobis est elongatum, tibi praecipimus, &c. ne quis pro aliquo mania- * to tibi, sub dicto sigillo ex tunc porrigendo, seu etiam liberando, quicquam faciat, nisi * aliud a nobis habuerit mandatum, de prioro mandato sub dicto *privato sigillo* con- tento, specialem faciens mentionem, &c. ap. Berwick 27th June 1314. Bruce, to show that he meant nothing dishonourable by holding the seal in his possession, resto- red it to Edward, under the condition, however, that Edward should not use it; *Trust.* contin. p. 16.

* He yielded himself up to the King in person, on the day after the battle; during that interval he had lurked in the field undiscovered; *Barbour*, p. 279.

† 'Captivos quos ceperat tam civiliter tractari fecit, tam honorifice custodiri, quod * corda multorum in amorem sui indivisibiliter commutavit;' *Walsingham*, p. 106.

† *Walsingham*, p. 106. Relates a singular incident concerning the succession of the Earl of Gloucester. He left no issue, and the pregnancy of his widow was waited for *during two years* [per biennale tempus]. This is improbable. A learned friend ingeniously conjectures, that *brumale* ought to be read for *biennale*, which makes the sense to be, that her pregnancy was waited for until the end of winter.

1314.

and paid a poet's ransom in a poem on *the Scottish victory at Bannockburn* *.

The Earl of Hereford had retreated after the battle to the castle of Bothwell. He was besieged there by Edward Bruce, and soon capitulated. He was exchanged for the wife, sister, and daughter of Bruce, for the Bishop of Glasgow, and the young Earl of Marre †.

Edward Bruce and Douglas entered England by the eastern marches, wasted Northumberland, and laid the bishoprick of Durham under contribution. After having penetrated to Richmond, they proceeded westward, burnt Appleby and other towns, and returned home loaded with plunder. Walsingham avers, that many Englishmen, at that time,

* 'They are excellent rhymes,' says the continuator of Fordun, 'and ought not to be hid under a bushel, but to be set in a candlestick;' L. xii. c. 22. This poem is well known; and although the rhymes may not be so excellent as the historian imagined, they are curious. The poet begins with lamenting the subject of his work.

'De planctu cudo metrum cum carmine nudo,

'Risum retrudo, dum tali themate ludo.'

He prudently disclaims any knowledge of the merits of the quarrel between the two nations.

'Sub quo Regé reo, nescio, teste Deo.'

The intemperance of the English soldiery, mentioned by Th. de la More, affords matter for 400 lines.

'Dum se sic jactant cum Baccho nocte jocando,

'Scotia, te mactant, verbis vanis reprobando.'

His own singular fate is aptly enough described thus:

'Nescio quid dicam, quam non fevi meto spicam.'

I suspect that this unhappy poet had great part of the description of the battle ready-made when he was taken prisoner. His poem is a most extraordinary performance, and must have cost him infinite labour.

† *Barbour* says, p. 285. That Wishart Bishop of Glasgow was now become blind. John de Segrave had been made prisoner at the battle of Bannockburn; he was now exchanged for David de Lindesay, Andrew Murray, Reginald de Lindesay, and Alexander his brother; [20th November 1314,] *Foedera*, iii. p. 592.

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time, revolted to the Scots, and aided them in their depredations.

‘The English,’ adds he, ‘were so bereaved of their wonted intrepidity, that a hundred of that nation would have fled from two or three Scotsmen *.’

Foed. iii. 491.
—493.

The English King summoned a parliament at Yorke, in order to concert measures for the public security. To repress the incursions of the Scots, he appointed the Earl of Pembroke, formerly Guardian of Scotland, to be Guardian of the country between the Trent and Tweed.

Foed. iii. 495.
—497.

At this season of dejection, the King of Scots made overtures of peace. He wrote to Edward, that a lasting concord between the two nations was his chief wish, and he desired a passport for commissioners to treat on his part †: Edward granted the passport, and appointed commissioners to treat with the Scots, [18th Sept. and 7th October.] But the conclusion of this ruinous war still remained at a distance. The Scots were too prosperous to make any concessions, and the English were not yet sufficiently abased by ill fortune, or enfeebled by faction, to yield every thing.

Chr. Lanercost.
ap. Tyrrel,
iii. 262.
Foed. iii. 498.
506.

The Scots again invaded England; and, without meeting resistance, levied contributions in different places. During the winter, they continued to infest, or to threaten, the English borders ‡.

About

* ‘Nempe tunc Anglis confucta adempta fuit audacia, ut a facie duorum aut trium Scotorum fugerunt Angli centum.’ *Walsingham*, p. 106. Never were the consequences of a national panic more severely felt.

† Ralph Chilton a friar was the messenger sent by Bruce. The Scottish commissioners were four knights, Nigel Campbell, Roger de Kirkpatrick, Robert de Keith, and Gilbert de la Haye; *Foedera*, T. iii. p. 495. Edward granted the passport, 18th September 1314, and consented to the negotiating a peace, 7th October 1314, [at Yorke] *Foedera*, T. iii. p. 495. 497.

‡ *Tyrrel*, vol. iii. p. 262. says, from the MS. Chronicle of Lanercost, ‘The Scots again entered England by Redefdale and Tindale, driving away the cattle, burning

the

1314.

About this time the unfortunate John Balliol died. He left a son, *Edward*, the heir of his pretensions to the crown of Scotland. *Feod. iii. 566.*

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While the English King vainly endeavoured to assemble an army *, the Scots again invaded England, penetrated into the bishoprick of Durham, and plundered Hartlepool. *Feod. iii. 517. Chr. Lanercost, ap. Tyrrel. iii. 264.*

The King of Scots besieged Carlisle, but was repulsed by the valour of the inhabitants, [July 1315.] About the same time, the Scots endeavoured to surprize Berwick, but failed in their enterprize. *Chr. Lanercost, ap. Tyrrel. iii. 264.*

This year was remarkable for the act settling the succession to the crown of Scotland. *Anderson, independency of Scotland, app. No. 24.*

A parliament was held at Air on Sunday 26th April 1315 †. The persons who met were, 'the Bishops, Abbots, Priors, Deans, Archdeacons, and the other prelates of churches. The Earls, Barons, Knights,

'the towns, and destroying the inhabitants; none being able to resist them. Then they went and reduced all Gilleland, [in Cumberland,] so that the people in all those parts swore allegiance to the King of Scots, and paid him tribute. In the space of six months, the county of Cumberland alone paid no less than six hundred marks for its share' Tyrrel observes, that this happened *even whilst the English parliament was sitting*; as if that assembly could have been formidable to the Scots while dissensions and party animosities prevailed in it.

* *Walsingham*, p. 107. well describes the state of England at that time: 'In quinta Paschae Rex per brevia citari fecit ad parlamentum Londoniis praelatos et proceres regni que communes. Sed quia multi de magnatibus impedimentorum causas praetenderunt, per quas merito excusari poterat, eorum absentia, dictum parlamentum tunc temporis nullum sortiebatur effectum. Sed unusquisque tunc Londoniis congregatorum quo sibi placuit divertebat, et qui terram defendere tenebantur, vacabant otio et jocis.' Edward had just before caused the body of Gaveston to be raised and re-interred with great funeral pomp; *Walsingham*, p. 106. This injudicious measure served, no doubt, to exasperate the malecontent Lords who had murdered Gaveston.

† 'Domini à proximâ ante festum Apostolorum Philippi et Jacobi.' Mr Raddiman, *not ad Buchanan*. mistakes the feast of St Philip and St James for the feast of the other St James; and hence he places this event in July 1315. The mistake is not trivial, for it throws that part of our history into inextricable confusion.

1315.

‘ Knights, and others of the community of the Kingdom of Scotland, as well clergy as laity.’ Their resolutions were unanimous, and in substance as follows *.

I. They all and each became bound to be faithful, and bear true allegiance to Robert King of Scots, and the heirs-male to be lawfully procreated of his body, and *that* against all men.

II. With the consent of the King, and of Marjory his daughter, and heir *apparent* †, they ordained, that, in case the King should die without leaving heirs-male of his body, then his brother, Edward Bruce, as a man of valour, and one much tried in war for the defence of the rights and liberty of Scotland ‡, should succeed to the kingdom; and, failing him, the heirs-male lawfully to be procreated of his body.

III.

* This act of settlement is in *Anderson*, Independence of Scotland, *appendix*, No 24. It is also to be found in *Fordun*, L. xii. c. 24. There are some variations between the two transcripts; but they are too minute to deserve notice.

† ‘ De consensu—Marjorae filiae.’ Marjory, at that time, was the only child of Robert I. she is said to be *haeres apparens* of the King. It is hardly necessary to remark, that *apparent* is here incorrectly used for *presumptive*.

‡ ‘ Tanquam vir strenuus, et in actibus bellicis, pro defensione juris et libertatis regni Scotiae, quamplurimum expertus.’ *Abercrombie*, vol. i. p. 632. says, that ‘ Edward Bruce, since the lawful son of his father, had, but for his being the second brother, as much right to the crown as King Robert himself; nay, had he [Robert] been a woman, would have been preferred to him; but King Robert was a man, and the eldest brother, and reigned accordingly.’ Here there is the appearance of a solemn argument, which implies, if I misunderstand not the author, ‘ That Edward, if he had been the eldest son, as well as Robert, would have had as good a right to the crown as Robert; nay, more, that he would have had a better right than Robert, if Robert had been a woman, for then Edward the son would have been preferred to Robert the daughter; but Robert was a man, and not a woman, was the eldest son, and not the second, and therefore was preferred.’ q. c. d. l

Abercrombie

1315.

III. With the consent of the King, and of Edward Bruce *, it was provided, that, failing Edward, and the heirs-male of his body, Marjory, and failing her, the nearest heir lineally descended of the body of Robert, King of Scots, should succeed to the crown; but under this condition,

Abercrombie adds, 'upon the decease of Robert, *Who* ought, by *the then constitution*, to succeed? No doubt the children of the eldest brother, if males, if not, the second brother, Edward, *because a male, and, as such, preferable to any woman whatever in the same degree and relation to his father*. For this reason 'twas, that Robert Bruce the competitor, was, by King Alexander's determination, and the peoples judgment, preferred to Dervergild: And for that same reason did King Robert, and the parliament he held at Air in the year 1315, declare, with express consent of *Marjory his only daughter*, that if he should have no heirs-male of his own body, the Lord Edward Bruce his brother-german, and the heirs-male of his body, should succeed him in the throne. It is true, that the act itself enlarges upon the great worth and noble achievements performed in defence of the nation by the Lord Edward. And why should not the parliament put all the just value they could upon the successor of their King? Indeed, 'twas *at that time highly necessary*, that a man capable to perfect the great work begun by King Robert, should, in case of his death, be made to supply his deficiency. Upon that account, most authors think, that, contrary to the rights of hereditary monarchy, this settlement was made; and that, for that reason, the express and willing resignation of Princess Marjory was required. It may be so; for it cannot be doubted but a sovereign may resign, if not for his heirs, at least for himself.' From all this crude and perplexed reasoning, it is impossible to discover whether Abercrombie was of opinion that the King's brother did, of right, exclude, or did not exclude, the King's daughter. Indeed, he seems to have blended together the three several hypotheses, that *the heir-male* was preferred, *1st*, of right; *2d*, by reason of the present exigencies of the state; and, *3d*, by express covenant with *the heir-female*. After all, he says, 'To me it seems probable, that, in those days, the uncle was thought preferable to the niece.' It will be remarked, that this seems adverse to the record, which mentions Marjory as the *heir* of Robert I. and as a consentor to the limitations.

* 'De consensu—dicti Domini Edwardi.' Edward Bruce, if once in possession, might have pretended, that the right of governing ought to devolve on his issue at large, and, therefore, his consent to this limitation was required.

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condition, that Marjory should marry with the consent of her father, or, after his death, with the consent of the majority of the community or states of Scotland *.

IV. Should the King, or his brother, die during the minority of the heir-male of their bodies, it was ordained that Thomas Randolph, Earl of Moray, should be the Guardian of the heir, and of the kingdom, until the major part of the states should hold the heir fit to administer the government in his own person †.

V. Should Marjory die in widowhood, leaving an heir under age, and succeeding to the crown, the Earl of Moray shall be Guardian of the heir, and of the kingdom, if he chuses to accept the office †.

VI. Should Marjory die, and there remain no heir of the body of Robert King of Scots, the Earl of Moray shall be Guardian of the Kingdom, if he chuses to accept that office, until the Prelates, Earls, Barons,

* ‘Dum tamen de consensu dicti Domini Regis, vel, ipse deficiente, quod absit, de consensu majoris partis communitatis regni, dicta Marjoria matrimonialiter fuerit copulata.’ Whether the King and parliament did in this exceed their powers, I inquire not. Certain, however, it is, *that the succession of Marjory was, by the act of settlement, made to depend upon her marrying with the consent of her father, or, after his death, with the consent of the majority of the community or states of Scotland.*

† ‘Quousque communitati regni, vel majori parti, visum fuerit, ipsum haeredem ad sui regni regimen posse sufficere.’ It is impossible to suppose that a power was reserved to the states of protracting the minority of the Sovereign beyond his *perfect age*. A power to *abridge* the minority of the Sovereign is the only thing here implied.

‡ ‘Si idem comes ad hoc suum praebuerit consensum.’ It would seem that the Earl of Moray had consented to accept the office of Guardian to the issue-male of Robert I. and Edward Bruce, but that he had reserved to himself liberty of declining the office, in case the succession should devolve on females.—Supposing Marjory to have predeceased her husband, and to have left issue, this statute has not said *who* should be Guardian of her children, and of the kingdom. The possibility of this event must have been foreseen; perhaps it appeared too delicate to be a matter of discussion; and yet the neglect in providing for it might have excited a fatal controversy between the states and the surviving husband of Marjory.

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Barons, and others of the community of Scotland, may be conveniently assembled to consider and determine as to the rightful succession to the crown of Scotland *.

VII. *Lastly*, The parties submitted themselves, and their successors, to the jurisdiction of the Bishops and Prelates of Scotland, whereby they might be compelled, by all spiritual censures, to observe and fulfil the premises †.

The

* It is remarkable that the states of Scotland declined to come under any obligations to the issue-female of Edward Bruce.

† 'Se in jurisdictionem Episcoporum et Praelatorum regni Scotiae submiterunt.' I understand this to imply, that the provincial council, or general assembly of the Scottish clergy, might enforce the observance of the act of settlement, by the terror of ecclesiastical censures. To have invested every dignified churchman with such authority, would have been elusory or absurd.

Antiently, provisions of this nature were frequent in deeds executed by private persons. Thus, Reginald de Chene, in a grant to the chapter of Moray, says, 'Et si contingat, quod abit, me vel haeredes meos, vel aliquam haeredum meorum, contra praemissa in toto vel in parte, de facto vel de jure venire, volo et concedo, pro me et haeredibus meis, quod Episcopi Aberdonensis et Sancti Andreae, et eorum officiales, qui pro tempore fuerint, vel eorundem Episcoporum vel officialium alter possint vel possit me et haeredes meos ad observationem omnium et singulorum praemissorum, per censuram ecclesiasticam, sine strepitu judiciali, compellere et coercere;' *Chart. Morav.* vol. 1. fol. 2.—A grant of the lands of Drumcleishene bears these words: 'Horum omnium testes et fidejussores Episcopum Glasguensem et Comitem Dunecanum et haeredes ejus [elegi], ut si aliquando ego vel haeredes mei a tenore hujus cartae deviaverimus, ipsa ecclesia et ejus pontifices per censuram ecclesiasticam ad correctionem nos revocent. Haec autem omnia propria manu affidavi in manu Domini Jocolini Glasguen. Episcopi;' *Chart. Melros.* fol. 46.—Resignation was made upon oath of the lands of Ardoch, by Robertus dicitur Frank de Lambanister, in the presence of Alexander [III.] King of Scots, et Regni magnatum ap. Rokeburgh, 13. Kal. Jul. 1266. with this proviso, that if he ever made any claim to the lands, 'concedo quod ab agendo tanquam perjuri repellamur, et quod omnis actus judicialis nobis tanquam perjuris omni modo interdicatur.' He subjects himself to the jurisdiction of the

1315.

The King of Scots gave his daughter Marjory in marriage to Walter the Stewart of Scotland*.

Ford, xii. 25.
An. Hibern.
ap. *Camden*,
Britannia.

The Irish of Ulster, oppressed by the English government, implored the aid of the King of Scots, and offered to acknowledge his brother Edward for their sovereign.

The wisdom of the King of Scots must have foreseen, that, to expel the English from Ireland, unite the discordant factions of the Irish, and reconcile them to the dominion of a stranger, was an enterprise attended with mighty, if not insuperable difficulties. Yet there were motives which engaged him in an undertaking seemingly beyond his strength. The offer of a crown, however visionary, inflamed the ambition of Edward Bruce, whose intrepid spirit never saw obstacles in the path to fame. It might have appeared ungenerous, and, perhaps it would not have been politic or safe, to have rejected the proposals of the Irish for the advancement of a brother, to whom the King of Scots owed more than he could recompense. Besides, the invasion of Ireland seemed to afford a fit expedient for dividing the forces, and multiplying the perplexities of the English.

An. Hibern.
ut sup.
Barbour, 288.

Edward Bruce landed with six thousand men at Carrickfergus, in the north of Ireland †, [25th May 1315.] The principal persons who accom-

the Bishop of Glasgow, and consents to be *excommunicated*, and also to pay a penalty of L. 200 Sterling, 'ut quos divinus amor malo non amoveat, poenalis saltem timor coerceat;' *Chart. Melros*, fol. 78.

In this parliament, Randolph appears under the title of Earl of Moray. The grant of the earldom of Moray to Randolph is printed, *Essays concerning British Antiquities*, § 103.—109. I have never been able to discover its precise date. Sir James Balfour, Lion King at arms, in his MS. collections, supposes the grant to have been made in the 7th year of Robert I.

* The grant which the King made to the Stewart, in consequence of this marriage, is to be found in *Grawfurd*, History of the house of Stewart, p. 14.

† Edward Bruce embarked at Air, where the parliament had been lately held; *Barbour*,

1315.

accompanied him in this expedition were, Thomas Randolph Earl of Moray, Sir Philip Moubray, Sir John Soulis, Sir John Stewart, Sir Fergus of Ardrossan, and Ramsay of Ochterhouse*.

The Irish Lords of Ulster repaired to the standard of Edward Bruce, solemnly engaged themselves in his service, and gave hostages for performance of their engagements: Aided by his new subjects, he ravaged, with merciless barbarity, the possessions of the English settlers in the north †.

The Scottish army stormed and plundered Dundalk, [29th June.] They burnt that town, together with Atherdee, and other places of less note.

To repel this invasion, Richard de Burgh, Earl of Ulster, assembled his vassals, and having been joined by some Irish chiefs of Connaught, marched through the county of Meath, and entered the northern province, spreading desolation around him.

Edmond:

bour, p. 288. It is probable that the expedition was undertaken with the approbation of the parliament.

* The Annals of Ireland, subjoined to Camden's *Britannia*; add the following persons, John Menteth, John de Bosco, John Bisset, and John Campbell, the son, as it would seem, of Sir Niel Campbell of Lochow, and nephew of the King of Scots.

† The history of this invasion is imperfectly known. Several circumstances concerning it are related in the annals of Ireland, subjoined to Camden's *Britannia*; but they are related in a perplexed manner, as might well be expected in a work which is an injudicious compilation of different chronicles. *Barbour* has given a long account of the events of that war. It would seem that he gathered his intelligence from the stragglers who survived the Irish campaigns. He often mistakes the names of places and persons. He figured to himself that Richard de Clare was the English deputy in Ireland; and, from an error natural enough, he supposed that the deputy always commanded the armies opposed to Edward Bruce. He omits some events altogether, and is too apt to magnify skirmishes into battles; yet his narrative contains circumstances curious and characteristic.

Lib. Clonmac-
noise, MS. ap.
T. Leland. i.
266. 267.

Annal. Hiber.
ut sup.

Lib. Clonmac.
MS. ut sup.

1315.

An. Hibern.
ut sup.

Edmond Butler, the justiciary of Ireland*, collected the forces of Leinster, [about 22d July,] and offered to assist the Earl of Ulster in repelling the invaders: 'You may return home,' said the haughty Earl, 'I and my vassals will overcome the Scots.' Butler withdrew his troops, and left the conduct of the war to the Earl of Ulster.

Barbour, 306.
An. Hibern.
ut sup.

The Scots precipitantly retreated, and were pursued by Ulster: They halted near Coyneers. The English, ignorant of the motions of an enemy whom they despised, advanced to the attack; the Scots, by the counsel of Sir Philip Moubray, left their banners flying in the camp †, and having made a circuit, suddenly assailed the flank of the English army. The English fell into confusion, and were routed, [10th September.] Lord William Burk, and many other persons of distinction, were made prisoners. Some of the fugitives, under the command of Lord Poer of Dunville, retired into the castle of Carrickfergus, where their valour and perseverance checked the progress of the Scots.

An. Hibern.
ut sup.

Soon after this battle, Randolph repaired to Scotland in order to procure reinforcements ‡, [15th September.] Meanwhile Edward Bruce pressed the siege of the castle of Carrickfergus. His efforts were vain, and he at length abandoned the enterprize, [6th December.]

* In those days, the English deputy, or Lord Lieutenant, was termed the *Justiciary*, or *Justice*. The vestiges of that appellation are still to be discerned in the phrase, *Lords Justices*.

† If I mistake not, this simple stratagem has been successfully employed in later wars. It can never succeed, unless against a commander equally opinionative and remiss.

‡ Randolph took with him Lord William Burk [or de Burgh], who had been made prisoner in the late action. By a mistake of the transcriber, it is said in *Annal. Hibern.* ap. Camden, that Randolph had with him 'Lord William Bruce,' [instead of *Burk*.] From the name *Bruce*, Cox concluded that this person must have been the brother of Edward Bruce; and hence he has confidently said, that 'Edward sent his brother William Bruce into Scotland for a supply;' *Hist. of Ireland*, vol. i. p. 93. It is well known that no such person existed.

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ber.] Randolph joined him with 500 men. They marched southwards by Dundalk, and penetrated through Meath into Kildare.

Near Aricoll in Kildare, the Scots encountered Edmond Butler the justiciary. The English, although far superior in numbers to the Scots, were enfeebled by discord, and became an easy prey to their enemies. Unmindful of their duty, and of their reputation in arms, they fled. In this action two Scottish commanders, Fergus of Ardrosfan, and Walter Moray, were slain, [26th January.] *An. Hibern. ut sup.*

At this time, a famine, grievous beyond example, prevailed in Ireland. Many of the Scots perished through want, in a country which their savage and inconsiderate fury had desolated. Edward Bruce, unable to procure subsistence for his army, again retreated towards the province of Ulster, [14th February.] *An. Hibern. ut sup.*

Roger, Lord Mortimer, endeavoured to cut off the retreat of the Scots. His numerous troops were dispersed by the Scots at Kenlis in Meath*. Mortimer, with a few attendants, took refuge in Dublin. *An. Hibern. ut sup.*

The

* I have placed the rout at Kenlis, after the engagement where the justiciary was defeated. In this point of chronology the Annals of Ireland, published by Camden, contradict themselves. I must acknowledge that I perused, with no small surprise, the account of this war, as given by Dr Leland; *Hist. of Ireland*, vol. 1. B. 2. c. 3. although he quotes Camden in every page, he may be said to have overlooked, or to have placed in a doubting parenthesis, every battle in which the Irish Annals, published by Camden, represent Bruce as victorious. Thus, of the battle where the Earl of Ulster was defeated, he says, p. 268. 'We are told, that after some inconsiderable actions, a general battle was fought, which ended in the discomfiture of Richard. *However this may be, the advantage could not be effectually secured,*' &c. Of the action in Kildare, where the justiciary was defeated, Dr Leland says not a word. How are we to reconcile this with the generous sentiment in his preface, 'Even at this day, the Historian of Irish affairs must be armed against censure, only by an integrity which confines him to truth, and a literary courage which despises every charge but that of wilful and careless misrepresentation?' What he says concerning the disaster of Mortimer is remarkable: After having related the assembling of an army at Kilkenny in

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This disaster was ascribed, but I know not with what truth, to the treachery of the Lacies who served under the banners of Mortimer.

An. Hibern.
ut sup.

Edward Bruce now assumed the office of chief magistrate in Ulster, tried causes, and inflicted capital punishments on offenders. Randolph again departed into Scotland to procure additional succours *, [about the beginning of March.]

Barbour, 314.

Throughout the year 1315; Scotland enjoyed a tranquillity to which she had been long stranger. The King of Scots made an expedition into the western isles, and without meeting any resistance, reduced them under his government †.

Marjory

1317, he adds, 'Intelligence arrived, that Roger Mortimer of Wigmore, a nobleman who is said, by some historians, to have already taken a part in the present war, and to have been defeated by Bruce, had arrived at Youghall with a train of forty knights and their attendants, to take upon him the administration of government, and was on his march to join the main body.' Here, while speaking of what happened in 1317, Dr Leland hints at what is said to have happened in 1315-16; and he seems to question the truth of the event, as related by historians. I cannot account for his scepticism as to the defeat of the Earl of Ulster, or for his omitting altogether the defeat of Butler the justiciary; but I think that one may trace the origin of his hesitation in treating of the disaster which befel Mortimer. He saw that Mortimer, invested with the supreme command, arrived at Youghall about the beginning of the year 1317; hence he too hastily concluded, that Mortimer was a stranger in Ireland until 1317, and consequently could not have commanded an army at Kenlis in 1315-16. But the truth is, that although Mortimer was not appointed justiciary till 23d November 1316, *Foedera*, T. iii. p. 580. 581. yet he had resided much in Ireland before that time, as appears from the Annals published by Camden; neither will it escape observation, that when the Annals speak of his ill fortune in the war with Bruce, they call him *Lord Mortimer*, and not *Justiciary*, and that the same Annals mention his arrival as justiciary in 1317.

* The Irish Annals say, 'In the first week of Lent.' In 1316, Easter-day fell on the 11th of April.

† It seems that John of Lorn, who had been driven from Scotland in 1308, still maintained himself in the western islands. *Barbour*, p. 314. relates, that the King of Scots drew his vessels across *the Tarbat*, or neck of Land which joins Knapdale to

Cantire;

1315.

Marjory the King's daughter, and wife of the Stewart of Scotland, died *, leaving an only child *Robert* [born 2d March 1315-16.]

*Ford. xii. 25.
Excerpta e
Chron. MS.
Adv. Lib.*

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Edward Bruce now resumed the siege of the castle of Carrickfergus. Thomas Lord Mandeville, with a considerable body of troops, hastened to its relief, and found means to enter the castle. The Scots were over secure in their quarters; sixty men, commanded by Neil Fleming, were their only guard. Early in the morning after his arrival, Mandeville made a desperate sally. Fleming perceived that the Scots were surprised; and that, unless they had time to array themselves, all was irretrievably lost. He resolved to devote himself and his companions for the preservation of the army. 'Now, of a truth,' cried he, 'shall men see how we can die for our Lord.' He despatched a messenger to spread the alarm, and advanced, and checked the first impetuosity of Mandeville. Fleming received a mortal wound, and, of all his companions, not one was left alive. Mandeville sent part of his troops to environ the quarters of the Scots, that none might escape. Himself, with a chosen body, proceeded through the principal street. He was encountered by Edward Bruce and his household. Among them was one Gilbert Harper, renowned in the Scottish army for strength and intrepidity. Harper, the first in the affray, knew Mandeville by his armour, and, with one blow of his battle-ax, felled him

*Barbour, 308.
An. Hibern.
sup.*

Cantire: That the inhabitants of the neighbouring islands had a prophecy among them, importing, that they were never to be subdued, unless by him who should sail across *the Tarbat*: That they considered the prophecy as now fulfilled, and submitted themselves. That Bruce might have drawn his slight vessel across the isthmus, is not impossible; but it is not probable that he, who was acquainted with those seas, should have bestowed so much labour, merely to avoid doubling the Mull of Cantire.

* Concerning the manner of her death, see a dissertation in the Appendix.

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him to the ground. The English were daunted at the loss of their commander, while the Scots, increasing in numbers, pressed on, and were gallantly seconded by two hundred Irish spearmen*. The English sought refuge in the castle; but the garrison, fearing lest the enemy should rush in, threw up the bridge, shut the gates, and abandoned their companions to the fury of the conquerors †, [11th April.]

When the carnage had ceased, Bruce surveyed the field. He found Fleming in the agonies of death, and all his soldiers stretched around him. He bitterly lamented their fate: 'Howbeit,' says Barbour, 'he was not wont to bewail himself; neither could he endure to hear men make lamentation.'

*Barbour, 313.
An. Hibern.
ut sup.*

The garrison of the castle of Carrickfergus consented to surrender, unless relief arrived within a limited space.

*An. Hibern.
ut sup.*

Edward Bruce was solemnly crowned King of Ireland ‡, [2d May.]

He

* *Barbour, p. 312.* says, That the spearmen were commanded by *M'Nakil*; not knowing any such name in Scotland, I presume that he was some Irish commander.

† *Barbour, p. 308.* says, That a truce had been concluded, to endure until Tuesday after Easter, *i. e.* until the 13th of April, but that Mandeville brought the succours to the castle on Easter-eve, and, in violation of the truce, attacked the Scots on the morning of Easter-day, [11th April.] The Irish Annals in Camden give a different account. They say, that Mandeville having brought succours to the castle, skirmished successfully with the Scots on the 8th and 10th days of April, and that, in another encounter with them, he was slain, about the kalends; whether this means the 16th April or the 1st May, is not certain; it more probably means the 16th April; for Edward Bruce was crowned on the 2d May, and it is not to be presumed that that ceremony was performed on the very day after the action. Barbour's account is exceedingly distinct; he speaks so forcibly of the guilt of violating the truce, and disregarding the sanctity of Easter, that it is plain he did not invent the story. The truth seems to have been this: The garrison had agreed to a truce; but Mandeville, by a kind of military casuistry, did not consider himself, and the succours which he brought, as bound by the agreement which the garrison had made.

‡ 'Post festum S. Philippi et Jacobi Apostolorum;' *Annal. Hibern.* The translation, in Gibson's edition of *Britannia*, says, 'After the feast of St Philip and St James.'

Nothing

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He required the garrison of the castle of Carrickfergus to surrender according to treaty, [31st May.] To this the English agreed, and desired that a detachment from the Scottish army might be sent in to take possession of the place. Thirty men were sent; but the English treacherously seized them, and declared that they would defend the castle to the uttermost*.

*An. Hibern.
ut sup.*

Meanwhile, the King of Scots had formed the magnanimous resolution of conducting in person a reinforcement to his brother. He intrusted the kingdom, in his absence, to the Stewart and Douglas, embarked at Lochrian in Galloway, and landed at Carrickfergus.

*Ford. xii. 25.
Barbour, 324.*

The garrison of the castle of Carrickfergus, after having endured the extremities of famine, capitulated. They had subsisted for some time on the hides of beasts, and it is even said, that hunger constrained them to feed on the Scots whom they had basely made prisoners. Nevertheless their savage obstinacy was in vain. The great English Lords of Ireland professed much zeal for the interest of the public, and formed loyal associations; yet they suffered Carrickfergus to be reduced by famine.

*An. Hibern.
ut sup.*

At length, after the fortress was lost, the English appeared in Ulster. John Logan † and Hugh Lord Bisset encountered and defeated

*An. Hibern.
ut sup.*

a.

Nothing can be more ridiculous than that English version. Thus we have, 'after the feast of *Carnis Privium*,' for 'the day following *Shrove Tuesday*,' and 'the Lord *Pincern*,' for 'Lord *Butler*.'

* I should have hesitated to relate this incident, had its authenticity depended on the testimony of the enemies of the English; but it is mentioned in the annals of Ireland, a work by no means unfavourable to the English. I do not observe any mention made of it by the Scottish historians.

† I should conjecture that the name of this person was *Cogan*, not *Logan*. But I dare not depart from the printed authorities.

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a part of the Scottish army *, [25th October.] In this action, Allan Stewart was made prisoner †.

*An. Hibern.
ut sup.*

The King of Scots, and his brother, by forced marches, passed through the county of Lowth, and advanced to Slane, [16th February]. The annals of Ireland report, that the Scottish army, consisting of 20,000 men, eluded the English who were posted to prevent their entrance into the province of Leinster. Barbour, however, asserts, that the King of Scots fought and defeated the English. It is probable that some slight action may have been magnified by partial relations into a general battle.

Barbour, 327.

Some circumstances reported by Barbour to have happened previous to this battle, are lively and characteristical. The Scottish army, while passing through a wood, marched in two divisions. The first was led by Edward Bruce, and the other by the King. The English lay concealed in the wood, purposing to attack the rear, as soon as the first division had passed. Edward Bruce, with his wonted impetuosity, hurried on, regardless of his brother, who advanced slowly, and with circumspection. The English archers, in small parties, began to annoy the rear of the Scottish army. The King concluded, that stragglers advancing so far were powerfully supported; and, therefore, enjoined his soldiers to move on in order of battle, and on no pretence whatever to leave their ranks. It happened that two English yeomen

* The Irish annals seem to mention the principal loss as having been of the cavalry. It is said, that 300 of them were slain, and 300 made prisoners. Hence I am induced to believe, that it was part of the army brought over by the King of Scots, which Logan and Bisset overthrew. It is not probable that Edward Bruce would have had such a body of cavalry left, after having remained so long in an impoverished country. The place where this engagement happened is unknown.

† He appears to have been a chief commander; for the annals of Ireland mention his being brought to Dublin as a remarkable event, [5th December 1316.] He was, if I mistake not, the eldest son of Robert Stewart of Darnley and Crookstown; *Crawford*, History of the house of Stewart, p. 72.

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yeomen discharged their arrows at Sir Colin Campbell, the King's nephew. The youth rode off at full speed to revenge the insult. The King followed, and struck him so violently with his truncheon, that he was well nigh unhorsed. 'Return,' cried the King, 'your disobedience might have brought us all into jeopardy.' After the English were dispersed, Edward Bruce regretted his having been absent. 'It was owing to your own folly,' replied the King; 'you ought to have remembered that the van must always protect the rear *.'

The Scottish army advanced towards Dublin: On its fate the existence of the English government in Ireland depended. The public spirit, and intrepidity of the citizens of Dublin, at that critical season, ought to be held in perpetual remembrance. They burnt their suburbs, which might have facilitated the approach of the enemy; demolished a church, repaired and strengthened their walls with its materials, and resolved to defend their city, or perish amidst its ruins.

Hardly can the patriotic zeal of the populace be ever restrained within the bounds of reason and law. The Earl of Ulster, suspected of favouring the Scottish invaders, was seized, and committed to prison, by the Mayor of Dublin. This commitment appears to have been equally illegal and extravagant, and without a colourable plea of necessity. The sister of the Earl of Ulster, it is true, had married the King of Scots; but that alliance with Scotland ought not to have excited

*An. Hibern.
ut sup.*

* This is related by *Barbour*, p. 331. 332. in the following words:

' And when Sir Edward Bruce the bold
' Wist that the King had foughten so,
' With so feil folk, and he therfro,
' Might no man see a waer man.
' But the good King said to him than,
' That it was in his own folly,
' For he rade so unwittingly.
' So far before, and na vanguard
' Made to them of the rereward, &c.

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cited suspicions of *his* fidelity, who from interest, no less than honour, was the implacable enemy of Edward Bruce.

An. Hibern.
ut sup.

The King of Scotland, and his brother, took possession of Castle Cnoc *, [23d February]. Despairing, however, of success against Dublin, they turned aside, and encamped at Leixlip †, on the banks of Liffy, [25th February]. Having remained there during four days, they marched to Naas, and arrived at Callen, in the county of Kilkenny, [12th March]. Their rapacious and unruly soldiers ravaged the country, plundered and burnt religious houses and churches, and even violated the sepulchres of the dead in quest of treasures.

An. Hibern.
ut sup.
Barbour, 332.

It is certain, however strange, that the Scots carried their arms as far as Limerick ‡. We cannot determine what were the motives which induced the two brothers to undertake a march so long and hazardous, especially at that season of the year. That they led their troops from Carrickfergus to Limerick, by the way of Dublin, merely to brave the power of the English government, or to expose its weakness, would be an extravagant supposition. Perhaps, by placing themselves at Limerick, in the center, as it were, of Connaught and Mounster, they hoped to excite the Irish chiefs of those provinces to repair to their standard. It is, however, a more probable conjecture,

* Near Dublin, beyond Phoenix Park. This castle belonged to the Tyrrels. *Camden*, p. 994.

† Called, in the annals of Ireland, *Salmon-leap*. I cannot omit the account of this campaign by *Tyrrel*, vol. iii. p. 268. It is concise. ‘The Scots durst not besiege Dublin, but approaching near it, turned back to Leislip, which they burnt, and then marched to the Naas, and plundering it, *went back into the north*; so that I do not find that King Robert performed any great matter in Ireland this summer.’ It must appear singular that Tyrrel should have told this story, and yet have quoted *Annal. Hibern.* as his voucher.

‡ In *Barbour*, p. 332. it is called *Kinrike*. The errors committed by transcribers, in that once popular book, are very numerous.

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jecture, that famine constrained the Scots to roam for sustenance into the remote parts of the island, while by their licence and ravages they carried with them and diffused that calamity which they sought to avoid.

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Meantime the English assembled all their forces in the neighbourhood of Kilkenny, [31st March.] It might have been expected that the commanders of an army far superior in numbers to the Scots*, would have concurred in some plan, either for advancing to attack the enemy, or for preventing their return into the east parts of Ireland; yet, instead of acting, they deliberated, and they held councils of war during a whole week, without forming any final resolution.

*An. Hibern.
ut sup.*

At this juncture the celebrated Roger Mortimer, invested with the character of deputy, landed from England, [7th April.] He despatched orders to Butler, his predecessor in office, and to the other English commanders, not to attempt any thing against the Scots before his arrival at the army. On his arrival he learned that the Scots, by forced marches, had extricated themselves from the embarrassment of their position, and while the English were deliberating as to the mode of carrying on the war in Mounster, had secured their own retreat to Kildare. Mortimer dismissed to their respective abodes the tumultuary troops assembled at Kilkenny. The Scots, after having halted for
some

*An. Hibern.
ut sup.*

* * The annals of Ireland make the army to amount to 30,000 men. It is probable that this is greatly exaggerated. As, however, the same annals make the Scots to have been 20,000 strong at the beginning of this winter campaign, we may conclude, that the exaggeration, as to the force of each army, is proportional; and, consequently, that the English, assembled at Kilkenny, were more numerous than the Scots. The chief commanders of the English were, Edmond Butler the deputy, Thomas Fitz-John, Earl of Kildare, Richard Clare, Arnold Poer, Maurice Rochfort, and Thomas Fitz-Maurice.

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some days near Trim, returned into Ulster, [about the beginning of May 1317.]

Ford. xii. 25. In the course of this fruitless expedition, the Scots were reduced to the necessity of feeding on horse flesh, and multitudes of them perished through hunger*. The King repaired soon after to his own dominions, with the glory of having over-run Ireland, at the expence of the lives of many of his most faithful subjects.

Barbour, 334.
—340.
Lelan. i. 547. During his absence, the English had made various attempts to disturb the tranquility of Scotland. The Earl of Arundel, with a numerous body, invaded the forest of Jedburgh. Douglas drew the English into an ambush, forced them to fight at disadvantage, and defeated them. In this action Thomas de Richemont was slain †. Edmond de Cailaud ‡, a Knight of Galcony, and governor of Berwick, made

* ‘In eadem expeditione multi fame perierunt; reliqui vero carnibus equorum usi sunt;’ *Fordun, L. xii. c. 25.* The annals of Ireland say, ‘That the Irish who were with the Scottish army, eat flesh in Lent without any necessity; and that, next year, they were punished for their sin, being constrained, through famine, to eat one another.’ The same annals add, ‘That it was reported, that some wretches had dug dead bodies out of the graves, boiled the flesh in their skulls, and fed on it;’ as if the famine had consumed the spits and the kettles! But the aim of the annalist was to display the enormity of the sin of eating flesh in the season of Lent. It is probable that the poor Irish violated Lent by eating horse flesh; this, surely, was a venial transgression.

† *Barbour, p. 337.* supposes, that Thomas de Richemont commanded the English; but *Scal. Chron. ap. Leland, T. i. p. 547.* says, ‘King Edward sent the Erie of Arundel as capitayne yn to the marches of Scotlande, where he suffered reproche by James Douglas at Lancelly, yn the forest of Jedworth, and ther was Thomas of Richemont slayne.’ *Barbour* says, that Thomas de Richemont fell by the hand of Douglas, and that Douglas took the furred hat which he wore above his helmet. In *Histoire de Bretagne par Lobineau, T. i. p. 665.* there is a portrait of Arthur de Richemont, Duke of Britany, with a furred hat, such as is described by *Barbour*.

‡ Such I conjecture his name to have been. *Barbour, p. 316.* calls him *de Cailow*. In *Fardun, L. xii. c. 25.* he is called *Kylaw*. Both these words are evidently corrupted.

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made an incursion into Teviotdale, and wasted the country. While he was returning loaded with spoil, Douglas set on him, and killed him, and many Gascons under his command. Intelligence was conveyed to Douglas that Robert Neville had boasted that he would encounter him whenever he saw his banner displayed. Douglas advanced to the neighbourhood of Berwick, displayed his banner, burnt some villages, and provoked Neville to take the field. Neville fell, and his forces were discomfited.*

*Barbour, 317.**—322.
Leland, i. 547.*

The English invaded Scotland by sea, and anchored off Inverkeithing in the frith of Forth †. Five hundred men, under the command of the Earl of Fyfe and the sheriff of that county, attempted to oppose their landing; but, intimidated by the numbers of the English, they made a precipitate retreat. William Sinclair, Bishop of Dunkeld, happened to meet the fugitives ‡; ‘Whither are you flying?’ said he to the commanders, ‘You deserve to have your gilt spurs hacked off.’ Then throwing aside his ecclesiastical vestment, he seized a spear, and cried, ‘Who loves Scotland, follow me.’ He led the Scots again to the charge, and impetuously attacked the enemy, who had not completed their landing. The English gave way, and were driven to their ships,

*Barbour, 341.**—345.
Ford, xii, 25.*

* In *Scot. Chron.* ap. Leland, *T. i.* p. 547. it is said, ‘the same James Douglas, by treason of the marchers, discomfited the band of Englishmen at Berwick, where Robert Neville was slain.’ It is not explained wherein *the treason of the marchers* consisted.

† *Barbour*, p. 341. says, that the English landed to the west of Inverkeithing; but *Fordun*, *L. xii. c. 25.* says, that they landed at Donibristal, which lies to the east of that place. The variation is of little consequence; it serves, however, to show, that *Fordun* did not implicitly transcribe from *Barbour*.

‡ He had a country-seat at Ouchterton, in that neighbourhood; *Fordun*, *L. xii. c. 25.* *Barbour*, p. 344. says, that the Bishop was ‘right hardy, meikle, and stark.’ This courageous prelate was the brother of Henry Sinclair of Rossin. See *Keith’s catalogue of Bishops*, p. 51.

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ships, with considerable loss. When the King heard of the intrepidity of this prelate, he said, 'Sinclair shall be *my* bishop, under the appellation of *the King's Bishop*.' Sinclair was long remembered by his countrymen.

Foed. iii. 594. After the return of the King of Scots from his expedition into Ireland, Pope John XXII. issued a bull commanding a truce for two years between England and Scotland, under pain of excommunication. He despatched two Cardinals into Britain to make known his commands, and he privately impowered them to inflict the highest spiritual censures on Robert Bruce, and on *whomever else* they thought fit*.

There is extant an authentic account of the negotiations of the cardinals: It may be said to exhibit the best original portrait of Robert Bruce which has been preserved to our times.

Foed. iii. 657. 661.—663. About the beginning of September 1317, the Cardinals sent two messengers to the King of Scots. The King graciously received the messengers, and heard them with patient attention. After having consulted with his barons †, he made answer, 'That he mightily desired to procure a good and perpetual peace, either by the mediation of the Cardinals, or by any other means.' He allowed the *open* letters from the Pope, which recommended peace, to be read in his presence, and he listened to them with all due respect; but he would not receive the *sealed* letters addressed to *Robert Bruce governing in Scotland* ‡. Among

* 'Quovis alios;' *Foedera*, T. iii. p. 614. The cardinals, entrusted with such liberal powers of damnation, were Gaucelin Johannis, i. e. Fitz Jean, a cardinal priest under the title *SS. Marcellini et Petri*; and Lucas de Flisco, a cardinal deacon, under the title *Sanctae Mariae in via lata*.

† 'Like a judicious person,' *tanquam prudens*, says the despatch from the cardinals to the Pope; *Foedera*, T. iii. p. 662.

‡ 'Gubernator Scotiae,' it would be read in French, *Regent d'Escoffe*, or *en Escoffe*. I have endeavoured to retain that ambiguity of which Bruce took advantage.

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‘ Among my Barons.’ said he, ‘ there are many of the name of *Robert Bruce*, who share in the government of Scotland ; these letters may possibly be addressed to some one of them, but they are not addressed to *me*, who am *King of Scotland* ; I can receive no letters which are not addressed under that title, unless with the advice and approbation of my parliament. I will forthwith assemble my parliament, and with their advice return my answer.’

The messengers attempted to apologize for the omission of the title of *King* : They said, ‘ That the holy church was not wont, during the dependence of a controversy, to write or say ought which might be interpreted as prejudicial to the claims of either of the contending parties.’ ‘ Since, then,’ answered the King, ‘ my spiritual father and my holy mother would not *prejudice* the cause of my adversary, by bestowing on me the appellation of *King* during the dependence of the controversy, they ought not to have *prejudiced* my cause by withdrawing that appellation from me. I am in *possession* of the kingdom of Scotland ; all my people call me *King* ; and foreign Princes address me under that title ; but it seems that my parents are partial to their English son. Had you presumed to present letters with such an address to any other sovereign Prince, you might, perhaps, have been answered in a harsher style ; but I reverence you as the messengers of the holy see.’ He delivered this sarcastical and resolute answer with a mild and pleasant countenance*.

The messenger next requested the King to command a temporary cessation of hostilities. ‘ To that,’ replied the King, ‘ I can never consent, without the approbation of my parliament, especially while the English daily invade and spoil my people.’

The

* ‘ Laetâ facie et amabili vultu, semper ad patrem et matrem reverentiam offendendo ;’ *Fœdera*, T. iii p. 662.

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The King's counsellors told the messengers, that if the letters had been addressed to *the King of Scots*, the negotiations for peace would have instantly commenced. They imputed the slighting omission of the title of King to the intrigues of the English at the papal court, and they unguardedly hinted, that they had this intelligence from Avignon.

'While the title of King is with-held,' said the messengers to their constituents, 'there can be no hopes of a treaty.'

Foed. iii. 683.
684.

On receiving this intelligence, the Cardinals resolved to proclaim *the papal truce* in Scotland. In this hazardous office they employed Adam Newton, guardian of the monastery of Minorites at Berwick. He was charged with letters to the Scottish clergy, and particularly to the Bishop of St. Andrews. He found the King of Scots with his army in a wood near Old Cambus *, making preparations for the assault of Berwick. Although personal access to the King was denied, the obedient monk proclaimed the truce by authority of the Pope. When the King of Scots was informed that the papal instruments still denied him his titles, he returned them back, saying, 'I will listen to no Bulls, until I am treated as King of Scotland, and have made myself master of Berwick.'

The monk, terrified at this answer, requested either a safe conduct to Berwick, or permission to pass into Scotland, and deliver letters to some of the Scottish clergy. But both his requests were denied, and he was commanded forthwith to leave the country. In his return to Berwick he was way-laid, stripped, and robbed of all his parchments, together

* * Ad quandam villam veni, quae vocatur *Haldecambus*, distantem a Berewico per duodecim milliaria: Juxta quam villam, in quodam nemore, Dominus Robertus de Brus, cum suis complicitibus, latebat, cum diversis machinamentis suis, ad obfidendum et destruendum villam Berewici, et circa hujusmodi insidiationes die nocte- que laborat sine requie; *Foedera*, T. iii. p. 683. The mention of a wood near Old Cambus, will induce some of my readers to remark what mighty alterations have happened in that country since the beginning of the 14th century.

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together with his letters and instructions *. The robbers, it is said, tore the Pope's Bull †.

Foed. iii. 708.

In the whole transaction concerning the truce, the Pope appears to have been the servile tool of England: Edward submitted to an ordinance which, probably, he himself had projected, and which he saw to be necessary in the present exigencies of his affairs; but Bruce despised and derided it.

Foed. iii. 707.
—709.

1318.

We have seen that the messengers from the Cardinals found the King of Scots occupied in military preparations for the siege of Berwick. The King, however, laid aside his purpose of employing force alone in the reduction of that place.

One Spalding, a citizen of Berwick, having been harshly treated by the governor †, resolved to revenge himself. He wrote to a Scottish Lord ‡, whose relation he had married, and offered, on a certain night,

Barbour, 347.
—352. Le-
land, i. 547.
Walsing. 111.

* 'In itinere meo obviam habui quatuor vespiliones armatos obsidioso et insidiosè destinatos, qui spoliaverunt me omnibus literis et vestimentis usque ad carnem, et ut conjicio dictus Dominus Robertus, et complices sui qui talia procurarunt, habent literas; quid de eis fecerunt penitus ignoro;' *Foedera*, T. iii. p. 684. This letter from the Minorite, is dated in *vigilia S. Thomae Apostoli*, [i. e. 20th Dec.] 1317. By *Vespiliones*, the writer means *Night-walkers*. It is probable that the robbers sought to discover any secret correspondence that might have been carried on with the Scottish clergy to the prejudice of the state.

† This circumstance, though not related by the messenger, is mentioned in a Bull issued June 1318; *Foedera*, T. iii. p. 707. If the Bull was indeed torn, it must have been owing to accident; there could be no reason for doing it intentionally.

‡ Barbour does not mention his name. It is probable, however, that Roger Horsely was governor or captain of Berwick at that time. See *Leland*, T. i. p. 547.

§ Although this person is called by Barbour *the Maresball*, yet I suspect this to be a corruption of *the Marche Earl*, or *Patrick Earl of March*, who had now abandoned the

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night, to betray the post where he kept guard. The Scottish Lord durst not of himself engage in an enterprize so perilous and important; he therefore communicated this intelligence to the King. 'You did well,' said the King, 'in making me your confident; for if you had told this either to Randolph or to Douglas, you would have offended the one whom you did not trust. Both of them, however, shall aid you in the execution of the enterprize.' The King commanded him to assemble a body of troops, and to repair to a certain place. He gave separate orders to Randolph and Douglas, for rendezvousing at the same place and hour. The troops, thus cautiously assembled, marched to Berwick, and, assisted by Spalding*, scaled the walls, and, in a few hours, were masters of the town, [28th March 1318.] The English historians acknowledge that the Scots gave quarter to all who demanded it †. The garrison of the castle, and the men who had fled into it from the town, perceived that the number of the Scots was small,

A. Murimuth,
53. *Tb. de la*
Morre, 594.

the English interest, and espoused the party of Bruce. My reasons are, 1st, When Barbour has occasion to mention the Marshall of Scotland, as in describing the battle of Bannockburn, he calls him *Sir Robert Keith*. 2^d, The Earl of March often resided in the neighbourhood of Berwick, and, consequently, could hold intercourse with Spalding more easily than Sir Robert Keith could, who had no residence in those parts. 3^d, Barbour says, that the person whom he terms *the Maresball* was, at that time, sheriff of Lothian. This office seems better fitted for the Earl of March than for the Marshall of Scotland. 4th, In *Scal Chron.* ap. Leland, T. i. p. 547. it is expressly said, 'James Douglas, by help of *Patrike Counte of March,* and *Peter Spalding of Berwike,* got Berwike owt of the Englishmenes handes.'

* From some expressions in *Walsingham*, Hist. p. 111. and *Ypod. Neustr.* p. 503. Tyrrel has concluded, vol. iii. p. 272. that Spalding was governor of the castle, while another person commanded in the town; and that, after the castle was betrayed, the town sustained a siege. When the fact is explained, as I have done from Barbour, there will be no occasion for this aukward hypothesis.

† 'Neminem occidendo qui voluit obedire,' *A. Murimuth*, p. 53.

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small, and made a desperate sally; but they were repulsed, chiefly by the extraordinary valour of a young knight, Sir William Keith of Galston.

When the King of Scots heard of the prosperous result of the enterprise against the town of Berwick, he collected what forces he could, hastened to the siege of the castle, and obliged the English to capitulate. He committed the charge of this important acquisition to Walter the Stewart of Scotland. The Stewart not doubting that the English would endeavour to recover Berwick, made preparations for sustaining a siege, and assembled his own kindred and vassals to aid him in the discharge of his trust. *Barbour, 353.*

Immediately after the reduction of Berwick*, the Scots entered Northumberland, took the castles of Werk and Harbottle by siege, and Mitford by surprise. *Chr. Lanercost, ap. Tyrrel. iii. 272.*

In May they again invaded England, penetrated into Yorkshire, burnt Northallerton, Burroughbridge, Scarborough, and Skipton in Craven, and forced the inhabitants of Rippon to redeem themselves by payment of one thousand merks. They then returned to Scotland with much booty, and, as an English historian expresses it, 'driving their prisoners before them like flocks of sheep.' So helpless and contemptible was England become through civil dissensions. *Chr. Lanercost, ap. Tyrrel. iii. 272.*

The

* It is strange that historians should have so grossly mistaken the time of the reduction of Berwick. *Buchanan, L. viii. p. 146.* places that event in 1315. *A. Murimuth, p. 52.* in 1317. and *Walsingham, p. 111.* in 1319. There is a considerable variation between our authors and the English, as to the endurance of the siege of the castle. *Barbour* says, that it surrendered on the sixth day after the surprise of the town, i. e. on the 2d of April 1318. But *Scale Chron. ap. Leland. T. i. p. 547.* says, 'The castle kept 21 weekes after, and then for tak' of vitaille and rescote, was gyven up. Ther Roger Horfeley, the capitayn of the castel for the Englichmen, lost one of his eyes.' The invasion of England by the Scots in May, renders this account of the long endurance of the siege altogether incredible.

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Foed. iii. 707.
711.

The interposition of the Pope was now obtained, with the view of intimidating the Scottish nation. The Pope ordered the two Cardinals in England to excommunicate Robert Bruce and his adherents. The reasons which he assigned for this were the treatment of the messengers of the holy see, and the assault of Berwick, in violation of the truce which had been proclaimed by papal authority*.

Foed. iii. 713.

Edward had summoned a parliament to meet at Lincoln; but he was obliged to prorogue it, on account of the Scottish invasion †, and to assemble an army at Yorke for the defence of the country, [8th and 10th June 1318.]

Walsing. 111.

In a parliament held at London [about Michaelmas,] it was agreed, that every city and town in England should furnish a certain proportion of soldiers completely armed ‡. Thus a considerable body of troops

* In the Bull addressed to the Cardinals, the Pope says, That there were other reasons for this excommunication, which he chose at present to pass over in silence; *Foedera*, T. iii. p. 708. In the Bull addressed to Edward, he says, That they had been communicated to him by the two Cardinals; *Foedera*, T. iii. p. 712. It is impossible to determine what were the reasons for excommunication thus reserved in *petto*.

† *Tyrrel*, vol. iii. p. 272. gravely says, 'That the incursions of the Scots should have rather produced the quite contrary effect; for, what fitter provision could be made against this invasion of the Scots, than the unanimous advice and assistance of the clergy and great men of the kingdom.' This author has composed many volumes concerning the constitution and history of England, and yet he seems to have forgotten that the military tenants of the crown, who composed the greatest part of the parliament, did also compose the army, and that the same persons could not at once deliberate in parliament, and oppose the enemy in the field.

‡ *Walsingham*, p. 111. says, That London furnished 200 men completely armed [ducenti viri armati ad unguem,] Canterbury 40, St Albans 10, and the other cities and towns in proportion. It were to be wished that *Walsingham* had recorded more of the quotas; the small proportion furnished by London is remarkable. *Walsingham* well describes the fate of this army, 'qui congregati magnum confecerunt exercitum

* et

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troops was collected; but when they came to the rendezvous at Yorke, their party-animosities and mutual distrust rose to such a height, that it was found necessary to disband and send them back to their habitations.

Edward Bruce, contrary to the judgment of all his officers*, engaged in battle with the English at Fagher near Dundalk, [5th October 1318.] The English, commanded by John Lord Bermingham, obtained a compleat victory. John Maupas slew Edward Bruce, and was found, after the battle, stretched dead on the body of his enemy. The Lord Soulis, and John the brother of the Stewart of Scotland, were among the slain. Philip de Moubray was mortally wounded †. After the defeat, John Thompson ‡, leader of the men of Carriek, collected

Barbour, 377.
—383.
Chron. Hiber.
ap. Camden.

* *et hostibus melius formidandum; sed cum pervenissent ad Eboracum, subito tumultu pariter et similitate cum aliis impedimentis, infecto negotio licentiati ad propria redierunt.*

* It is a prevailing notion among our historians, that Edward Bruce rashly fought, while powerful succours, under the command of the King his brother, were approaching. This, however confidently and repeatedly asserted, appears to be altogether a popular fiction. The King of Scots was too much engaged at home, and too intent on the preservation of his important conquest of Berwick, to risk his forces in a new invasion of Ireland.

† *Barbour* says, that Moubray, after having been stunned by a blow, and made prisoner, extricated himself out of the hands of the enemy; but he does not say that Moubray recovered of his wounds. The Irish Chronicle, subjoined to Camden's *Britannia*, computes the number of the Scottish army at 3000. *Barbour* says, that they were about 2000, not including the Irish; so that there is no contrariety in the two accounts. *Walsingham*, p. 111. says, that there fell of the Scots 29 barons and knights, and 5800 common men. In *Cox's history of Ireland*, vol. i. p. 99. it is said, that 'there were under Lord Bermingham 1324 good soldiers.' I presume, that men compleatly armed are here meant; for it is not probable that there were no archers in the English army.

‡ It is probable, that *Barbour* learned his intelligence of the Irish war from this *John Thompson*. The account is curious, although, in some particulars, exaggerated.

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collected a few stragglers, and, through many difficulties, led them to the north of Ireland. From thence they returned home, with the intelligence, that the ambitious project of establishing a new kingdom on the ruins of the English power, was annihilated.

Chron. Hiber.
at sup.

The corps of Edward Bruce was not treated with honours like those which the King of Scots bestowed on the brave English who fell at Bannockburn. His body was quartered, and distributed for a public spectacle over Ireland. Bermingham presented the head of Edward Bruce to the English King, and obtained the dignity of *Earl of Louth*, as a reward of his services*.

The death of Edward Bruce, and of Marjory the King's daughter, made some new regulations necessary with respect to the royal succession.

Anderfon, In-
dependency
of Scotland,
App. No. 25.
Ford. xiii. 13.

In December 1318, a parliament was assembled at Scone. The whole clergy and laity renewed their engagements of obedience to the King, and solemnly promised to assist him in the defence of the rights and liberties of Scotland, against all mortals, *however eminent they may be in power, authority, and dignity*. By this memorable expression they, no doubt, intended to describe the Pope, as well as the English King.

They declared, that whoever violated this engagement, should be held in very deed as a betrayer of the kingdom, and guilty of high treason without remission†.

1-

* The grant was made in a parliament at York, 12th May 1319. *Foedera*, T. iii. p. 767. It shews the manner in which Earls were created at that time. It confers twenty pounds *per annum* on him for his services in the battle of Dundalk, under the name of *Earl of Loueth*. [Lowth,] and gives that Earldom to him, and the heirs male of his body, by the service of one fourth of a knight's fee.

† Such appears to be the import of the expression '*criminis læsæ Majestatis reus in perpetuum habeatur.*'

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It was enacted, That if Robert King of Scots died without issue-male, Robert Stewart, the son of Marjory the King's daughter, should, as his nearest and lawful heir, succeed to the crown of Scotland.

In the event of the succession devolving on Robert Stewart, or on any other heir of the King's body, while under age, the King, with the unanimous consent of the parliament, granted the offices of tutor or curator of the heir, and of guardian of the kingdom, to Thomas Randolph Earl of Moray, and, failing him, to James Lord Douglas.

But, it was declared, that this appointment should cease, whenever it appeared to the major part of the community †, that such successor was capable of administering the government in person.

Randolph and Douglas declared their willingness to accept the offices provisionally conferred on them; and they made oath faithfully to discharge their duty, and to observe, and cause to be observed, the laws and customs of Scotland.

And for that, in certain times past, doubts had arisen, although without sufficient cause, by what rule the right of succession to the kingdom of Scotland ought to be judged, it was now declared and defined, That it ought not to have been regulated according to the practice in cases of inferior fees or inheritances, since no such practice had been hitherto introduced in the succession of the crown, but that the male nearest to the King, at the time of his death, in the direct line of descent, should succeed to the crown; and, failing such male, the nearest female in the same line; and, failing the whole direct line, the nearest male in the collateral line, respect being had to

L. 2

the

† Quousque communitati regni vel majori et saniori parti visum fuerit, &c. The words *sanior pars*, or *the most judicious part*, are certainly exegetical, and mean nothing else than *the majority*. Were they understood in any other sense, the provisions of the statute would appear inextricable.

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‘ the right of blood by which the last King reigned *. And this,’ says the statute, ‘ appears agreeable to the imperial law.’

Many salutary laws were enacted in this parliament †. The liberties of the Scottish church were asserted, and provision made for the security of the persons and property of ecclesiastics. All men were required to array themselves for war; and, according to their different conditions, the armour and weapons of each order of men were defined. Every person, on his road to the King’s host, was required to live at his own charges, without oppressing the country; and the manner of punishing transgressors, while on their road, was accurately laid down,

1. Stat.
Rob. L. c. 1. 2.

ib. c. 27.

ib. c. 4. 5.

The

* ‘ Praeterea, cum aliquibus praeteritis temporibus a quibusdam, licet minus sufficienter, in dubium fuisset revocatum, quo jure successio in regno Scotiae, si clara forsitan non extiterit, decidi deberet ac terminari: In eodem parlamento per clerum et populum declaratum extitit ac diffinitum, quod per consuetudinem in inferioribus feudis seu haereditatibus in regno observatam, cum in successione regni aliqua talis consuetudo non fuit introducta, minimè debuit, seu in futurum debeat, dicta successio terminari; sed quod proximior masculus tempore mortis regis, ex linea recta descendente, vel, masculino deficiente, proximior femella ex eadem linea, vel illà sine penitus deficiente, proximior masculus ex linea collateralis, attento jure sanguinis quo ipsi Regi defuncto jus regnandi competebat, Regi de cujus successione agi forsitan contigerit, sine contradictione aut impedimento quocunque in regno debeat succedere, quod juri imperiali satis consonum censetur;’ see *Anderson*, *Independency of Scotland*, App. No. 25. *Fordun*, L. xiii. c. 13. I have rendered the words of this act of settlement as justly as I could; at the same time, I acknowledge, that I do not understand their precise import, nor the consequences which might have arisen from them in certain supposable cases. I have not translated the expression, ‘ si successio clara forsitan non extiterit,’ because it seems redundant.

† The statutes of Robert I. have been published by Skene. After having collated various MS. copies of these statutes, I can venture to assert, that Skene’s edition is most incorrect. As for his Scottish version of the statutes of Robert I. it strangely perverts, or mistakes, the sense of the original; yet we have been so long habituated to the errors of Skene, that I know not whether a more accurate edition of the statutes which he has disfigured would be acceptable to the public.

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The parliament declared those to be guilty of a capital offence, who supplied the enemy with weapons of any kind, or with any assistance whatever *. #. c. 35.

By another statute, ecclesiastics were disabled from remitting money to the papal court for the purchase of bulls. The measure was violent; but the partiality of the Pope to the interests of England might serve to justify it. #. c. 24.

The statute also prohibits the English absentees from drawing money out of Scotland †.

There

* This is a singular statute. In the MSS. it is C. 6. but I quote it according to Skene, C. 35. *Quum per leges sit denegata facultas fidelibus barbaros victualibus seu armorum generibus confortare, sub poena capitalis sententiae, omnibus et singulis incolis nostris cujuscunque conditionis existant firmiter et strictè inhibemas, ne quis arcus, sagittas, aut aliquid genus armorum, seu equos aut alia aysiamenta, Anglicis, hostibus nostris et nostri regni publicis, donent vel vendent, vel apud eos transferant, per quae nobis seu confederatis nostris et benevolis inferri valeat nocumentum, sub poena vitae et membrorum, ac omnium quae erga nos amitti potuerint quoquo modo.* The expression *per leges*, alludes to l. 2. Cod. *Quae res exportari non debent*. This is one of the most express references to the Roman law that occurs in any of our authentic statutes. The constitution of the Emperor Marcian was adopted as an apology for the severity of this ordinance. The Scottish legislature, however, improved upon the model of the Emperor, by adding the clause of *alia aysiamenta*. Every kind of exportation to England, in time of war, was declared to be punishable with death and forfeiture.

The parallel between *alienigenae Barbari* and *Anglici*, exhibits a lively portraiture of the national animosities which then prevailed.

Had Skene remarked the allusion to the Roman law, he would never have translated the passage thus; *For sa meikill as be the lawes, liberty or licence is denied to all faithfull subjects to help or confort the enemies with any kind of armour, under the paine of death.*

† It is probable that the person principally aimed at by this clause of the statute, was David de Strathbolgie, Earl of Athole. At this time he stood high in the confidence of Edward II. yet the merits of his father continued to screen him from a severer punishment than that which this statute provides.

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There were also various laws enacted in this parliament respecting the polity of the kingdom: To explain them all would require a much longer detail than is consistent with the nature of this work. There are two, however, which shall be briefly illustrated: The one relates to *theft-but*. He who paid the *but*, composition, or ransom, was to be held as a thief convicted; and he who received it was to be severely fined; and, if unable to pay the fine, was to be imprisoned during the King's pleasure*.

ib. c. 9.

ib. c. 22.

The other statute enacted, that no one should invent rumours by which there might arise matter of discord between the Sovereign and his people: And it was provided, that the offender should be imprisoned until the King's pleasure was known.

Sta. 1. Westm.
c. 34. 1310.
Edw. 1. an.
1275.

The offence, which makes the subject of this statute, is but too well known by the general name of *leasing-making*. The statute neither defines the crime nor the punishment. It is borrowed from a statute of Edward I. Robert I. introduced some English laws into Scotland. An antipathy at Edward I. was not inconsistent with favour for his laws, as being politic engines in the hands of an able prince.

Ford. lib. 75a.

It appears, that, about this time, the two cardinals who resided in England, pronounced the sentence of excommunication against the King

* The 4th section of this statute is remarkable; '*salvis tamen libertatibus illorum dominorum, qui per Reges Scotiae ante Dominum Regem qui nunc est in talibus habent libertates sibi concessas.*' How are we to understand this singular reservation? It appears to imply that a permission to compound with thieves was indulged to some landholders, by special grant. There may be many such grants in ancient deeds, although they have not occurred to me. Indeed, the sovereign might be justified for permitting what he could not effectually prohibit. There is a proviso in c. 137. James I. which may possibly serve to illustrate this obscure passage: '*Statute shall not strike to bordourers, dwelling on the marches, but for theft to be done after the making of this statute.*' Hence there is a probability that if *theft-but* was ever authorised at all, it must have been upon *the marches*.

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King of Scots and his adherents*. Messengers were sent to the Pope, from the Scots, to solicit a reversal of the sentence; but Edward despatched the Bishop of Hereford, and Hugh d'Espencer the elder, to counteract this negotiation. Edward also informed the Pope of certain intercepted letters which had been written from Avignon to the Scots,

The Pope ordered the Scots at Avignon, and the persons who had corresponded with Scotland, to be taken into custody. *Foed. iii. 761.*

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Robert Count of Flanders was not so obsequious in granting the requests of the English King. The Scots were wont to trade with Flanders, and had received from thence arms and military stores. Edward requested the Count of Flanders to prohibit the Scots from entering his country; but the Count made this memorable answer: 'Flanders is the common country of all men; I cannot prohibit any merchants from trafficking there, as they have been wont; for such prohibition would tend to the ruin of my people †.' *Foed. iii. 761. 770.*

At this critical period, there were some persons of authority in Scotland who secretly expressed their wishes of deserting the national cause, and of being received into favour by the English government. Edward obtained permission from the Pope to treat with the traitors; *Foed. iii. 758. 764.*
he

* In an instrument dated 14th January 1318-19, Edward speaks of the sentence lately pronounced. I know not what occasion there was for renewing a sentence against Bruce, who stood already under the papal curse.

† 'Terra nostra Flandriae universis cujusunque regionis est communis, et cuique liber in eadem patet ingressus, nec possumus mercatoribus suis exercentibus mercaturas ingressum, prout hactenus consueverunt, denegare, quia ista caderent in desolationem nostrae terrae et ruinam;' *Foedera, T. iii. p. 770.*

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he having assured the Pope that he expected by this negotiation to divide and weaken the Scots*.

Trivet. cont. Edward was now, to all appearance, in amity with the Earl of Lancaster, and the other malecontent Lords. He determined to regain Berwick; and, with a view to that enterprize, ordered his army to assemble † [at Newcastle upon Tyne, 24th July 1319.]

Foed. iii. 777.
Foed. iii. 774-784.
Foed. iii. 786-787. He requested the prayers of the clergy for the success of his expedition, and he demanded a great loan of money from them, [20th July.]

Walsing. 111.
Barbour, 355.
Ec.
Foed. xii. 37. To prevent the approach of succours, the English drew lines of countervallation round Berwick. Confiding in their numbers, they made a general assault. The Stewart and his garrison, after a long and obstinate contest, repulsed the enemy, [7th September.]

Barbour, 359. The next attempt of the besiegers was on the side towards the river. At that time the walls of Berwick were of inconsiderable height, and it was proposed to bring a vessel close to them, and by means of a draw-bridge, let down from the mast, to enter the town. But the Scots so annoyed the assailants, that the vessel could not be brought within the proper distance. At the ebb of the tide it grounded, and was burnt by the besieged.

Another

* The expressions of Edward are remarkable: 'Ut nobis est relatam in secreto, quamplices de Scotis inimicis et rebellibus nostris, super pace sua et benevolentia nostra procurandis, tractare desiderant, asserentes praeter ipsorum quietem nostra commoda et honores in eisdem procurari.—Speramus etiam quod redeuntibus ad pacem nostram aliquibus de dilectis inimicis personis gravibus, alii in se dividuntur, et gravius turbabuntur, sicque ad ecclesiae sanctae et nostram obedientiam facilius revertentur.' *Foedera*, iii. 764.

† 2300 foot soldiers from Wales were summoned to his army; *Foedera*, T. iii. p. 774. And of the vassals and tenants of the Earl of Lancaster 1000 foot soldiers completely armed, and 1000 archers; *Foedera*, T. iii. p. 784.

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Another engine employed by the English is called a *sow* *. It *Barbour, 365.* appears to have been a large fabric, composed of timber, and well roofed, having stages within it, and in height surpassing the wall of the town. It moved upon wheels, and was calculated for the double purpose of conducting miners to the foot of the wall, and armed men to the storm.

There was in the service of the Scots one John Crab, a Fleming, esteemed a most expert engineer. He constructed a moveable crane, whereby stones of great weight might be raised on high, and then let fall upon the enemy.

The English made a general assault on the quarter towards the sea, as well as on the land-side. The garrison, exhausted by continual duty, could scarcely maintain the numerous posts. The great engine moved on to the walls; stones were discharged against it from the crane, but without effect; and all hopes of preserving Berwick were lost. At once the beams of the engine gave way, by the force of a huge

* In many particulars it resembled the *testudo arietaria* of the ancients. † *Sic, machina bellica, quas et sorapba, Gallicis, trais, Du Tange.* ‡ *Unum fait machinamentum, quod nostros sum, veteres mineam vocant, quod machina levibus tignis colligata, recto tabulis crumalique contentis, lateribus trussis coriis communitis, protegit in se subsidentes, qui quasi more suis ad inopertua suffodienda penetrant fundamenta;* *W. Mahmsb. l. iv. Hist.* † *Dum quidam nobilia, lignis obumbrati machinis, quae quia verrere videbantur in antra, suis appellari non videtur inconsonum;* *Blmhans, Hen. v. c. 39.* This note is transcribed from that very curious and instructive work *The Antiquities of England*, by *Mr Grose* See *Preface*, p. 13. 4. In Scotland a long hay-stack is termed a *sow*; probably from a traditional remembrance of the warlike engine which went under that name; hence we may have a distinct notion of the figure of this engine. We must always remember, that in 1319, the walls of Berwick were so low, that, according to *Barbour's* expression, 'one man with a spear might, from the outside, strike in the face another who stood on them.'

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huge stone, happily directed *. The Scots poured down combustibles and burnt it.

Nevertheless, the English, eager to regain their ancient reputation in arms, continued the assault with unremitting ardor. The Stewart, with a reserve of a hundred men, went from post to post, and relieved those who were wounded and unfit for combat. One soldier alone remained with him of the reserve, when the alarm came that the English had burnt a barrier at the port called *St. Mary's*, possessed themselves of the draw-bridge, and fired the gate. The Stewart hastened thither, called down the guard from the rampart, ordered the gate to be set open, and rushed through the flames upon the enemy. A desperate combat ensued, and continued until the close of day, when the English commanders withdrew their troops on every quarter from the assault, [13th September.]

The King of Scots could not, with any probability of success, attack the fortified camp of the English, and he saw that the Stewart and his garrison, if not relieved, would, at last, be reduced to the necessity of capitulating; he, therefore, resolved to make a powerful diversion in England, by which he hoped to constrain Edward to abandon his enterprise.

Walsingham, 111,
112.
Barbour, 363.
Leland, i. 462.

Fifteen thousand men, under the command of Randolph and Douglas, entered England by the west marches. They had concerted a plan for carrying off the wife of Edward from her residence near Yorke †; and, in exchange for a captive so valuable, they expected

to

* *Barbour*, p. 369. relates, that when the engine gave way, the Scots cried out from the walls, 'See your sow has farrowed.' *Barbour's* account of the siege of Berwick is valuable for the many characteristic circumstances which it contains.

† *Walsingham*, p. 112. asserts, that some persons about the Queen had been bribed to betray her into the hands of the Scots.

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to purchase the safety of Berwick. Having been disappointed in the execution of this plan, they wasted Yorkshire. The Archbishop of York hastily collected a numerous rabble of commons and ecclesiastics, and encountered the Scots at Mitton, near Borrough-bridge, in the North-riding of Yorkshire. The English were instantly routed. Three thousand were left dead on the field, and great part of the fugitives drowned in the Swale*. In this action there fell three hundred ecclesiastics, [20th September.] According to the savage pleasantry of those times, this rout was termed by the Scots, the *Chapter of Barbour, 265.*
Mitton.

When the news of the inroad and successes of the Scots reached Berwick, a diversity of opinions arose among the English commanders. The Barons whose estates lay in the south, remote from the Scottish depredations, were eager to continue the siege; but the northern barons were no less determined in their resolution of abandoning a doubtful and hazardous enterprise, and of returning to protect their own country. With them the Earl of Lancaster concurred; his favourite manour of Pontefract was now exposed to the ravages of the Scots; and therefore he departed from Berwick with his numerous adherents †. Edward, upon this, drew off the remains of his army, and attempted to intercept Randolph and Douglas. But they eluded *Walsingham, 112.*
him, and returned with safety and honour into Scotland.

And

* The words of *Walsingham*, p. 112. are, "Sed quis jam penè totus exercitus in armis fuerat, mox contra nostros incercitatos et inexpertos, et sine duce vel ordine venientes, ordinatissime occurrerunt, et levi negotio nostros succerunt, et ad tria millia hominum in ore gladii peremerunt, et magna pars eorum, qui fugerunt in fluvio de Swala rapaci gurgite suffocata."

† *Walsingham*, p. 112. relates this event in a different manner. He says, that Edward, with his wonted foolishness [*fatuae solia,*] thus expressed himself: "As soon

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Foed. iii. 791.
797. 803.—
805. 809.

And now Edward began to entertain serious thoughts of peace with Scotland. Commissioners for negotiating the treaty were appointed by both nations*.

Foed. iii. 797.
810.

It may seem strange that Pope John XXII. the obsequious tool of England, should have chosen this season for enforcing spiritual censures against Bruce and his adherents; yet certain it is, that he ordered his delegates to publish the general sentence of excommunication, at whatever times and places they might judge expedient, [17th November.] Not satisfied even with this, he commanded the ancient sentence to be published, which his predecessor Clement V. had passed on Bruce for the slaughter of Comyn [8th January 1319-20.] Whether this unseasonable exertion of authority ought to be ascribed to the zeal of the Pope, or to some visionary policy of Edward II. it is impossible to determine.

Foed. iii. 816.

A truce was concluded between the two nations [21st December 1319,] to endure until Christmas 1321 †.

The

* as Berwick is won, I will give the command of the town to Hugh le d'Espenser, and of the castle to Roger *Tamari* [r. *Dammory*,] and that the Earl of Lancaster, disgusted at this resolution, marched off with his adherents. But the account which Barbour gives is more probable: Although le d'Espenser was the enemy, yet Roger Dammory was one of the confidants of Lancaster. Walsingham himself observes this, p. 116. And, indeed, we have evidence of it under the Earl's own hand, *Foedera*, T. iii. p. 927. The retreat from Berwick appears to have been a judicious measure. Randolph and Douglas had advanced far into England, at the head of a well-disciplined and victorious army. Had Edward remained before Berwick, they might have committed such devastations in a few days, as it would have required a century to repair.

* The Scottish commissioners were William de Soulis, Robert de Keith, Roger de Kirkpatrick, Alexander de Seton, and William de Montfichet, all knights; to them four ecclesiastics were joined; *Foedera*, T. iii. p. 809.

† *Tyrrel* vol. iii. p. 278. says, that the Scots immediately violated this truce, invaded England, burnt the suburbs of Yorke, and made prisoner John de Bretagne Earl

of

1320.

The Scots having obtained this interval of tranquillity, resolved to justify their cause, in a manifesto addressed to the Pope.

Anderson, Diplomata, No. 51. 52. Ford. xiii. 23.

In a parliament assembled at Aberbrothock, [6th April 1320,] a letter to the Pope was drawn up by the Barons, freeholders, and whole community of Scotland.

They began with mentioning the fabulous origin of the nation from Scythia and Spain, their boasted line of one hundred and thirteen native Kings, the establishment of the Christian religion in Scotland, by the ministry of Andrew the apostle, and the favour which the Roman pontiffs had shewn to their forefathers, as being under the special patronage of the brother of St Peter.

After this puerile preamble; full of the prejudices of an ignorant and superstitious age, they proceeded in a more elevated and manly style.

‘ We continued to enjoy peace and liberty with the protection of
 ‘ the papal see, until Edward, the late King of England, in the guise
 ‘ of a friend and ally, invaded and oppressed our nation, at that time
 ‘ without a head, unpractised in war, and suspecting no evil. The
 ‘ wrongs which we suffered under the tyranny of Edward, are beyond
 ‘ description, and, indeed, they would appear incredible to all but those
 ‘ who actually felt them. He wasted our country, imprisoned our
 ‘ prelates, burnt our religious places, spoiled our ecclesiastics, and slew
 ‘ our people, without discrimination of age, sex, or rank. Through
 ‘ the favour of Him *who woundeth and maketh whole*, we have been
 ‘ freed from so great and innumerable calamities by the valour of our
 ‘ Lord and Sovereign *Robert*. He, like another Josuah, or a Judas
 ‘ Maccabeus,

of Richemont. This is a mistake copied from *Walsingham*, p. 113. *Walsingham* himself says, p. 117, that the Earl of Richemont was made prisoner long after this time. The account of that event will be related in its proper place.

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‘ Maccabeus, gladly endured toils, distresses, the extremities of want,
 ‘ and every peril, to rescue his people and inheritance out of the hands
 ‘ of the enemy. The Divine Providence, that legal succession, which
 ‘ we will constantly maintain, and our due and unanimous consent,
 ‘ have made him our chief and King. To him, in defence of our
 ‘ liberty, we are bound to adhere, as well of right, as by reason of his
 ‘ deserts, and to him we will, in all things, adhere; for through him
 ‘ salvation has been wrought unto our people. Should he abandon
 ‘ our cause, or aim at reducing us and our kingdom under the domi-
 ‘ nion of the English, we will instantly strive to expel him as a public
 ‘ enemy and the subverter of our rights and his own, and we will
 ‘ chuse another King to rule and protect us; for, while there exist an
 ‘ hundred of us, we will never submit to England. We fight not for
 ‘ glory, wealth, or honour, but for that liberty which no virtuous man
 ‘ will survive.

‘ Wherefor, we most earnestly request your Holiness, as the Vice-
 ‘ gerent of *Him* who giveth equal measure unto all, and with whom
 ‘ there is no distinction either of persons or nations, that you would
 ‘ behold, with a fatherly eye, the tribulation and distresses brought
 ‘ upon us by the English, and that you would admonish Edward to
 ‘ content himself with his own dominions, esteemed in former times
 ‘ sufficient for seven kings, and allow us Scotsmen, who dwell in a
 ‘ poor and remote corner, and who seek for nought but our own, to
 ‘ remain in peace. In order to procure that peace, we are willing to
 ‘ do whatever is consistent with our national interests.

‘ Herein it behoves you, Holy Father, to interpose. You behold
 ‘ with what cruelty the Heathen rages against the Christians, for the
 ‘ chastisement of their sins, and that the boundaries of Christendom
 ‘ are daily contracted. How must your memory suffer in after ages,
 ‘ should the Church be diminished in glory, or receive reproach under
 ‘ your administration?

‘ Rouse,

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‘ Rouse, therefore, the Christian Princes, and call them to the rescue
 ‘ of Palestine: They pretend that wars with their neighbours hinder
 ‘ that enterprise; but the true cause of hinderance is, that, in subduing
 ‘ their weaker neighbours, they look for less opposition, and profit
 ‘ more immediate. Every one knows, and we now declare it to you,
 ‘ and to all Christendom, that our King and we are willing to under-
 ‘ take the holy expedition, if Edward will permit us to depart in
 ‘ peace.

‘ Should you, however, give a too credulous ear to the reports of
 ‘ our enemies, distrust the sincerity of our professions, and persist in
 ‘ favouring the English, to our destruction, we hold you guilty, in the
 ‘ sight of the Most High, of the loss of lives, the perdition of souls,
 ‘ and all the other miserable consequences which may ensue from war
 ‘ between the two contending nations.

‘ Ever ready, like dutiful children, to yield all fit obedience to you,
 ‘ as God’s Vicegerent, we commit our cause to the protection of
 ‘ the supreme King and Judge: We cast our cares on him, and we
 ‘ steadily trust that he will inspire us with valour, and bring our ene-
 ‘ mies to nought.

It will be remarked, that, in this manifesto, no mention is made of
 the clergy of Scotland. We must not, however, suppose that they
 were less zealous than the laity in the national cause. But the style of
 the letter was such, that it could not, with propriety, be avowed by
 ecclesiastics, especially in an address to the head of their church.

Although the Scottish Barons appeared unanimous in their resolu-
 tion to maintain the government of Robert, yet there were concealed
 traitors among the patriots. William de Soulis, and some other per-
 sons of quality, conspired against the King. The plot was revealed

*Ford. xiii. 2.
 Barbour, 395.
 —398.*

by

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by the Countess of Strathern *. Soulis having been apprehended, made a full confession.

The conspirators were tried in parliament, [at Scone, August 1320.]

Soulis and the Countess of Strathern were condemned to perpetual imprisonment.

Gilbert de Malerb and John de Logie, both Knights, and Richard Brown an Esquire, were found guilty of treason, and suffered the punishment of traitors.

Roger de Moubray died before sentence. Yet a like sentence was pronounced upon his dead body. The King, however, mitigated this rigour, and allowed him all the honours of sepulture.

The fate of David de Brechin was much deplored. That brave young man, the nephew of the King, had served with reputation against the Saracens. To him the conspirators, after having exacted an oath of secrecy, had revealed their plot. He condemned their undertaking, and refused to share in it; yet, entangled by his fatal oath, he concealed the treason. Notwithstanding his relation to the Royal Family, his personal merits, and the favourable circumstances of his case, he was made an example of rigorous, although impartial justice.

Sir Eustace de Maxwell, Sir Walter de Berclay sheriff of Aberdeen, Sir Patrick de Graham, Hameline de Troupe, and Eustace de Rattray, were tried and acquitted.

Ford. xiii. 1. It is impossible to discover the nature of this conspiracy. *Fordun* says in general, that the Lord Brechin and the rest were convicted of high treason. *Barbour, 396.* *Barbour* asserts that the plot was formed against the life

* *Fordun, L. xiii. c. 1.* says, That the Countess of Strathern confessed her offence, and was punished with perpetual imprisonment. *Barbour, p. 396.* says, That the conspirators were discovered through a lady, whose name he does not mention. From comparing the two narratives, there is reason to conclude, that the Countess of Strathern revealed the plot.

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life of the King, and he seems to insinuate, that the conspirators meant to place the crown on the head of Soulis*.

Boece relates the circumstances of this event with as much confidence as if he had assisted at the condemnation of the criminals. According to him, the King of Scots had in parliament required his barons to produce the titles by which they held their lands: But the barons at once drew their swords, intimating, that by arms they would maintain their estates against all regal encroachments. The King desisted from his requisition; nevertheless, he entertained secret thoughts of revenge. The barons, dreading his resentment, conspired to betray their country to England †.

This parliament, in which so much noble blood was shed, continued long to be remembered by the vulgar, under the appellation of *the black parliament*.

It appears that the Pope was alarmed at the language which the Scottish barons had used in their manifesto; for he addressed a Bull to Edward, earnestly recommending peace with Scotland. Neither ought it to escape observation, that, in this Bull, the Pope sometimes employs the very expressions of the Scottish manifesto ‡, and that he bellows

* This William de Soulis seems to have been the grandson of Nicolas de Soulis, one of the competitors at the time of the disputed succession. Nicolas claimed in right of his grandmother, the daughter of Alexander II. and he would have excluded the other competitors, had her legitimacy been ascertained.

† This is a tale ill connected and improbable. It cannot be supposed that all the barons should have been so much offended at the King's requisition; for some of them had received renewed charters, and others, original grants from him; neither could the barons be alarmed at what was indeed consonant to the law and practice of that age. See *Quon. attachiamenta*, c. 25.

‡ Thus the Scottish barons said to the Pope, '*corporum excidia, animarum exitia, et caetera, quae sequentur incommoda.*—Vobis ab Altissimo credimus impunitanda.'

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bestows on Bruce the ambiguous title of *Regent of the kingdom of Scotland* *.

Foed. iii. 848. The King of Scots sent ambassadors † to the Pope, and solicited a repeal of the sentence of excommunication. The Pope pretended that the instructions of the ambassadors were not sufficiently ample; he, however, allowed the King of Scots to renew his solicitations at any time before the 1st of May 1321.

Foed. iii. 851. 853. 854. 860. The English King appointed commissioners for treating of peace with Scotland, [15th September]. *Philip le Long*, King of France, under pretence of consulting the honour and advantage of Edward, desired that some persons on his part might be present at the congress. Edward thanked the King of France for his *good will*, yet he thanked him; as if suspecting his sincerity. The Pope also made a like request. Edward consented to it; but desired that Rigand, Bishop elect of Winchester, might be one of the persons present at the treaty on the part of the Pope. In all this there is an air of reserve, which seems to intimate that Edward distrusted both the King of France and the Pope.

Foed. iii. 862. Edward still entertained hopes of exciting dissension among the Scots. With this view, he appointed commissioners for receiving into favour all the Scots who might be desirous of reconciliation with England, [17th November]. He even granted an indemnity to all the inhabitants of Scotland, excepting only the rebels who were of English

* *tanda.* The Pope in his Bull speaks thus of war, 'quot animarum exitia, excidia corporum, et alia non facile enumeranda incommoda secum trahat;' *Foedera*, T. iii. p. 847.

* † *Inter te et Regentem regni Scotiae, ibid.*

† The ambassadors were Edward de Mambouillon and Adam de Gordon, knights; *Foedera*, T. iii. p. 848. The Pope made excuses to Edward II. for his lenity in permitting Bruce to be still heard against the sentence of excommunication.

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lish birth, or who claimed right to estates in that kingdom *, [11th December].

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The Pope had sent the Bishop of Winchester, and one William, a friar, to the King of Scots with letters. Edward would not suffer the letters to be delivered; and he made this apology to the Pope, 'that there were certain expressions in them which it was not held safe to communicate to Bruce †, [14th May].

Edward had lately endeavoured to excite dissensions among the Scots; but the dissensions in his own kingdom now required all his sollicitude. The violence of the Earl of Lancaster, and his associates, against the two D'Espensers, made an irreparable breach between the King and many of his most powerful barons.

The Earl of Lancaster was one of those politicians who estimate the lawfulness of actions by their probable success. This person, a Prince of the blood, and, in the opinion of the people, an eminent patriot, entertained a treasonable correspondence with the Scots.

A passport granted by Douglas to Richard de Topclif, an emissary of Lancaster, is the first proof that we have of this correspondence †, [7th

* This is a singular instrument. David Earl of Athole is one of the commissioners for granting the indemnity. The only exceptions from the indemnity are thus expressed: 'Illis de regno nostro Angliae, qui contra nos hostiliter extiterunt, et aliis qui terras infra dictum regnum nostrum clamant habere, omnino exceptis;' *Foedera*, T. iii. p. 865. Hence some of the persons who assisted at the slaughter of Comyn, might have taken the benefit of the indemnity, and thus one great object of the Scottish war would have been overlooked.

† 'Propter aliqua verba, in dictis literis inserta, sanum videbatur eas non esse dicto Roberto porrigendas;' *Foedera*, T. iii. p. 884.

‡ It bears 'escript a *Etlebradebelys* de dimaigne en la feste Seint Nicolas, l'an de grace 1321.' The feast of St Nicolas is celebrated on the 6th December. I wish to know

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[7th December 1321]. This passport was ratified by Randolph, as acting for the King of Scots, who appears at that time to have been indisposed.

Foed. iii. 927. The Scots, encouraged by the prospect of an alliance with the malecontents, invaded Northumberland, and the bishoprick of Durham, as soon as the truce expired *. It is probable that they were conducted by Douglas in this invasion †.

H. Knighton, 2539. While the Earl of Lancaster, and his associates, were endeavouring to collect their forces, Edward took the field, and disconcerted the whole plan of their ambition. Lancaster marched to Burton upon Trent with what troops he could assemble; but he was dislodged from thence, and obliged to retreat to his castle of Pontefract.

Foed. iii. 927. He wrote a letter to Douglas in his own name ‡, and in the name of the Earl of Hereford, and other barons of that party, requesting an interview, 'that we may,' said he, 'adjust all points of our alliance, and agree to live and die together.' At the same time, he desired a passport for messengers to be sent into Scotland.

The bearer of this letter was to have delivered it on the 7th of February; but Douglas had removed his quarters, and by that accident there was some time lost. More time still was lost, because Douglas judged it necessary to procure the passport from Randolph, who then lay in Scotland, near the borders. And thus it happened that Douglas

know what place is meant by *Etlebredhelys*. This is of moment for ascertaining a certain material circumstance in our history.

* 'Finitâ treugâ, inter nos et ipsos nuper initâ, regnum nostrum in magna multitudine ingressi; *Foedera*, T. iii. p. 927.

† This is collected from the letters which passed between Douglas and the English malecontents; *Foedera*, T. iii. p. 926. 927. and from this other circumstance, that at that time Randolph was at Cavers in Scotland; *Foedera*, T. iii. p. 926.

‡ The letter is in *Foedera*, T. iii. p. 927. Although not signed, it must have been addressed to Douglas from the Earl of Lancaster.

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glas could not return any answer before the 17th February. His answer was general, referring to the messenger for particulars. It was addressed to *King Arthur*, which seems to have been a sort of cypher denoting the Earl of Lancaster*. It does not appear that the unhappy man had so much as concerted the terms of his treaty with the enemies of England. After so many days had been lost at this critical conjuncture, Lancaster continued his retreat towards the north. Sir Andrew Hartcla met him near Borrough-bridge, and defeated his army, [16th March 1321-2]. The Earl of Hereford was slain in the action. Lancaster fled, and next day surrendered himself. Having been tried in presence of the King and barons, he was found guilty and beheaded †, [22d March 1321-2.]

H. Knyghton,
2540.—41.
Th. de la More,
596.
Foed. iii. 936.
3cc. Wals. 116.

The services of Sir Andrew Hartcla were rewarded with the dignity of *Earl of Carlisle*, conferred on him and his issue-male. To this an annual pension of 1000 marks was added.

Foed. iii. 943.

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In a high strain of exultation, Edward informed the Pope, that he had crushed his rebellious subjects, and was preparing to invade Scotland. ‘Give yourself no farther sollicitude,’ said he, ‘about a truce with

Foed. iii. 944.

* This is more probable than that *Thomas* Earl of Lancaster should have assumed to himself the title of King, under the fantastic appellation of *Arthur*. 1. In the proposal for an alliance with Scotland, which was found upon the Earl of Hereford, he is called *Earl of Lancaster*. 2. In his trial no mention is made of his having assumed or received the appellation of King; yet the circumstance of the letter addressed to *King Arthur* was known at that time; for *Walsingham*, p. 116. says ‘cum Thomas Comes ‘introduc-tus fuisset in villam [Pontefract] a tota gente derisus est, et acclamatus *Rex Arthurus*, et ubique subannatus.’

† The people of England imagined that many miracles were wrought through the intercession of the Earl of Lancaster; and, which is more extraordinary, Edward III. solicited the Pope to canonize this person, who was undoubtedly a traitor to his country; *Foedera*, T. iv. p. 268.

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‘with the Scots; the exigencies of my affairs inclined me formerly to listen to such proposals; but now I am resolved to establish peace by force of arms,’ [25th March.]

H. Knyghton,
2542.
Ford. xiii. 4.

While Edward was making his preparations for subduing Scotland, the Scots penetrated by the western marches into Lancashire, spoiled the country at pleasure, and returned home loaded with extraordinary booty*.

Ford. iii. 952.
959. 967.
Walsing. 116.

Edward, after having requested the Pope to enforce the sentence of excommunication against the Scots, invaded Scotland with a formidable army, [August.]

Barbour, 385.

The King of Scots had been obliged, at Bannockburn, to risk the fate of his kingdom on the event of one battle; but now there was no such necessity; and therefore he avoided a general engagement, where every thing might have been lost, and where nought but glory could have been won. Having ordered the whole cattle and flocks to be driven off, and all effects of value to be removed from the Merse and Lothian, he fixed his camp at Culrofs, on the north side of the frith of Forth.

Barbour, 386.

His orders were so exactly obeyed, that, as tradition reports, the only prey that fell into the hands of the English was a lame bull at Tranent in East-Lothian. ‘Is that all that ye have got,’ said Earl Warenne, when the spoilers returned to the camp, ‘I never saw so dear a beast †.’

Edward

* This inroad is well described by *Knyghton*, p. 2542. ‘Anno gratiae 1322, circa translationem Sancti Thomae, intraverunt Scoti in Angliam per medium Furnessiae, et comitatum Lancastriae devastaverunt undique, absque aliquo damno suorum, colligentes immensam praedam auri et argenti, animalium, ornamentorum ecclesiastico-rum, lectualium, mensalium, abducentes onustas carrectas de omnibus bonis patriae ad suum placitum.’

† This sarcastical and ill-timed reflection is related as in *Barbour*, p. 386. *Fordun*, L. xiii. c. 4. gives it in still fewer words: ‘Quod illius tauri caro erat nimis cara;’ that

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Edward advanced to the neighbourhood of Edinburgh, without opposition, indeed, but also without hope of mastering the kingdom. His provisions were soon consumed, and there was no possibility of obtaining any supplies. Famine began to prevail in the English camp, and many of the soldiers perished for want of food. Edward, after all his mighty preparations for subduing Scotland, was obliged to retire without having ever seen an enemy. His soldiers, in their retreat, plundered the abbey of Holyrood and Melros, burnt the abbey of Dryburgh, and other hallowed places, slew many monks, and violated whatever was most sacred in their religion*. Returning to commodious and plentiful quarters in England, they indulged themselves in excesses productive of mortal diseases, in so much that, according to an English historian, almost one half of the great army which Edward had led into Scotland, was destroyed either by hunger or intemperance †.

*Ford. xiii. 4.
Th. de la
More, 596.*

Walsing. 117.

Edward,

that is, 'This beef is very dear.' Had Warrenne spoken thus to the King, it might have been considered as a gallant freedom of speech, suiting a baron of those times; but the words addressed to the soldiers, would have been petulance and mutiny in any age.

* 'Spoliatis tamen in reditu Anglorum, et prædatis monasteriis Sanctæ Crucis de Edinburgh et de Melros, atque ad magnam desolationem perductis; in ipso namque monasterio de Melros Dominus Willelmus de Peblis, ejusdem monasterii prior, unus etiam monachus tunc infirmus et duo conversi caeci effecti, in dormitorio eorundem ab eisdem Anglis sunt interfecti, et plures monachi lethaliter vulnerati, corpus Dominicum super magnum altare fuit projectum, ablata pixide argentea in qua erat repositum. Monasterium de Driburgh igne penitus consumptum est, et in pulverem redactum, ac alia pia loca quamplurima per prædicti Regis violentiam ignis flamma consumpsit; *Fordun, l. xiii. c. 4.*

† 'Cumque multi de Regis exercitu pervenissent ad propria, et gustassent cibos avidius, mox vel diruptis visceribus moriebantur, aut consumptâ naturâ semper imbecilles et debiles permanserunt, vires præhabitas recuperare non valentes; *Walsingbam,*

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Foed. iii. 973. Edward, on his return to England, appointed Andrew Hartcla guardian of the west marches, and David de Strathbolgie Earl of Athole, guardian of the east, [15th September.]

Foed. iii. 975. Edward had scarcely taken these precautions for the security of his kingdom, when the Scots appeared with a numerous army before the castle of Norham. Edward lay at the abbey of Biland in Yorkeshire; a body of his troops was advantageously posted in the neighbourhood. The Scots, by a forced march, endeavoured to surprize him; to this, it is said, they were incited by some traitors who were about his person*. Edward escaped to Yorke, with the utmost difficulty, abandoning all his baggage and treasure to the enemy. The English camp was supposed to be accessible only by one narrow pass.

Walsing. 117.
Murimut. 59.

Barbour, 388.
—394.

Foed. iii. 978.
982. *Tb. de la More,* 596.

Douglas undertook to force it. Randolph, leaving that part of the army which he commanded, presented himself as a volunteer under Douglas his friend. The attack was resisted by the English with undaunted courage. The King of Scots ordered the Highlanders and the men of the Isles to climb the precipice in which the English confided. They obeyed, and the English fled. John de Bretagne Earl of Richemont, Henry de Sully, a Frenchman of quality, and many other persons of note, were made prisoners. The Stewart with five hundred

ham, p. 117. 'Ubi penè perdidit mediam gentem suam pudibundè maxime;' *ibid.* *Knyghton*; p. 2542. says, that near 16000 men perished. *Knyghton* erroneously supposes, that, in the following year, Edward again marched into Scotland, and returned after having proceeded no farther than to Melros.

* Edward himself seems to have ascribed this to the negligence of Lewis de Beaumont Bishop of Durham. Henry de Beaumont had said, that if his brother Lewis, or any other person of noble birth, was appointed to the see of Durham, he would so well defend the frontier, as to be like a *stone wall* against the invasions of the Scots. 'I named you Bishop, said the King to Lewis de Beaumont, and yet your negligence has been so great, that your territory and the adjacent parts have suffered more from the Scots under your administration than in the days of any of your predecessors;' *Foedera*, T. iii. p. 994.

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hundred men, pursued the English to Yorke, and, in the spirit of chivalry, remained at the gates until evening, waiting for the enemy to come forth and renew the combat *.

The King of Scots had formerly received some discourtesies from the Earl of Richemont. In the first exultation of victory, he so far forgot his own character and dignity, as to reproach his prisoner †; but to Sully and his companions, he expressed every kindness. 'I know,' said he, 'that ye fought to prove yourselves valiant knights in a strange land, and not from enmity to me.'

*Barbour, 393.
394.*

The Scots committed great outrages in Yorkeshire; at Rippon, as if they had meant to use reprisals, they murdered many ecclesiastics. They had so little apprehensions of any enemy, that they continued their

*Murimut, 59;
Th. de la
Mere, 596.*

' Walter Stewart that great bountie
' Set ay upon hy chevalry,
' With five hundred in company,
' Unto York's gates the chace can ma
' And there some of their men can sa,
' And there abade while near the night,
' To see if any would ish and fight.'

Barbour, p. 393.

' And when he saw John of Britain
' He had at him right great engraigne,
' For he was wont to speak highly
' At home, and o'er despiteously,
' And bad him have him away on hy
' And look he kept were straitly;
' And said, were it not that he were
' Sik a captive, he should buy fore
' His words that were so angry.'

Barbour, p. 393-394.

The sentiment, as expressed by Barbour, seems obscure; the meaning may be, that the Earl of Richemont would have been worse used, had it not been on account of his eminent rank.

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their incursions to Beverley in the East-riding*; but the clergy and citizens, by paying a large ransom, purchased immunity from pillage †. After having wasted England, and braved the power of their late invader, the Scots returned home unmolested.

Andrew Hartcla Earl of Carlisle, had received the highest honours and the most distinguished trust from Edward; he now betrayed his King and his benefactor.

Much has been related by historians concerning the nature of his treason. I propose to make mention of those circumstances alone which appear from authentic instruments.

Feod. iii. 983.

About the beginning of January 1322-3, Edward received intimation that the barons of the north of England had entered into a treaty for a truce with the Scots. He prohibited any further proceedings in this treaty, and commanded Hartcla instantly to inform himself of its nature and conditions, to provide for the security of Carlisle, and to repair to court; 'that I may be directed,' said the King, 'by your advice, and the advice of my other faithful counsellors.'

Either the English King had at that time no suspicions of the fidelity of Hartcla, or he acted with the most profound dissimulation.

Feod. iii. 988.

But Hartcla having avoided the presence of his injured Sovereign, Edward ordered him to be arrested as a traitor, [1st February 1322-3.]

Ibid.

Edward appointed his brother, Edmund Earl of Kent, to be sole guardian of the marches, [5th February 1322-3]; and thus deprived both Hartcla, and the Earl of Athole, of their offices.

Commissioners

* It is evident, that, after the rout near Bilsand abbay, Edward was not able to oppose the Scots in the field. We learn from *Fœdera*, that he remained at Yorke, while the Scots extended their arms to Beverley, in a remote corner of the East riding of Yorkeshire, and almost to the banks of the Humber.

† 'In villa de Beverlaco neminem occiderunt, quia pro CCCC libris se burgenses et canonici redemerunt, et sic Scoti, propter instantem hiemem, redierunt.' *A. Munitimath*, p. 59.

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Commissioners were appointed to try the offences of Hartcla, [27th *Feod. iii. 999* February 1322-3].

It was found at his trial that he had had an interview with Bruce, and had become bound, as well by writing as by oath, to maintain him and his heirs in the right and possession of Scotland *: That Bruce had agreed to name six persons, and Hartcla as many, who, by common consent, were to regulate the weighty affairs of both kingdoms: That Hartcla had promised to resist all those who might endeavour to obstruct this treaty; and that he had induced the people of the country to swear to the observance of it.

Edward also charged Hartcla with having pretended to act under the royal authority in the negotiations for a truce with Scotland; but this charge, however probable, appears not to have been proved to the court.

The court condemned Hartcla to be degraded, and to suffer the punishment of a traitor †. This sentence was immediately executed, [at Carlisle, 2d March 1322-3]. *Feod. iii. 999*
1000
Martin. 66.

Dishonoured

* * Par maintenir le dit Robert d'estre Roi d'Escoffe proprement, et par maintenir au dit Robert et ses heirs le royaume d'Escoffe entierement; *Feodera*, T. iii. p. 999.

† 'That you shall be degraded, and lose the title of Earl for yourself and your heirs, in all time to come: That you shall be ungirded of your sword, and have your gilt spurs cut off from your heels; *Feodera*, T. iii. p. 999. The sentence also bears, 'That his heart, bowels, and entrails, should be plucked out, burnt to ashes, and the ashes scattered in the air.' It assigns what, it seems, is the moral of this savage mode of punishment: 'Because from them your traiterous devices proceeded.' [dout les treitrouses penzez vindrent]; *Feodera*, T. iii. p. 1000. His quarters were to be exposed on the towers of Carlisle and Newcastle, on the bridge of York, and at Shrewsbury, and his head was to be fixed upon London bridge. The English historians relate some other particulars concerning Hartcla, which are more dubious; as, that the King of Scots had agreed to give him his sister in marriage; *A. Murimuth*, p. 66. *Walsingham*, p. 118. I doubt much whether the King of Scots had any unmarried sister at that

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Fœd. iii.
1003.

Dishonoured by his flight from Biland, impoverished and weakened by the repeated calamities of war, and betrayed by those in whom he placed confidence, Edward now agreed to a cessation of arms 'with the men of Scotland who were engaged in war against him.' But the King of Scots would not consent to the truce in that form. He thus wrote to Henry de Sully, who acted as a mediator between the two nations: 'I see from the copy of the letters of the King of England which you have transmitted to me, that he says *he has granted a cessation of arms to the men of Scotland who are engaged in war against him.* This language is very strange. In our former truces, I was always named as a principal party, although he did not vouchsafe to give me the title of King; but now he makes no more mention of me than of the least person in Scotland; so that, if the treaty were to be violated by him, I should have no better title than the very meanest of my subjects to demand redress. I cannot consent to a truce granted in such terms; but I am willing to consent, if the wonted form is employed. I send you a copy of the King's letter; for I imagine that you have either not perused it, or not adverted to its tenor,' [21st March 1322-3. Dated at Berwick].

It

time. Walsingham says, That Hartcla became a traitor from his enmity to Hugh le D'Espenser, whom he perceived to increase daily in the favour of the King; *ibid.* Murimuth says, That he was arrested by Anthony de Lucy, his special confidant, p. 60. But it appears from *Fœdera*, T. iii. 988.—1000. that Henry Fitz-Hugh was the person appointed to arrest Hartcla, and that de Lucy was at that time sheriff of Carlisle; so that, if de Lucy took Hartcla into custody, he did no more than what the duty of his office, superior to the rights of private friendship, indispensibly required. The Chronicle of Lanercost, quoted by *Tyrrel*, vol. iii. B. 10. p. 301. says, That by Hartcla's treaty with Scotland, the King of Scots was to pay 80,000 merks to Edward, in annual payments of 8000 merks, and that Edward was to have the disposal of *the marriage* of the eldest son of the King of Scots. All this, however, is improbable; the sum of money, as matters then stood, exceeds credibility; and the clause as to *the marriage of the eldest son* of the King of Scots, must seem strange, when we recollect that, at that time, he had no son at all.

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It is probable that the omission which gave rise to this animated letter, was accidental. For, in Edward's consent to the cessation of arms, [dated 14th March], Bruce is treated as a principal party. *Foedera, iii. 1021.*

1323.

Edward demanded the opinion of his counsellors as to the expediency of this truce. Henry de Beaumont, one of the counsellors, refused to give his opinion. Edward then commanded him to depart from the council-board. 'I had rather go than stay,' answered Beaumont. He saw, but he was too proud to acknowledge, the necessity of the truce. His behaviour admits of no apology. In questions as to what is constitutional, and what is illegal, a counsellor, from diffidence of his own knowledge, or from ignorance, may hesitate: But, when the question is as to expediency, a counsellor ought to deliver his opinion with that dignity which suits his rank, and with the spirit of a free man, [30th March 1323]. *Foedera, iii. 1021.*

On the same day, the treaty of truce, to endure until the 12th June 1336, was concluded, [at Thorpe in the neighbourhood of Yorke]. *Foedera, iii. 1022.*

It was agreed that, during the truce, no new fortresses should be erected in Cumberland, to the north of the Tine, or in the counties of Berwick, Rokesburgh, and Dumfries.

By a very singular article it was provided, 'that Bruce, and the people of Scotland, might procure absolution from the Pope; but, in case there was no peace concluded before the expiration of the truce, that the sentence of excommunication should revive.' It does not appear how laics, by their own authority, could limit or qualify the operations of a spiritual sentence; and, therefore, it may be presumed, that this provision was made with the consent of the Pope, implied, if not expressed.

Bruce,

1323.

Foedera, iii.
1031.

Bruce, under the style of *King of Scotland*, ratified the treaty, [at Berwick, 7th June 1323], with the consent of his Bishops, Earls, and Barons*.

Foed. iv. 32.
34.

Edward, while he was negotiating this truce, employed his ambassadors at the Papal court to widen the breach between Scotland and the Pope. He requested the Pope to ratify and publish, in due form †, the sentence of excommunication against Bruce and his adherents. He said that the Scots, by their contempt of the censures of the church, had incurred the suspicion of heresy, and that they had proceeded to the criminal excess of inflicting tortures, and even capital punishments, on ecclesiastics, without regard to their sacred character ‡. He farther requested the Pope not to give his sanction for electing Scotsmen to the episcopal office in their native country; ‘because,’ said Edward, ‘the Scottish prelates are they who cherish the nation in its rebellion and contumacy.’

Before the Pope had made answer to this request, accounts of the truce between the two nations arrived. This afforded to the Pope an opportunity of denying the request of Edward. He said, that it was his duty to promote, and still more to enforce, a truce; and that, as the King of England had consented that the Scots might obtain a temporary absolution at least, it would be improper to ratify and publish the sentence of excommunication. As to the demand concerning

* The persons who, together with the King, made oath for the observance of this truce, are thus described in the instrument. All the Earls of Scotland; but their names are not specified. The Stewart, James Douglas, John Menteth, Robert Keith, Henry St Clair, Gilbert de la Haye, David Lindesay, David Graham, Alexander Friscl [or Frazer,] Hugh Ross, Robert Boyd, and Robert Lauder the elder; *Foedera*, T. iii. 1025.

† ‘Per crucis signationem et alia juris remedia;’ *Foedera*, T. iv. p. 31.

‡ ‘Hiis diebus, in contemptum ecclesiae, indifferenter personas ecclesiasticas torquent et occidunt;’ *Foedera*, T. iv. p. 32.

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cerning Scottish Bishops, the Pope made answer, that to grant it, would be to deprive the flock of pastors altogether, seeing no Englishman could receive admittance into Scotland.

The King of Scots, on his side, resolved to send ambassadors for *Feed. iv. 26.* soliciting a reconciliation with the church. Previous, however, to this embassy, he judged it expedient that his nephew Randolph should endeavour to sound the dispositions of the Papal court.

The Pope sent a narrative to the King of England of the conversation which passed between him and Randolph. The narrative is exceedingly curious and characteristical.

Randolph having been admitted to an audience, informed the Pope, that he had made a vow to repair to the Holy-land, but that he could not accomplish it without the permission of the Papal see; and that the main purpose of his journey to Avignon was to seek the indulgences usually bestowed on those who undertook that religious expedition.

The Pope made answer, that it was not fit to grant such permission and indulgences to one who, as a simple individual, could not perform any effectual services; and, as an excommunicated person, could not further his own salvation in Palestine: But, he added, that he would hereafter lend a favourable ear to this petition, if Randolph did his utmost endeavours for procuring the establishment of peace between the two nations.

Randolph then said, that ambassadors were speedily to be sent from Scotland, to solicit a reconciliation with the church, and he requested the Pope to grant them his *own passport* in ample form.

The Pope, although he could not grant this, offered to issue letters requisitorial for their *safe conduct*, addressed to all the Princes through whose territories they might have occasion to journey.

Randolph next produced a commission from his uncle of the following tenor: 'The King of Scots makes offer to the Pope, that he will accompany the French King in his intended expedition to the

' Holy-

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‘ Holy Land ; and, if that expedition should not take place, that he
 ‘ himself will repair in person to the Holy Land, or send his nephew,
 ‘ Thomas Randolph, Earl of Moray, in his stead.’

To this proposal the Pope made answer, ‘ that, until Bruce con-
 ‘ cluded a peace with England, and was reconciled to the church, it
 ‘ would not be decent to receive him as a crusader, either in society
 ‘ with the French King, or by himself.’

Then the shrewd ambassador observed, that his own wishes were
 most ardent for peace with England, and for a perfect reconciliation
 with the catholic church : That to this end he would sincerely labour,
 were he assisted by the good offices of his Holiness ; but that, for ren-
 dering such interposition effectual, it would be expedient, and indeed
 absolutely necessary, that a Bull should be addressed to Bruce, under
 the appellation of *King*. He was confident that a Bull, with that
 conciliating title, would be reverently received ; but he greatly feared,
 that if the name of *King* was withheld, that which had happened for-
 merly would again happen, and the Bull would remain unopened.

The Pope hastily consented to a proposal made with so much ap-
 pearance of candour ; but, recollecting the consequences of what he
 had done, he endeavoured to apologize for it to the King of England.
 ‘ I remember to have told you,’ said he, ‘ that my bestowing the
 ‘ title of *King* on Robert Bruce, would neither strengthen *his* claim,
 ‘ nor impair *yours*. My earnest desires are for reconciliation and
 ‘ peace ; and you well know, that my Bull, issued for attaining those
 ‘ salutary purposes, will never be received in Scotland, if I address it to
 ‘ Bruce under any other appellation but that of *King*. I therefore
 ‘ exhort you, in your royal wisdom, that you would be pleased, pa-
 ‘ tiently to suffer me to give him that appellation *.

‘ ports

* * Providentiam Regiam exhortamur quatenus—*Velit Regia circumspectio aequani-
 ‘ miter tolerare, quod nos scribamus eidem Roberto sub titulo Regiae dignitatis ;* *Fae-
 dera*, T. iv. p. 29. This singular language is preserved in the translation.

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ports have reached you, as if Randolph had made other proposals, prejudicial to you, and your kingdom; but you may assure yourself, that I would not have permitted any proposals of that nature to have been so much as mentioned in the absence of those to whom you have committed the superintendency of your affairs *. Besides, Henry de Sully, a person of known zeal for your honour and interest †, was present at the audience which I gave to Randolph; he heard all that passed, and he would not have suffered me, even if I had been so inclined, to receive any proposals prejudicial to you, or your kingdom,' [13th January 1323-4].

This narrative displays Randolph in the character of a consummate politician.

His first request to the Pope was merely personal, expressing his own zeal in the service of the church, and the estimation in which he held her indulgences; this he represented as the chief business of his journey to Avignon. Although the Pope could not grant the *first and principal request* of Randolph, yet he declared himself willing to listen to it whenever a proper opportunity should offer; and he made his future favour to depend on Randolph's sincerity in promoting the establishment of peace.

Randolph then talked of a reconciliation with the church, an essential preliminary of peace; he mentioned an embassy from Scotland, having that object in view; and he demanded a passport for the ambassadors in a form which would have persuaded the world that the
Pope

* 'Negotiorum regionum promotoribus non vocatis;' *Foedera*, T. iv. p. 29. It is uncertain whether the Cardinals pensioned by England, or the Bishop of Winchester and the Dean of Lincoln, the English ambassadors, are here meant.

† He was a pensioner of England, as the Pope well knew; for the Pope, in a letter to Edward, of the same date, requested him to continue his favours to Henry de Sully; *Foedera*, T. iv. p. 28. Sully was probably the bearer of the letter giving an account of what passed at the audience of Randolph.

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Pope himself had invited a reconciliation. The Pope perceived the tendency of the request, and eluded it.

Randolph next produced his commission from the King of Scots, offering to perform a service meritorious in itself, and connected with the glory of the French King, which could not fail of being interesting to a Pope born a Frenchman, and residing at Avignon. The Pope eluded this offer also, but without shewing any marks of displeasure at the extraordinary proposal, that a person lying under the curse of the church, should engage in a crusade by authority of the Pope.

After Randolph had soothed the passions, and conciliated the favour of the Pontiff, he opened the true business of his embassy; and *that*, not as from the King of Scots, but merely as the amicable suggestion of his own zeal for peace, and the honour of the church; and he so judiciously enforced the topics of persuasion, that the Pope consented to give the title of *King to one excommunicated person*, by the advice of *another*.

Ford. iv. 46. Edward, however, was not convinced by that casuistry which held, 'that, to bestow the title of *King* on his antagonist, was a matter of 'indifference.' He remonstrated against the concession which the Pope was willing to make; he said, that it was a thing dishonourable to the church, and highly prejudicial to the claims of the English crown: And he added, with great shew of reason, 'that the Scottish 'nation would naturally conclude, that the Pope intended to acknowledge the *right*, where he had given the *title*.' Neither did Edward omit to retort the maxim of Papal policy, 'that no alteration in the 'condition of the parties ought to be made during the subsistence of 'the truce.'

Ford. xiii. 5. A son was born to the King of Scots, [at Dunfermline, 5th March 1323-4], and named *David*. The court-poets of those times foretold, that

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that this infant would, one day, rival his father's fame, and prove victorious over the English*.

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Edward, the son of John Balliol, had resided for many years on his paternal estate in Normandy, neglected by England, and forgotten by the Scots. The English King now required his presence at court †. It is impossible to discover the purpose of this requisition: The presence of the representative of the rival family could not serve to facilitate the negotiations for a peace between England and Bruce.

The Scottish commissioners for treating of this peace were W. de Lamberton, Bishop of St Andrews, and Randolph. On the part of England, the two D'Espensers, who had all power at that time, and nine more commissioners were appointed, [at Yorke, 8th November].

In the course of the negotiations at Yorke, the English fondly insisted on the claim of feudal sovereignty; but *this* the Scots would not admit ‡; neither would they listen to the insidious, though plausible proposal, of having the contraverted matters argued in presence of the Pope.

The

* *Filius hic Regis, post patrem lumina legis*

† *Diriget, augebit, populum probitate fovebit,*

‡ *Iste manu fortis Anglorum ludeat in hortis.*

Fordun, L. xiii. c. 5.

† *Cum dilectus et fidelis noster Edwardus de Baliolo de partibus transmarinis, ad nos, de mandato nostro, in Anglia sit venturus; Foedera, T. iv. p. 62. [2d July.] Foedera, T. iv. p. 83. 20th August]*

‡ Such I understand to be the import of what Edward wrote to the Pope, [8th March 1324 5] *Foedera, T. iv. p. 141. 'Scoti, in tractatu illo, nulla alia obtulerunt, nisi quae prius in aliis tractatibus obtulerant, quae absque exhaereditatione manifesta Regiae nostrae coronae, prout alias deliberato consilio fuerit iudicatum, concedi aut quatenus non valebant.'*

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Ford. iv. 168.
176. Mur. 62.

The Scots had made themselves masters of Berwick, in contempt of the Papal truce, and they still maintained possession of that fortress. When they sought to be reconciled to the church, Edward prevailed on the Pope to reject their prayer, until restitution should be made. But the Scots chose rather to remain under the sentence of excommunication, than to yield up Berwick.

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Ford. xiii. 12.

A parliament was held at Cambuskenneth. The Clergy, Earls, Barons, and all the nobility of Scotland, together with the people, there assembled *, took an oath for performance of fealty and homage to David the King's son, and his issue; whom failing, to Robert Stewart.

Ford. xiii. 12.

At this time, Andrew Moray of Bothwell, the companion of Wallace, obtained in marriage Christian, sister of the King of Scots, and widow of Sir Christopher Seton †.

Ford. xiii. 12.
Barbour, 402.

Walter Stewart, the King's son in law, died, [9th April]. Had he lived, he might have equalled Randolph and Douglas: But his course of glory was short.

Ford. iv. 243.

Edward II. resigned ‡ his crown to his son Edward III. a youth in his fifteenth year, [24th January 1326-7.]

Ford. iv. 270.
271.

Edward III. renewed the negotiations for peace with Scotland, [4th March], and ratified the truce which his father had made, [8th March].

He

* 'Unà cum populo ibidem congregato;' *Fordun*, L. xiii. c. 12.

† It was one part of the policy of Robert Bruce, to strengthen his family by matrimonial alliances.

‡ Some historians say, that he was *deposed*; but the difference seems merely verbal. *Tyrrel*, vol. iii. B. 9. p. 337 says, That 'Edward was, by sentence of parliament, and by his own solemn resignation, *deposed and laid aside*.'

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He received intelligence that the Scots having assembled their forces on the borders, had resolved to infringe the truce, and, if peace was not instantly concluded, to invade England. Edward discontinued not the negotiations for peace, yet he summoned his barons to meet him in arms at Newcastle upon Tyne, [5th April], and made every preparation for opposing the enemy. At an exorbitant expence he contracted with John Lord of Beaumont, brother of the Count of Hainault, for a body of heavy-armed cavalry *, [18th May, 28th June]; and, with uncommon precaution, he fortified Yorke, [15th July]: And he even appears to have invited Edward Balliol from France, that there might be a pretender to the Scottish crown, to be employed at any fit opportunity, [12th July].

Foed. iv. 281,
287.Foed. iv. 290,
294-357.

Foed. iv. 296.

Foed. iv. 295.

Historians give different accounts of the causes which moved the Scots at this time to disregard the truce. Fordun says, in general, that they had detected the bad faith of the English †. According to Barbour,

Ford. xiii. 12.
Barbour, 402.

* This *John of Hainault*, as he is commonly called, had a pension for life from Edward III. of 1000 marks yearly; *Foedera*, T. iv. p. 290. He had been a chief instrument in the late revolution; when Isabella invaded England, and dethroned her consort Edward II.—14000 pounds were paid to John of Hainault for the horsemen whom he brought over. Their number is uncertain. The English historians generally say *five hundred*; but Froissart adds, 'Si le suyvit chacun volontiers, selon son pouvoir, ceux qui furent mandés, et moult d'autres qui ne furent point mandés: Pourtant que chacun pensoit en rapporter autant d'argent comme les autres avoyent fait, qui avoient esté en l'autre chevauchée en Angleterre avec lui;' T. i. c. 16.

† 'Detectâ eorum fraude;' *Fordun*, L. xiii. c. 12. *Barnes*, life of Edward III. p. 5, rejects this insinuation, 'because the *English nation* was never noted so much for guenefs and subtlety as for downright honesty and blunt valour.' As if the conduct of the sovereign and his counsellors were the standard of the manners and dispositions of the English nation! It is not to be supposed that so prudent a person as Bruce would have involved himself in war with England, unless for weighty causes. Although there had been no other ground of complaint, the machinations of Edward II. which prevented

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Barbour, the English had seized some Scottish ships bound for the low countries, slain the mariners, and refused to make satisfaction.

Ford. xiii. 12.
Froissart. i. 16.

Randolph and Douglas invaded England *, [15th June 1327], on the side of the western borders. Their army was chiefly composed of cavalry, and amounted to about 20,000 men.

Froissart. i. 16.

Edward III. led an army, amounting, at the lowest computation, to 50,000 men, against the invaders, and arrived at Durham, [13th July] †.

Froissart. i. 17.

On the 18th of July, the English descried at a distance the smoke of the flames kindled by the Scots in their cruel progress. They marched out in order of battle, and proceeded towards the quarter from whence the smoke issued. Having marched for two days without receiving any further intelligence, they concluded that the Scots were about to retire. Disencumbering themselves of their heavy baggage,

prevented the Pope from granting a temporary absolution to the Scots, would have justified the renewal of hostilities; and, perhaps, it is to this that Fordun alludes in the words, 'Detecât eorum fraude.' On the authority of a chronicle quoted by Stow, *Barnes*, p. 5. and *Tyrrel*, vol. iii. B. 9. p. 340. say, that the Scots commenced hostilities on the very day of the young King's coronation, [1st February,] by attempting to storm the castle of Norham. But this is a gross error. We have seen that Edward ratified the truce, 8th March, and renewed the negotiations for peace, 23d April. Besides, it appears from *Foedera*, T. iv. p. 287. that the Scots had not commenced hostilities on the 29th April 1327. The first mention of their having invaded England is to be found in an instrument dated at Yorke 17th June; *Foedera*, T. iv. p. 293. This agrees exactly with Fordun, who says, That the Scots invaded England 17. kal. Jul or 15th June; L. xiii. c. 12. The attempt against the castle of Norham was made in Autumn 1327; *Leland*, vol. i. p. 551.

* *Tyrrel*. vol. iii. B. 9. p. 340. says, That 'this army was commanded by the Earl of Moray and the Lord Thomas Randolph, two experienced commanders.' Is it possible that Tyrrel wrote the history of Edward II. without discovering that Lord Thomas Randolph was Earl of Moray?

† A more particular account of this campaign may be seen in the Appendix.

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gage, they resolved, by a forced march, to reach the river Tine, and, by taking post on the north banks of that river, to intercept the Scots on their return. With wonderful celerity, the English pressed on through woods, morasses, and wild deserts. The cavalry, leaving the foot soldiers behind, crossed the river at Haidon, [20th July]. Before the infantry could come up, the river, swollen by incessant rains, was no longer fordable; and thus the army remained divided for several days, without any accommodation of quarters, and in exceeding want of provisions and forage. The troops now began to murmur; and they hesitated not to affirm, that false traitors had led the King and his army into a remote corner, *there* to perish through fatigue and famine, without ever encountering an enemy. A new plan of operations was formed, and it was again resolved to march southwards. The King proclaimed a reward of lands, to the value of one hundred pounds yearly, for life, to the person who should first discover the enemies 'on dry ground, where they might be attacked.' Many knights and esquires swam across the river, and set out upon this singular search.

Froissart, i. 17.
Scala Chron.
ap. Leland,
i. 551.

Foed. iv. 312.

Froissart, i. 191.

The army continued to march for three days without receiving any intelligence of the Scots. On the fourth day, Thomas Rokesby, an esquire, brought certain accounts of them. He reported, 'that the Scots made him prisoner, but that their leaders, understanding his business, had dismissed him, saying, that they had remained for eight days on the same ground, no less ignorant of the motions of the English, than the English of theirs, and that they were desirous and ready to combat.'

With Rokesby for their guide, the English army came in view of the Scots. The Scots were advantageously posted on the side of a rising ground, having the river Wre in front, and their flanks secured by rocks and precipices, [1st August]. The English dismounted and advanced. They hoped to allure the Scots from their fastnesses; but the Scots moved not. Edward sent a herald to Randolph

Froissart, i. 200.

and

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and Douglas. In the style of those times, he said, ' Bither suffer me to
' pass the river, and leave me room for ranging my forces, or, do you
' pass the river, and I will leave you room to range yours, and thus
' shall we fight on equal terms.' But the Scottish commanders scorn-
fully answered, ' We will do neither : On our road hither we have
' burnt and spoiled the country, and *here* are we fixed while to us it
' seems good ; and, if the King of England is offended, let him come
' over and chastise us.'

Two days passed in this manner, and the armies continued in sight
of each other. The English, understanding that provisions began to
fail in the camp of the enemies, resolved to maintain a close blockade,
and to reduce the Scots by famine.

*Freiffart, i. 21.
27. Knighten,
2552. He-
ming, ii. 268.
Barbour, 411.
412.*

On the morn the English saw, with astonishment, that the Scots
had secretly decamped, and taken post two miles further up the river,
in ground still stronger, and of more difficult access, and amidst a
great wood. The English placed themselves opposite to them, near
Stanhope park. At dead of night, Douglas, with two hundred horse-
men, approached the English camp. Under the guise of a chief
commander making the rounds, he called out, ' Hab ! St George, is
' there no watch here ?' and thus eluding the centinels, passed on un-
discovered to the royal quarters. His companions shouted, a Dou-
' glas, a Douglas ! English thieves, you shall all die.' They over-
threw whatever opposed their passage, and furiously assaulted the
King's tent. The King's domestics made a bold stand to save their
master. His chaplain * and others of his household were slain, and
himself hardly escaped. Douglas, disappointed of his prey, rushed
through

* *Hemingford, T. ii. p. 268.* calls him ' *Vir audax et armatus,*' which may imply a
censure of the brave chaplain of Edward III. ; but, when an ecclesiastic draws his sword
to protect a benefactor and a sovereign, he may, with Hemingford's good leave, be
forgiven, although he should become *canonically irregular.*

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through the enemies, and, with inconsiderable loss, retreated *, [4th August.]

Next day the English learned from a prisoner that general orders had been issued for all men to hold themselves in readiness that evening to follow the banner of Douglas. The English apprehending a night-attack, made themselves ready for battle, lighted up great fires, and kept most vigilant watch.

On

* In relating this celebrated *canifade* of Douglas, I have carefully followed the narrative drawn up by Froissart, from information which seems to have been communicated by officers who had served under John de Hainault.—Had I leisure or inclination to criticise on former historians, I might observe, that there is a writer who says, that Douglas lost the greatest part of his followers; and, in proof of this, quotes various authors, who mention nothing of the loss sustained by Douglas, and Froissart, who most expressly asserts that his loss was very small, ‘Perdit aucuns de ses gens à la retraite, mais ce ne fut mie grandement;’ vol. 1. p. 21. Barbour, p. 411. &c. says, That Douglas had 500 horsemen with him; that they cut the tent-poles, and slew the English as they came out of their tents naked and unarmed. It appears from his account, that Douglas came in upon the rear of the English, and, if I mistake not, upon the rear of the right wing of first battle. Barbour relates a little incident which I shall give in his own words:

- ‘ And as they near were approachand,
- ‘ An Englishman that lay bechand
- ‘ Him by the fire, said to his fear,
- ‘ I wit not what may tide us here,
- ‘ But right a great growing me takes,
- ‘ I dread sore for the Black Douglas.
- ‘ And he that heard him, said, per say
- ‘ You shall have cause if that I may;
- ‘ With that, with all his company,
- ‘ He rushed in on them hardily,
- ‘ And the palzions down he bate, &c.

Bechand, basking, warming; *fear*, companion; *growing*, shuddering; *takes*, takes; *per say*, by my faith; *palzions*, pavilions, tents.

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Froissart, i. 22. On the morning two trumpeters were brought in prisoners. They reported that the Scots had decamped before midnight, and were returning to their own country. The English would not credit this strange and unwelcome report. They remained in order of battle during several hours, and still hoped and looked for the appearance of the enemy. At length some scouts having crossed the river, returned with certain intelligence, that the Scottish camp was totally deserted, [6th August.]

Barbour, 419. *Barbour* relates, that there was a morass in the rear of the Scottish camp, which he calls the *two mile moss*; that the Scots made a road with brush-wood through the morass, and having thus passed over, removed the brush-wood, lest the English should pursue them.

Hemingford, ii. 268. When the young King heard that the enemy had escaped out of his toils, he wept bitterly.

Scala Chron. ap. *Leland*, i. 551. To pursue the Scots, already many miles distant, would have been vain; and, indeed, the cavalry of Edward were so worn out by long marches and scanty sustenance, that they could hardly move to Durham. After having rested *there* for some days, Edward marched to Yorke, and then disbanded his army, [15th August.] The soldiers of Hainault also were dismissed. They procured horses to convey themselves to the south of England, for their own horses had all died, or had become unserviceable, in the course of a three weeks campaign, [20th August.]

Froissart, i. 22. Thus, after foreign auxiliaries had been hired at an enormous expence, and the whole power of England had been exerted against the Scottish invaders, the enterprize of Edward III. terminated in disappointment and dishonour.

Hen. ii. 268. Various causes were assigned for the bad success of the northern expedition. Some men censured the auxiliaries of Hainault, and said that those foreigners were remiss in the public cause, through jealousy of

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of the renown which the English would have acquired by overcoming their enemies.

Others suspected treachery, and said, that some of the English commanders having been won by bribes, permitted the Scots to escape from Stanhope park. Mortimer, in particular, has been charged as the prime contriver of this treason, and as having received twenty thousand pounds from the Scots for his reward*.

*Hem. ii. 268.
A. Mur. 77.*

But all this is the language of pride and disappointment. The troops of Hainault had no cause to be jealous of the glory in which they themselves, who led the van, would have eminently shared; and, indeed, they appear to have suffered more by laborious marches, than probably they would have done, had they encountered the enemy. That Mortimer should have contributed to blast the honour of his own administration, is not to be lightly credited; and, although he had been willing to accept of a bribe of twenty thousand pounds, it was a sum which the King of Scots could not have bestowed. Froissart, who has given an ample account of the campaign 1327, never insinuates that the Scottish army was permitted to retire through any treachery of the English commanders. And, notwithstanding what has been said by Murimuth, and his many transcribers, it does not appear that 'the having connived at the escape of the Scots' was made one of the articles of Mortimer's impeachment; and this is the more remarkable, because the impeachment contains some articles of a nature less heinous.

*Knyght. 2556.
Brady appen.
No. 83. Tyr.
rel. iii. 362.*

Mortimer,

* 'Causae verò mortis dicti Comitis Marchiae, quae imponebantur ei, fuerunt infra scriptae.—Secunda causa imposita fuit, quod ipse impedivit honorem Regis et regni apud *Stanhope park*, ubi Scoti fugerunt, qui capi et interfici potuerunt faciliter, si ipse, qui fuit major de consilio Regis, Anglicos cum Scotis hic congregatiffet, ipse item, quia recepit XX mille libras a Scotis, illos tunc permisit evadere;' *A. Murimuth*, p. 77. *Walsingham* transcribes the words of Murimuth, *Hist. Angl.* p. 131. and *Ypod. Neust.* p. 511. To the same purpose, the Anonymous writer of the reign of Edward III. speaks, p. 398.

Q 2

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*Knighton,
Brady, Tyrrel,
ut sup.*

Mortimer, indeed, was charged in parliament, as guilty of embezzling the money paid by the Scots to England, in consequence of a treaty concluded in 1328; and it is not improbable, that this circumstance might have given rise to a general report, that he had received money from the Scots for aiding them in England.

The causes of that disgrace which befell the English in the summer 1327, may be easily discovered.

Without guides, and without intelligence of the motions of the enemy, they resolved, at all hazards, to pursue and attack the Scots, active, and accustomed to sudden predatory incursions, and led by able commanders: Former events had taught the English not to despise their adversaries; they now erred through excess of caution, and began, even from the gates of Durham, to march in order of battle. In a country uneven and difficult, their motions were slow, and ill suited to the rapidity of the course of that enemy whom they had to encounter.

No measures had been taken, and perhaps none could have been taken, for supplying the troops with provisions and forage.

The forced march to the banks of the Tyne appears to have been ably planned; and, if the English army could have maintained itself in those quarters, it would have been exceedingly difficult for the Scots to retreat home, without engaging in a general action at great disadvantage. But it was not easy to find sustenance for an army of 50,000 men in the interior parts of Northumberland; and it was still harder to persuade bold-spirited and impatient barons to endure every sort of hardship in obscure and inactive cantonments, and quietly to wait for that enemy whom they were eager to seek. Troops, ill disciplined, and unaccustomed to fatigue, are apt to murmur at the delays of war: In such circumstances, the commanders of armies are often obliged to prefer the popular wishes to their own judgment; and, therefore, if the event proves disastrous, they are rather to be pitied than censured.

Every

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Every thing which befell the English after they quitted the banks of the Tine, must be ascribed to the superior skill and vigilance of the Scottish commanders. What wonder that an inexperienced monarch of sixteen, a court favourite, some foreign officers, unacquainted with the country, and a croud of barons equally unfit to command or obey, should have been foiled by Douglas and Randolph?

Douglas and Randolph having returned expeditiously into Scotland, [9th August], the King of Scots resolved to lead his army against the eastern borders. He besieged the castle of Norham, which was gallantly defended by Robert Maners *. Douglas and Randolph were detached to make an attempt on the castle of Alnwick; but having failed in their enterprise, they returned to the King, who still lingered before Norham.

Ford. xiii. 12.
Scala Chron.
ap. Leland,
i. 551.

So exhausted was the English treasury, that the demands of the foreign auxiliaries could not be discharged. Violent animosities prevailed among the great Lords, and the power of the Queen-mother, and Mortimer, who ruled the young King, was not firmly established. The events of the late campaign had been singularly unfortunate; and there were, in truth, no reasonable hopes of more prosperous success in the prosecution of the war. These considerations induced the English government to entertain serious thoughts of peace. William de Denoun, a lawyer, was sent to the King of Scots at Norham, with some proposals for the marriage of the Princess Johanna of England,

Froissart, i. 19.

Scala Chron.
ap. Leland, i.
551.

and

* ' In eadem obsidione apud Norham, Willelmus de Monte-alto, Johannes de Clapham, et Malifius de Dobery, cum aliis propria inertia interfecti sunt; ' *Fordun*, L. xiii. c. 12. This probably means that they were negligent in duty, and suffered themselves to be surprised. In *Scala Chron.* ap. Leland. T. i. p. 551. W. de Monte-alto is called *Mouhand*, i. e. *Mouhaud*, now pronounced *Mowat*. *Clapham* seems to be the same as *Glepham*. I can form no conjecture as to *Dobery*; that person, from his appellation of *Malife*, appears to have been a native of Scotland. Boece being at a loss, as I am, turned *Dobery* into *Dunbar*.

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- and David, the only son of the King of Scots. This alliance was intended to be the basis of a treaty. Soon after, William de Denoun, and Henry de Percy, were appointed plenipotentiaries for concluding a peace with Scotland, [9th October]. To them other plenipotentiaries were added, [23d November]. But the persons who chiefly managed this important business were Douglas and Mortimer.
- Foed. iv. 314.* Elizabeth, the consort of Robert Bruce, King of Scots, died, [26th October]. She was buried at Dunfermline.
- Foed. iv. 325.* The commissioners for the treaty met at Newcastle, and drew up certain articles of pacification. The English King summoned a parliament to meet at Yorke on the 8th of February 1327-8, for deliberating on those articles, [10th December]. Meanwhile, a short truce was concluded with Scotland, [25th January 1327-8].
- Foed. iv. 328.* In the parliament at Yorke, the important preliminary, of renouncing all claim of superiority over Scotland, appears to have been adjusted *. Edward 'willed and consented, that the said kingdom, according

* This instrument is printed in *Foedera*, T. iv. p. 337. from a copy, as I understand, in the Chronicle of Lanercost. *Tyrrel*, v. iii. p. 350. supposes this to be the only copy extant; but he is mistaken; there is another in *Fordun*, L. xiii. c. 12. and one more accurate than either, in an instrument under the hand of Wardlaw Bishop of St Andrews, an. 1415. Mr Goodall, the editor of *Fordun*, has published this instrument according to Wardlaw's copy; its conclusion is more accurate than in *Foedera*: 'Et ad praemissa omnia plenè, pacificè, et fideliter perpetuis temporibus observanda, dilectis et fidelibus nostris Henrico de Percy, consanguineo nostro, et Willelmo le Zoufch de Asheby, et eorum alteri, ad sacramentum in animam nostram inde praestandum, per alias literas nostras patentes, plenam dedimus potestatem ac mandatum speciale. In cujus rei testimonium, has literas nostras fecimus patentes. Dat. ap. Ebor. primo die Martii, anno regni nostri secundo,' i. e. March 1st 1327-8. This William de la Zouche was a Mortimer; his father Robert married a lady of the family of de la Zouche. William assumed the name of his mother, on obtaining a grant of the barony of Ashbie in Leicestershire. See *Burton*, Leicestershire, p. 19. The renunciation of all claim to the superiority of Scotland was made before the peace, probably

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‘ cording to its antient boundaries observed in the days of Alexan-
 ‘ der III. should remain unto Robert King of Scots, and unto his heirs
 ‘ and successors, free and divided from the kingdom of England, with-
 ‘ out any subjection, right of service, claim, or demand, whatever ;
 ‘ and that all writings which might have been executed at any time
 ‘ to the contrary, should be held as void and of no effect.’ [Yorke,
 1st March 1327-8].

1328.

Peace with Scotland was concluded in a parliament held at Nor- *A. Murim. 72.*
 thampton, [April 1328].

The original treaty is not extant, neither is there any transcript *Calendars of
 Antient Char-
 ters, Intr. 56.*
 of it to be found ; yet, from a careful examination of public instru-
 ments, and of the writings of antient historians, it may be collected,
 that the chief articles of the treaty were these following :

I. There shall be a perpetual peace between the two kingdoms of *Foed. iv. 337.
 Ford. xiii. 12.*
 England and Scotland.

II. The stone on which the Kings of Scotland were wont to sit at *Calendars of
 Antient Char-
 ters, Intr. 58.*
 the time of their coronation, shall be restored to the Scots *.

III. The King of England engages to employ his good offices at *Foed. iv. 350.*
 the Papal court for obtaining a revocation of all spiritual processses de-
 pending

bably that the two Kings might treat upon an equal footing, as sovereign and inde-
 pendent Princes.

* We owe the knowledge of this singular circumstance to the industrious author of
 the Introduction to *The Calendars of Antient Charters*. He has discovered a writ un-
 der the privy seal, 1st July 1328, by Edward III. to the Dean and Chapter of West-
 minster, reciting, ‘ That his council had, in his parliament held at Northampton, a-
 ‘ greed that this stone should be sent to Scotland ; and requiring the Dean and Chap-
 ‘ ter, in whose custody it was, to deliver it to the sheriffs of London, who were to cause
 ‘ it to be carried to the Queen-mother.’

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pending before the Holy See against the King of Scots, or against his kingdom or subjects*.

Foed. iv. 397.
410. &c. IV. For these causes; and in order to make reparation for the ravages committed in England by the Scots, the King of Scots shall pay 30,000 merks to the King of England †.

Foed. iv. 373.
467. V. Restitution shall be made of the possessions belonging to ecclesiastics in either kingdom, whereof they may have been deprived during the war ‡.

Foed. iv. 384. VI. But there shall not be any restitution made of inheritances which have fallen into the hands of the King of England, or of the King of Scots, by reason of the war between the two nations, or through the forfeiture of former possessors ||.

VII.

* To this purpose Edward III. addressed the Pope and the Cardinals in a more earnest strain than mere benevolence to the King and nation of Scotland would have excited; *Foedera*, T. iv. p. 350.

† From the different passages in *Foedera*, referred to, it seems that this sum was to be paid at the rate of 10,000 merks, annually, on St John Baptist's day. Whether that day was fixed upon by accident, or whether the English chose to have this pecuniary acknowledgement made *on the Anniversary of Banockburn*, I know not.

‡ ‘*Quod viris ecclesiasticis utriusque regni, super possessionibus suis per guerram occupatis, nullatenus praejudicetur;*’ *Foedera*, T. iv. p. 467. It appears from *Foedera*, T. iv. p. 373. that this article was, *bonâ fide*, executed by both nations. For Edward III. acknowledged that the King of Scots had made the stipulated restitution, and he, on his part, ordered restitution to be made to the Abbays of Jedburgh, Melros, Kelso, and Dundrenan.

|| Such a provision was either expressed or implied with respect to Scotsmen. This appears from a grant in *Foedera*, T. iv. p. 384. by Edward III. to Sir James Douglas: ‘*Sciatis, quod de gratia nostra speciali dedimus, concessimus, et reddidimus — Jacobo Douglas militi, manerium de Faudon, cum pertinentiis, in comitatu Northumbriae, et omnes alias terras, &c. quae Willielmus Douglas pater suus habuit in Anglia, et quae occasione guerrae inter Dominum E. quondam Regem Angliae, avum nostrum, et tunc Regem Scotiae, motae, in manum ipsius avi nostri, tanquam sibi forisfactae,*

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VII. But Thomas Lord Wake of Ledel, Henry de Beaumont Earl of Buchan, and Henry de Percy, shall be restored to their lordships, lands, and estates, whereof the King of Scots, by reason of the war between the two nations, had taken possession *.

VIII.

' factae, capta fuerunt, et sic ad manus nostras devenerunt ;' [ap. Eltham 12th May 1329.] *Abercrombie*, v. 1. p. 626. says, ' Though Englishmen were not to be repossessed of those estates Edward I. had given them in Scotland, yet Scotmen were reponed to those he had taken from them in England; for which reason the lands of Fawdon in Northumberland, that had belonged to Sir William Douglas before the war first broke out, were now restored to Sir James Douglas, his son; *Foedera*, T. iv. p. 384. Thus Abercrombie, thinking to do honour to his native country, has mistaken the plain import of the grant to Sir James Douglas, and has represented the treaty of Northampton as a treaty partial and unjust. Words cannot be plainer than those in the grant by Edward III. to Douglas; it is a restitution *through special favour* alone; and, indeed, it is impossible that different rules should have been established with respect to Englishmen in Scotland and Scotmen in England. Modern historians have enlarged and embellished this article according to their own imaginations, and ancient historians have hardly mentioned it at all. There is some allusion to it in the following passage: ' But these Lords, Percy, Wake, Beaumont, and Zouche wold not agree upon this condition that the Englishemen should lese such lands as they held by inheritance in Scotland; *Scala-Chron.* ap. Leland. T. i. p. 552.—It is provided by Statute 7. Parl. 1; James III. ' That na Englishman have benefice secular or religious within the realme of Scotland, after the forme of the act maid thereupon by King Robert the Bruce.' No such act exists; for c. 24. Robert I. is of a less extensive import; it can hardly be supposed that *benefice secular* comprehended all land-chares. It will be observed, that, by the treaty of Northampton, the King of Scots, in effect, renounced all claim to his paternal inheritances in England.

* *Henry de Beaumont*, in right of his wife, an heir parcenter of the Earl of Buchan. *Thomas Lord Wake of Ledel*, or *Lidel*, was proprietor of that lordship. *Henry de Percy* had possessions in Galloway and Angus. The lands of *Vere* in Galloway and of *Redcastle* in Angus were his property. These lands formerly belonged to Henry de Baliol; they descended to his daughter and heir Constance, and from her, to her son Henry de Fishburn, who sold them to Percy. *Dugdale*, T. 3. p. 273. I have doubts as to the word *Vere*, which is in *Dugdale*. For further particulars, see *Dugdale*, articles *Beaumont*, *Wake*, and *Percy*.

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Foed. iv. 354. VIII. Johanna, sister of the King of England, shall be given in marriage to David, the son and heir of the King of Scots.

Foed. iv. 354. IX. The King of Scots shall provide the Princess Johanna in a jointure of L. 2000 yearly, secured on land and rents, according to a reasonable estimation †.

Knyght. 2560. X. If either of the parties fail in performing the conditions of this treaty, he shall pay two thousand pounds of silver to the Papal treasury.

Such appear to have been the chief articles of a treaty, honourable for the Scots, and necessary for England.

The English historians, indeed, term the peace of Northampton *ignominious*, and the marriage of the Princess Johanna, *that base marriage*; because, on that occasion, Edward III. renounced a claim of superiority which the bloody and ruinous wars of full twenty years had in vain attempted to establish.

They who censure pacific measures, are generally persons exempted by their condition from the toils and dangers, and intolerable expence of war. No peace is ever adequate to the sanguine expectations of the vulgar: And, through some strange fatality, the expectations of the vulgar are no less sanguine after a long series of disasters, than after the most signal and uninterrupted successes.

There were many causes which concurred to render the peace of Northampton necessary. England, at that period, was miserably divided by factions, under the dominion of a youth of sixteen, and, through the prodigality of the former reign, so impoverished, as hardly to be capable of paying for the feeble aid obtained from foreign mercenaries.

† ‘Duo millia libratarum terrae et redditus per annum, per rationabilem extentam;’ *Foedera*, T. iv. p. 354. We may presume that the neat yearly produce would be ascertained by an inquest, and this would produce a *new extent* of great part of the crown lands and rents.

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mercenaries *. There were no able and experienced commanders to oppose against Bruce, Randolph, and Douglas: And, however harsh it may now sound, it is acknowledged by the antient English historians, that, in the course of a twenty years war, the spirit of Scotland had attained an astonishing ascendant over the English.

That motives of private interest, also, induced Queen Isabella and Mortimer to precipitate a peace with Scotland, will not be denied. All the misfortunes which might have ensued in the prosecution of the war, would have been ascribed to the errors of their administration, while Edward alone would have reaped the glory of any successful enterprise: And, indeed, a young King, if bred up in camps, and constantly surrounded by his barons, could not have been long detained in a state of tutelage favourable to the ambition of Isabella and Mortimer.

Fortunate it is for a nation when the selfish views of its rulers chance to coincide with the public interest.

In consequence of the treaty of Northampton, David, Prince of Scotland, married Johanna, the daughter of Edward II. [at Berwick, 12th July]. *Hemin. ii. 269.*

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Robert Bruce, the restorer of the Scottish monarchy, departed this life [at Cardross, 7th June 1329]. *Hemin. iii. 270.*

He had long laboured under an inveterate disease, which, in those days, was termed a leprosy †. He died at the age of 55. His remains *Hemin. ii. 270. Froissart. i. 24. Ford. xiii. 14.*

* Of the 14,000 merks due by treaty to John of Hainault, the first moiety was not discharged before the end of June 1328. *Foedera*, T. iv. p. 357. The other moiety was advanced by some Florentin merchants, and Edward III. bestowed a gratuity of two thousand pounds on them for their good services, [25th May 1329.] *Foedera*, T. iv. p. 387.

† ‘Leprâ percussus.’ *W. Hemingford*, T. ii. p. 270. ‘Chargé de la grosse maladie ce disoit on.’ *Froissart*, T. i. 24.

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mains were interred, near those of his consort, in the middle of the choir at Dunfermline.

*Barbour, 427.
Eed. iv. 400.*

Bruce, in his last hours, requested Douglas, his old and faithful companion in arms, to repair with his heart to Jerusalem, and humbly to deposit it at the sepulchre of our Lord*.

Some authors ascribe this request to motives of policy, and observe, that, although Douglas and Randolph had hitherto harmoniously exerted their abilities in the public cause under their common sovereign, yet that, after his death, emulation and dissensions might possibly have arisen between those high spirited men, who were equal in merit and popularity; and, therefore, that, to remove Douglas from Scotland, was a judicious contrivance for obviating the evils apprehended.

Nevertheless, when we recollect the notions of those times, it is not improbable that Bruce had indeed resolved to carry his arms into Palestine, and, by honourable and meritorious service against the Saracens, to compleat his military glories, and make expiation for all his offences, and that now, disappointed of this hope, he requested Douglas to convey his heart to Jerusalem, as a testimony to the Christian world of his penitence, faith, and zeal.

*Ford. xii. 23.
Charter of
Sutherland,
14. October
1347. Crow-
ford, Peerage,
72. 377.*

Robert I. married Isabella, the daughter of Donald, tenth Earl of Marre. By her he had issue a daughter, Marjory, married to Walter the Stewart of Scotland. His second wife was Elizabeth, the daughter of Aymur de Burgh, Earl of Ulster. By her he had issue, *David II.* Margaret, married to William Earl of Sutherland †; Matildis, married

to

* Edward III. granted a passport to Sir James Douglas on his journey: 'Versus Terram Sanctam in auxilium Christianorum contra Saracenos, cum corde Domini R. Regis Scotiae nuper defuncti,' [1st Sept. 1329.] *Foedera*, T. iv. p. 400.

† She had a son *Jahn*, who died in England; *Foedera*, T. v. p. 724. *Fordun*, L. ix. c. 13. L. xiv. c. 25. Fordun says, that the Countess of Sutherland died soon after the birth of her son: 'Mater post partum statim ex hac luce migravit.'

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to an Esquire, one Thomas Isaac *; [Elisabeth, married to Sir Walter Oliphant of Gask †.]

D A V I D II.

IN consequence of the act of settlement 1318, Randolph assumed Ford. xiii. 18. the character of Regent.

Indefatigable

* ‘*Quae nupit cuidam armigero, nomine Thomas Isaac?* She had two daughters, Johanna married to John Lord of Lorn, and Catharine who died unmarried; *Fordun, L. xiv. c. 7. Crawfurd, Peccage, p. 72.* has thus perverted the passage in *Fordun, Quae ex Thoma de Ysack habuit filiam?* &c. His intention was to conceal the mean marriage of the daughter of Brace, and therefore he suppressed the words *quidam armiger*, [a certain esquire,] and he changed the name of *Thomas Isaac* into *Thomas de Ysack*, which has the appearance of a more dignified appellation, assumed from lands. There is a singular passage in *Fordun, L. ix. c. 13.* ‘*De Matilde penitus taceo, quia nihil egit memoria dignum?*’ i. e. ‘I chuse to be altogether silent as to Matilde, for she did nothing which deserves to be remembered.’ Whether this passage only alludes to her mean alliance with Thomas Isaac, or whether it also implies a particular censure on her character, I know not.

† *Crawfurd, Peccage, p. 72.* is positive as to the existence of this *Elisabeth*; he says, ‘I have seen a charter in the custody of Oliphant of Gask, bearing date on the 3rd of January 1364, whereby King David erects the lands of Gask into a barony; *Dilecto et fideli suo Waltero Olyfant et Elisabethae, sponsae suae, dilectae sorori nostrae.*’ In the MS. collections of Sir Alexander Seton, [Lord Pitmedden,] the charter is quoted as containing these words, ‘*Dilecto et fideli nostro Waltero Oliphant pro bono servicio suo nobis impetrato, et Elisabethae sorori nostrae.*’ Here the word *dilectae* is omitted. Not having had any opportunity of inspecting this charter, I must still hesitate. The silence of *Fordun* and his continuator is remarkable; every one conversant in antient deeds knows that *filias, filia, frater*, are words which do not necessarily imply legitimate relation. To remove all doubts, the charter itself, if extant, ought to be deposited in the Register-house.

Robert Bruce had a natural son, *Robert*, of whom mention will be made hereafter.

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Indefatigable in discharging the duties of his station, he secured the public tranquillity by wise ordinances, and distributed speedy and severe justice.

Ford. xiii. 18.

One example of the fortitude of his administration is too singular to be passed over in silence. A certain man having slain a priest, went to the Papal court, obtained absolution, and boldly returned to Scotland. Randolph ordered him to be tried, and, on conviction, to be executed: 'Because, although the Pope may grant absolution as to the spiritual consequences of sin, he cannot screen offenders from civil punishment *.'

1330.

Froissart. i. 21.*Ford.* xiii. 20.*Barbour.* 433.

Meanwhile Douglas, having the charge of the heart of his dear master, set sail from Scotland with a numerous and splendid retinue, [June]. He anchored off Shry's in Flanders, the great emporium of the Low Countries, where he expected to find companions in his pilgrimage †. He there learnt, that Alphonfus XI. the young King of Leon and Castile †, waged war with Osmyn, the Moorish commander in Granada.

The

* 'Quamvis sufficienter ostensum est, ipsum fore absolutum à culpa, tamen oportuit eum plecti pro offensâ;' *Fordun*, L. xiii. c. 18.

† *Froissart*, T. i. c. 21. says, that Douglas had in his train a knight bearing a banner, [probably Sir William St Clair of Rossin,] and seven other knights, and twenty six esquires, all 'comely young men of good family,' besides many attendants of inferior rank; that he kept open table, [tinel,] with trumpets and timbals, as if he had been King of Scotland, and that he was served in gold and silver plate. *Froissart* adds, that all persons of condition who visited him on shipboard were well entertained, with two sorts of wine, and two sorts of spice. 'Et sachez que tous ceux qui le vouloyent aller veoir, estoient bien servis de deux manieres de vins et de deux manieres d'espices.'

‡ *Froissart*, T. i. c. 21. says, 'Alphonfus IV. King of Arragon;' but that is a mistake, however implicitly followed by many historians: For we learn from *Mariana*,

L.

1330.

The temptation of bearing arms against the enemies of the Christian faith was too violent to be resisted. In the judgment of those times, it was a holy warfare; and it seemed, in some measure, to correspond with the purposes of the journey which Douglas had undertaken: He therefore resolved to visit Spain, and combat the Saracens in his progress to Jerusalem*.

Douglas and his companions were honourably entertained by Alphonfus †. *Barbour, 433.*

The Spaniards came in view of the enemy near Theba ‡, a castle *Mariana, xv. 21.* on the frontiers of Andalusia, towards the kingdom of Granada. Osmyn the Moor ordered three thousand horsemen to make a feigned attack on the Spaniards, while, with the rest of his army, he took a circuit, with the intent of falling on the rear of the camp of Alphonfus. The King, having received intelligence of this stratagem, opposed some troops to the Moorish cavalry, and stood prepared in his camp to encounter Osmyn. Osmyn attacked the Spaniards, was repulsed and discomfited. The King, improving his victory, advanced, and won the camp of the enemies.

The

L. xv. c. 21. that the King of Arragon, although joined in alliance with the King of Castile against the Moors, did not bring his troops to the field.

* It is probable, however, that Douglas had projected this expedition before he quitted Scotland. His passport from Edward III. [dated 1st September 1320.] is to him on his journey, 'Versus Terram Sanctam in auxilium Christianorum contra Saracenos cum corde Domini R. Regis Scotiae nuper defuncti;' *Foedera, T. iv. p. 400.*

† It is reported, that, in the army of Alphonfus, there was an officer having his face altogether disfigured with the scars of wounds received in battle: 'It astonishes me,' said he, petulantly, to Douglas, 'that you, who are said to have seen so much service, should have no marks of wounds on your face;' 'Thank Heaven,' answered Douglas, 'I had always an arm to protect my face.' *Barbour, p. 434.*

‡ Or *Teva*. *Fordun, L. xiii. c. 21.* quotes a metrical epitaph on Douglas, which says, 'Apud castrum Tiberis.'

1330.

Barbour, 435.
—438.
Ford. xiii. 21. The detached troops fought with equal advantage, and the Moorish cavalry fled. Douglas, with his companions, eagerly pursued the Saracens. Taking the casket which contained the heart of Bruce, he threw it before him, and cried, 'Now pass thou onward as thou wast wont, and Douglas will follow thee, or die!' The fugitives rallied. Surrounded and overwhelmed by superior numbers, Douglas fell*.
[25th August].

Barbour, 441. His few surviving companions found his body in the field, together with the casket, and reverently conveyed them to Scotland. The remains of Douglas were interred in the sepulchre of his forefathers, † and the heart of Bruce was deposited at Melros.

David

* While attempting to rescue Sir William St Clair of Roslin, he shared his fate; *Barbour*, 437. Robert and Walter Logan, both of them knights, were slain with Douglas. His friend Sir William Keith, having had his arm broke, was detained from the battle; *Barbour*, p. 439.

† Douglas was interred in the church of Douglas. His natural son Archibald Douglas erected a marble monument to his memory; *Barbour*, p. 441. But his countrymen have more effectually perpetuated his name by bestowing on him the appellation of 'the good Sir James Douglas;' *Fordun* reports, L. xiii. c. 21. that Douglas was thirteen times defeated in battle, and fifty seven times victorious. There are who quote *Fordun* as reporting 'that Douglas was *thirteen* times victorious over the Saracens.' *Boece*, L. xv. fol. 311. b. confidently asserts, that Douglas, after having buried the King's heart at Jerusalem, waged war with the Saracens in Palestine, and obtained many victories over them: That, in his return homewards, he was driven by a tempest on the coasts of Spain, where he died in battle. *Boece* had the works of *Barbour* and *Fordun* before his eyes when he invented this tale.

Perhaps my readers will not dislike to see the portrait of Douglas drawn by *Barbour*, p. 13.

'In visage was he some deal gray,
'And had black hair, as I heard say,
'But then of limbs he was well made,
'With bones great and shoulders braid.

' His

1331.

David II. and his consort Johanna, were anointed and crowned *, *Ford. xiii. 21.* [24th November, at Scone].

About this time, an incident, unimportant in itself, is said to have *Ford. xiii. 20.* been productive of mighty consequences. One Twynham Lowrison was enjoined by William Heckford, official of the Bishop of Glasgow, to do penance for adultery; he disregarded the sentence, and was excommunicated.

Twynham, with his profligate associates, way-laid and cruelly beat the official, and extorted from him a large sum of money. After having committed this outrage, he fled into France, and there, as is reported, he found access to Edward Balliol; and, by displaying the internal weakness of the Scottish government, excited him to re-assert his claim to the crown.

Such is the account propagated from Fordun by our later historians. But, in truth, there needed not the suggestions of an obscure out-law for persuading Edward Balliol to revive the pretensions of his family.

1332.

The circumstances of this part of our national history are momentous and interesting.

By

- His body well made and leinie,
- As they that saw him said to me.
- When he was blyth he was lovely
- And meek, and sweet in company;
- But who in battle might him see,
- Another countenance had he,
- And in his speech he list some deal,
- But that set him right wonder well.

* By James Ben Bishop of St. Andrews. In the Advocates Library at Edinburgh there is extant an original Bull of Pope John XXII. addressed to Robert Bruce, which impowers the Bishop of St. Andrews, and falling him the Bishop of Glasgow, to anoint and crown the Kings of Scotland.

1332.

Food. iv. 461.

By the treaty of Northampton, in the year 1328, it was provided, ' That Thomas Lord Wake of Ledel, Henry de Beaumont, called ' Earl of Buchan, and Henry de Percy, should be restored to their ' lordships, lands, and estates, whereof the King of Scots, by reason ' of the war between the two nations, had taken possession.

*Food. iv. 461.**471. 518.*

The article was performed as to Henry de Percy, but not as to Lord Wake and Henry de Beaumont; and, although Edward repeatedly complained of this delay of justice, * [1st December 1330, 24th February 1330-1, and 22d April 1332], yet he obtained no satisfaction.

Hume, History of England, ii. 163.

For this our historians have offered no specious excuse. Vainly do they say, that the inheritances of Lord Wake, and Henry de Beaumont, had been bestowed on the followers of Robert Bruce, and could not, without difficulty, be wrested from them †; for those inheritances, instead

* By some strange error, the requisition of the 22d April 1332, is limited to the estates of Lord Wake; although it appears from that very instrument, that Henry de Beaumont had not been restored.

† Such is the hypothesis of Mr Hume, v. ii. p. 163. he says, ' It had been stipulated in this treaty, that both the Scottish nobility, who, before the commencement of the wars, enjoyed lands in England, and the English who inherited estates in Scotland, should be restored to their several possessions; Rymer, v. 4. p. 384. But though this article had been executed pretty regularly on the part of Edward, Robert, who saw the estates claimed by Englishmen much more numerous and valuable than the other, either esteemed it dangerous to admit so many secret enemies into the kingdom, or found it difficult to wrest from his own followers the possessions bestowed on them as the reward of their fatigues and dangers; and he had protracted the performance of his part of the stipulation,' &c. Errors are crowded into this short paragraph. 1. There was no article in the treaty of Northampton concerning a general and reciprocal restitution. See *Annals*, p. 127. &c. 2. There is no evidence that Robert Bruce protracted the performance of the treaty on his part, or that Edward III. ever complained of his delays. It is strange that Mr Hume should have quoted *Fœdera*, T. iv. p. 384. and yet have said, that Robert Bruce protracted the performance on his part, while the article had been pretty regularly executed on the part of Edward III. for the instrument

1332.

instead of having been given away, did still, in all probability, remain with the crown. At the same time, it is undeniable, that, even laying aside all considerations of good faith, and of the sanctity of treaties, the true interest of the Scots led them to maintain the peace of Northampton inviolated; and, it is equally undeniable, that their true interest could not have been overlooked by Randolph, a politician of mature and exquisite judgment.

The delays and evasions of the Scottish regency seem to have proceeded from causes which I shall now attempt to explain.

By the treaty of Northampton, all the claims of the English barons to inheritances in Scotland were disregarded, excepting those of Henry de Percy, Thomas Lord Wake of Ledel, and Henry de Beaumont. Percy procured satisfaction; but the others did not.

Henry de Beaumont, in the reign of Edward II. had associated himself with the nobility against the D'Espensers, and, on that account, had suffered imprisonment and exile. He aided Queen Isabella in the invasion

*Dugdale, li.
51. 54.
Knyght. 2549.
Leland, 553.*

infringement quoted from *Foedera*, however much it may have been misunderstood in other particulars, certainly proves that Edward III. made a grant to Douglas on the 24th of May 1329, in consequence, as Mr Hume supposes, of the treaty of Northampton. Now, Robert Bruce died on the 7th June 1329, just *nine* days after the date of the grant by Edward III. to Douglas; and thus the delay ascribed to Bruce, when opposed to the regular performance by Edward III. could not have been a delay of more than *nine* days. 3. The claimants under the treaty of Northampton were not *many*; they were only *two*, Thomas Lord Wake and Henry de Beaumont. 4. There is no probability that the lands which they claimed had been bestowed on the followers of Bruce; on the contrary, there is every reason for supposing, that, in 1332, the lordship of Ledel, claimed by Lord Wake, and the lands in Buchan, claimed by Henry de Beaumont, were still enjoyed by the crown: For, in 1341, David II. made a grant of the former to Sir William Douglas, [See the Charter in *Douglas, Peerage*, p. 489.] And Robert II. made a grant of the latter, as is universally acknowledged, to Alexander Stewart, his fourth son. But of any previous royal grant of either there is no vestige.

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invasion which proved the cause of the deposition, captivity, and death of her husband. Although, under the administration of Mortimer, he had obtained a share in the partition of the spoils of the D'Espensers *, he persisted in opposing the measures of the new favourite; and, although his own interests were secured by the treaty of Northampton, he boldly exclaimed against the injustice done to the other barons by that treaty. He joined the Princes of the blood-royal in their attempt to rescue the young King from the hands of Isabella and her minion, and place him in their own; and, on the failure of that ill advised conspiracy, he again took refuge in foreign parts. It appears that Lord Wake, having followed the political opinions of Henry de Beaumont, was involved in like calamities and disgrace. While the Queen dowager and Mortimer retained their influence, the claims of those two barons were altogether overlooked: But, within forty-eight hours after the execution of Mortimer †, a peremptory demand was made by Edward III. to have their inheritances restored.

The demand was unexpected and alarming. Made at the very moment of the fall of Isabella and Mortimer, and in behalf of men who had loudly protested against the treaty of Northampton, it indicated a total and perilous change in the system of the English.

Randolph, of late years, had beheld extraordinary vicissitudes in England. The D'Espensers alternately persecuted and triumphant, and at length abased in the dust: The fugitive Mortimer elevated to supreme authority, victorious over the Princes of the blood-royal, and then dragged to a gibbet. Hence it was natural for Randolph to wish,

* * He obtained a grant of the manor of Loughborough, in general taile, part of the possession of Hugh de le Despenser Earl of Winchester, then attainted,' 1. Edward III. *Dugdale, Baronage, T. ii. p. 51.*

† Mortimer was executed 29th November 1330. Edward III. made the requisition in favour of Lord Wake and Henry de Beaumont 1st December 1330.

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wish, and even to look for some new revolution, which might prove more favourable to the Scottish interests. Meanwhile, with great reason, and good policy, he delayed the restitution of the inheritances claimed under the treaty of Northampton, in behalf of the avowed opposers of that treaty*.

Besides, it was necessary for Randolph to be assured, that the English, while they urged the performance of one article of that treaty, did, on their part, sincerely purpose to perform its more important articles, by continuing to acknowledge the succession in the house of Bruce, and the independency of the Scottish nation.

Of this, however, there was much reason to doubt. For the English King had taken Balliol under his protection, and had granted him a passport to come into England, with permission to reside there during a whole year, [10th October 1330]. These things had no friendly or pacific appearance.

Be this as it will, the event too fatally justified the apprehensions of Randolph; for, while Edward III. was demanding restitution of the estates reserved by the treaty of Northampton, his subjects were arming in violation of that treaty †.

Having

* In consequence of this resolution, Lord Wake would have had an entrance into Scotland by the western marches, and Henry de Beaumont would have been master of the coasts of Buchan. Their establishment in Scotland would have facilitated the entrance of the disinherited barons, whose cause they had espoused. It might be matter of inquiry, whether they had any right to claim under *one* article of the treaty of Northampton, while they protested against *another*.

† It is remarkable, that, on the 24th March 1331-2, Edward appears to have known of the hostile association of the *disinherited* barons: His words are, 'Quia ex relato accepimus plurimorum, quod diversi homines de regno nostro, et alii [meaning Balliol and his attendants,] pacem inter nos, et Robertum de Brus, nuper Regem Scottorum, initam et confirmatam infringere machinantes, diversas congregationes hominum ad arma indies faciunt, et, per marchias regni nostri, dictam terram Scotiae,

ad

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Leland, i. 552. Having Balliol at their head, and guided by the counsels of Henry de Beaumont, the *disinherited* barons resolved to invade Scotland, vindicate their antient possessions, and subvert that government which the valour and policy of Robert Bruce had established.

Leland, i. 553. The whole force assembled on this mighty enterprize consisted of *Knyght*, 2560. four hundred men at arms, and of infantry three thousand *.

Walſing. 131. At first, the barons intended to have entered Scotland by the *Foed.* iv. 511. marches, after the mode of avowed enemies in legitimate and national war. But Edward would not permit them. Although he favoured their undertaking, he dissembled until the event should be seen; and, as he could not pretend ignorance of their preparations, he published a specious order, 'that no one should presume to infringe the peace of Northampton,' [24th March 1331-2.]

Leland, i. 553. This obliged the barons to vary their plan of operations. They determined to invade Scotland by sea: And, without any obstacle, they embarked at Ravenshere in Holderness †.

Knyght, 2560. Among the *disinherited* or the *claimants* ‡, these were the principal: *Hem.* ii. 273. Henry de Beaumont, Gilbert de Umfraville, Thomas Lord Wake of *Murim.* 79. Ledel, David de Strathbogie, Richard Talbot, Henry de Ferrers, and *Leland*, i. 478. his *.

552. *Ford.* xiii. 25.

'ad eam modo guerrino impugnandum, ingredi intendunt;' *Foedera*, T. iv. p. 511. And yet, on the 22d April following, he demanded restitution of the inheritance of Lord Wake, one of the Barons in arms; *Foedera*, T. iv. p. 518.

* 'Having a 400 men of arms with him;' *Scala Chron.* ap. *Leland*. v. i. p. 553. 'Cum trecentis armatis et tribus mille de omni genere peditum;' *Knyghton*, p. 2560. 'Cum 2500 armatis et peditibus;' *Walſingham*, p. 131.

† Called also *Ravenſpur* and *Ravenſburgh*, at the mouth of the Humber. The place does not exist, having been overwhelmed by the sea many centuries ago. According to conjecture, it stood near that point now called *the Spurn head*. See *Camden Britannia*, p. 740. and *Gibson's additions*, p. 747.

‡ They are sometimes called *les querelleurs*, which implies *claimants*.

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his two brothers, William de la Zouche, and Henry the brother of Edward Balliol.

Historians also mention John, Alexander, Geffroy, and William de Moubray, Walter Comyn, Fulk Fitz-Warine, and Roger de Swinerton*.

Randolph,

* The claims of the chief of the disinherited barons will be understood, in some measure, from the following narrative.

HENRY DE BEAUMONT claimed the earldom of Buchan, by reason of his marriage with Alicia one of the heirs of Comyn 5th Earl of Buchan, and constable of Scotland. *Dugdale*, Baronage, T. ii. p. 50. says 'That she was one of the *cousins* and heirs of 'John Earl of Buchan:' But T. ii. p. 685. that she was his *niece*; and with this last opinion *Burton*, Leicestershire, p. 37. concurs. He supposes that she was the daughter of Alexander who was the brother of John Earl of Buchan. Genealogists who examine the different passages in *Dugdale* will find ample matter for doubt.

GILBERT DE JIMFRAVILLE claimed the earldom of Angus, of which his predecessor Robert had been deprived by forfeiture in the late reign; *Coke*, 4. inst. p. 47. *Dugdale*, T. ii. p. 505. He had a like right to the superiority, [*status domini*,] of the barony of Dunipace in Stirlingshire, which Bruce had granted to William de Lindesay; *Rolls*, Robert I. No. 88.

THOMAS LORD WAKE had right of inheritance in the lordship of Ledel or Lidel, through his grandmother Johanna de Stuteville. He now sought to regain that possession, of which he had been deprived in the course of the wars with Scotland; *Dugdale*, T. i. p. 273.

John Comyn of Badenoch, slain by Bruce at Dumfries, left a son *John*, and two daughters, *Johanna* and *Elisabeth*. John died without issue, 19. Edward II. being then seized of the manor of Tisfete in Tindale. He was called 'of Badenoch in Tindale;' *Dugdale*, T. ii. p. 686. His English estates and his pretensions in Scotland devolved on his two sisters. The eldest, *Johanna*, married David de Strathbogie, [or Hastings,] Earl of Athole, who forfeited in 1323. She was the mother of David de Strathbogie, who, in England, retained the title of Earl of Athole; *Dugdale*, T. ii. p. 96.

Hence DAVID DE STRATHBOGIE claimed one half of the estates of Comyn of Badenoch, in right of his mother.

Elisabeth, the younger sister of the last John Comyn, married Sir Richard Talbot, called of Goderick castle in Herefordshire, in right of his wife, as it seems; *Dugdale*,

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Randolph, in consequence of the English preparations, assembled an army, and advanced to Colbrandspath, on the frontier of East Lothian; but having received intelligence of the naval armament, he marched northwards, to provide for the defence of the interior parts of the kingdom.

T. i. p. 326. 686. and hence SIR RICHARD TALBOT claimed the other half of the estates of Comyn of Badenoch, in right of his wife:

HENRY DE FERRERS of GROBY had pretensions to lands in Galloway and elsewhere, through his grandmother Margaret de Quinci, one of the co-heirs of Roger de Quinci Earl of Winchester; *Dugdale*, T. i. p. 262. 267. It appears that Bruce made a grant of the superiority of the lands of Lambrachtoun and Grugere in Cuningham, to Robert de Cuningham, which had belonged to Alan de la Zouche and William de Ferrers, [the father of Henry,] *Rolls*, Robert I. No. 53. This was plainly a part of the de Quinci succession.

It is probable that the claim of WILLIAM DE LA ZOUCHE was founded on a grant made to him by his cousin Alan de la Zouche, of some part of the lands which had antiently belonged to Roger de Quinci, Earl of Winchester, the great-grandfather of Alan. See *Burton*, Leicestershire, p. 19. and *Dugdale*, T. i. p. 153. T. ii. p. 688. 689. What I have to offer on this subject is merely in the form of plausible conjecture.

Roger de la Zouche had two sons, Alan and William; Alan the eldest married Helen de Quinci, daughter and co-heir of Roger Earl of Winchester; he had a son Roger, who had a son Alan.

The lands of Tranent [antiently *Tranirrentis*,] in East Lothian, which belonged to Alan de la Zouche, were granted by Bruce to Alexander Seton; *Rolls*, Robert I. No. 56.

William, the second son of old Roger de la Zouche, left Joyce his daughter and heir married to Robert de Mortimer of Ricards castle; she had two sons, 1. Hugh. 2. WILLIAM.

Alan de la Zouche, the chief of the family, having no issue-male, settled the manor of Ashbie and other lands on his cousin WILLIAM DE MORTIMER, who assumed the name of *de la Zouche*. He, in all probability, is the WILLIAM DE LA ZOUCHE mentioned by historians as one of the disinherited barons. My conjecture is, that Alan, together with the manor of Ashbie, settled on WILLIAM the estates in Scotland which had belonged to Helen de Quinci; and, indeed, as matters then stood, it was an alienation not greatly to the detriment of the daughters of Alan.

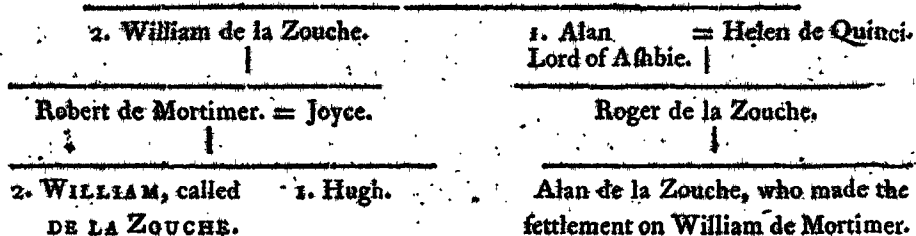
The

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kingdom. Amidst the excruciating pains of a confirmed stone, he ceased not to discharge the duties of his office with activity and vigilance.

The preceding narrative will be best understood by a *genealogical tree*.

Roger de la Zouche.



No other hypothesis occurs to me which can connect WILLIAM DE LA ZOUCHE of Mortimer with any estates in Scotland.

Knyghton, p. 2560. relates, that William de la Zouche did not claim in person, but that [Ralph] Lord Stafford claimed for him. We may learn the reason of this from *Dugdale*, T. i. p. 153. William de la Zouche of Mortimer was at that time justice of the forests south of Trent, and constable of the tower of London. The duties of those offices, it is probable, prevented his personal attendance in the Scottish expedition; and, besides, it would not have been decent for a man possessed of such high employments to have appeared in arms against the Scots, while his sovereign affected to disapprove of the war.

Roger the father of JOHN DE MOUBRAY forfeited in the late reign. His estates were Eckford in Rokesburghshire, Kelly in Fife [or perhaps Kello in the Merle,] and Methven in Perthshire. They were all granted to the Stewart of Scotland. See *Nisbet*, *Heraldry*, T. i. p. 287. and *Abercrombie*, T. ii. p. 149. These facts, however, must rest on the authority of the writers quoted, for I have seen no evidence of them on record.

Fordun, L. xiii. c. 25. gives the appellation of *Strathbolgie* to John de Moubray. It is observed by *Dugdale*, T. ii. p. 95. 'That when David de Strathbolgie, for 5,000 merks, purchased, from Ralph de Monthermer, the estate of Athole; which had belonged to his ancestors, John de Moubray was one of the persons, who entered a recognition with him for the price.' Perhaps David de Strathbolgie, on this account, mortgaged his lands of Strathbolgie to JOHN DE MOUBRAY.

ALEXANDER

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lance. He expired on the march * [20th July.] A man he was, to be remembered while integrity, prudence, and valour, are held in esteem among men.

The

ALEXANDER DE MOUBRAY was the brother of John; *Fordun*, L. xiii. c. 29. It is probable that he, and the other persons of that name, having no claim for ancient inheritances, engaged as adventurers in the Scottish expedition.

WALTER COMYN was, in all likelihood, the son or representative of William Comyn of Kilbride in Lanerksire, who forfeited in the last reign. His lands also had been granted to the Stewart; *Remarks on Ragman's Roll*, p. 10. subjoined to *Nisbet*, Heraldry, v. ii. But I do not vouch for the truth of this, not having discovered any thing to that purpose on record. There was a Walter Comyn who held seven pounds and six pennies of the lands of Brankholme, in the barony of Hawick, [*Selkirkshire*,] *Rolls*, Robert I. No 24. Two persons bearing the name of *Walter Comyn* followed the fortunes of Balliol; the one was killed at Annan 26th December 1332, and the other was killed in the forest of Kilblain, September 1335; *Fordun*, L. xiii. c. 25. c. 36.

HENRY DE BALLIOL was the younger brother of Edward, who now asserted his pretensions to the crown of Scotland. A person of that name had a grant of the lands of Brankholme, with the exception of the parcel granted to Walter Comyn; *Rolls* Robert I. No 24.; but whether he was the same person, I know not.

FULK FITZ WARINE and ROGER DE SWINERTON are barons well known in English history; but what were the estates in Scotland to which they laid claim, I have not been able to discover.

* At Muffelburgh, five miles to the east of Edinburgh. It is said, *Fordun*, L. xiii. c. 19. that he died on the 13th of August. But this is a mistake of the transcriber; for the Earl of Marre was chosen guardian in his room, 2d August; *Fordun*, L. xiii. c. 22.—*Barbour*, p. 442. says, that Randolph was poisoned by a friar; *Fordun*, L. xiii. c. 19. says, by his chaplain, an English friar; and he adds some circumstances, implying, that Edward III. was then on the borders of Scotland, and was privy to this base deed; *Boece*, L. xv. fol. 310. 311. adds many more circumstances to the same purpose; and yet he confesses that Randolph was afflicted with a confirmed stone. This popular story has been examined, *Remarks on the history of Scotland*, c. iv. In support of what is there observed, I have to add, that Edward III. during the course of the summer and autumn 1332, was never within 200 miles of the Scottish borders. He resided at Woodstock, near Oxford, from 2d May to 28th July; *Foedera*, T. iv. p. 520—526. at Wigmore in Herefordshire, 7th August; *ibid.* p. 529.; at Kidderminster in Worcester-shire,

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The Scottish parliament assembled at Perth for electing a Regent. *Ford. xiii. 22.* After great diversity of opinions, it was agreed, that Donald Earl of Marre, nephew of the late King, should be intrusted with that important charge *, [2d August]. An unhappy choice! His connection with the royal family appears to have been the principal merit of the person elected to supply the place of Randolph. The Earl of Marre, while a child, had been conveyed into England by Edward I. and remained in captivity for many years. After his release, he seems to have established his chief residence in England †. No military service of his is known, except a subordinate command which he held during the short campaign in the year 1327. Having, probably, small knowledge of his native country, and being destitute of civil abilities, and experience in war, he assumed the reins of government at a most critical juncture, and amidst perils which it would have required the genius of Douglas, Randolph, and Bruce, effectually to oppose.

Scala Chron.
ap. Leland.
i. 550.
Barbour, 403.

After

hire, 18th August; *ibid.* p. 530.; at Westminster 13th and 20th September; *ibid.* p. 531.—533. From examining dates, it is natural to draw this conclusion, that Edward III. was upon a progress through the interior parts of his kingdom, and that having heard of the changes in Scotland, he repaired to London.

* 'Omnes magnates, tam ecclesiastici quam laici, apud Perth, quarto nonas Augusti congregati, post plures altercationes, et varias dissensiones, Dovenaldum Comitem de Mar unanimiter elegerunt in regni custodem;' *Fordun, l. xiii. c. 22.* It was indeed difficult to make a fit and unanimous choice. Most of the surviving companions of the victories of Bruce were far advanced in years; his grandson, the Stewart, was under age, and the pretensions of the other great Lords were nearly equal.

† He was present at the parliament of Scone 1318; but his name does not appear in the letter to the Pope 1320. This, of itself, affords reasonable evidence that he was not then in Scotland. There is a remarkable passage in *Scala Chron.* ap. Leland, T. i. p. 550. 'Donald Earl of Marre in Scotland was made, by King Edward, gardian of the castel of Bristow, the which he delyverid to the Quene, and so repaired into Scotland.' This was in summer 1326; *Knyghton, p. 2545.*

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Foed. iv. 529. After the disinherited Lords had embarked at an English port, in order to invade Scotland, Edward impowered Henry de Percy to punish all his subjects who should presume to array themselves in contempt of his prohibition: And, because he understood that the Scots were arming, he impowered Percy to arm for repelling them, [9th August]. This tardy zeal for maintaining peace, and this pretext of self-defence, were thin disguises to cover the hostile intentions of the English government against an unhappy nation, now bereaved of its chief supports, and rendered feeble by the minority of its Sovereign.

Ford. xiii. 22.
Hem. ii. 273. Edward Balliol, and his associates, appeared in the Frith of Forth, [31st July]. He landed in the neighbourhood of Kinghorn*, [6th August], and routed the Earl of Fife, who opposed his landing with some troops hastily assembled. In this conflict, Alexander Seton, the son, was slain †.

Ford. xiii. 23.
Hem. ii. 273. Balliol marched next day to Dunfermline; and having ordered his fleet to sail round the east coast of Fife, and wait for him at the entrance of the river Tay, he proceeded northwards, and encamped on the Millar's acre at Forteviot, with the river Earn in front, [11th August].

Ford. xiii. 23. The Earl of Mairre encamped with a numerous army on the opposite bank of the river Earn, in the neighbourhood of Duplin. Another army, nearly as numerous, under the command of the Earl of March, had advanced from the southern parts, through the Lothians and Stirlingshire,

* Although historians say *Kinghorn*, yet I suppose that *Wester-Kinghorn*, now called *Bruntisland*, was the place where Balliol landed. The ground about Kinghorn would have been exceedingly inconvenient for the disembarkation of cavalry.

† *IV. Hemingford*, T. ii. p. 273. says, that the Earl of Fife opposed the landing of Balliol with a body of 10,000 men, and that 900 Scots were slain in the action; but *Fordun*, L. xiii. c. 22. says, 'Cui Alexander Seton filius cum paucis ei in facie resistens, eodem die cum tribus aut quatuor ibidem occubuit.' The three or four mentioned by *Fordun*, were probably men of some rank. As to this Alexander Seton, the son, See *Appendix*.

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lingshire, and had fixed its quarters at Auchterarder, eight miles to the west of Forteviot*.

No situation could be more perilous than that of Balliol: Within view of one army greatly superior in numbers to his own, and most advantageously posted, and, at the same time, hourly in hazard of seeing another formidable enemy advance on his flank. To retreat, in such circumstances, through Fifeshire, would have been impracticable; and, although it had been practicable, would have availed him nothing, for he had ordered his fleet to depart from the Frith of Forth; neither would the danger have been less imminent, or the hopes of success more probable, had he marched towards the mouth of the river Tay, in the uncertain expectation of meeting his fleet.

He took the desperate resolution of crossing the river, and attacking the Regent in his camp.

Andrew Murray of Tullibardin directed the English to a ford †.

The Scots kept no watch, but abandoned themselves to intemperance and riotous mirth, while at midnight, the English, led by Alexander de Moubray, crossed the river. They ascended a rising ground, came unperceived on the right flank of the Scottish army, and made a pitiless slaughter. At the first alarm, young Randolph, Earl of Moray, hastened with three hundred men at arms to oppose the enemy.

*Ford. xiii. 23.
25.
Ferd. xiii. 23.
Hem. ii. 273.
Knight. 2560.
1. Mar. 79.*

Being

* Historians differ as to the force of the armies. *Fordun*, L. xiii. c. 23. says, That the regent had 30,000 men under his command, and the Earl of March as many; and L. xiii. c. 22. that Balliol had between 500 and 600 armed men, that is, horsemen, compleatly armed. *W. Hemingford*, T. ii. p. 273. reckons each of the Scottish armies at 40,000, and Balliol's at 500 armed men. *Knyghton*, p. 2560. says, That Balliol, when he landed in Fife, had 300 armed men, and 3000 more of different sorts; 'De omni genere peditum,' and that he had with him 2500 in all, at his camp on the banks of the river Earn.

† He fixed a stake in the river to direct them, 'fixit palum in le Dernford aquae de Erne;' *Fordun*, L. xiii. c. 23.

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Being gallantly seconded by Murdoch Earl of Menteth, Alexander Frazer, and Robert Bruce, a natural son of the late King, he checked the English impetuosity, and maintained the combat on equal terms. But the Regent, and the whole multitude, rushed to battle without order or discipline, and at once overwhelmed Randolph and his companions. In a moment all was unutterable confusion; and, while those behind still pressed on, the foremost were thrown down and trodden under foot, and suffocated. The English slaughtered without controul. The carnage and pursuit lasted for many hours *, and the remains of this mighty army were utterly dispersed, [12th August †.] Never did the Scottish nation receive an overthrow so disgraceful; and, indeed, the English themselves stood astonished at their easy victory ‡.

Ford. xiii. 24.
Hem. ii. 273.
Knyght. 256o.
-1.

In the action of Duplin moor, there were slain many Scotsmen of eminent rank. Donald Earl of Marre, the Regent, whose ignorance of military discipline was the chief cause of this national disaster ||.

Thomas

* Ab ortu solis usque ad altam primam diei; *Knyghton*, p. 256t. 'ad horam nonam;' *W. Hemingford* T. ii. p. 273.

† According to *Fordun*, L. xiii. c. 22. 23. Balliol came to the river Earn on the eve of St Laurence, or 9th August, and fought on the next day, or the 10th; and yet *Fordun* afterwards mentions the 11th of August as the day of the battle. *Knyghton* says, that the battle was fought 'Die Mercurii post festum Sancti Laurentii;' that is, if I mistake not, on the 12th of August.

‡ 'Virtute divinâ reverâ non humanâ;' *W. Hemingford*, T. ii. p. 273. To the same purpose; *Fordun*, L. xiii. c. 24. 'Quos utique non vis humana; sed ultio prostravit divina, quod in hoc patet, quod multo plures ex collisione corporum, confricatione armorum, et prostratione equorum, se invicem opprimentium, sine vulnere ceciderunt, quàm qui telo vel gladio jugulati sunt;' and c. 23. he applies to the Scots that saying of one of the antients, 'Nunquam in folido stetit superba felicitas.'

|| *Barnes*, Edward III. p. 60. says, on the credit of a MS. Chronicle, 'That the Earl of Marre had secretly combined with Balliol;' and he relates a conversation which

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Thomas Earl of Moray, Murdoch Earl of Menteth, Robert Earl of Carrick *, Alexander Frazer †, and Robert Bruce ‡; the slaughter made of the men at arms, and of the infantry, was very great ¶. Of the

which passed on that subject, during the battle, between the Earl of Marre and the Earl of Carrick, erroneously called the bastard of Robert Bruce. It is grievous that a man should be charged as unfaithful to that cause in which he died. Nothing, indeed, can be more improbable than a charge which supposes that the nephew would have betrayed the son of Robert Bruce, at the expence of his own authority as well as of his honour; besides, the circumstances related by Barnes, at too great length to be transcribed, are utterly absurd.

* He was the natural son of Edward Bruce, and had received the title of Earl of Carrick from the late King.

† Chamberlain of Scotland. He married Mary the sister of Robert Bruce. He was ancestor of the Lords Lovat and Salton. See *Crawford, Officers of State*, p. 274.

‡ A natural son of the late King. The English historians mention Nigel and Alexander Bruce among the slain; *Knyghton*, p. 2561. *Walsingham*, p. 131. I know nothing concerning them. They also speak of an Earl of Athole among the slain. The person meant is John Campbell Earl of Athole; but he was killed at Halidon in the following year.

¶ 'Ad hominum tria milia;' *Fordun*, L. xiii. c. 24. But this must be a mistake, unless he means *men at arms*. *W. Hemingford*, T. ii. p. 273. says that twelve Barons were slain, with 806 knights, probably a mistake of the transcriber for 86, 2000 men at arms, and 13,300 foot soldiers.

In describing the disaster at Duplin moor, Boece has surpassed himself; L. xv. fol. 312. 313.; the story, as related by former historians, is just within the bounds of credibility. Boece, however, resolved to add a little of *his own marvellous*.

Of Balliol's harangue to his troops, I say nothing, although it would have enabled any single deserter to disclose the whole plan of operations, whose success depended on the utmost secrecy. Neither will I say any thing of the second harangue made at midnight, to his officers, when not a moment was to be lost in the parade of words; because I knew, that, for such things, there are precedents, antient and modern.

What I have first to observe, is concerning a downright fiction of Boece. He literally hurries his readers into the midst of things; and he asserts, that the first attack of the

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the men at arms, under the particular command of the Earl of Fife, three hundred and fixty were slain; the Earl himself having been made prisoner, submitted to the conqueror.

On

the English was on the rear of the center of the Scottish camp, and that they surpris'd the Regent's tent, and killed him while he lay asleep, ['jamque ubi in media castra ad praetorium pervenerant, nec quisquam adventum perceperat, ibi praetorio dejecto ducem imprimis dormientem confodiunt.']

He next remarks, that 'all unwarlike men, and especially the English,' are of a mercilefs disposition towards the vanquish'd, [quum omnes homines imbelles, tam praesertim Anglorum gens, nimis in victos ac superatos impotentes nulli pareunt.] This is, indeed, an extraordinary remark to be made by a Scotfman, in a narrative of the battle of Duplin. Bellenden, the paraphrast of Boece, has judiciously omitted it.

In numbering the slain, Boece has given free reins to his imagination. 'Three thousand gentlemen, and an innumerable multitude of the common sort,' far exceeds any English account of the slain.

When he comes to particulars, he is singularly unfortunate. 'William Hay constable of Scotland was slain, and the race would have been extinguish'd, had he not left his wife pregnant.' 'Una dies Fabios,' &c. This is an old fable often repeated in our histories. What Boece relates is altogether fabulous. 1. There is no reason for believing that Sir Gilbert Hay of Errol, whom Boece calls William, was slain at Duplin. 2. That the line of the family was carried on by a posthumous child, is impossible. David the son of Sir Gilbert, constable of Scotland, was witness to a charter in 1344, *Chart. Aberbrothock*, and was killed at the battle of Durham in 1346, as Boece himself acknowledges, fol. 325. a. To say that the constable of Scotland was killed at the head of an army in the 14th year of his age, is a contradiction. But, 3. which is compleatly fatal to the hypothesis of Boece, Thomas, the son of this David, was a commissioner sent to England in 1353; that is, according to Boece, *twenty-one years after the birth of his father!* Should it be said, that Thomas might have been the brother of David, I can only answer, that there is no authority for the assertion, and that it is contrary to the received opinion; and besides, that it will not aid Boece's story, unless we also suppose that the widow of the constable brought forth twins, David and Thomas.

Boece says, that, at Duplin, Robert Keith the marshal was slain, with most of his kindred. If this was so, it is strange, that neither Fordun; nor any of the English historians

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On the side of the English there fell two knights, John de Gourdon, *Knyght. 2561.* and Reginald de la Beche, with thirty-three esquires; and, of common men, an inconsiderable number.

Next day Balliol took possession of Perth. Apprehending an attack from the Earl of March, he ordered the ditch to be cleared, and the town to be inclosed with palisadoes *. *Hem, ii. 273; Knyght. 2561.*

A soldier coming from the carnage at Duplin, met the Earl of March, shewed his mortal wounds, and expired. This was the first intelligence that the Scottish army received of the overthrow of their countrymen. On their advancing to the field of battle, it was sadly confirmed.

Historians should have mentioned it, while they made mention of the death of persons less distinguished.

He adds, that David Lindesay of Glenesk was slain, with 80 gentlemen of his kindred. There is a great sameness in the narrative of Boece; and, I presume, that the 80 gentlemen were thrown in for the sake of variety. There was no such person as *David Lindesay of Glenesk* in 1332. The person then in possession of that barony was *Alexander de Lindesay*, and he was slain in 1333, at Halidon. If Boece meant to speak of David Lindesay, the head of the family, it is certain that he was not killed at Duplin in 1332, for he was alive in 1346, when his son was killed at Durham. *For-dun, L. xiv. c. 3.* reckons among the slain at that battle, 'David de Lindesay filius et haeres D. David de Lindesay.'

Boece gives the names of many knights slain at Duplin; but I have neither leisure nor opportunity to examine this part of his narrative. It is probable, however, that he has not been more accurate in his account of persons of inferior rank, than in his account of more eminent persons.

* 'Fortificaverunt villam cum larga fossura et de palo, supponentes se infra breve habituros indigentiam defensionis;' *Knyghton, p. 2561.* This circumstance is mentioned, because many historians of both nations have considered Perth as a place of strength at that time, have mentioned its *surrender*, and have pointed out the causes of its making no resistance. Perth appears to have been dismantled by Robert Bruce, in consequence of a favourite maxim of his policy, which, however specious in theory, served to accelerate the conquests of Balliol.

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confirmed. Eager for revenge, they hurried on to Perth. While they were descending from the neighbouring heights, 'Courage,' cried Henry de Beaumont, 'those men will not hurt us.' Whether he said this merely to animate the English, or whether he formed his conjecture from the disordered motions of the enemy, or whether he, indeed, discerned the banners of some noble persons, who secretly favoured Balliol, is uncertain. Certain, however, it is, that the hasty resolution of assaulting Perth, was as hastily abandoned, and that the slow operations of a blockade were preferred. The Scots hoped by investing the town, and cutting off all communication with the sea, to reduce the English to the extremities of famine, and force them to capitulate.

Hem. ii. 273.
Knyght. 2561.

John Crabbe, a Flemish mariner, had eminently distinguished himself at the defence of Berwick. Attached to the service of Scotland, he continued for many years to cruise on the eastern coasts, and exceedingly annoyed the English commerce *. While the Scots blockaded Perth, he came with ten vessels to the entrance of the river Tay: He took the ship which belonged to Henry de Beaumont; but soon after, in a general engagement, his whole fleet was burnt, [24th August.]

Ford. xiii. 24.
Scala Chron.
ap. Leland,
i. 553.

The Earl of March, after this disaster, saw that his own numerous forces were in imminent hazard of perishing through want of provisions †, while the English, now become masters at sea, received abundant

* 'Qui multa mala saepius per mare pluribus annis Anglis intulerat;' *W. Hemingford*, T. ii. p. 273.

† This circumstance is mentioned in *Scala Chron.* ap. Leland, T. i. p. 553. 'Cam an infinite numbre out of al partes of Scotland afore S. John's toune, and sone after, for lak of vitayle, were constraynid to recoyle and dispartle themselves.' *Fordun*, L. xiii. c. 24. either not knowing, or not remarking this circumstance, has censured the

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dant supplies. He therefore relinquished the blockade, and ordered the Scots to disperse themselves. His orders were instantly obeyed: And thus, within the space of three weeks from his landing, Edward Balliol saw himself in quiet possession of Scotland.

He was crowned at Scone, [24th September*], in presence of the clergy and people of Fife, and of the low country of Perthshire, who had submitted to a power which they could not resist. Duncan Earl of Fife, and William Sinclair Bishop of Dunkeld, assisted at this solemnity. The former had, a few weeks before, opposed Balliol in the field, and the latter, in the reign of Robert Bruce, for his valiant opposition to the English invaders, had merited the title of *The King's Bishop*. *Ford. xiii. 24.*

Immediately after his coronation, the new monarch repaired to the southern parts of Scotland, having intrusted Perth to the custody of the Earl of Fife. *Knyght. 2562.*
Ford. xiii. 25.

James Frazer, Simon Frazer, and Robert Keith, surprised Perth, and razed its fortifications, [7th October.] The Earl of Fife, and his family and vassals, were made prisoners. Andrew Murray of Tullibairden, who had directed the English to a ford on the river Earn, was taken at Perth, and punished as a traitor. The English historians report, *Ford. xiii. 25.*
Knyght. 2562.

the conduct of the Earl of March in abandoning the blockade of Perth. Many circumstances in the conduct of that noble person admit not of apology; in particular, his negligence, and his ignorance of the motions of the enemy at Duplin, are inexcusable; and it must be admitted, that his behaviour was often ambiguous, and resembling that of an opulent man, who meant to save his own fortune out of the public wreck; yet, after the destruction of Crabbe's fleet, it does not appear that the blockade of Perth was any longer practicable.

* *W. Hemingford*, T. ii. p. 273. places the coronation of Balliol on the 27th September.

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port, that the Earl of Fife, the governor, betrayed the town to the Scots*.

Ford. xiii. 25. Such of the Scots as still adhered to their infant sovereign, conferred the office of Regent on Sir Andrew Murray of Bothwell, husband of Christian the sister of Robert Bruce. But he, although brave and active, had not force sufficient to attempt ought considerable.

Foed. iv. 539. 540. On the news of the sudden change of affairs in Scotland, Edward III. repaired to Yorke, having been counselled by his parliament, *for the safety of the realm*, to draw near the Scottish frontiers †.

Foed. iv. 536. 539. Meanwhile, Balliol came to Rokesburgh, and *there* made a solemn surrender of the liberties of Scotland. He acknowledged the English King for his *liege Lord*; and, as if that had not been sufficient, he became bound to put him in possession of the town, castle, and territory of Berwick, and of other lands on the marches, extending in all to the yearly value of L. 2000, ‘on account, as the instrument bears, of ‘the great honour and emoluments which we have procured through ‘*the sufferance* ‡ of our lord the King, and by the powerful and acceptable aid which we have received from his good subjects.’

Moreover,

* ‘*Idem Comes se Scotis contulit, villamque illis proditiosè tradidit;*’ *Knyghton*, p. 2562. It may seem strange that Balliol placed such confidence in the Earl of Fife, so lately an enemy. But the forces of Balliol were not numerous, and he could not leave an English garrison in Perth: He, therefore, judiciously entrusted that town to a Lord whose territories lay open to the incursions of the English fleet. This circumstance might either serve to insure his fidelity, or afford means of chastening his bad faith.

† It appears from *Foedera*, T. iv. p. 535.—550. that Edward III. remained at Yorke, and in its neighbourhood, from 26th October 1332 to 9th March 1332-3.

‡ ‘*La sufferance.*’ It was necessary to use *sufferance* in the translation. *Permission* implies more than Balliol meant to express; and *connivance* would be an improper word to use where a sovereign prince is concerned.

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Moreover, Balliol offered to marry the Princess Johanna, whom he considered as only betrothed to David Bruce, and to add L. 500 of land-rent to her original jointure, and *this* under the extravagant penalty of L. 10,000, to be appropriated as a portion to the young lady, or otherwise disposed of for her behoof.

He further engaged to provide for the maintenance of David Bruce, as the King of England should advise.

And, *lastly*, he became bound to serve Edward in all his wars, excepting in England, Wales, and Ireland, for the space of a year together, with 200 men at arms, and all at his own charges, and he bound his successors to perform the like service, with an hundred men at arms, [23d November.]

Edward having engaged to maintain Balliol in possession of Scotland, Balliol engaged to serve him in all his wars without exception, [23d November.]

At this season there was a duplicity in the conduct of Edward III. *Foed. iv. 539.* which can neither be accounted for nor justified. With much earnestness he solicited the papal court to prefer Robert de Ayleston, Arch-bishop of Berks, to the vacant see of St Andrews, and he urged that it was necessary to have, in that office, a person of pacific dispositions, and well affected to England, 'the plighted fidelity of the Scots being frail, and their friendship dubious *;' but he industriously avoided any mention of the revolution in Scotland, [26th October.] *Foed. iv. 535.*

In another despatch to the Pope, he expressed his fears lest his conduct in Scottish affairs should be misrepresented; and, while he spoke of the enterprise, victories, and coronation of Balliol, he kept a profound

* 'Cum sit fragilis et dubia penes nos et regnum nostrum Scotorum promissa fides et amicitia;' *Foedera*, T. iv. p. 535.

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profound silence with respect to the submission made by Balliol to him as his liege lord, [15th December.]

Foed. iv. 540. And, which is the most singular of all, he, at the very same time, appointed plenipotentiaries to treat with ambassadors from the Regent and barons of Scotland, [14th December.]

Scala Chron. ap. Leland, i. 553. 554. It is said, that, when the Scottish ambassadors implored the assistance of Edward in behalf of their sovereign, Edward made answer, 'That he could give no assistance to those who had deprived his subjects of their estates.' But it is not probable that this evasive answer was made, after Edward, by receiving the homage, had acknowledged, and had become bound to support the title of Balliol.

Perhaps the concessions made at Rokeburgh by Balliol were, for a season, kept secret. If this conjecture be admitted, the conduct of Edward, however unjustifiable, will appear consistent.

Foed. xiii. 25. Many of the Scottish barons, either through despair, or from ancient attachment to the Balliol line, submitted to the conqueror, and acknowledged his title.

Hem. ii. 273. The Earl of March and Archibald Douglas obtained a truce from Balliol until the second of February, by which time it was proposed to have all controversies settled in a general convention.

John, the second son of Randolph, now become Earl of Moray by the death of his brother: Archibald, the youngest brother of the renowned Douglas, together with Simon Fraser, assembled a body of horsemen at Moffat in Annandale, and suddenly traversing the country, assaulted Balliol at Annan, where he lay in thoughtless security. Henry, the brother of Balliol, gallantly resisted the enemy; but at length, being overpowered by numbers, he was slain. With him there fell many other persons of distinction*. Balliol escaped almost naked,

* Particularly, Walter de Comyn, John de Moubray, and Richard Kirby; *Knyghton,*

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naked, and with hardly a single attendant, and took refuge in England, [16th December.]

That the Scots perfidiously violated a truce then subsisting, is averred by the English historians; but this charge is certainly too general. The Earl of March, whose estates lay exposed to the enemy on all quarters, might judge it expedient to temporize, and request a truce; but no convention between Balliol and him could bind the Earl of Moray.

*Walsing. 132.
Knyght. 2562.*

Alexander Earl of Carrick, a natural son of Edward Bruce, had lately submitted to Balliol, and was found in arms at Annan. The moderation and prudence of the young Earl of Moray saved him from the punishment of a traitor*.

Ford. xiii. 25.

Balliol, now an exile, appointed commissioners to swear in his name to the faithful performance of whatever he had promised to the King of England, [at Burgh, 12th February 1332-3.]

Foed. iv. 548.

The Scots began to make excursions into the English borders. Edward issued a proclamation, in which he solemnly averred, that the Scots, by their hostile depredations, had violated the peace of Northampton, [23d March 1332-3.] And he repeated this averment, [30th March 1333.]

Foed. iv. 552.

Balliol,

ton, p. 2562. *Fordun*, L. xiii. c. 25. *Barnes*, Edward. III. p. 67. says, 'surely the Lord John Moubray of England was not now slain, as Hector Boece falsely affirms; for we find, by undoubted records, *Dugdale*, v. i. p. 127. that he died not till twenty nine years after this time.' Mr Ruddiman, *not ad Buchanan*. p. 156. attempts to justify Boece, by observing, that if the authority of *Dugdale* is relied on, we must admit that Boece, and almost all our other historians, and also *Knyghton*, an English writer, are mistaken; the better answer is, that Boece mentions not 'the Lord John Moubray of England,' and that he and *Dugdale* speak of different persons.

* This seems to be the sense of the passage in *Fordun*, L. xiii. c. 25. 'In quo confictu captus fuit Comes de Carrick per Comitem Moraviae, et a morte liberatus.'

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Balliol, ' by the sufferance of the English King and the aid of Englishmen,' had invaded Scotland, overcome its armies, and seated himself on the throne of Bruce. In gratitude for this sufferance and aid, he ceded part of the Scottish dominions to England, and surrendered the independency of the rest: Yet, after all these events, Edward complained that the Scots had violated the peace of Northampton. History records not a more flagrant example of a royal manifesto offering insult to the common sense of mankind.

Hem. ii. 274.
Knyght. 2562.
Walsing. 132. Balliol, having been joined by many English barons, returned to Scotland, [9th March 1332-3.] He took and burnt a castle where Robert de Colville commanded *, and establishing his quarters in the neighbourhood of Rokesburgh, began to make preparations for besieging Berwick.

Walsing. 132. Just after the return of Balliol, Archibald Douglas †, with 3000 men, invaded England on the side of the western marches, wasted the whole district of Gillesland, and brought off much booty, and many prisoners.

In

* It is probable that the person here meant is Robert Colville of Ochiltree, and *the castle*, Oxnam in Teviotdale, which belonged to him. *Knyghton*, p. 2562. says, ' Ceperunt unam forfulam, in qua invenerunt Dominum Robertum de Colvyll cum X. armatis, cum multis dominabus et feminis de patria, et plures alios homines;' which passage *Barnes*, Edward III. p. 73. thus paraphrases, ' They took a certain fortrefs, wherein they found the Lord Robert Colvile prisoner, whom they releas'd, with many other English gentlemen, and several great ladies of the country, all whom they releas'd.'

† Sir James Douglas, called *the good Douglas*, was never married; his estate went to his Brother Hugh, who probably laboured under some imbecillity either of body or of mind; for his name never appears in history, and seldom on record. His brother Archibald was the person who, at that period, maintained the renown of the house of Douglas. He was commonly called *Tineman*, implying, as may be conjectured, *Tiny*, or *slender little man*.

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In revenge, Sir Anthony de Lucy made an inroad into Scotland. *Walſing. 132.*
 * This enterprife, in itſelf unimportant, had fatal conſequences; for *Ford. xiii. 27.*
 Sir William Douglas, famous in our ſtory, under the appellation of
The knight of Liddeſdale, encountered de Lucy, was totally defeated,
 and made priſoner *, [near Lochmaben, towards the latter end of
 March.]

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Edward commanded the knight of Liddeſdale to be put in irons. *Foed. iv. 552.*
 His captivity endured for two years. *Ford. xiii. 27.*

About the ſame time Sir Andrew Moray of Bothwell, the Regent, *Ford. xiii. 27.*
 reſolved to attack Balliol before the arrival of reinforcements from
 England. A ſharp conflict enſued at the bridge of Rokeſburgh.
 Ralph Golding, a reſolute ſoldier, having advanced before his com-
 panions, was thrown to the ground. The Regent generouſly attempt-
 ed to reſcue him; but, ill ſeconded by his troops, he fell into the
 power of the enemies. Diſdaining to be their priſoner, he cried, ‘I
 yield to the King of England, conduct me to him.’ He was con-
 ducted to Edward at Durham, and detained in cloſe cuſtody †.

And

* William Barde and one hundred more were made priſoners, one hundred and
 fixty were ſlain. Among the ſlain are mentioned Sir Humphry de Bois, Sir Humphry
 Jardine, and William Carlyle, [probably of Forthorald.] It may be conjectured, that
 Sir Humphry de Bois was the anceſtor of Hector Boece. That hiſtorian ſays, L. xv.
 fol. 323. a. ‘proavus meus Hugo Boetius, cujus pater ad Duplin occubuerat, *Baro Drif-
 daliae*,’ &c. Drifdale is a territory in Annandale. Boece ſuppoſed that his anceſtor
 was ſlain at Duplin; it is more probable that he was ſlain at Lochmaben, with his
 countrymen.

† The Engliſh hiſtorians ſeem to place this event in the former year, immediately
 after the coronation of Balliol. Fordun, however, places it in the beginning of 1333,
 and he relates the circumſtances with much preciſion, L. xiii. c. 27. Edward III. came

to

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And thus Scotland, in an evil hour, was deprived of the services of two of its ablest commanders, Sir Andrew Moray of Bothwell and the Knight of Liddesdale.

Ford. xiii. 27. Archibald Douglas now became Regent, whether by a regular election, or by the general wish of the nation, is uncertain*.

Foed. iv. 552. Edward avowed his hostile intentions towards the Scots. He ordered an army to assemble at Newcastle upon Tyne, within a month from the 4th of April †, [30th March.] He desired that public prayers might be put up for himself and his troops engaged in the defence and preservation of the kingdom, [23d April,] and he requested the Earl of Flanders to prohibit his subjects from giving aid by sea to the rebellious Scots, [27th April.]

Foed. iv. 556. The King of France had formerly solicited Edward in behalf of the Scots, and had received an ambiguous and courtly answer. Edward now threw aside all disguise, and declared, that the Scots had violated the peace, and that he was resolved to chastise their outrages, and seek redress for the wrongs done, in such manner as to himself should seem good, [7th May.]

Foed. iv. 558. There was another circumstance in the conduct of Edward which shewed that he meant to circumscribe the territories of Scotland, as well as to chastise the Scots. He ordered possession to be taken of the

to Durham about the 8th of April 1333; *Foedera*, T. iv. p. 553. This may contribute to ascertain the date of the Regent's disaster.

* 'Interea vero Archibaldus de Douglas, qui *Tyneman* dictus est, statim post captivum Domini Andreae de Moravia custodis, gardianus effectus est;' *Fordun.* L. xiii. c. 27.

† 'A die paschae proximè futuro in unum mensem ad ultimum;' *Foedera*, T. iv. 552. In 1333, Easter-day fell on the 4th of April. This is a material date, and serves to correct a common error of historians as to the duration of the siege of Berwick.

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the Isle of Man, in his name, [20th May,] and soon after he made it over to William de Montague, who had some claim of inheritance in it, [9th August.]

The chief purpose of the English King was to gain the town and castle of Berwick, already ceded to him by Balliol.

To the Scots the preservation of Berwick appeared no less important. The Earl of March was appointed to the command of the castle, and Sir William Keith to the command of the town. *Foed. iv. 564.
566.*

Balliol with his forces came before Berwick. Edward arrived soon after with the English army, and established his quarters at Tweedmouth, opposite to Berwick, on the south bank of the Tweed, [May] *. *Hen. ii. 274.
Foed. iv. 558.*

The siege was vigorously prosecuted on the quarter towards the sea, as well as by land. Although the Scots made an obstinate defence, and were successful in burning great part of the English fleet, *Ford. xiii. 27.*
yet,

* Edward appears to have been at Belford on his march northwards, 7th May, *Foedera*, T. iv. p. 557. So that it is probable, that, in a day or two after, he came to Berwick. Froissart relates, v. i. c. 27. that Edward III. leaving Balliol with his forces before Berwick, invaded Scotland, wasted the country, penetrated as far north as Dundee, and from thence marched across the island to the neighbourhood of Dunbarton. That he took the castles of Edinburgh and Dalkeith, and placed garrisons in them, and that, after having employed six months in this expedition, he returned to the siege of Berwick. This story has been transcribed by divers historians, who could not distinguish when Froissart was well informed, and when not. Froissart has placed, in 1333, events, which, as to many particulars, occurred afterwards. This *course of six months* is an impossibility; for Edward did not come to the siege of Berwick before May, and the place surrendered on the 20th of July. Besides, it appears from *Foedera*, T. iv. p. 558.—564. that Edward was in the neighbourhood of Berwick 27th and 30th May 2d, 4th, 5th, 6th 8th, and 26th June, 2d, 6th, and 15th July; so that he never could have been three weeks absent; and, indeed, it is not probable that he was ever absent from the siege. An invasion of Scotland at that time could have served no purpose of conquest, and, by dividing the army, might have had fatal consequences.

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yet, unless relief arrived, they must, at last, have surrendered. The English historians aver that the garrison amused the besiegers with deceitful proposals of capitulation.

Hem. ii. 275.
Murim. 80.

Hem. ii. 275.
Knight. 2563.
Walsing. 132.
Ford. xiii. 27.

At length the Regent appeared with a numerous army in the neighbourhood of Berwick, [11th July.] He endeavoured to convey succours into the town, or to provoke the enemies to quit the advantage of the ground, and engage in battle. But all his efforts were vain; the English obstructed every passage, and stood on the defensive.

Ep. Neuf. 511.
Ford. xiii. 28.

The Regent then entered Northumberland, wasted the country, and even assaulted Bamburgh castle, where Philippa, the young Queen of England, had her residence*. He fondly imagined that Edward III. would have abandoned the siege of Berwick, after the example of his father, in circumstances not dissimilar. Edward nevertheless persevered in his enterprise.

Ford. xiii. 27.

During a general assault, the town was set on fire, and in great measure consumed. The inhabitants, having experienced the evils of a siege, and dreading the worse evils of a storm, implored the Earl of March and Sir William Keith to seek terms of capitulation. A truce was obtained; and it was agreed, that the town and castle should be delivered up on terms fair and honourable, unless succours arrived before the hour of vespers on the 19th July †.

Ford. iv. 564.
—568.

It was specially provided, ' that Berwick should be held as relieved,
' in

* In support of the facts here related, Tyrrel quotes the MS. chronicle of Lanercost. Walsingham, *Ypod Neufstriae*, p. 511. supposes the attempt on Bamburgh castle to have been made after the main army returned to Scotland; but this is exceedingly improbable.

† The articles of capitulation are to be seen in *Foederà*, T. iv. p. 564. —568. They are curious, and present a detail singularly minute; but they cannot be abridged, and they are too diffuse to be transcribed.

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‘ in case two hundred men at arms, in a body, should force their passage into the town.’

By the treaty, Sir William Keith was permitted to have an interview with the Regent. He found him with his army in Northumberland, urged the necessity of his return, and shewed him, that Berwick, if not instantly relieved, was lost for ever. Persuaded by his importunities, the Regent resolved to combat the English, and either to save Berwick or lose the kingdom.

On the afternoon of the 19th of July the Regent prepared for battle. He divided his army into four bodies: The *first* was led by John Earl of Moray, the son of Randolph; but as he was young and inexperienced in war, James and Simon Fraasers, soldiers of approved reputation, were joined with him in the command. The *second* body was led by the Stewart of Scotland, a youth of sixteen, under the inspection of his uncle Sir James Stewart of Rosyth. The *third* body was led by the Regent himself, having with him the Earl of Carrick and other Barons of eminence. The *fourth* body, or reserve, appears to have been led by Hugh Earl of Ross.

The numbers of the Scottish army on that day are variously reported by historians. The continuator of Hemingford, an author of that age, and Knyghton, who lived in the succeeding age, ascertain their numbers with more precision than is generally required in historical facts.

The continuator of Hemingford minutely records the numbers and arrangement of the Scottish army. He says, that, besides Earls and other Lords, or great Barons, there were 55 Knights, 1100 men at arms, and 13,500 of the commons, lightly armed, amounting in all to 14,655. *Hem. ii. 275.*
276.

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*Knyght. 2563.
2564.*

With him Knyghton appears to concur, when his narrative is cleared from the errors of ignorant or careless transcribers*.

It is probable, however, that the servants who tended the horses of persons of distinction, and of the men at arms, and the useless followers of the camp, were more numerous than the actual combatants.

The English were advantageously posted on a rising ground at Halidon, with a marshy hollow in their front. Of their particular disposition we are not informed, further than that Balliol had the command of one of the wings.

Ford. xlii. 28.

It had been provided by the treaty of capitulation, † That Berwick should be considered as relieved, in case two hundred men at arms forced their passage into the town. This the Scottish men at arms attempted; but Edward, aware of their purpose, opposed them in person, and repulsed them with great slaughter. The Scottish army rushed on to a general attack; but they had to descend into the marshy hollow before mounting the eminences of Halidon. After having struggled with the difficulties of the ground, and after having been incessantly galled by the English archers, they reached the enemy. Although fatigued and disordered in their ranks, they fought as it became men who had conquered under the banners of Robert Bruce. The English, with equal valour, had great advantages of situation, and were better disciplined than their antagonists. The Earl of Ross led the reserve to attack in flank that wing where Balliol commanded; but he was repulsed and slain. There fell with him, Kenneth Earl of Sutherland, and Murdoch Earl of Menteth †.

In the other parts of the field, the events were equally disastrous. The Regent received a mortal wound, and the Scots every where gave

* See Appendix.

† *Knyghton*, p. 2562. says, that the Earl of Strathern was killed; but he is mistaken. See *Foedera*, T. iv. p. 595.

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gave way. In the field, and during a pursuit for many miles, the number of slain and prisoners was so great, that few of the Scottish army escaped.

Besides the Earls of Ross, Sutherland, and Menteth, there were among the slain Malcolm Earl of Lenox, an aged Baron, he had been one of the foremost to repair to the standard of Robert Bruce, and he now paid the last duties to his country; Alexander Bruce Earl of Carrick, who atoned for his short defection from the family of his benefactor; John Campbell Earl of Athole, nephew of the late King; James Fraser, and Simon Fraser, John de Graham, Alexander de Lindesay, Alan Stewart, and many other persons of eminent rank.

The Stewart had two uncles, John and James. John was killed, and James mortally wounded and made prisoner*.

The Regent, mortally wounded, and abandoned on the field of battle, only lived to see his army discomfited and himself a prisoner.

This victory was obtained with very inconsiderable loss. It is related by the English historians, that, on the side of their countrymen, there were killed one knight, one esquire, and twelve foot soldiers. Nor will this appear altogether incredible, when we remember that the English ranks remained unbroken, and that their archers, at a secure distance, incessantly annoyed the Scottish infantry.

According to capitulation, the town and castle of Berwick surrendered. The English King took twelve hostages for securing the fidelity of the citizens of Berwick.

Whether he put to death any of the hostages whom he had formerly

* *Fordun*, l. xiii c. 28. relates, that Sir James Stewart was slain; the English historians, that he was mortally wounded and made prisoner. It may be remarked, that at Halidon two Stewarts fought under the banner of their chief; the one *Alan* of Dreghorn, the paternal ancestor of Charles I. and the other *James* of Rosyth, the maternal ancestor of Oliver Cromwell.

Ford. iv. 568.
Sp. New 521.

Ford. iv. 588.

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merly received, is an historical problem, which will be considered in a separate dissertation*.

Knights, 2563.
Ford. iv. 570.

Edward not only granted his protection to the Earl of March, [26th July,] but he also received him into favour, and appointed him to a distinguished command on the borders of the two kingdoms. †

Anonymous,
Ed. III. 402.

‘And now,’ says an English historian, ‘it was the general voice, that the Scottish wars were ended; for no man remained of that nation who had either influence to assemble, or skill to lead an army.’

Ford. xiii. 28.

Some castles, however, still remained in the possession of the friends of Scotland. Malcolm Fleming having escaped from the carnage at Halidon, secured the castle of Dunbarton. Alan de Vypont held the castle of Lochleven, Robert Lauder the castle of Urquhart in Inverness-shire, and Christian Bruce the castle of Kildrummy in Marre. This venerable matron was the sister of Robert I. and mother of the Earl of Marre, Regent, slain at Duplin in 1332.

Ford. xiii. 28.

There was also a strong hold in Lechdown, on the borders of Carrick, where John Thomson, a man of low birth, but approved valour, commanded †.

Froissart, i. 34.

In such circumstances, it became necessary to provide a safe place of refuge for the young King and his consort. Malcolm Fleming found

* See Appendix.

† *Fordun*, L. xiii. c. 28. says, ‘In crastino verò jussit Rex Angliæ omnes *exanimari* multi tamen tam nobilium quàm aliorum innocenti reservantur.’ It is not probable that Edward III. would have ordered all the prisoners taken at Halidon to be put to death; and it will be remarked, that Fordun has not mentioned the name of any person who suffered in consequence of an order equally cruel and impolitic.

‡ ‘Fortalicium de Louchdown, quod tunc Anglice vocabatur *Pete*, custos erat valens vernaculus, Johannes videlicet Thomæ;’ *Fordun*, L. xiii. c. 28. He was probably the same John Thompson who led home the broken remains of the Scots after the battle of Dundalk. See *Annals*, vol. ii. p. 81. 82.

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found means to convey them from the castle of Dumbarton into France, where they were honourably entertained †.

Balliol held a parliament, [about the beginning of October 1333.] ^{Anonymous,}
To it many Englishmen, now become possessed of estates in Scotland, ^{Ed. III. 405.}
repaired. The English King appointed commissioners to require from ^{Foed. iv. 576.}
Balliol and his parliament the ratification of the treaty of Rokesburgh.
Nothing, however, was concluded at this time.

Edward summoned Balliol to his parliament; but Balliol excused ^{Anonymous,}
himself by reason of the unsettled state of Scotland ‡. ^{Ed. III. 405.}

Balliol held a parliament at Edinburgh, [10th February 1333-4.] ^{Foed. iv. 590.}
Geoffrey Scrope, chief justice of England, demanded, in the name of ^{&c.}
Edward III. that the treaty between Balliol and his liege Lord should
be ratified; and to this Balliol and his parliament consented. Balliol
became bound to serve, with all his forces, in the wars of Edward;
and for performing, in part, the conditions covenanted, he made an
absolute surrender of the town, castle, and territory of Berwick, to be
annexed for ever to the English crown. These things were concluded
on the 12th February 1333-4. With so much precipitancy did the
assembly

† Whether David II. was conveyed into France after the battle of Duplin in 1332, or after the battle of Halidon in 1333, is a question of little importance. Our later authors have decided in favour of 1333, and not without probable reasons; the chief is, that Balliol, 23d November 1332, offered to marry Johanna, the infant consort of David Bruce; *Foedera*, T. iv. p. 536. — 539. which he would not have done, had she been conveyed into France immediately after the battle of Duplin, 12th August 1332. This is a more specious argument than any thing drawn from the chronicle of Froissart, where dates and facts are strangely misplaced and confounded, as the manner is in colloquial history.

‡ This is said on the Authority of the anonymous author of the life of Edward III. subjoined to the edition of W. Hemingford by Hearne. Henry de Beaumont and William de Montague are mentioned as Balliol's attorneys, p. 405.

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assembly at Edinburgh dismember the kingdom, and yield up the national liberties*.

The

* There is an instrument in *Foedera*, T. iv. p. 590. &c. which relates the whole circumstances of this disgraceful transaction; from it we learn the names of the principal persons present.

B I S H O P S.

John de Lindsay Bishop of Glasgow.
 Alexander de Kynrymound Bishop of Aberdeen.
 William [Sinclair] Bishop of Dunkeld.
 Henry ——— Bishop of Galloway.
 John ——— Bishop of Ross.
 Maurice ——— Bishop of Dunblane.
 Adam ——— Bishop of Brechin.

B A R O N S.

Henry de Beaumont Earl of Buchan.
 David de Strathboigie Earl of Athole.
 Patrick de Dunbar Earl of March.
 Richard Talbot Lord of Marre.
 Alexander de Seton.
 Alexander de Moubray.
 William de Keith, Stewart of the household.
 William Brisbain Chancellor of Scotland.

The instrument adds, 'et alijs compluribus Baronibus, magnatibus, proceribus, et hominibus tam clericis quàm laicis.' Impartiality constrains me to mention, that there is too much ground for supposing that *William Bishop of Dunkeld* was the courageous prelate whom Robert I. termed *his Bishop*. See *Keith*, Catalogue of Scottish Bishops, p. 51. 52. and that *Maurice Bishop of Dunblane* was that Maurice abbot of Inchaffray who, at the battle of Banockburn, 'passed along the front of the Scottish army bare-footed, and bearing a crucifix in his hands, and exhorted the Scots in few and forcible words to combat for their rights and their liberty;' See *Annals*, vol. ii. p. 47. the same person now concurred in voting the annihilation of those rights and that dear-bought liberty. The Earl of March had been newly reconciled to the English interest;

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The humiliation of the unhappy kingdom became complete when Balliol, by a solemn instrument, surrendered great part of the Scottish dominions to be annexed for ever to England.

In this instrument Balliol said, that he had formerly become bound to make a grant to Edward of lands on the marches to the amount of *two thousand pound lands*, that the Scottish parliament had ratified his obligation, and that he had accordingly surrendered Berwick and its territory; and now, for completely discharging his obligation, he made an absolute surrender to the English crown of the forests of Jedburgh, Selkirk, and Etrick; of the counties of Rokesburgh, Peebles, and Dumfries; together with the county of Edinburgh, and constabularies

Foedera, T. iv. p. 570. As to *Seton* and *Keith*, it is not altogether certain *who* they were. The other Barons mentioned in the instrument were all of the number of the *disinherited or claimants*. *Tyrrel*, vol. iii. p. 381. observes, 'that Edward III. went to Edinburgh about the beginning of February 1333-4, where Balliol then held a parliament, who, in the presence, and by the assent of the prelates, &c. did homage to King Edward in French, as it is expressed in the charter.' He adds, 'that the original is still preserved in a box, entitled *Scotia tempore Regis Edwardi III.* in the old chapter-house at Westminster. And that this rather deserves our notice, because *none of our historians, either in print or manuscript, say any thing of this charter, nor mention any homage to have been done by this Balliol to our King Edward.*' This is utterly erroneous, though delivered with the self-sufficiency which distinguishes the works of *Tyrrel*. The homage of which he speaks was performed at Rokesburgh 23d November 1332; *Foedera*, T. iv. p. 536. and there is a transcript of it in the instrument of the notary reciting the proceedings of the parliament at Edinburgh 10th and 12th February 1333-4; *Foedera*, T. iv. p. 590. &c. That instrument, as well as the other writings in *Foedera*, demonstratively prove that Edward III. did not appear at Edinburgh in person in February 1333-4; his commissioners Geoffrey Scrope, and others, acted in his name. It is strange that *Tyrrel* should have said, that no historians mention any homage done by Edward Balliol to Edward III. when all the more ancient historians mention it, and when he himself pretends to confute *Walsingham* and *Murimuth* for having asserted that Balliol did homage to Edward III. at Newcastle in June 1334.

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laries of Linlithgow and Haddington, and of all the towns and castles belonging to the several territories thus surrendered, [at Newcastle upon Tyne, 12th June 1334.]

Foed. iv. 616.
—618.

Edward immediately regulated the government of his new dominions: He appointed a sheriff for each district, a chamberlain, or general steward, and a justiciary of Lothian*, [15th and 21st June.] Although the territories, thus acquired, were of greater extent than that Lothian which England had formerly claimed; yet it was politic to impose the antient name on the whole territory, that it might seem to have been *resumed* rather than *acquired*.

Hem. ii. 277.
Walsing. 133.
A. Mur. 84.
Scala Chron.
ap. Leland,
i. 554.

Balliol presented himself before his liege Lord; did homage and swore fealty 'for the *whole* kingdom of Scotland and the isles adjacent,' [at Newcastle upon Tyne, 18th June 1334.]

The surrender of the southern part of Scotland had been made with such precipitation, and in terms so general, that the private estate of Balliol

* The partition of the country, and the names of the persons who were to bear rule in the different districts, are thus recorded in *Foedera*, T. iv. p. 616—618. *Rokesburgh*, Geoffrey de Moubray; *Edinburgh*, John de Kingston; *Peebles*, Gilbert de Bourdon; *Dumfries*, Peter Tilliol; *Jedburgh town, with Selkirk and Etrick*, Robert de Maners; *Jedburgh castle and forest*, William de Paffen; *Chamberlain of the new acquisitions*, John de Bourdon; *Justiciary of Lothian*, Robert de Lowedre. Geoffrey de Moubray, who had the charge of the district of Rokesburgh, married Isobel Stewart, the widow of Donald Earl of Marre, slain at Duplin in 1332. Soon after his appointment, he claimed the offices of Sheriff of Rokesburgh and keeper of Selkirk forest, in right of his wife; *Foedera*, iv. 622. But what was the nature of her claim, I cannot discover; perhaps her father, Alexander Stewart of Bonkill, held those offices heritably.

The justiciary of Lothian was required to do all things 'secundùm legem et consuetudinem regni Scotiae.' These were the dictates of sound policy. Edward and his ministers knew that the people of a subjugated province dislike the laws of their new rulers, however superior in excellence they may be to the former usages of the nation, and that a change, even to the better, must be imperceptibly accomplished, and rather by the wish of the subjects, than by the avowed will of the lawgiver.

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Balliol was comprehended under the words of the instrument. Edward, therefore, issued a declaration, importing, that the lands of Botel, Kenmore, and Kirkandrews, were not to be understood as falling within the surrender. He said, that, having already received satisfaction in full, he had too much reverence for God, justice, and good faith to man, that the cession should be prejudicial to the private rights of the King of Scots, [at Newcastle, 18th June 1334.]

The *disinherited Lords*, to whose fortunate valour Balliol owed so much, had the chief share in his favour. A quarrel now arose among them, which, from slight beginnings, produced extraordinary consequences. The brother of Alexander de Moubray died *, leaving daughters, but no issue-male. Moubray having claimed to be preferred to the daughters of his brother, Balliol countenanced his suit, and, as it appears, put him in possession of the inheritance. Henry de Beaumont, Earl of Buchan, and David de Strathbolgie, [or Hastings], Earl of Athole, espoused the cause of the heirs general. Perceiving that their solicitations were not heard, they left the court in disgust, and retired to their castles, [about the end of August.] Balliol soon became sensible that it was dangerous to exasperate two Barons, haughty and independent, the Lords of the extensive territories of Athole, Badenoch, and Buchan; and, therefore, he dismissed Moubray; and, as an earnest of his favour, conferred on David de Strathbolgie the whole estates of the young Stewart of Scotland. But that which conciliated the favour of Buchan and Athole, alienated Moubray from the service of Balliol.

About this time, Sir Andrew Moray of Bothwell having been set at liberty, returned to his native country; and, with his antient zeal for

* Probably John de Moubray, slain at Annan 16th December 1332. See *Annals*, vol. ii. p. 58.

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for the public, began to assemble the surviving friends of Scotland, Moubray, dreading the power and violence of his adversaries, joined himself to Sir Andrew Moray. Geoffrey de Moubray also, whom Edward had appointed governor of Rokeburgh, revolted to the Scots*.

Scala Chron.
ap. Leland,
i. 554.

Walsing. 134.
Ford. xiii. 40.

Ford. xiii. 29.

Richard Talbot was in the north when these disturbances began. He endeavoured to pass into England; but he was intercepted by Sir William Keith of Galston, defeated and made prisoner †.

Sir Andrew Moray and Alexander de Moubray marched into Buchan, and besieged Henry de Beaumont in his castle of Dundarg. Beaumont, despairing of relief, capitulated, and obtained liberty to depart into England ‡.

Ford. xiii. 29.

The Stewart of Scotland had lain concealed in Bute ever since the battle of Halidon; he now found means to pass over to the castle of Dunbarton, and resolutely stood forth in the public cause.

Ford. xiii. 29.

Affisted by Dougal Campbell of Lochow, he made himself master of the castle of Dunoon in Cowal. His tenants of the island of Bute attacked and slew Alan de Lile, the governor, and presented his head

to

* His wife Isabella, Countess-dowager of Marre, retired into England, and obtained from Edward a grant of her husband's whole chattels in England, and estates in the county of Northumberland, [22d February 1335-6.] *Foedera*, T. iv. p. 635.

† There is some confusion in the dates of the great variety of events which occurred in this busy period. I have endeavoured to arrange them in that order which appears most probable. In the following year Richard Talbot was ransomed for 2000 merks; *Anonym.* Edward III. p. 408. *Fordun.* l. xiii. c. 40.

‡ In *Ypod. Neustriae*, p. 512. it is said, that the castle of Dundarg was relieved by the English. Fordun's account is more consistent with probability, and it is confirmed by *Scala Chron.* ap. Leland. T. i. p. 554.

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to their master *. John the son of Gilbert † was made prisoner in the action where De Lile fell. This man was governor of the castle of Bute; he ordered the garrison to surrender, and attached himself to the Scottish interest. Encouraged by these successes, the Stewart invaded the territory of Renfrew ‡, his antient inheritance, and by military execution compelled the inhabitants to acknowledge the sovereignty of David ||.

Godfrey de Ros, the governor of Airshire, either from considerations of interest, or through necessity, submitted to the Stewart. *Ford. xiii. 33.*

Fordun thus describes the Stewart: 'He was a comely youth, tall and robust, modest, liberal, gay, and courteous; and, for the innate sweetness of his disposition, generally beloved by true hearted Scottish men §.' *Ford. xiii. 32.*

The Earl of Moray had escaped into France after the battle of Halidon; he now returned to Scotland. The Scots acknowledged him and the Stewart as Regents under the authority of their infant and exiled sovereign. The Earl of Moray speedily collected a body of troops, *Ford. xiii. 33.*

* *Fordun, L. xiii. c. 32.* calls those men *the Brandanes of Bute*, and says, that, as a reward for their services, they asked and obtained a perpetual exemption from payment of *multures*. It is to be presumed, that they sought to be freed from the obligation of bringing their corn to be grinded at the mill of the barony, not that it should be grinded gratuitously.

† 'Johannes Gilberti;' *Fordun, L. xiii. c. 32.*

‡ The district called the *Stewart-lands*, or the *barony*. *Fordun, L. xiii. c. 33.* says, that the Stewart was joined by Thomas Carruthers and his relations from Annandale, and by Thomas Bruce from Kyle.

|| 'Ad fidem Scoticanam convertunt;' *Fordun, L. xiii. c. 33.* Literally, 'the partisans of the Stewart converted the inhabitants of Renfrew to the Scottish faith.'

§ I would have said *universally* instead of *generally*, had it not been for an expression in *Fordun, L. xiii. c. 32.* 'a cunctis ferè populis,' &c.

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troops, invaded the country of the Earl of Athole, and constrained him to retire into Lochaber. Athole, deprived of all means of subsistence, was compelled to surrender. Ambition or levity of mind induced him to embrace the party of the conquerors*.

Hem. ii. 277.
For. iv. 628.

On this rapid change of things, Balliol again retired into England, and implored the protection of his sovereign. At an unfavourable season for military operations, Edward led his troops against the insurgents, [14th November.] With one part of the army Balliol wasted Avondale and the adjacent territories, [December.] He celebrated Christmas in royal state at the castle of Renfrew, and distributed lands and

For. xiii. 29.

* It is difficult to account for the motives which induced Athole to join the partisans of David II. By the late revolution he had been restored to his paternal inheritance, and had obtained possession of great part of the estate of the Comyns, in right of his mother, the eldest daughter of John Comyn slain at Dumfries. By the prodigal liberality of Balliol, he had received a grant of the whole estates of the Stewart. In his own right, and in right of his mother, he had ample possessions in England. Although the fate of war now deprived him of every thing in Scotland, and reduced him to the necessity of laying down his arms; yet there appears not to have been any necessity for his resuming them again to combat against his party, and against Balliol his benefactor. It is reasonable to suppose, that the Scots would have given such conditions to him, as they gave to Henry de Beaumont, and would have permitted him to depart into England. On the other hand, he had every thing to fear from the resentment of Edward III. and, accordingly, we find, that the King immediately confiscated the English estates of Athole; *Dugdale*, Baronage, vol. ii. p. 96. It is true, that, at an after period, Athole pretended, that, 'what he had done was not out of any evil intentions towards the King, but for his honour, and to save his own life;' *Dugdale*, *ibid.* These are the common pretences of unsuccessful traitors, which, although they may find place in the narrative of a pardon, are never believed. The most probable reason for the conduct of Athole seems to be, that, in the right of John Comyn, he had all the claims of the Balliol line to the crown of Scotland, supposing Edward Balliol to be set aside, whom his submissions to England had rendered odious. Athole, amidst the confusions of war, might possibly have hoped to assert such ambitious pretences.

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and offices among his guests *. The person in whom Balliol placed his chief confidence, was William Bullock, an ecclesiastic of eminent abilities. He was appointed Chamberlain of Scotland, and he had the custody of the castles of St Andrews and Coupar, and of other fortresses entrusted to him.

Edward led the rest of his army into the Lothians, seized certain men whom the English historians term 'evil doers,' put their leaders to death, and ruled at pleasure in a desolate and defenceless country. *Hem. ii. 277.*

At this perilous juncture, Patrick Earl of March formally renounced the fealty which he had sworn to England †. *Hem. ii. 277.*

There were great motives urging him to a resolution so desperate. Balliol had ceded to Edward that part of Scotland where the estates of the Earl of March lay, and the Earl foresaw inevitable ruin to himself, and to the power of his family, should England be left in possession of the Lothians; for, although the English Kings had hitherto, by their protection, maintained the house of March in an independency dangerous to Scotland, yet it was obvious that they would never permit it to continue formidable on the new frontier.

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We have seen that Alan de Vipont held the castle of Lochleven against the adherents of Balliol. That castle, built on a small island, was strong from its situation, and of difficult access. John de Strive- *Ford. xiii. 30.*
lin ^{31.}

* Such appears to be the meaning of *Fordun*, L. xiii. c. 29. 'ad Renfrew, villam regiam, pervenit, ubi regio more festum faciens, convivis suis terras et officia distribuit.'

† 'Redeuntibus verò Regibus versus Berewicum, Comes Patricius, qui fidelitatem juraverat et homagium fecerat, ab eis recedendo, quanquam Rex Angliæ multas curialitates sibi fecerat, suum homagium per literas suas eas remisit.' *W. Hemingsford, T. ii. p. 277. per literas suas eas*, is an idiom of old French, *par les siennes lettres*.

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lin * blockaded it, erected a fort in the neighbouring cemetery of Kinross, and, at the lower end of the lake, where it forms *the water of Leven*, he raised a strong and lofty bulwark. By means of it he hoped to lay the island under water, and to constrain Vypont to surrender. Four men of the garrison approached in silence, and, after much labour and perseverance, pierced the bulwark. The sudden inundation swept away the enemies who were quartered on that side. Confusion arose in the English camp. The garrison of the castle landed at Kinross, and stormed and plundered the fort. It chanced that John de Strivelin was absent, with many of his soldiers, celebrating, at Dunfermline, the festival of Margaret Queen of Scotland †, [10th June.] On his return, he passionately swore, that he would never desist from his enterprize until he had rased the castle, and put the garrison to the sword. Yet, after some vain attempts, he retired, 'with the imputation of perjury,' says Fordun, as if the offence had consisted, not in ~~swearing~~ rashly, but in failing to accomplish what was impracticable †.

Meanwhile

* Probably the same John de Strivelin who had been made prisoner at Halidon. There were with him many barons whom the English had received into favour, particularly Michael and David de Wemyss, Richard de Melvil, and Michael de Arnot. A. de Vypont was assisted by James Lambyn, [probably *Lamy*,] a citizen of St Andrews; Fordun, L. xiii. c. 30.

† 'Nundinae Fermolinodunenses etiamnum celebrantur 18 die Junii, pridie festum translationis D. Margaritae, i. e. 19. Junii. juxta Extract. Dempsterum et Camera-riam;' Ruddiman, not. ad Buchanan, p. 159. See *Annals*, vol. I. p. 303. Mr Ruddiman suspects that the siege of Lochleven happened in some other year than 1335. His chief reason is, that, from the 4th April to the 24th June 1335, there was a truce between the two nations; and, to prove the existence of the truce, he refers to an instrument in *Foedera*, T. iv. p. 640. But that instrument only shows that proposals for a truce had been made, not that a truce had been concluded.

‡ Fordun ascribes the success of the Scots to the interposition of St Servanus, the tutelary

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Meanwhile the Stewart, and the Earl of Moray, Regents, assembled a parliament at Dairfy, [near Coupar in Fife,] April 1335. There appeared at that assembly, the Earl of March, Sir Andrew Moray of Bothwell, Alexander de Moubray, William Douglas of Liddefdale, and many other barons. The Earl of Athole also appeared, having a formidable train of attendants, and bearing himself with a haughtiness of demeanour which the Scottish Lords could ill brook. This ambitious and fickle young man set up his party in opposition to the Earl of Moray, and wrought on the inexperience and facility of the Stewart, to join with him in perplexing and thwarting the national counsels. The deliberations of the parliament were influenced by private interests, animosities, and mutual disgusts; and, at length, the barons, without having concerted any general plan of defence, separated themselves in confusion*.

Through the mediation of France, some overtures had been made for a treaty with the Scots; but the English parliament rejected all terms of peace; and Edward again invaded Scotland †, [11th July.]

Whilst

tutelary saint of that district. He, it seems, thus chastised the impiety of John de Strivelin and his army, who had erected a fort on consecrated ground; and yet Queen Margaret failed to protect John de Strivelin, who had left his post that he might pray at her shrine.

* Of this parliament Fordun speaks, L. xiii. c. 34. 'Ubi, propter tyrannidem Davidis Comitiss Atholice, nihil aliud actum est nisi derisione dignum. Hic Senescallo adhaerens, qui tunc non magna regebatur sapientia, sed Comitem Morayiae et Willielmum de Douglas despectui habens, omnibus ibi existentibus factus est infestus: Sed circumspecta praenominatorum prudentia immanem ipsius saevitiam callide declinavit.' In justification of the Stewart, Mr Goodall observes, *not ad Fordun*. 'at quid mirum, si infra aetatem juvenis senibus astutiam cedat.' It is to be regretted, that Fordun has not been more explicit in his narrative; one may easily discern that he had some particular circumstances in view which he could have explained.

† *Keighton*, p. 2566 says, that Edward III. invaded Scotland by the west marches, and

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Whilst he cruelly ravaged the country, Balliol and Earl Warenne, on another quarter, prosecuted the war with equal inhumanity *. The two Princes arrived in the neighbourhood of Glasgow, and, having united their forces, marched to Perth.

Ford. xiii. 35.
Foed. iv. 654.
Scala Chron.
ap. Leland.
i. 555.

Soon after the arrival of Edward in Scotland, Count Guy of Namur landed at Berwick with a considerable body of men at arms, in the service of the English, [30th July.] Imagining that Edward had left no enemies in his rear, he advanced to Edinburgh, at that time an open place, and having its castle dismantled. Scarcely had he arrived there, when the Earls of Moray and March, and Sir Alexander Ramsay, appeared in the neighbourhood with a powerful force. They fought on *the Borough muir* with obstinate valour. Richard Shaw, a
Scottish

and crossed the Solway on the 11th July 1335. This has the appearance of great accuracy; and, indeed, Knyghton relates many minute particulars as to the progress of Edward's army, which seem to have been transcribed from some military journal of those times. *Fordun*, L. xiii. c. 34. says, that the navy of Edward was seen in the frith of Forth, 6th July 1335. This does not contradict Knyghton; for Edward might have marched his army on the one side, while his fleet with provisions and military stores advanced on the other side of the island. His grand father Edward I. followed a like plan of operations; but *here* lies the difficulty; in *Foedera*, T. iv. p. 655.—57. there are different orders issued by Edward, dated from Carlisle 18th, 25th, 26th, and 28th of July 1335. This appears inconsistent with Knyghton's account. I incline, however, to believe that the public business continued to be transacted in the King's name at Carlisle, even after he was personally in Scotland: And, what confirms me in this opinion, is, that an order, which, from its nature, must have been issued by the King himself, is dated from Erthe [Airth on the Forth,] 3d August 1335; *Foedera*, T. iv. p. 658. Now, it is not probable that Edward could have marched an army from Carlisle to Airth, between the 28th July and the 3d of August, especially as he went by Glasgow or its neighbourhood.

* *Knyghton*, p. 2566. says, that Balliol and Earl Warenne made themselves masters of the castle of *Combrenouth* belonging to the Earl of Athole, and this circumstance is repeated by many historians. The true name of the castle is preserved in *Scala Chron.* ap. Leland, vol. i. p. 555. 'Balliol got the castle of Combrenauld by assaulte.' Cum-
bernauld

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Scottish esquire, was singled out by a combatant in the army of the Count of Namur. They were transfixed with each other's spears, and both slain. On the body's being stripped of its armour, the brave stranger was discovered to be a woman. Victory was about to declare for the enemy, when William Douglas came down from Pentland hills with a re-inforcement. The troops of Namur gave way, yet still maintained the fight in retreating. At length, Count Guy was compelled to take refuge among the ruins of the castle. Having ordered all his horses to be killed, he formed a temporary parapet of their bodies. Nevertheless, thirst and hunger soon obliged him to capitulate. The Earl of Moray paid due respect to the valour of the strangers, and allowed the Count of Namur, and his troops, to depart unmolested, on their promise not to serve against David in the Scottish wars*.

The Earl of Moray, accompanied by William Douglas, and his brother James, escorted Count Guy of Namur to the borders. On his return, William de Preffen, warden of the castle and forest of Jedburgh, Ford. xiii. 35.
Hem. ii. 278.
An. Edw. III.
408. Murim.
86.

bernauld in Stirlingshire had belonged to John Comyn, and had been granted to Malcolm Fleming by Robert Bruce; it was now in the possession of the Earl of Athole as one of the co-heirs of Comyn.

* *Fordun*, L. xiii. c. 35. says, that one reason which induced the Earl of Moray to shew such courtesy to the conquered, was that he imagined it would be an agreeable service to Philip King of France. This Count Guy of Namur was the second son of John de Dampierre Count of Namur. John de Dampierre had for his first wife Margaret the daughter of Robert de Clermont or Bourbon, sixth son of Lewis IX. King of France. Although Margaret left no children, the alliance established a connection with the royal family of France. *Fordun* supposes that the Count of Guelders, also a leader in Edward's army, was the person made prisoner. In *Foedera*, T. iv. p. 658. there is a passport from Edward III. to the Count of Namur returning home [dated at Perth 11th August 1335.]

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burgh, attacked and routed his party *. James Douglas was slain, and the Earl himself made prisoner, and conveyed into England †.

The

* This is the account given by Fordun, and it seems the most probable one. *Knyghton*, p. 2566. gives a very different account; he says that the Scots, to the number of 10,000 men, under the command of the Regent, marched to besiege the castle of Bamburgh, where the English Queen resided, that, by this diversion, they might oblige the English to withdraw their troops from Scotland: That they were encountered by a body of 5000 English, and defeated, with the loss of 19 Knights, and 500 men, [it is afterwards said 5000, which may be an error of the transcriber:] That the English took the Earl of Moray prisoner, and conducted him to Bamburgh castle, and that they themselves lost 400 men. This story is of very dubious credit; for the earlier writers make no mention of it. See *Hemingford*, T. ii. p. 278. *Anonym.* Edw. III. p. 408. *A. Murimuth*, p. 86. Besides, there is a grant made by Edward III. *Foedera*, T. iv. p. 670. [10th October 1335.] which seems inconsistent with the narrative in *Knyghton*; from it we learn that the Earl of Moray was made prisoner, ‘in quodam conflictu,’ by William de Pressen, ‘et quidem alii fideles nostri in sua comitiva exissent.’ Now, if 5000 English had attacked and defeated 10,000 Scots, this would not have been called ‘a conflict between the Scots and William de Pressen, and certain others of Edward’s subjects in his company.’ The words plainly imply such a skirmish as Fordun describes. In the same sense, it is said, *Scala Chron.* ap. Leland, T. i. p. 555. ‘The Count of Murref was by chance taken yn the marches by one William Presfen.’ It is conjectured by *Barnes*, p. 97. that this English army was commanded by John of Eltham Earl of Cornwall, brother of Edward III. who, with the troops of the northern counties, penetrated by Galloway and Airshire into the western parts of Scotland, and then marched through Lenox, Menteth, and Strathern, to the head quarters at Perth. That this army should have encountered a Scottish army on its rout from Edinburgh to Bamburgh castle, is a wonderful circumstance indeed! Edward III. rewarded the good services of William de Pressen by a grant of the estate of Edrington near Berwick, until he should be provided with twenty pounds of land yearly, in some other place; *Foedera*, T. iv. p. 670.

† The Earl of Moray was committed by Edward III. to the custody of the Sheriff of Yorke, and then ordered to the castle of Nottingham [13th August 1335; this warrant is dated at Perth.] *Foedera*, T. iv. p. 600.; removed to Windsor 29th December 1335; *Foedera* T. iv. p. 662.; to Winchester 25th May 1336; *Foedera*, T. iv. p. 700.
and

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The captivity of the one Regent, and the inexperience of the other, seemed to precipitate the ruin of the Scottish nation. Alexander de Moubray, Geoffrey de Moubray, and certain other persons *, having, as they said, full powers † from the Earl of Athole, and Robert the † Stewart of Scotland, † concluded a treaty with Edward III. [at Perth, 18th August 1335.]

Ford. xiii. 36.
Hem. ii. 278.
Knyght. 2566.
Tyrr. iii. 387.

By this treaty it was provided, that the Earl of Athole, all the other barons, and all persons of the community of Scotland, on submitting themselves to the English King, should receive pardon, and have their lands, fees, and offices within the kingdom secured. But an exception was made of those who, *by common assent*, [in parliament,] should be denied the privilege of this indemnity.

The liberties of the Scottish church were to be preserved on their former establishment; and the laws, and antient usages of Scotland, as in the days of King Alexander, were to continue in force.

Further, it was provided, that all offices in Scotland should be held by natives of that kingdom, with this exception, that the Sovereign might name whatsoever persons he pleased to offices within his royal domains †.

The

and to the tower of London 28th September 1336; *Foedera*, T. iv. p. 708. He did not recover his liberty till 1341, when he was exchanged for the Earl of Salisbury, a prisoner with the French; *Foedera*, T. v. p. 250.

* The other persons were Geoffrey de Roos, Eustace de Loreyne, and William Bullock, an ecclesiastic; to all appearance, he is the same man on whom Balliol conferred the office of Chamberlain. As there is no reason for believing that William Bullock had, at this time, ever revolted from Balliol, we may conclude that he acted as attorney for the persons who were absent.

† Or, as it is more generally expressed, his *regalities*. *Tyrr.* vol. iii. p. 387. thus translates the passage, † 'Yet, that the King of Scotland of his royalty may make such officers as he pleases, and of what nation soever.' The ambiguity in this translation leaves

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The other articles of the treaty of Perth respect the particular persons therein named, who had estates in England, and principally, indeed, the Earl of Athole.

Ford. iv. 664.
Ford. xiii. 36.

Edward III. granted a special pardon to the Earl of Athole, restored him to his English estates, [at Perth, 24th August 1335,] and conferred on him the office of Lieutenant in Scotland*.

Ford. xiii. 36.
Hem. ii. 278.
Anonym. Ed.
III. 408.
Ep. Newf. 512.

Athole required all men to acknowledge the authority of Balliol, and, with the zeal of a new convert, arbitrarily and severely punished the partizans of that cause which himself had deserted. With 3000 men he besieged the castle of Kildrummy, hitherto the asylum of the royalists. There still remained three barons, says Fordun, who had not made their submission to England; the Earl of March, William Douglas of Liddefdale, and Sir Andrew Moray of Bothwell. They kept themselves in lurking places, not without the connivance of the English lords. Sir Andrew Moray resolved, at all hazards, to attempt the

leaves it uncertain whether Tyrrel understood the original; but there is no uncertainty as to Barnes, who says, p. 98. 'Yet so, as that the King of Scotland, of his prerogative royal, may, at any time, according to his pleasure, advance to places of office, men of any nation whatsoever.' *Abercrombie*, vol. ii. p. 49. follows the paraphrase of Barnes, which just amounts to this, that all offices shall be enjoyed by Scotsmen, saving the good pleasure of the King to bestow them on the men of any other nation.

* I here transcribe a passage from *Scala Chron.* ap. Leland, T. i. p. 555. 'Edwarde the 3d cam from S. John's tounne to Edingburgh, whither cam Robert the Seneschal of Scotland, onto hys peace. This Robert was sunne to the dougter of Robert Bruse King of Scotland.' Edward III. was at Edinburgh from the 16th to the 26th September 1335. *Foedera*, T. iv. p. 667. 669. It appears from Leland's manner of spelling, that, in the days of Henry VIII. the English had much of that pronunciation which is now termed *Broad Scotch*. Thus he writes *cam* for *came*, *sunne* for *son*, and *doughter* for *daughter*. The word *his* is still pronounced in the south east parts of Scotland *hees*; whether the sound of *hys* was the same, I cannot say. This observation might be enlarged and enforced from the common spelling of words so late as the reign of Queen Elisabeth, and from other examples, which would astonish many of my readers.

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the rescue of his wife and family *. He and the Earl of March, with William Douglas, had collected 800 men, natives of the Lothians and Merse, and they were joined by 300 from the territory of Kildrummy, under the command of John Craig †. They surprized Athole in the forest of Kilblain. His troops, seized with a panic, fled and dispersed themselves ‡. Abandoned by his dastardly soldiers, and disdaining quarter, Athole was slain §. Thus perished, in the flower

* *Fordun*, L. xiii. c. 36. says, ‘petitâ licentiâ et obtentâ a D. Willelmo de Montacuto Regis Angliæ tunc principali consiliariò.’ If William de Montagu, [afterwards Earl of Salisbury,] gave any such permission, it is a striking example of the consequences of jealousy and emulation among the great.

† Probably the vassals of the earldom of Marre, whereof Kildrummy was the capital messuage, not a detachment from the garrison of that castle, as later authors have imagined. *Fordun* calls the commander *quidam Johannes Crag*, which plainly shows that he did not mean to speak of *John Crabbe* the Fleming, whom he had formerly mentioned; yet later authors suppose them to have been the same.

‡ ‘Subito dissipatâ ejus comitivâ;’ *Ypod. Neust.* p. 512.

§ According to *Fordun*, L. xiii. c. 36. Athole was slain 30th November 1335, [prid. kal. Decemb.]; according to English historians, ‘post festum S. Michaelis,’ which, literally taken, implies the 30th September, but may mean some time between that feast and another. *Abercrombie*, vol. ii. p. 51. shews from *Fœdera*, T. iv. p. 711. that, on Thursday the 12th of September 1335, Balliol granted to John of the Isles the ward of the heir of David Earl of Athole deceased. This evidence is cogent, and yet it seems strange, that Athole should have procured the pardon and forgiveness of Edward III. taken possession of his new office, collected a body of troops, besieged Kildrummy, and died in battle, all between the 18th August and the 9th September 1335; for if his death was known, and the ward of his son granted on the 12th September at Perth, it follows that he could not have been killed at Kilblain later than the 9th September. Should this seem improbable, we might conjecture that the instrument in *Fœdera*, T. iv. p. 711. which is a copy, not an original, bears Thursday 12th September, instead of Thursday 12th December, from a mistake of the transcriber; the difference between the two words would be very minute in the original manuscript. What strengthens this

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flower of his age, David de Hastings, of royal descent, nobly allied, and possessing estates above the rank of a subject*. He was brave and enterprising, but ambitious without, insolent and unsteady. Robert Brady, Walter Comyn, and three other knights, died in the field with Athole. Thomas, the brother of Walter Comyn, having been made prisoner, was beheaded.

Ferd. xiii. 35. The Earl of Moray had been engaged, just before the time of his captivity, in negotiating a treaty with John, Lord of the Isles. That Lord, descended from the famous Somerled, was not powerful enough to be altogether independent of Scotland; yet the extent of his territory, and its remoteness, had enabled him hitherto to remain in a state of dubious allegiance.

Ferd. iv. 711. Balliol, by mighty offers of advantage, won him over to acknowledge himself the vassal of Scotland. A contract, in form of indenture, was executed between Balliol and the Lord of the Isles. By it
Balliol,

this conjecture is, that Edward III. in the terms of accommodation offered to the King of France, expressly says, that the Scots slew the Earl of Athole during a truce; *Fœdera*, iv. p. 806. and the same thing is said by *A. Murimuth*, p. 87. and by *Walsingham*, p. 136. Now, it is certain, that it was not until the 8th November 1335 that Edward granted a truce to Sir Andrew Moray and his adherents, *Fœdera*, T. iv. p. 675. and T. v. p. 161. I observe, by the way, that Edward appears to have unjustly charged the Scots as guilty of a violation of the truce; for he had granted it under the express condition that the Scots should proclaim it on their side; *Fœdera*, T. iv. p. 677. and it is not probable that they would have done this while Athole remained in arms, and held Kildrummy besieged.

* He was descended from Donald, surnamed Bane, the brother of Malcolm III. King of Scots. He held in England the castle of Mitford, the Manor of Gainborough in Lincolnshire, of Holkeham in Norfolk, and many other manors; *Dugdale*, Baron. vol. ii. p. 95. in Scotland, the Earldom of Athole, and great part of the extensive estates of the Comyns, Lords of Badenoch. To these Balliol added the lands which belonged to the Stewart. He was only twenty-eight at his death; *Dugdale*, ut sup.

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Balliol, 'as far as in him lay *,' yielded to John, Lord of the Isles, and his heirs and assigns, the islands of Mull, Sky, Ila, and Giga, the lands of Cantire and Knapdale, with other islands and territories, and also the wardship of the heir of the Earl of Athole, at that time *Dugd. ii. 96.* a child of three years old.

On account of which concessions, the Lord of the Isles bound himself, and his heirs, to be the liege men of Balliol, and his heirs, and to aid them at all times, to the utmost, against all their enemies. He also became bound 'to swear to the performance of the premisses on the eucharist, on the cup of the altar, and on the missal;' and, *for farther security*, to grant hostages, if required †, [at Perth, 12th September, probably 12th December 1335. Confirmed by Edward III. 5th October 1336.]

Thus did Balliol, in order to secure the fidelity of the Lord of the Isles, increase his power and influence, and extend it even unto Athole, the center of Scotland.

Edward, on his side, endeavoured to strengthen himself in his new acquisitions, by making grants of them to his principal lords. With this view, he bestowed the town and sheriffdom of Peebles, the town, sheriffdom, and forest of Selkirk, and the forest of Etrick, on William de Montague, and his heirs ‡, [10th October 1335.] *Feod. iv. 671. 672.*

In the former year, he had acquired from Henry Percy the Pele of Lochmaben, with Annandale and Moffatdale, and had given him *Dugd. Baron. i. 274.*
in

* 'Quantum in se est;' *Feodera*, T. iv. p. 711. This shows that Balliol had a slender hold of the estates which he yielded up.

† 'Pro quibus quidem concessionibus.' In this deed no mention is ever made of the words *dare* or *confirmare*.

‡ William de Montague was to pay a yearly acknowledgement of L. 20 for Selkirk, and as much for Peebles; *Feodera*, T. iv. 671. 672.

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in exchange, the town, castle, constabulary, and forest of Jedburgh, with some other places in that neighbourhood*.

Fæd. iv. 674.
686.

Edward lent L. 300 to Balliol, [16th October 1335,] and soon after bestowed on him a daily pension of five merks, to be enjoyed during pleasure †, [27th January 1335-6.]

Ford. xiii. 36.

After the death of the Earl of Athole, Sir Andrew Moray assembled a parliament at Dunfermline, and was acknowledged by that assembly in the character of Regent †.

Meanwhile,

* *Dugdale*, Baronage, vol. ii. p. 274. says, ‘ Henry Percy had a grant from Balliol of the inheritance of the Pele of Lochmaban, as also of Annandale and Moffetdate in as ample manner as Thomas Randolph, some time Earl of Moray, ever had them. which castle, lands, &c. then valued at 1000 merks *per an.* he did, the year following, 8. Edward III. surrender to Edward III. in exchange for the castle and constabulary of Jedburgh, and towns of Jedburgh, Benjedburgh, Hassenden, and the forest of Jedburgh, together with 500 merks, to be received out of the customs of Berwick, as also the custody of the castle of Berwick, with the fee of 100 merks for that service in time of peace, and 200 pounds *per an.* in time of war.’

† He made several other donations to Balliol as his necessities required. Thus, he gave him ten tons [dolia] of flour, and ten of wine, 30th December 1335; L. 200 for paying his north-country debts, [in partibus borealibus,] and L. 100 besides, 24th March 1335-6. L. 200, and wine and provisions of the value of L. 100, 3d October 1336. And L. 20, 3d January 1337-8. See *Fœdera*, T. iv. p. 683, 694. 710. 834.

‡ Two remarkable events concerning Scotland are recorded by some of the English writers as having happened about this time; they must not be altogether overlooked, although both of them are fictitious: The *first* is mentioned by *Knyghton*, p. 2568. it is said, ‘ that the Scottish Lords having been constrained to submit to the English power, took a solemn oath that they, together with David Bruce and his wife, would appear in the English parliament at Michaelmas, and stand to the determination of Edward and his council; and that it was agreed that David Bruce and his wife should reside in England until the death of Balliol, and, in the mean time, that the Scots should perform due homage to Edward. Nevertheless, that by the machinations of France the Scots were prevailed upon not to appear.’ This narrative is somewhat abrupt; for it does not mention what was to be provided for David Bruce *after* the death

of

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Meanwhile, the Papal and French ambassadors were incessantly soliciting Edward in behalf of the Scots. A short truce had been granted to them, [8th November 1335,] and commissioners appointed to treat of peace*. The truce was renewed from time to time †, but it does not appear that it ever took full effect; for Sir Andrew Moray kept the field during the winter, and blockaded the castle of Coupar in Fife, which William Bullock held, and the castle of Lochindorpe, where Catherine de Beaumont, the widow of the Earl of Athole, resided; and, therefore, when Edward granted a renewal of the truce, [8th

*Foed. iv. 676.
Hem. ii. 278.*

*Foed. xiii. 36.
37. Foed. iv.
694,*

Foed. iv. 690.

March

of Balliol. Tyrrel, however, vol. iii. p. 388. supplies the blank by a conjecture of his own, but without mentioning it as a conjecture. He says, 'That the Scots submitted to King Edward, upon condition that they would obey Balliol during his life; and, in the mean while, David Bruce and his Queen were to have a royal maintenance in England; but that if Balliol died without issue, as he had none at present, that then David was to succeed him.' Barnes, p. 99. tells the same story, with this variation, 'that David and his Queen were to reside privately, but honourably, at London;' for this he, too, quotes Knyghton, and even distinguishes the passage with inverted commas; and *this* it is to write history! The narrative in Knyghton is inconsistent with the whole strain of the transactions of that winter.

The *second* circumstance, is a charter of homage granted to Edward III. by David Bruce, in a parliament held at Edinburgh on the 1st November, in the 5th year of his reign. This is printed by Dr Brady, *Appendix*, No 85. It is a senseless forgery; for David Bruce was certainly in France on the 11th November 1333, and for many years after. Besides, a Scottish parliament could not meet at Edinburgh, which had now become a part of the English dominions.

* Edward appointed William de Montague, and others, to treat with Sir Andrew Moray, 1st November 1335; *Foedera*, T. iv. p. 674. and Geoffrey Scrope, and others, to treat with David Bruce, 16th November 1335; *Foedera*, T. iv. p. 675. The Scottish commissioners were Andrew Moray, William de Keith, Robert Lauder, and William Douglas, 23d November 1335; *Foedera*, T. iv. p. 677.

† Truces were granted 8th, 16th, and 23d November, 21st December, 22d, and 26th January 1335-6, and 8th March 1335-6; *Foedera*, T. iv. p. 675. 677. 681. 684. 685. 690.

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March 1335-6,] he did it under this express condition, that the Scots should desist from blockading the castles of Coupar and Lochindorp, and that they should not undertake the siege of any other fortress.

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Foed. iv. 687. Edward began to suspect that the Scots held secret intercourse with the French King, and that a powerful armament, prepared in France under pretence of the holy war, was destined against England*. He

Foed. iv. 695. appointed Henry of Lancaster to the command of his troops in Scotland, [7th April 1336,] and intrusted him with the most ample powers for receiving the Scots to pardon and favour, [10th April.] Embarrassed with important affairs on the continent, he appears to have been averse to carry on the Scottish war with vigour; and, therefore,

Foed. iv. 699. he authorized the General, and other Lords †, to consent to a new truce with the Scots until the latter end of June, [4th May.]

Hem. ii. 278. The English army lay at Perth, when Edward unexpectedly appeared there. For now the King of France had avowedly taken the Scots under his patronage, and no longer concealed his intentions of invading England. It therefore became necessary to crush the Scots before they could receive any assistance from their allies. Edward led his army into the north ‡, [August,] raised the siege of Lochindorp, wasted

Anonymous,
Ed. III. 409.
410. Scala
Chron. ap. Le-
land, i. 556.
Foed. iv. 706.
Ford. xiii. 37.

* This partly appears from a proclamation issued by Edward 16th February 1335-6; *Foedera*, T. iv. p. 687. where the following ambiguous expressions are used, ‘auribus nostris est intimatum, quod quidam homines de Scotia quaedam alligationes et confoederationes in partibus exteris, cum quibusdam hominibus partium earundem faciunt, et ea de causa ipsi homines alienigenae ad arma se parant, et naves in magna copiositate supra mare congregare nitantur, et de guerra muniri, ad invadendum hostiliter regnum nostrum,’ &c.

† The other commissioners were Thomas de Beauchamp Earl of Warwick, Henry de Beaumont Earl of Buchan, and William de Bohun; *Foedera*, T. iv. p. 659.

‡ Edward was at Berwick 26th June; *Foedera*, T. iv. p. 702. At Perth 4th, 6th, and

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wasted Moray, and penetrated to Inverness *. He attempted to force the Scots to a general action; but Sir Andrew Moray remembered the military lessons of his old master, and took refuge amidst forests and morasses, from which Edward could not dislodge him.

While Edward, in the vain pomp of triumph, over-ran the north, Thomas Rosheme, a knight in his service, landed at Dunoter, not many miles from Aberdeen. The citizens of Aberdeen attacked him and were defeated, but Rosheme fell in the action. Edward, on his return, severely chastised the temerity of the citizens, and laid the town in ashes.

Scala Chron.
ap. Leland, i.
555. *Ford. xiii.*
37. *Hym. ii.*
279.

The enemies had been dispersed, but not subdued †; and, therefore, Edward attempted, according to the policy of his grandfather, to curb their incursions by a chain of fortresses. He put in a state of defence the castles of Dunoter, Kinclavin ‡, Lawrieston, Stirling, Bothwell, Edinburgh, and Rokesburgh, and he greatly augmented the fortifications.

and 18th July, 24th August, 1st and 3d September; *Foedera*, T. iv. p. 703.—707. Hence we may, with sufficient certainty, place his expedition into the north of Scotland, between the 18th of July and the 24th of August 1336.

* ‘Per multa millia ultra quam unquam fuerat avus suus;’ *W. Hemingford*, T. ii. p. 278. This confirms what was observed, *Annals*, vol. I. p. 275, that Edward I. did not march into Caithness.

† *Barnes* observes, p. 90. that ‘King Edward passed as far as Elgin and Inverness, where Scotland is bounded by the sea, in pursuit of the enemy, to see if by any means he could bring them to a battle. Yet, for all their assistance from France, they durst not look him in the face.’ It is probable, that, in the days of Edward III. the vulgar had the like notions of the geography of Scotland and of the victories of the English King. But *A. Murimuth*, p. 88. has given the sentiments of a dispassionate bystander; *fecit bonum quod potuit*, says he. Indeed, as the necessities of Edward’s situation required an offensive war, it was the policy of the Scots to stand on the defensive. This is a simple rule, but which has been frequently transgressed through pride, temerity, or impatience.

‡ Called also *Kynnef* by *Fordun*, L. xiii. c. 38.

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Hem. ii. 279.
Anonym Ed.
 III. 410. A.
Murim. 88.
Scala Chron.
 ap. Leland,
 i. 556.

cations of Perth *. Having left a considerable body of troops at Perth with his brother John, surnamed of Eltham, Earl of Cornwall, he departed into England. The Earl of Cornwall died soon after †, [at Perth, about the end of October.]

Scarcely had Edward departed, when Sir Andrew Moray came forth from his fastnesses, and besieged the castle of Stirling ‡, [October 1336.]

* With gates and towers of hewn stone, which Edward commanded to be built at the charges of the monasteries of St Andrews, Dunfermline, Lindores, Balmerinoch, Aberbrothock, and Coupar in Angus. There were three towers and three great gates, [*portae majores.*] There was, it seems, a tower over each gate. Fordun says, that the monasteries were in a manner ruined by this expence. He adds, that John de Gowry, prior of St Andrews, paid 280 merks to the workmen for building one of the towers, L. xiii. c. 38. This chain of fortified places, from Dunoter to Stirling, appears weak; the castles, so far distant from each other, could not afford mutual support; and therefore, it may be conjectured, that there were intermediate castles formerly erected, which served to complete and strengthen the chain, such as Inverbervie, Brechin, and Forfar. In this line of fortifications, three miles to the west of Glamis in Angus, there are the vestiges of a castle, of which the name is forgotten; but, in its neighbourhood, there is a hamlet called *Inglifston*; this seems to point out the origin of the castle.

† ‘Sine bello;’ *Anonym.* Edward III. p. 410. ‘of fayr death;’ *Scala Chron.* ap. Leland. vol. i. p. 556. But *Fordun*, L. xiii. c. 38. gives a different account of his death; he says, that the Earl of Cornwall had burnt the priory and church of Lesmahago in Clydesdale, together with many unhappy persons who had fled thither as to a sanctuary; that Edward III. meeting with his brother before the great altar at Perth, reproached him for his cruel and sacrilegious deed; and, on his making a haughty reply, stabbed him to the heart. Fordun relates this strange tale rather in the way of applause than blame. Edward III. was at Nottingham 29th September 1336; *Foedera*, T. iv p. 709. and 3d October, *ibid.* p. 710.; at Bishop Auckland, 5th and 18th October, *ibid.* p. 712. 714.; and at Newcastle upon Tyne, 28th October and 3d November, *ibid.* p. 715. The Earl of Cornwall was born in 1316, so that he was twenty at his death; *Dugdale*, Baron. v. ii. p. 109.

‡ According to *Fordun*, L. xiii. c. 41. the siege of the castle of Stirling happened in summer 1337. He admits, however, that accounts vary as to the year that event is placed

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1336.] Edward made haste to relieve that important post. He was young and brave, and his motions were rapid. Sir Andrew Moray earnestly pressed on the siege; but Sir William Keith, the favourite of the army, having been slain *, the Scots abandoned their enterprise.

Edward returned into England †, and Sir Andrew Moray again took the field, made himself master of the castles of Dunoter, Lawrieston, and Kinclavin, and, during the winter, harrassed the territories of Kincairdine and Angus. *Ford. xiii. 39.*

While the Lord Berkeley was leading a convoy of provisions from Edinburgh to the castle of Bothwell, the knight of Liddefdale lying in wait at Blackburn assaulted him, but was utterly discomfited, and escaped, almost alone, through the favour of the night. *Scala Chron. ap Leland, i. 556. Ford. xiii. 44.*

The Scottish royalists were not inattentive to the means of annoying the enemy, even on his own coasts. At Genoa, they hired some gallies to act against the English; but the Genoese regency seized and burnt them. This was a service which Edward considered as meriting a special letter of thanks. *Ford. iv. 709.*

With

placed in October 1336; because there is evidence from *Foedera*, that Edward was not in Scotland during the summer 1337; and because it is certain from *Foedera*, T. iv. p. 716. &c. that he returned to Scotland about the beginning of November 1336, and actually came to Stirling. As he had left Scotland in September, it must have been something unexpected and important which induced him to make so sudden a journey thither in the winter season; and, unless we suppose it to have been the siege of the castle of Stirling, it will be difficult to account for it.

* This Sir William Keith is said, but without evidence, to have been the younger son of Sir Robert Keith the Marshal. He was killed by his own lance, says *Fordun*, L. xiii. c. 41. 'propria lancea interfectus; non minus infelicitè, quam mirabiliter.'

† Edward was at Stirling in the beginning of November 1336; *Foedera*, T. iv. p. 716.; and at Bothwell castle 28th November, 3d, 4th, 11th, 12th, 15th, and 16th December; *ibid.* p. 716.—725. The next account which we have of him is from Doncaster 22d December; *ibid.* p. 726.

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Food. iv. 721. With more prosperous fortune, a naval armament, fitted out in France by the partizans of David Bruce, infested the English coasts, made captures of many ships near the isle of Wight, and plundered Guernsey and Jersey. There is no doubt that those hostilities were committed with the connivance, and even with the aid of the French King*.

Food. xiii. 39. Sir Andrew Moray, joined by the Earls of March and Fife, and William Douglas, made an inroad into Fife, cast down the tower of Falkland, took the castle of Leuchars, and, after a siege of three weeks, made himself master of the castle of St Andrews, [28th February]. Not having a force to maintain remote garrisons, he destroyed it. The only

* *Tyrrel*, vol. iii. p. 393. says, that the fleet was under the command of David Bruce, and *Barnes*, p. 206. says ambiguously, that the admiral of this navy for the French was David Bruce; and he quotes *Ashmole*, History of the Garter, T. ii. p. 677. The single evidence to which *Ashmole*, *Barnes*, and *Tyrrel* appeal, is *Rot. Scotiae* 10mo, Edw. III. m. 3. That instrument is printed in *Foedera*, T. iv. p. 721. and the words from whence it is inferred that David Bruce acted as admiral of the fleet are these: ‘Nuper, ut pro certo intelleximus, David de Bruys, et nonnulli alii de Scotia, hostes nostri, et sibi adhaerentes,’ copiosam navium et galeatarum multitudinem, in diversis locis supra mare, et etiam in aliis locis et portibus exteris, congregare fecerunt, et mercatores et alios regni nostri per mare transeuntes hostiliter aggredientes, tam naves ac bona et res ipsorum subditorum nostrorum quam quasdam alias naves, prope litora Insulae Vectae jacentes anchoratas, mercatoribus et marinariis in dictis navibus existentibus nequiter interfectis, plures cepérunt et secum abduxerunt,’ &c. [dated at Bothwell in Scotland 11th December 1336.] Surely these words do not import that David Bruce commanded the fleet in person; yet *Abercrombie*, vol. ii. p. 55. observes, ‘That King David was now about fourteen years of age, yet was thought capable of very great matters: A proof that God Almighty, through his wisdom and goodness, for the most part, forms the very nature of sovereigns for rule and government, and that he endows them, from their infancy, with those qualifications which are in others the product of aged experience and painful study.’ The amiable English satyrist has well expressed the sentiment of *Abercrombie*, where he says, ‘that all maids of honour have beauty—by their place.’

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only fortress in that quarter which resisted his arms, was the castle of Coupar, where William Bullock commanded *.

The castle of Bothwell was next besieged and taken by the Scots †, [March 1336-7.]

Hem ii. 279.
Anonymous,
Ed. iii. 410.
Ford. xiii. 39.

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Having thus secured the passage of the Clyde, Sir Andrew Moray invaded Cumberland, and wasted the country in the neighbourhood of Carlisle. On his return, he invested the castle of Edinburgh. The English on the borders hastened to relieve it †. William Douglas encountered them at Crichton in Mid-Lothian. Many were slain on each side; and, although the Scots appear to have maintained the field, yet they had no cause to boast of victory, for Douglas their commander

Scala Chron.
ap. Leland.
i. 556.
Hem. ii. 280.

Scala Chron.
ap. Leland,
i. 557.
Ford, xiii. 44.

der

* * Excepto castro de Cupro, *valida virtute Domini Wilelmi Bullock defenso*; *Fordun*, L. xiii. c. 39. This brave man, who checked the career of the successes of the Regent, was an ecclesiastic, and is therefore called by Barnes 'Dr William Bullock.' In 1336, Edward paid £. 20 to Bullock for repairing the works at Coupar, and presented him with a gratuity of 100 merks; *Foedera*, T. iv. p. 694.

† *Fordun*, L. xiii. c. 39. mentions Stephen Wiseman as slain at this siege on the Scottish side, and Giloin de Villers on the English. He observes, that the Scots owed much of their success to a military engine which he calls *boisfour*.

‡ 'The marchers of England hering of the sege of Edenburge, cam to rescue it; so that the [Scots] cam thens to Clerkington, and the Englischemenne cam to Krethtoun, where, betwixt them and the Scottes was a great fighte, and many slayne on both parties. Then the Scottes made as they wold go yn to England, and loged themself at Galuschel, and the Englische went over Twede.' *Scala Chron.* ap. Leland. v. i. p. 556. 557. The motions of the two armies are accurately described in this passage. Had the Scots been worsted, it is not probable that they would have marched to Galashiels after the battle. It seems that the English took the direct road from Crichton to Rokesburgh.

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der was grievously wounded, and Sir Andrew Moray judged it expedient to relinquish the siege*.

Hem. ii. 280. The military operations against the Scots began now to languish. Edward, busied in preparing for war with France, could not bestow much attention on the affairs of Scotland. Henry de Beaumont, indeed, who appears to have commanded in the north, occupied himself in revenging the death of Athole, his son-in-law, and slew all Scotsmen whom he suspected to have been present in the action at Kilblain, whenever they fell within his power. But this served rather to exasperate the nation, than to reduce it under the dominion of Balliol and the English.

Ford. xiii. 39. Scotland, at this time, was visited by a grievous famine, the consequence of the desolations of war. Many persons died of want, and many, abandoning their native country, emigrated into other lands.

Hem. ii. 280.
Knyght. 2570.
Walling. 135.
Foed. iv. 727. While the war raged, the wives and children of many of the Scottish barons had sought an asylum in Flanders. On the first appearance of public tranquillity, they embarked, to return, in two vessels under the guidance of John de Lindesay, Bishop of Glasgow. At that time, John de Ros, the English admiral, was escorting home the ambassadors whom Edward had employed in his continental negotiations †; he

* *Fordun*, L. xiii. c. 41. insinuates, that the Regent was obliged to raise the siege through the treacherous practices of some Scotsmen. Douglas was run through the body by a spear: 'Per corpus transsanceatus;' *Fordun*, L. xiii. c. 44.

† There is a passage in *Scala Chron.* ap. Leland. v. i. p. 557. which deserves to be transcribed, although it relates not to Scottish affairs: 'The Erle of Sarisberi, that was nere of privy counsel with King Edward, tolde hym, that his alliance with th' Emperour and the Alemayn, was very costly, and to a smaule profite to hym.' Thus, there is nothing new under the sun! In *Foedera*, T. iv. p. 754. and 756. there are to be found contracts for military services, and subsidies between Edward III. and the valorous knights, [strenui milites,] Henry de Graischaf, and Arnold de Bagheim, and the noble

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he encountered the Scottish ships, and, after a gallant resistance, took them. The Bishop was mortally wounded, and many persons of distinction were slain. What added greatly to this disaster was, that the King of France had sent warlike stores by these vessels, together with a considerable sum of money, to his allies the Scots *, [August 1337.]

Edward publicly asserted his claim to the crown of France, [7th October 1337.] The apparent, and the real causes of the war which ensued between France and England, are foreign to the subject of these annals. It must, however, be observed, that, at this particular juncture, it was of mighty importance to the Scots that Edward occupied himself in foreign wars, and, on that account, relaxed his military operations against his weaker neighbours †.

In

noble and potent personages [nobiles et potentes viri,] Henry de Gemenith, Ernest de Mulenarken, and Wimunde de Dunzenchoven, and many others, whose names are equally uncouth to an English ear.

* *Walsingham*, p. 135. places this event in 1335, and *Keith*, Catalogue of Scottish Bishops, p. 145. observes, from the Chartulary of Paisley, that the successor of John de Lindesay was Bishop of Glasgow in 1335. Nevertheless I have placed this event in 1337, not only on the authority of *Hemingford*, T. ii. p. 280. but on that of *Foedera*, when compared with Walsingham himself. Walsingham says, that the Scottish ships were taken by the Earls of Salisbury and Huntington, when returning from their German embassy; now, it is certain from *Foedera*, T. iv. p. 789. that they were in the Low Countries 19th July 1337, and that they returned to England in the following month; *ibid.* p. 808. If a successor was appointed to John de Lindesay so early as 1335, it must have been owing to this, that the greatest part of his diocese was within the dominion of the English, and that he had revolted to the Scots.—*Hemingford* says, that 250 were made prisoners: Of that number he mentions John Stewart, David de la Hay, Hugh Gifford, John de la More, William Baillie, and Alexander Friscl [or Fraser,] ‘filiu nobilium.’

† *Bowmaker*, the continuator of *Fordun*, says, L. xiii. c. 41. ‘incepta est guerra inter Reges Franciae et Angliae satis atrox et dira; feliciter tamen pro Scotia; nam, si

‘ Rex

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Food. iv. 820.
823.

In the present situation of the affairs of England, it became necessary that the Scots should be amused with the hopes of an armistice, or a peace; and, accordingly, negotiations to that effect were renewed, [7th and 15th October 1337.] It was proposed, and with no injudicious policy, that two treaties should be carried on at the same time, the one with David Bruce, and the other with the royalists in Scot-

Food. iv. 824.

land. Edward also invested the Earls of Arundel and Salisbury with the most ample powers for receiving to pardon and favour all Scotsmen who might be willing to accept of terms, [15th October 1337.]

Hem. ii. 281.

The negotiations, however, proved fruitless, and the Earl of Salisbury laid siege to the castle of Dunbar *, [28th January 1337-8.]

Dunbar

‘ Rex Angliæ prædictus guerram in Scotiae continuasset, ipsam ex toto, et sine difficultate, quantum ad humanum spectat iudicium, obtinisset.’ These expressions, it might be admitted, are too strong; yet it ought to be remembered, that the principal fortresses of Scotland were in the hands of the English; that they were masters at sea; that there was a famine in the land; and, that the Scots were far from being unanimous in defence of their liberties. To heroes of romance, nothing is difficult; but Sir Andrew Moray and his associates were not heroes of romance; they were only brave men struggling under mighty disadvantages with a powerful enemy. And surely, even to such men, so circumstanced, a foreign war, which removed from them the weight of the English arms, was a most acceptable event. Yet, Mr Goodall observes, *not. ad Fordun.* ‘ Neque erat quare adeo timeret ne Eadwardus III. tunc Scotos potius subjugaret, quam cum antea a multis retroactis annis, et ipse ac pater avusque suus, qui totis viribus in id incubuerint frustra, ut et ipse postea, temporibus Scotis non minus adversis.’

* Most historians suppose the siege to have been undertaken about the beginning of the year 1337, according to the modern computation. This has involved them in obscurity and contradictions, which they themselves perceive not, but which an attentive reader must. It is not merely the authority of Hemingford which fixes that siege about the beginning of the year 1338, according to the modern computation; for there is another proof of it, which seems conclusive: All historians agree, that William de Montague, Earl of Salisbury, was at that siege: That the siege began about January, and

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Dunbar was the chief post which the Scots possessed on the eastern coast, and it preserved their communication with the continent. Its castle, situated on a rock, almost surrounded by the sea, and newly fortified, was strong, as well by art as nature. The Earl of March chanced to be absent when the English laid siege to his castle of Dunbar. His spouse, the daughter of Randolph, undertook to defend it in the absence of her Lord. The Countess of March, from her dark complexion vulgarly termed *Black Agnes*, performed all the duties of a vigilant commander; animated the garrison by her exhortations and munificence, and braved every danger with the intrepidity of a Randolph.

and lasted until the beginning of June. Now, we learn from *Foedera*, T. iv. p. 726. that William de Montague was, on the 24th January 1336-7, appointed to command on the coasts of England, from the mouth of the Thames *westward*: That, soon after, he was appointed an ambassador in foreign parts, 15th, 18th, and 19th April, 1337; *Foedera*, T. iv. p. 744. 745. 747. It appears that he had gone abroad 29th April; *ib.* p. 749. and that he continued in the Low Countries, and in the neighbourhood, during the months of May and June; *ib.* p. 789. and he appears to have returned in August 1337; *ib.* p. 808. Thus, we see, that if the siege of Dunbar had been carried on in 1337, the Earl of Salisbury could not have commanded at it. There is a circumstance mentioned by *Fordun*, L. xiii. c. 41. which, when compared with a passage in *Foedera*, will tend greatly to support what has been already observed: He says, speaking of the siege of Dunbar, ‘Habebat eo tempore Comes duas permaximas galcas de Janua—ad observandum ne quid eis ad subsidium per mare adventaret.’ Now, it appears from *Foedera*, T. iv. p. 835. that on the 3d of January 1337-8 Edward granted a commission to John Doria and Nicolas Bianco [called de Flisbo or Fiesca, T. v. p. 83.] to sail with two galleys, as they are called, to the coasts of Scotland, ‘ad percrutandum mare.’ That they were Genoese vessels, is plain from the names of their commanders, *Doria* and *Fiesca*. The business in which they were employed, and the date of their commission, precisely coincide with the hypothesis, that the siege of Dunbar was undertaken in January 1337-8 *Fordun*, L. xiii. c. 40. says that the siege began ‘on the 13th January.’ *Knyghton*, p. 2570. ‘after Epiphany,’ which is a few days later: *Walsingham*, p. 136. ‘on the 28th of January.’ It is probable, that *Walsingham* speaks of the time when the warlike operations began, and the other historians of the time when the English first appeared before the castle.

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dolph. When the warlike engines of the besiegers hurled stones against the battlements, she, as in scorn, ordered one of her female attendants to wipe off the dust with a handkerchief; and, when the Earl of Salisbury* commanded that enormous fabric called *the Sow* † to be advanced to the foot of the walls, she scoffingly cried out, 'Be ware, Montague, thy sow is about to farrow,' and then ordered a huge rock to be let fall upon it, which crushed it to pieces. Such little circumstances may seem beneath the dignity of historical narrative, yet they are characteristic of those times, exhibiting a picture of bold unpolished manners.

Ford. xiii. 41. A certain man, who had the charge of one of the gates, agreed with the English to leave it open. Salisbury resolved to lead the party which by this treason was to surprise the castle. He found the gate open; but while he was entering in, John Copland, one of his attendants, hastily pressed on before him; the portcullis was let down, and Copland, mistaken for his Lord, remained a prisoner. The person with whom Salisbury held correspondence had disclosed the whole machination to the Scots.

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Ford. xiii. 42. The English, thus unsuccessful in their attacks, turned the siege into a blockade, closely environed the castle by sea and land, and strove to famish the garrison. Alexander Ramsay heard of the extremities to which Dunbar was reduced. He embarked with forty resolute men,

* Richard Earl of Arundel commanded the English forces in Scotland; but, it appears, that the conduct of the siege had been committed to the Earl of Salisbury.

† There is an attempt to describe the nature of this engine, in the account of the siege of Berwick, vol. ii. p. 89. That obvious witticism of *the sow's farrowing*, was employed by the Scots on the former occasion, according to Harbour. As, however, the same observation is ascribed to the Countess of March, it is repeated here.

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men, eluded the vigilance of the English, and, amidst the silence of a dark night, entered the castle by a postern next the sea. He sallied out, and attacked and dispersed the advanced guards. The English commanders, disheartened by so many unfortunate events, at length withdrew their forces, after having remained before Dunbar during nineteen weeks, [about 10th June.] They even consented to a cessation of arms*; and, departing into the south, entrusted the care of the borders to Robert Manners †, William Heron, and other Northumbrian barons. The failure of the enterprise against Dunbar was, in all its circumstances, held exceedingly disgraceful to England ‡.

*Hem. ii. 281.
Knyght. 2570.
Scala Chron.
ap. Leland,
i. 557.*

*Scala Chron.
ap. Leland,
i. 557.*

Although the English remained masters of Edinburgh, the adjacent territory was infested by bands of the Scots: Alexander Ramsay concealed himself in the caves of Hawthornden with a company of resolute young men ||, and issuing out from thence as occasion presented

Ford. xiii. 48.

* ‘Acceptis sub certis conditionibus treugis;’ *W. Hemingford*, T. ii. p. 281. The Earl of Arundel had a commission from Edward III. to make truces, and even to conclude peace with the Scots, [25th April 1338.] *Foedera*, T. v. p. 30.

† Probably Robert Manners of Etale in Northumberland, ancestor of the Duke of Rutland; *Dugdale*, Baron. Vol. ii. p. 109.

‡ ‘Post longam moram in obsidione ibidem factam relicta obsidione recesserunt abinde, in eorum opprobrium non modicum,’ says *Knyghton*, p. 2570. ‘Quae quidem obsidionis dimissio et treuga majoribus Angliae et multis ibidem congregatis displicuit; fuerat enim, ut ferebatur, ipsa dispendiosa, nec honorifica, nec secuta. sed Scotis utilis atque grata,’ says *Walsingham*, p. 136. In *Scala Chron.* ap. Leland, Vol. i. p. 557. there is a very awkward apology for the English commanders. ‘The lords being at a point of rendering the castel of Dunbar, hering that they that letted the King’s passage into Fraunce for prosecuting his title thereof, should be counted as traditors, disloggit themself thence with treuves, lest they should have been countit as letters of the Kingges passage.’ All this adds to the renown of *Black Agnes*.

|| *Fordun* mentions the names of some of them, viz. Haliburton, Heryng, Heries, Dunbar, and Dishington. He adds, that ‘to be of Alexander Ramsay’s band,’ was considered

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Scala Chron.
ap. Leland,
i. 557.
Ford. xiii. 48.

sented itself, he pillaged the neighbourhood, and even extended his inroads to the English borders. Returning out of Northumberland with much booty, he was encountered by Robert Manners at Prestfen, near Werk castle. By a feigned flight he led the English into an ambush, attacked, and totally defeated them. Robert Manners was made prisoner, and William Heron wounded. So compleat was the victory, that hardly any Englishmen escaped.

Ford. xiii. 43.

While Alexander Ramsay thus distinguished himself, the knight of Liddefdale, by his valour and perseverance, expelled the English from Teviotdale*.

Ford. xiii. 43.

About this time, Sir Andrew Moray, Regent of Scotland, died. When very young, he was joined in command with Wallace; and, during a course of forty years, in an age of heroes and patriots, had been eminent for intrepidity and public spirit †. Robert, the Stewart of Scotland, succeeded him in the office of Regent.

Ford. xiii. 45.

The new Regent began his administration by preparing for the siege of Perth. That town had been the head quarters of the English for many years: As Balliol had chosen it for the place of his usual residence, it might be termed the seat of government, and it was a post of exceeding importance. There were mighty obstacles to be overcome before the Scots could have any hopes of winning a fortress, which,

considered as a branch of military education, requisite for all young gentlemen who meant to excel in arms.

* 'Hoc in tempore, D. Willelmus de Douglas, per incredibiles conflictus et labores Tevidaliam ad pacem Regis, expulsis Anglicis, reduxit.' *Fordun*, L. xiii. c. 44. relates several other gallant actions performed by him.

† *Fordun*, L. xiii. c. 43. blames him for the cruel manner in which he waged war, by desolating the country, and reducing the inhabitants to the extremities of famine. But this is to be ascribed rather to the savage manners of those times, than to the natural disposition of Sir Andrew Moray; for the historian himself admits, that 'he was a just and beneficent person.'

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which, according to the skill of those times, had every defence of art, and which, by reason of its vicinity to the sea, maintained a constant intercourse with England.

The Regent despatched the Knight of Liddefdale into France to represent the state of affairs, and to implore the aid of the French King. *Ford. xiii. 45.*

Edward had intelligence of the preparations made by the Scots, and he provided for the security of the fortresses, which lay most exposed to their assaults *. Having already experienced the fidelity of William Bullock, he continued him in the government of the castle of Coupar. But he appears to have entertained suspicions of the persons whom Balliol might entrust with the defence of Perth, and, therefore, he required him to commit the custody of that place to Thomas Ughtred †, a commander in whom the English had entire confidence, [4th August 1338.] *Ford. v. 68.*

Balliol

* It appears from *Foedera*, T. v. p. 68. that there had been a scandalous neglect in supplying the English garrisons with provisions; and that many men who adhered to the English interest had, in quest of subsistence, abandoned the fortresses where they were stationed. Edward ordered ample supplies to be sent both to Perth and Coupar, [30th July.] The particulars are as follows:

P E R T H.	C O U P A R.
600 Quarters of wheat,	100 Quarters of wheat.
700 Quarters of barley,	120 Quarters of barley,
300 Quarters of oats,	200 Quarters of oats,
30 Tons [dolia] of wine.	6 Tons [dolia] of wine.

From the minutes of the 13th parliament of Edward III. it is plain, that, by *dolia*, tons are understood.

† Balliol, in the first year of his government, bestowed on Thomas Ughtred the barony of Bonkill, and all the other estates of Sir John Stewart, [at Rokesburgh, 20th October;] *Foedera*, T. v. p. 170. This grant was confirmed by Edward III. 8th April 1340. *ib.*

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Foed. v. 109.
131. Balliol obeyed the commands of Edward, left Perth, and fixed his residence in England *.

1339.

Ford. xiii. 45. The Stewart appeared before Perth with his army. He had under him William Earl of Ross, Patrick Earl of March, Maurice Moray Lord of Clydesdale, William Keith †, and many other barons. Alan Boyd, and John Stirling ‡, commanded the archers.

Ford. xiii. 45.
Froissart, i. 34.
Hennet, 215. At this juncture, the knight of Liddefdale returned from his embassy in France. He brought with him five ships of force, commanded by a Frenchman, whom our writers term *Hugh Hautpyle*, and many knights and soldiers compleatly armed. Among them there were Arnold d'Andeneham §, afterwards a Marshall of France, and the Lord of Garenchieres.

Ford. xiii. 45. Hitherto the Scots had endeavoured to maintain the contest with England by force alone; but the Stewart sagaciously employed policy as well as force.

William Bullock, promoted by Balliol to high honours, held the castle of Coupar. It had baffled the arms of the late Regent, and was thought to be a post of great consequence.

The

* This may be inferred from different circumstances in *Foedera*. See *T.* v. p. 109. and p. 131.

† *Fordun*, L. xiii. c. 45. calls him William Keith of Galton. He must not be confounded with that William Keith who distinguished himself at Berwick, and was accidentally slain at the siege of Stirling.

‡ *Fordun*, *ib.* terms them *valentes armigeri*.

§ *Froissart*, vol. i. c. 34. calls him *d'Andregien*; but I follow more correct authors. *Fordun*, L. xiii. c. 45. makes mention of two esquires among the French, whom he terms *famefores*, viz. Giles de la Hufe and John de Braifi. He has omitted the other names, which are here restored from *Froissart*.

1339.

The Stewart founded this man. He discovered him to be selfish and avaritious; and, satiating his predominant passion by an ample grant of lands, won him over from his duty. Bullock abandoned and betrayed his benefactor, yielded up the fortress committed to his charge, and, with his numerous adherents, swore fealty to David.

Men in all ages have rewarded treason; but in that age men were wont to put confidence in traitors. Bullock was received into as great trust with the Scots as he had ever enjoyed under Balliol; and he seems to have acted with zeal and fidelity in support of that cause which he had so dishonourably espoused.

The Stewart, assisted by the counsels of Bullock, laid siege to Perth. *Ford. xiii. 45.* Ughtred, the governor, made a gallant resistance. Alan Boyd, and John Stirling, who commanded the Scottish archers, were slain, and the knight of Liddefdale was dangerously wounded. The Earl of Ross, by the artifice of a mine, diverted the water from the fosse. The Scots prepared to storm Perth; Ughtred capitulated, and was conducted with his garrison into England, [17th August*.]

The Stewart conferred honourable rewards on his French auxiliaries, and dismissed them. *Ford. xiii. 46.*

His next enterprise was against the castle of Stirling, which was feebly defended. Thomas Rokesby, the governor, despairing of succours from Edward, accepted conditions similar to those which had been granted to the governor of Perth †.

The

* The conduct of Thomas Ughtred became the subject of an inquiry in parliament. His justification of himself had so fair a shew, that the Regent, in absence of the King, ordered him *to be restored to his good name*, [pristinæ restitui fama suae,] until the King should return to England and appoint a more exact inquiry, *Foedera*, T. v. p. 131. [29th October 1339.] Ughtred was employed in an office of trust 18th February 1339-40; *Foedera*, T. v. p. 167.; and, by a grant which Edward III. made to him, 8th April 1340, *Foedera*, T. v. p. 177. it appears that he was restored to favour.

† *Froissart*, T. i. c. 74. says; that the Scots employed cannon at this siege, 'par engins et canons.'

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The Stewart having thus dislodged the enemy from every post to the north of the Frith of Edinburgh, undertook a progress through Scotland, administered justice, redressed grievances, and established good order.

Food. v. 124.
Knyght. 2575.

Meanwhile Edward occupied himself in asserting by force of arms his title to the French crown. He entered the territories of France, [26th September,] and was opposed by Philip, his adversary, in person. The armies of the two nations remained for some days in sight of each other, and then, as of mutual consent, withdrew, [at Vironfosse, in the Cambresis, about the end of October.]

Hume, hist. of Eng. ii. 175.

‘Such was the fruitless, and almost ridiculous conclusion of all Edward’s mighty preparations; and, as his measures were the most prudent that could be embraced in his situation, he might learn from experience in what a hapless enterprise he was engaged.’

Froissart, i. 57.

It is reported by Froissart, that David King of Scots was in the French army.

1340.

Knygh. 2578.
Food. v. 208.

Edward unsuccessfully besieged Tournay. A truce was concluded between France and England, [25th September,] to endure until 24th June 1341. The Scots were to be comprehended in this truce. If they did not accede, Philip, and his allies, became bound to withhold succours from them.

Scala Chron. ap. Leland. i. 558.
Knygh. 2577.

While Edward remained before Tournay, the Scots, under the command of the Earls of March and Sutherland, made an inroad into England. They were encountered and repulsed by Thomas de Gray.

1341.

Ford. xiii. 46.

The fortresses of Edinburgh, Rokesburgh, Berwick, Jedburgh, and Lochmaben, with several less considerable castles in the south, still remained under the power of the English.

The

1341.

The castle of Edinburgh was surpris'd by a device of William Bullock. According to his appointment, one Walter Curry of Dundee privately received into his ship the Knight of Liddefdale, with William Frazer, Joachim of Kinbuck, and two hundred resolute men. Curry cast anchor in Leith road; he pretended to be an English ship-master having a cargo of wine and provisions, and agreed to furnish the commander of the castle * with whatever was requisite for his garrison. He brought his barrels and hampers to the entry of the castle, suddenly threw them down, obstructed the closing of the gate, and slew the centinels. At a signal given, the knight of Liddefdale, and his companions, who lurked in the neighbourhood, appeared, and overpowered and expelled the garrison, [17th April.]

David II. with his consort Johanna, landed from France, [at Inver- bervie in Kincairdineshire, 4th May 1341 †.]

Alexander

* From the minutes of the 13th parliament of Edward III. it appears that Thomas Rokesby was governor of both the castles of Stirling and Edinburgh. Whether he continued to command at Edinburgh, after having yielded up Stirling, is uncertain. *Froissart*, T. i. c. 56. says that Richard Limosin, an Englishman, was governor of the castle of Edinburgh. *Froissart*, *ib.* gives a long narrative of the surpris'e of that castle; in the chief circumstances it agrees with the account in Fordun. The Knight of Liddefdale appointed his bastard brother to the command of the castle of Edinburgh. He is called *William Douglas senior*, by *Fordun*, L. xiii. c. 47. This circumstance ought to be remembered; for, as will be hereafter seen, it serves as a guide to the proper interpretation of several passages in our national history.

† It has become a received opinion, that David Bruce did not arrive from France until 1342. The words of Fordun certainly import that he arrived in 1341, and I see no reason why his authority should be disregarded, merely to make way for the reports of foreign or more recent historians. *Knyghton*, p. 2581. places this event in 1342; but there is a manifest confusion in the dates of that part of *Knyghton's* work; thus, for example, he mentions the return of David to have happened in 1342, and yet he says, p. 2580. that David invaded Northumberland in 1340. There is a passage in *Scala Chron.* ap. Leland. T. i. p. 559. which confirms the narrative of Fordun:

* This

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Ford. xiii. 49. Alexander Ramsay of Dalwolsy took the strong fortress of Rokesburgh by escalade *, [30th March 1342.] The King, as a reward for this important service, injudiciously bestowed on Ramsay the charge of sheriff of Teviotdale, which William Douglas, *the knight of Liddefdale*, then held. From that moment, Douglas, once the friend and companion in arms of Ramsay, became his implacable enemy.

Ford. xiii. 50. According to the duty of his office, Ramsay held courts in the church of Hawick, expecting the wonted attendance of the crown's vassals. Douglas came with an armed retinue, and was courteously welcomed by the noble-minded and unsuspecting Ramsay. Equally regardless of the reverence due to magistracy, and of the sanctity of the place, Douglas dragged him from the judgment-seat, and conveyed his prey, bleeding, and loaded with chains, to the castle of Hermitage, [Friday, 20th June;] and *there* he immured Ramsay in a remote apartment. It is related, that, above the place of his confinement,

* This season, *David Balliol* [plainly a mistake of the transcriber for *Bruce*,] came out of France, and *yn the winter after, about Candlemas*, made a rode into the English marches, and brent much corne and houses, and *yn somer after*, he made a rode yn- to Northumberland into Tyne.' Both these inroads are mentioned by Fordun as having happened in 1342. If the two inroads were made, the one about Candlemas, and the other in the summer after the arrival of David II. as *Scala Chronica* circumstantially relates, it follows, that David arrived from France in 1341; for it is plain from history, that there were no military operations on the frontiers of England in summer 1343, and thus the series of events is perspicuous. David arrived from France in May 1341. About February 1341-2, he accompanied the Earl of Moray, or some other commander of the Scottish army, in his invasion of the western marches; on the 30th or 31st March 1342, Alexander Ramsay surprized the castle of Rokesburgh; this, at once, facilitated the invasion of Northumberland in summer 1342, and secured a retreat.

* *Fordun*, L. xiii. c. 49. says, that the enterprise was suggested by one *Hodo Ednam*. Fordun places this event on Easter-eve, [30th March 1342.] But *Scala Chron.* ap. *Le-land*, T. ii. p. 558.—9. on the morning of Easter-day, [31st March.] 'At the very hour of the resurrection:' It is added, 'but all they that were capitaynes of this covyne dyed after an il death.'

1342.

finement, there lay a heap of corn, and that, with some grains which dropt down through the crevices in the floor, Ramsay supported a miserable life for seventeen days. Thus perished one of the bravest, and worthiest, and most fortunate leaders of the Scottish nation, to the everlasting infamy of him who perpetrated the murder, and to the disgrace of that feeble government which durst not avenge it.

About the same time ensued the fall of William Bullock. That able and sagacious person, after having betrayed and abandoned the cause of Balliol, acquired great honours under the King of Scots, and became his favourite and chief counsellor. Having been invidiously accused of treasonable practices, he was thrust into the castle of Lochindorp, with the meanest criminals, and *there* expired through extremity of cold and hunger *.

A *Scottish* historian, who records the fate of those two eminent persons, Ramsay and Bullock, adds this singular observation: 'It is an antient saying, that neither the wealthy nor the valiant, nor even the wise, can long flourish in Scotland, for envy obtaineth the mastery over them all †.'

Bullock, it is probable, fell unpitied by his contemporaries, and was speedily forgotten; but a grateful nation remembered the virtues and meritorious services of Ramsay, and cried aloud for vengeance.

The

* 'Invidiâ procerum et aliorum multorum apud Regem de infidelitate delatus, de mandato ejus per David Barclay capitur, et cum Molmaran et aliis iniquis deputatus in Lochindorp, custodiae mancipatur, et fame et frigore ad modum dicti Alexandri de Ramsay defecit.—Post quorum mortem tristia felicibus in regno succreverunt?' *Fordun*, L. xiii. c. 50. It is plain from this passage, that Fordun viewed Bullock in the light of an innocent and oppressed man.

† 'Antiquitè proverbialiter dici solet de Scotis, quod neque dives, neque fortis, sed nec sapiens Scotus, praedominante invidiâ, diu durabit in terra;' *Fordun*, L. xiii. c. 50.

1342.

The young King sought to execute justice on the offender, but could not. At length, through the intercession of the Stewart, he received Douglas into favour; appointed him keeper of Rokesburgh castle, which Ramsay had won from the English, and restored him to the office of sheriff of Teviotdale. Thus increasing his honours and influence, the King of Scots put Douglas in possession of the middle marches.

And thus was the first Douglas who set himself above the law, pardoned through the generous intercession of the Stewart.

Ford. xiii. 49.
Scala Chron.
ap. Leland,
i. 559.

During this year, England was infested by frequent inroads of the Scots. The Earl of Moray * entering on the side of the western marches, wasted the country, and burnt Penrith, [February 1341-2.] David served as a volunteer under him. In summer, David erected the royal standard, liberally distributed the honours of knighthood, and led his numerous forces into Northumberland. But from such mighty preparations nothing memorable ensued. Several of the new knights fell into an ambush which Robert Ogle had laid for them †, and David ingloriously retreated. A third invasion was undertaken; but Balliol, lieutenant to the north of Trent ‡, obliged the Scots to desist from their enterprise.

The

* He had been exchanged for the Earl of Salisbury, made prisoner by the French in the neighbourhood of Lille; *Fordun*, L. xiii. c. 48. *Scala Chron.* ap. Leland. T. i. p. 558. The French would not release Salisbury unless he made oath never to bear arms in France; and Edward III. consented to this extraordinary condition, [20th May 1342;] *Foedera*, T. v. p. 313.

† *Fordun*, L. xiii. c. 49. has recorded their names, viz. Stewart, Eglinton, Boyd, Craigie, and Fullarton. As four of the five appear to have been from the shire of Air, and as the fifth, Stewart, might have been from that neighbourhood, there is reason to believe that the number of Knights created at that time was exceedingly great.

‡ All persons, who, on account of felony, had taken refuge in sanctuaries, were pardoned by royal proclamation, under condition of serving, at their own charges, in the army

1342.

The Scots besieged the castle of Lochmaben in Annandale, where Walter Selby commanded. Henry de Lancafter, Earl of Derby, with many other great Lords, and a numerous army, went to succour Lochmaben; but before their arrival, Selby, aided by John Kirkeby, Bishop of Carlisle, and Thomas de Lucy, had constrained the Scots to retire. *Walsing.* 160.
161.

Edward III. issued a proclamation, bearing, that, for himself, and his allies, he had consented to a truce with Philip of France, and his allies, to endure until Michaelmas in the year 1346, [20th February 1342-3.] At what time it was that the King of Scots formally acceded to this truce is not known *. It appears, however, that, on all sides, the military operations were suspended †. *ibid.* v. 357.

Edward

army of Balliol, [5th July 1342;] *Foedera*, T. v. p. 328. They are denominated *Griithmen*, i. e. *Girthmen*. Froissart, T. i. c. 75. gives a very circumstantiated account of this campaign. According to him, David assaulted Newcastle, took and plundered Durham, laid siege to Werk-castle, and raised the siege; but all this seems to be fabulous, and to have been invented by some person who meant to impose on the inquisitive credulity of Froissart. It cannot be reconciled with known historical dates, with the characters and condition of the persons therein mentioned, or with the general tenor of authenticated events. Had David violated the patrimony of St. Cuthbert, in the savage manner related by Froissart, the English histories would have teemed with declamations on an enormity, more heinous, in the opinion of those days, than any crime prohibited by the decalogue. Besides, the sacking of Durham, related by Froissart, was an event too singular and momentous to be altogether omitted; and yet the English historians make no mention of it, neither does Fordun, whose simple narrative I have chosen to follow.

* The French King had written to David II. desiring him to accede to the truce; but had received no answer, [19th May 1343;] *Foedera*, T. v. p. 365. That David afterwards acceded to the truce, is evident from commissions relating to that subject, which Edward III. issued 20th May, 18th August, and 1st December 1343; *Foedera*, T. v. p. 367. 379. 396.

† *Froissart*, T. i. c. 90. says, that Edward led an army to Berwick, celebrated Easter there, and remained in that part of the country for three weeks. Edward did not ar-

rive

1343.

Foed. v. 379. Edward employed this season of tranquillity in seducing William Douglas, the knight of Liddeſdale, from the duty which he owed to his King and his benefactor. We have ſeen that Douglas, inſtead of being puniſhed for the murder of Alexander Ramſay, had obtained additional honours and authority. He now entered into a treaſonable negotiation with England, either becauſe he dreaded the vengeance of the partiſans of Ramſay, and looked for a more powerful protector than his own ſovereign, or becauſe, after having committed an enormous crime, he had become loſt to every ſentiment of virtue.

Foed. v. 379. Henry de Percy, Maurice de Berkeley, and Thomas de Lucy, were appointed commiſſioners by Edward III. 'with full powers,' as the record bears, 'to treat of, and conclude a treaty with William Douglas, to receive him into our faith, peace, and amity, and to ſecure him in a reward,' [18th Auguſt.]

Whether the commiſſioners concluded any treaty with Douglas at that time is uncertain: But the very propoſal for a treaty ſhews that his reputation was tainted*.

1344-

Foed. v. 424. The Scots becoming weary of the truce, made inroads on the marches.

five in London, from an expedition into Britany, till the 4th of March 1342-3; *Foedera*, T. v. p. 357. he appears to have been there on the 14th, 17th, and 20th March; *Foedera*, T. v. p. 350.—360. In 1343, Eaſter-day fell on the 13th April. Edward appears to have been at London on the 18th April 1343; *Foedera*, T. v. p. 361. and on the 1ſt and 12th May; *ib.* p. 362.—364. If, then, Edward went to Berwick, it muſt have been before Eaſter, and he muſt have returned with exceeding expedition immediately after Eaſter.

* Mr Ruddiman, *not. ad Buchanan*, p. 430. imagines that David II. had received intelligence of this treaſon, and that, to ſecure the fidelity of Douglas, he then appointed him to the offices of governor of Roxburgh and ſheriff of Teviotdale. There appears not any authority for this fanciful hypotheſis.

1344.

marches *. Balliol, with the forces of the north of England, was appointed to oppose them, [25th August.]

1345.

Edward III. declared that Philip of France had violated the truce; and he ordered hostilities to be re-commenced, [24th April.]

*Feod. v. 448.
452. et pass.*

He particularly charged Philip with having aided the Scots, contrary to the conditions of the truce, [15th March 1345-6.]

Feod. v. 446.

1346.

While the English King was occupied in foreign wars, David, at the instigation of France, resolved to invade England. He appointed his army to assemble at Perth; with the other Scottish barons, William Earl of Ross, and Raynald of the Isles †, appeared at the rendezvous; the Earl of Ross assassinated Raynald in the monastery of Elcho, abandoned the King's host, and led back his followers to their mountains. This seemed an omen of impending national calamities.

*Feod. xiv. 1.
Walsing. 167.*

David stormed the castle of Lidel, and beheaded Walter Selby the governor. Selby, according to the usage of those loose times, seems to have been both a robber and a warrior, alternately plundering and defending his country ‡.

*Feod. xiv. 1.
Scala Chron.
ap. Leland,
i. 561.*

After

* *Walsingham*, p. 165. mentions a skirmish in which a Scottish commander, whom he calls *Alexander Strachan*, was defeated and slain, by the Bishop of Carlisle and Robert Ogle; and *this*, with great pomp of words, he has magnified into a battle.

† The parentage of this Raynald continues, if I mistake not, to be matter of very serious controversy among the different septa of *the M'Donalds*.

‡ He was one of the band of robbers so famous in English story, who, under their leader Gilbert Middleton, robbed two Cardinals and the Bishop of Durham. He afterwards held out the castles of Mitford and Horton against his sovereign; *Scala Chron.* ap. Leland, T. i. p. 561. Yet *Packintou*, ap. Leland, T. i. p. 470. says, 'David King of Scottes caused the noble knight Walter Selby capitayne of the Pyle of Lydelle, to be slayne afore his owne face, not suffering hym so much as to be confessed.'

1346.

After the Scots had advanced thus far, the Knight of Liddefdale counselled the King to abandon his enterprise against England, and to dismiss his army. 'What,' cried the Scottish Barons, 'must we fight merely for *your gain*? you have profited by the spoils of England, and do you now envy us our share *! Never had we such an opportunity of taking vengeance on our enemies. Edward and his chief commanders are absent, and we have none to oppose our progress except ecclesiastics and base artisans.'

Ford. xiv. 2.

The counsels of Douglas were slighted, and David proceeded on his enterprise. At Hexham he numbered his forces, consisting of two thousand men at arms, compleatly accoutred, and of a very great multitude of light armed infantry. David crossed the river Tyne at Ryton, above Newcastle, and urged his way into the bishoprick of Durham, cruelly wasting the country, and not even sparing the hallowed patrimony of St Cuthbert. He pitched his camp at Bear-park †, within view of Durham, [16th October, at nine in the morning.] At this critical juncture Edward III. lay before Calais with the flower of his troops.

Ford. v. 524.

In his absence the English regency issued a proclamation of array, and appointed William le Zouche Archbishop of Yorke, Henry de Percy,

* 'Tu fatis abundas de bonis Anglorum, neq velles in lucro socios habere, sed in bello;' *Fordun*, L. xiv. c. 1. The expression is highly characteristic, but the full force of it could not be conveyed in the narrative; the castle of Lidel was connected with the territory of W. Douglas, and it served as a frontier garrison to his castle of Hermitage. The meaning of the Barons was this: 'By our valour in storming the castle of Lidel, you have rounded, as it were, and secured your own territories, and now your ambition is satisfied.'

† Called by *Fordun*, L. xiv. c. 2. *Beau repair*; by *Walsingham*, *Ypod. Neustriæ*, p. 517. *Beurepeir*; and by *Knyghton*, p. 2590. *Beal repair*. The place is well known.

1346.

Percy, and Ralph de Nevil, or any one of them, to the command of all the forces of the northern parts of England *, [20th August.]

The Archbishop and his colleagues assembled their forces at Bishop-Aukland. It is remarked, that their army was chiefly composed of ecclesiastics; but, in this there is somewhat of monastic exaggeration, in honour of the clerical order; for it is certain that the sheriffs of the northern counties, and many of the most powerful and popular Barons of those parts, were at the rendezvous.

A. Murim.
contin. 100.
Walsing. 167.

The English marched towards Sunderland bridge, with the view, as it seems, of occupying an advantageous post, and of checking the further progress of the invaders. The Knight of Liddesdale advanced with the men at arms, to procure forage and provisions; he unexpectedly encountered the whole English army on its march, near Ferry of the Hill. He attempted to avoid an engagement; but he was pursued, attacked, and discomfited †. His natural brother William Douglas

Ford. xiv. 2. 3.

* Froissart supposed that Philippa, the consort of Edward III. was their leader, and in this he has been implicitly followed by the later historians of both nations. A young and comely Princess, the mother of heroes, at the head of an army in the absence of her Lord, is an ornament to history. Yet no English writer of considerable antiquity mentions this circumstance, which, if true, they would not have omitted. Balliol also is said to have been next in command to Queen Philippa; yet the ancient English writers say nothing of it; and the whole strain of *Foedera* is inconsistent with the hypothesis of his having had any such command. *Barnes*, p. 378. says, that the English were 'in number 1200 men at arms, 3000 archers, and 7000 footmen, besides a choice band of expert soldiers, newly come from before Calais, the whole amounting to 16,000 complete;' for this he quotes *Giov. Villani*, the Florentin historian, L. xii. c. 75. Villani's account of the battle of Durham is exceedingly superficial; and, which is remarkable, he says nothing of what Barnes quotes as from him. See *Muratori*, Script. Ital. T. xiii. p. 959.

† 'Rex—de approximatione Anglorum nihil conscius, misit de mane Dominum Willelmum de Douglas ad depopulandam terram ecclesiasticam de Durham, et ad prædas

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Douglas was made prisoner *. 500 of his best men were slain, and he himself, with the remains of his party, hardly escaping, carried the alarm and panic into the camp of the Scots.

Ford. xiv. 3. On this sudden intelligence of the approach of the enemy, the Scots hastily prepared for battle. Their right wing, or van, was commanded by the Earl of Moray and the Knight of Liddesdale; the center by the King in person, and the left by the Stewart and the Earl of March. The ground on which the army formed, was intersected by ditches and inclosures †.

Ford. xiv. 2. The English advanced to *Nevil's cross*. In their front, a crucifix was borne, amidst the displayed banners of the nobility.

Ford. xiv. 3. Graham ‡, a Scottish officer, offered to attack the English archers
in

‘*praedas exercitui suo reficiendo corrogandas. Qui inscius in hostes irruens, obviaverunt sibi, tam subito quam mutuo, ad locum qui vulgariter dicitur le Ferry of the Hill. Sed quia non suppetiit dicto Domino Willelmo de Douglas copia congregandi cum tanta multitudine adversariorum, ad regem cum suis fugam iniit, in qua quingentos de Scotis viris validioribus amisit in loco qui *Sunderlandis* nuncupatur: Sed et ipse Douglas manus eorum feliciter evasit. Quod audientes Scoti mirabiliter consternati, &c. Fordun, L. xiv. c. 3.* This passage in Fordun sufficiently authenticates every circumstance in my narrative. Fordun says, that Douglas met the enemy at *Ferry of the hill*, but that the carnage ensued at *Sunderland*. This shews that Douglas, in his attempt to retreat, had been overtaken by the enemy.

* *Knyghton*, p. 2590. supposes that Douglas himself was made prisoner. ‘*Dominus Willelmus Douglas cum suis praecesserat exercitum Scotiae, et Angli inopinati supervenerunt super eum, et captus est per unum armigerum Domini le Deyncourt.*’ But the true fact appears from *Foedera*, T. v. p. 534. where William Deyncourt is said to have made prisoner William Douglas *l'eifne* [i. e. *l'ainné*, or *the elder*.] * We have had occasion to see in *Fordun*, L. xiii. c. 47. that *William Douglas the elder* was the bastard brother of the Knight of Liddesdale.

† ‘*Inter fossata et *sepes*;*’ *Fordun*, L. xiv. c. 3. *sepes* is translated *inclosures*, not *hedges*; because in modern language a *hedg*e is generally understood to imply a *quickset*; but in those days fences were made of stakes and small boughs of trees, in wattled work.

‡ *Fordun*, L. xiv. c. 3. calls him *John de Graham*: Perhaps he means Sir John de Graham

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in flank, if an hundred men at arms were put under his command; 'but, to confess the truth,' says Fordun, 'he could not procure a single man on that service*, either, because the attempt was too hazardous, or because the spirit of the men at arms had sunk under their recent disaster.

The English began the attack on the right wing of the Scots where the Earl of Moray commanded †. The Scots, entangled among ditches and inclosures, had not room to act. The Earl of Moray was slain, and the Knight of Liddesdale made prisoner. The Scots, bereaved of their leaders, gave way, and were totally routed on that side. The English attacked the center, where David commanded, not only in front, but also with their archers on the flank, now exposed by the defeat of the right wing. The archers of the enemy, without intermission, annoyed the Scots; yet the contest, even on terms so unequal, was obstinately maintained for several hours. The chief officers of the crown, and many of the nobility, fell at the side of their Sovereign. He, although dangerously wounded ‡, still encouraged his few surviving

Graham who assumed the title of *Earl of Menteth*, as in right of Mary his wife. Among the prisoners, *Foedera*, T. v. p. 533.—5. mention is made of *David de Graham*, ancestor of the Duke of Montrose; perhaps Fordun or his transcriber has written *John* for *David*.

* 'Petiit Dominus Johannes de Graham centum equestres lanceatos ad interruptum Anglorum sagittarios, ut vel sic expeditius hostes Rex invaderet. Sed, ut verum fateat, nec unum quidem obtinere potuit;' *Fordun*, L. xiv. c. 3. Some MSS. add, 'quod nullus se tantò discrimini ausus est committere.' A movement like that proposed by Graham, decided the battle of Bannockburn. It was the English archery which proved fatal to our countrymen at Halidon.

† This is expressly asserted by *Fordun*, L. xiv. c. 3. 'agmen illud cui Comes Moraviae praeficiebatur, impetitur.'

‡ He was wounded in the head by an arrow; *Knyghton*, p. 2591. He received another

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ving companions, and fought like the son of Bruce. At length, John Copland, a gentleman of Northumberland, disarmed him. The King, while struggling to disengage himself, with his gauntlet wounded Copland * ; yet he was overpowered and made prisoner †.

The Stewart and the Earl of March, who commanded the left wing, made their retreat good, although not without loss ‡.

Such

other wound ; the arrow pierced so deep, that its point could not be extracted ; *Fordun*, L. xiv. c. 3. *Fordun* relates, that David was miraculously cured while he prayed at the shrine of St Monan, and that, in grateful remembrance of the Saint, he erected and endowed a church to his honour. As to that church or rather chapel, See *Spottiswood*, Religious Houses, c. 15. *Major*, L. v. c. 19. relates the same story ; but he has ascribed to St Ninjan the honour which was due to St Monan.

* ' Prius tamen duobus de suis dentibus ictu Regis evulsis ;' *Fordun*, L. xiv. c. 3.

† *Knyghton*, p. 2591. says, that the King of Scots having abandoned the field, was taken at Meryngton, by a servant of John Copland. Meryngton is considerably to the south of Durham. It is impossible to imagine that the King, if he had left the field, would have passed forward into England.

‡ In this narrative of the battle of Durham, the account given by *Fordun*, simple, and, to all appearance, impartial, has been followed. From it we may learn the immediate causes of the defeat of the Scots. They were, in effect, surprised, and they fought on disadvantageous ground. The death of the Earl of Moray, the captivity of the Knight of Liddesdale, and the discomfiture of the right wing, brought on the ruin of the center, and thus the battle was lost. *Boece*, L. xv. fol. 324. b. has been pleased to assert, ' that The Stewart and the Earl of March, perceiving that the forces under their command were dispirited, and unwilling to fight any longer, withdrew them to a place of safety.' He adds, ' that this retreat was the cause of all the disasters which ensued.' There are who believe *Boece*, and yet vindicate the Stewart ! The proper vindication of the Stewart is, ' that the narrative of *Boece* is fabulous.' Although not altogether of his own invention, it has no warrant from *Fordun*, or from any English historian of considerable antiquity. That the Stewart fought, and that he did not retire without loss, is evident from the number of the Barons of the name of *Stewart* who were either killed or made prisoners. For, it must be presumed, that some of them, if not all, fought under the banners of the chief of their family. Besides, two Maitlands,

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Such was the disastrous event of the battle fought in the neighbourhood of Durham, on the 17th of October 1346.

The loss of the vanquished was exceedingly great. Among the slain there were the Earls of Moray and Strathern, David de la Haye Constable, Robert Keith the Marshall, Robert de Peebles Chamberlain, and Thomas Charteris Chancellor of Scotland, together with many Barons of eminence.

*Ford. xiv. 3.
Knight. 2590.*

Besides the unfortunate David Bruce, there were made prisoners, the Earls of Fife, Menteth, and Wigton, the Knight of Liddesdale, and about fifty other Barons.

*Ford. v. 533. 5.
Ford. & Knight.
ut sup.*

Of the common sort slain or made prisoners, there is no certain computation.

‘That day,’ says Walsingham, ‘would have been the last of Scottish rebellion, had the English, neglecting the spoil, and the making of captives, urged the pursuit of the fugitives, and cut off from the land of the living that nation which has ever been rebellious *.’

Walsing. 167.

The English commanders, allured by the lucre of ransoms, connived at the escape of many of their prisoners. This practice became so prevalent, and seemed of such hazardous example, that it was prohibited by proclamation, under pain of death † [20th November.]

*Ford. v. 532. 7.
Scala Chron.
ap. Leland.
i. 562.
Knight. 2591.*

The

Maitlands, and Adam de Whitson were slain, and Patrick de Polwarth made prisoner; and it is probable, from their names, that they were with the forces under the command of the Earl of March. In the Appendix, the reader will find a list of the killed and prisoners, collected from all the probable information that could be procured.

* ‘Et revera hic dies fuisset ultimus obstinatae Scotorum rebellionis, si praedis et captivis tunc omnino neglectis, Anglici gentem ab antiquo rebellem persequendo de terra viventium delevisset,’ *Walsingham*, hist. Angl. p. 167. We can now smile at the pious regret of Walsingham, a regret which has been impatiently reiterated on other occasions.

† Notwithstanding the proclamation, it appears that Gerard de Widdrington, and others, persisted in this traffic; *Foedera*, T. v. p. 594. [18th October 1347.]

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Foed. v. 537-9.
Knyght. 2592.

The King of Scots, with his faithful and favourite servant Malcolm Fleming Earl of Wigton, was conducted to a long and dreary captivity in the tower of London *, [2d January 1346-7.]

Foed. v. 530.

Meanwhile the English regency, studious to improve the success at Durham, appointed commissioners to pardon the Scots, and receive their fealty †, [20th October 1346.]

Foed. v. 542.

John Copland who took the King of Scots, and Robert de Bertram who took the Knight of Liddeſdale, were amply rewarded ‡.

Foed. xiv. 5.

The English entered Scotland: The fortresses on the borders made no resistance. Eustace Lorain, keeper of Rokesburgh castle, yielded it to Henry de Percy. The castle of Hermitage surrendered, and the English became masters of the whole country on the borders from the east to the west sea, and advanced their posts to the neighbourhood of the vale of Lothian §.

Balliol

* *Knyghton*, p. 2592. relates, that by the command of Edward III. David Bruce was conducted to the Tower, under an escort of 20,000 men well armed: That the different companies of London, in their proper dresses, were present at the procession; and that David Bruce rode on a tall *black horse*, so as to be seen of all men.

† Walter de Bermingham, Justiciary of Ireland, was impowered to proffer conditions of peace to John of the Isles; and, if they were refused, to wage war against him; *Foedera*, T. v. p. 530. 4th November 1346.

‡ Copland was made a Banneret, with a salary of L. 500 yearly, to him and his heirs, until lands of the like yearly amount should be bestowed on him. He obtained a pension for life of L. 100, under condition of furnishing twenty men at arms; *Foedera*, T. v. p. 542. [20th January 1346-7.] He was also made warden of Berwick; *Foedera*, T. v. p. 557. Besides all this, it appears that he obtained the office of sheriff of Northumberland, and keeper of Rokesburgh castle; *Foedera*, T. v. 756. 760. Robert de Bertram obtained a pension of 200 merks to him and his heirs, until the King should provide him in lands of an equal value; *Foedera*, T. v. p. 713.

§ ‘ In tantum fines suos dilataverunt, ut infra breve marchias ad Colbrandspeth et Soltrè ponerent: Deinde usurpando ad Karlynlippes, [Qu. Carlops,] et Croffecryne’ Qu. *Fordun*, L. xiv. c. 6.

1346.

Balliol resided in Galloway, in a corner of his nominal kingdom. Having been joined by Henry de Percy and Ralph Nevil *, he led the men of Galloway into the Lothians, penetrated to Glasgow, and returned through Cuninghame and Niddesdale, wasting the country in his cruel and impolitic progress. *Ford. xiv. 6.*
Ford. v. 545.

The Stewart was elected to the office of Regent †; and, notwithstanding the national calamities, he supported the cause of his absent sovereign, and maintained a shew of civil government in Scotland. *Ford. xiv. 6.*

William Lord Douglas, son of Archibald, surnamed *Timeman*, had been educated in France. At this disastrous season, he returned home, expelled the English from Douglas-dale, and took possession of Etrick forest. John Copland governor of Roxburgh hastily assembled forces to protect Teviotdale; but the men of Teviotdale joined themselves to Douglas, and expelled Copland. *Ford. xiv. 6.*

John de Graham Earl of Menteth had formerly sworn fealty to the English King ‡; and Duncan Earl of Fife had sworn fealty to Balliol, the vassal of England. Notwithstanding these engagements, they went over to the party of David Bruce, and were made prisoners with him at Durham. Edward determined their death; and accordingly he issued an order for trying them; and, together with that order, he transmitted to the judges 'a schedule containing the sentence of condemnation,' *Ford. v. 549.*
Knyght. 2592.

* Henry de Percy had 100 men at arms, and 100 archers on horseback: Ralph Nevil 80 men at arms, and 80 archers on horseback. They were hired to serve under Balliol for a year, 26th January 1346-7. *Foedera*, T. v. p. 545.

† The title which he assumed runs thus: 'Robertus Senescallus Scotiae, locum tenens serenissimi principis David, Dei gratiâ Regis Scotiae illustris;' *Foedera*, T. v. p. 831.

‡ 'Qui ad essendum de consilio nostro et nobis in omnibus fidelis, corporale praestitit juramentum;' *Foedera*, T. v. p. 549. John de Graham had assumed the title of Earl of Menteth in right of his wife Mary, according to the practice of that age.

1346.

'demnation*,' [22d February 1346-7.] They were condemned. The Earl of Menteth suffered as a traitor; but sentence against the Earl of Fife was not executed †.

1347.

Knight. 2595.
Food. v. 575.
588. 623.—
629. 660. 672.
725. 762. 781.

Edward III. won Calais, after a tedious siege, [4th August.] He concluded a truce with France to endure until June 1348; and by various prorogations, until the 1st of April 1354. Scotland was comprehended under this truce, [28th September.]

1348.

Food. v. 618.

Negotiations were commenced for obtaining the liberty of the King of Scots ‡, [16th April.]

Food. v. 647.

Johanna, a Princess of England, obtained permission to visit her consort, the King of Scots, after he had remained in durance for two years, [10th October.]

1349.

Food. xiv. 7.

The great pestilence, which had long desolated the continent, reached Scotland.

* 'Mittimus vobis presentibus inclusam quandam cedulam continentem iudicium in eis proferendum, per nos et concilium nostrum apud Caleys ordinatum;' *Foedera*, T. v. p. 549.

† Probably on account of his relation to the Royal family of England. His mother Mary de Monthermer was the niece of Edward I.

‡ The commissioners from Scotland were numerous, viz. William de Landales Bishop of St Andrews, John Pilmore Bishop of Murray, Adam Bishop of Brechin, Thomas de Fingask Bishop of Caithness, Thomas Earl of Marre, David Lindesay of Crawford, Robert Erskine of Erskine, William de Meldrum [called Dominus de *Bachynnanebet*, a corrupted word which I understand not,] Alexander de Seton Master of the hospitallers in Scotland, Sir Andrew Douglas, Friar Walter of Blantyre, and William Wigmer burghers of Edinburgh; *Foedera*, T. v. p. 618. 625. 632. 634. 646. 657.

1349.

Scotland. The historians of all countries speak with horror of this pestilence. It took a wider range and proved more destructive than any calamity of that nature, known in the annals of human kind*.

1350.

John St. Michael and his accomplices assassinated Sir David Berkley, [at Aberdeen, on Shrove Tuesday.] The Knight of Liddesdale, then a prisoner in England, is reported to have hired the murderers, to revenge the death of his brother Sir John Douglas, whom Berkley had assassinated. *Ford. xiv. 7.*

Philip King of France died, [23d August.] He was succeeded by his son John. *Foed. v. 680. Henad. 203.*

A treaty with Scotland was carried on for releasing the King of Scots from his captivity, and for establishing perpetual peace between the two nations. Against this Balliol ineffectually protested; he was, however, permitted to be present at the conferences, [5th March 1350-1.] *Foed. v. 686. 699. 700. 711.*

1351.

In consequence of an agreement between Edward III. and certain commissioners from Scotland, the King of Scots was enlarged, and permitted to visit his dominions, on his making oath to return into custody. Seven youths of the first rank were given as hostages for the performance of his oath †, [4th September.] *Foed. v. 711. 722. 724. 727.*

From

* *Barnes*, p. 428.—441. has collected the accounts given of this pestilence by many historians; and hence he has, unknowingly, furnished materials for a curious inquiry into the populousness of Europe in the fourteenth century.

† 1. John, son and heir of the Stewart, afterwards King of Scots, under the assumed name of *Robert III.* 2. John Dunbar, son and heir of the Earl of March. 3. John, son and heir of the Earl of Sutherland; his mother was the sister of David II. 4. Thomas Fleming, grandson [nepos] of the Earl of Wigton. 5. James Lindesay, son and heir of

David

1352.

Feod. v. 737.

From an instrument preserved in *Fosdera Angliae*, it appears that the English were engaged in some mysterious negotiations with the King of Scots and Lord Douglas.

The instrument is of the following tenor: ‘ Besides the instructions publicly given to Roger de Beauchamp, concerning the business of Scotland, he is charged with this *secret commission*.

‘ That, in case the treaty should fail, and it should be thought, after conference [*examinement*] with the Lord David Bruce and the Lord William Douglas *, that the work might be accomplished in another way [*exploit se purra faire par autre voie,*] and if they have founded the dispositions of their friends, and if the commissioners for England are of opinion, that the return of the Lord David to the south would be a hinderance to the business; then it is the King’s pleasure, that the Lord David do remain at Newcastle or at Berwick, in the choice of the commissioners, until the King receive more information, and until his further commands be made known.

‘ Moreover, in case the commissioners shall judge that the setting at large the person of the Lord David will tend to promote the business, and

David Lindesay. 6. Hugh Ross, brother and heir presumptive of the Earl of Ross.
7. Thomas Moray, brother and heir presumptive of John Moray Lord of Bothwell.

* *Boece*, L. xv. fol. 324. a. erroneously asserts, that David II. bestowed the title of *Earl* on Lord Douglas, just before the fatal expedition to Durham: ‘ Priusquam iter Rex ingrederetur, solemnibus ceremoniis Wilhelmum Douglas Comitem Douglassiae creavit.’ This error has been transplanted into our genealogical histories, has taken root, and will flourish. Although we have been long reformed from popery, we are not yet reformed from Hector Boece. There is every reason to suppose that Lord Douglas did not return to Britain till after the battle of Durham; it is certain that he continued to bear the name of *Lord Douglas* for several years after that unhappy event; and hitherto no man has pointed out either authentic instrument, or credible history, in which he is called *Earl of Douglas* before 1357. Yet all this avails not; Hector Boece has said, ‘ that he was solemnly created *Earl of Douglas* in 1346.’ As fast as the cobwebs of fictitious history are brushed away, they will be replaced.

1352.

‘and if they can have sufficient security by hostages, oaths, covenants, or otherwise, from him, and from those who are willing to accede to his agreement, [*que veullent estre de son accord*], then it is the King’s pleasure that the commissioners be impowered to prolong the time of his re-delivering himself, and to permit him to remain at large, until some limited day between this and Whitfunday next, at farthest, that, in the interval, it may be seen what he can accomplish in the premises,’ [*quel exploit il en purra faire.*]

An English historian reports, that the King of Scots, having himself sworn fealty to Edward, engaged to procure the acquiescence of his people in the long contested claim of feudal superiority; but that the Scots, with one voice, declared, ‘that they would joyfully pay the ransom of their sovereign, and that no consideration whatever should induce them to renounce their independency.’ *Knyght. 2603.*

Whether the mysterious instructions to Roger de Beauchamp establish, in any measure, the truth of what the historian relates, I determine not.

The negotiations, whatever might have been their tendency, proved unsuccessful, and the King of Scots was remanded to prison. *Foed. iv. 746.
Ford. xiv. 15.*

But the English King concluded a singular treaty with his prisoner the Knight of Liddesdale. *Foed. v. 738.*

By it, the Knight of Liddesdale bound himself, and his heirs, to serve the English King, and his heirs, in their wars against all persons whatever, excepting his own nation. But this strange proviso was added, ‘that he might, at pleasure, renounce the benefit of the exception.’

He shall furnish, says the treaty, ten men at arms, and ten light horsemen, for three months service, on his own charges.

Should the French, or other foreigners, join the Scots, or the Scots join the French, or other foreigners, in invading England, the Knight

1352.

of Liddefdale shall do his utmost endeavours to annoy all the invaders, 'excepting the Scots.'

He shall not, either openly or in secret, give counsel or aid against the King of England, or his heirs, on behalf of his own nation, or of any others.

The English shall do no hurt to his lands, or his people, and his people shall do no hurt to the English, unless in self-defence.

He shall permit the English, at all times, to pass through his lands without molestation.

He shall renounce all claim to the castle of Liddel*.

In case the English, or the men residing on the estates of the Knight of Liddefdale, injured each other, by setting fire to houses or stack-yards, by pillaging, or by committing any like offences, it was declared, that the treaty should not be thereby annulled, but that the parties contracting should forthwith cause the damage to be mutually liquidated and repaired.

Edward, on his part, engaged to release the Knight of Liddefdale from his captivity, and to make a grant to him of the territory of Liddefdale and of Hermitage Castle, together with some lands in the interior country of Annandale †. But it was specially provided, that his heirs should hold the estates thus granted, under condition of fulfilling the articles of this treaty, and no otherwise.

It was stipulated, that the Knight of Liddefdale should make oath for the due performance of every thing incumbent on him, under pain of being for ever held 'a disloyal and perjured man, and a false liar,' and that he should give his daughter and his nearest heir-
male

* Said in the instrument to have belonged to Lord Wake, and now to be the inheritance of the Earl of Kent; *Foedera*, T. v. p. 739.

† Half of the town of Moffat, Corhened, [Corehead], Newton, and Granton-Polbothy in Moffat-dale; *Foedera*, T. v. p. 739.

1352.

male *, as hostages, to remain in the custody of the English King for two years.

Nevertheless, in the same base instrument, he made professions of his purpose to yield due service to his liege Lord the King of Scots †, in every thing that might be consistent with the articles of this treaty, [London 17th July.]

And thus, in an evil hour, did Sir William Douglas at once cancel the merit of former achievements, and, for the possession of a precarious inheritance, transmit his name to posterity in the roll of time-servers and traitors.

1353.

Duncan M'Dowal, a powerful chief in Galloway, was the hereditary Ford. xiv. 15.

* James, the son of Sir John Douglas, afterwards known by the name of *Lord of Dalkeith*. By inheritance, by marriage, and by royal grants, he became possessed of very ample estates. See *Douglas, Peerage of Scotland*, p. 490. I have some reason to suspect that Froissart mistook him for *the Earl of Douglas*; if so, the confident assertion of that writer, who pretended to have been personally acquainted with the Earl of Douglas, has led me into an error. See *Remarks on the History of Scotland*, c. 3.

† 'Et est l'entencion que le dit Monsieur William puisse touz jours faire son *devoir* devers son Seigneur liege, et totes choses qui ne sont contraires a cestes alliances;' *Foedera*, T. v. p. 739. It would have puzzled the most able feudist to discover what that *devoir* could be; for Sir William Douglas had agreed to fight the battles of the King of England and his successors, even against the auxiliaries of his liege Lord, and never to give counsel or aid against the King of England, even in behalf of his own nation. He had expressly stipulated a neutrality for his own estate; he had virtually engaged to facilitate the entry of the English into Scotland at all times; and he had submitted to hold his lands of the English King. These were feudal delinquencies inconsistent with the service of his liege Lord. Some readers may think that there was no occasion for entering into so minute a detail of a private covenant between Edward III. and a Scottish Baron; but the articles of this singular treaty could not be abridged, and they tend to explain the policy of Edward III. and the real character of the Knight of Liddesdale.

1353.

tary enemy of the house of Bruce, and bound by fealty to England. William Lord Douglas penetrated into Galloway, and either by force or persuasion, induced M'Dowal to renounce England for ever, and to acknowledge the sovereignty of the King of Scots. Edward ordered the estates of M'Dowal to be seized, and his goods confiscated *, [18th August.]

*Foed. v. 756.
Knigh. 2606.*

The treaty for the release of the King of Scots was renewed. By permission of Edward he came to Newcastle, where commissioners from the two kingdoms held fruitless conferences. It is said that the Scots suspected that their King, under the influence of English counsels, was prone to barter the national independency for his own freedom. And it is added, that they refused to contribute to his release, unless he consented to withdraw himself from evil advisers, and to grant an ample indemnity for all offences committed in Scotland since his captivity. This last report has a probable appearance, for there were many and mighty offenders who had cause to dread the restoration of their Sovereign.

Ford. xiv. 8.

The Knight of Liddesdale, while hunting in Etrick forest, was waylaid and assassinated by his kinsman and godson William Lord Douglas, in revenge, as was said, for the murder of Ramsay and Berkley, [August, at a place called *Galvord*.] Fordun bestows this eulogy on the

* *Fordun, L. xiv. c. 15.* says, 'Willelmus de Douglas—collectâ multitudine non modicâ armorum, secessit in Galweiam, ubi sic finaliter tractavit, quod Dovenaldum M'Dowall, et totam terram Galweiae, ad fidem Regis retraxit.' He adds, that M'Dowal swore fealty to the King of Scots in the church of Cumnock, in presence of the Stewart, and that he faithfully persevered in his allegiance. Fordun seems to place this event in 1356; but I have placed it in 1353, on the authority of an instrument in *Foedera*, T. v. p. 759. which begins thus, 'Quia Duncanus [in Fordun *De venaldus*] Magdowail, contra fidelitatem et sacramentum nobis per ipsum praestita, Scotis inimicis nostris contra nos jam adhaesit.' &c. [18th August 1353.] By *Galweia* in this place is to be understood the interior Galloway, called sometimes by our writers, *Insula Scottis inimica*.

1353.

the Knight of Liddesdale: 'A hardy soldier he was, and one who had endured much in defence of the liberty of the kingdom: Skilled in war; faithful to his promise; the scourge of the English; and a wall of defence to Scotland.' So little suspicion had Fordun of the foul alliance with Edward III.

There are no descendants of the Knight of Liddesdale.

1354.

At length a treaty for the ransom of the King of Scots was concluded, [Newcastle 13th July.] The ransom was fixed at 90,000 merks Sterling, to be paid at the rate of 10,000 merks annually, for nine years: During that space, there was to be a truce between the two nations, and in it all the allies of England, and especially Balliol, were included. *Foed. v. 793.*

Twenty young men of quality were to be given as hostages. It was provided that the King of Scots, the bishops, and prelates, and all the nobles of Scotland, should become bound after the strictest form that could be devised *, as well for payment of the ransom, as for

* 'En la meillour manere et fourme comme homme savera plus seurement deviser par reson,' *Foedera*, T. v. p. 793. This treaty contains many provisos respecting the hostages, which would not afford entertainment or instruction to the reader. One clause, however, is of a singular nature, and deserves to be remembered. It was provided, that, on payment of the first moiety of the ransom, [2d February 1354-5.], the eldest son of the Earl of March, an hostage, should be exchanged for the eldest son of the Stewart, and that, on payment of the second moiety, the eldest son of the Stewart should be exchanged for his brother Walter, if alive, and if not, for another of the sons of the Stewart [un autre de ses filz.] This seems to imply, that, in 1354, the Stewart had, at least, four sons. The English commissioners engaged to use their good offices for procuring the liberty of Walter de Haliburton, David de Annand, and Andrew Campbell, without ransom. The reader cannot fail to remark, that the merchants and burgeses of Aberdeen, Perth, Dundee, and Edinburgh became bound not only for themselves, but for all the merchants in Scotland.

1354.

for observance of the truce; and, in like manner, the merchants and burghesses of Aberdeen, Perth, Dundee, and Edinburgh, for themselves, and for all the other merchants in Scotland.

In case of any delay in payment, additional hostages were to be given; and, in case of failure in performance, the King of Scots was to be delivered back to the English.

Foed. v. 812. This treaty was ratified by commissioners from Scotland, [12th November,] and by Edward III. and his son the Prince of Wales, [5th December.]

Foed. v. 788. It is certain, that, about this time, the English King negotiated with Balliol, as well as with David Bruce; but to what particular end is unknown.

Foed. v. 760.
804. He obtained possession of Hermitage Castle by treaty with Elizabeth, the widow of Sir William Douglas of Liddefdale*, [8th October.]

About this time, the Scottish government injudiciously debased the coin.

* Edward had appointed commissioners to treat with her, 14th October 1353; *Foedera*, T. v. p. 760. The treaty, however, was not adjusted until October 1354. Edward made a grant to her of Liddefdale and Hermitage Castle for life; and he promised, if she married an Englishman, to enlarge the grant to her and her husband, and to the heirs of the marriage. And thus the heirs of the Knight of Liddefdale were excluded, contrary to the treaty between him and Edward III. while the heirs of his wife by another husband were let in. The lady did homage, and swore fealty to Edward, and consented to admit and pay an English garrison. But it was provided, that, if she married an Englishman, he should have the command of the garrison. Not long after, she married Hugh Dacre, brother of William Lord Dacre. He was appointed keeper of Hermitage Castle, 1st July 1355; *Foedera*, T. v. p. 818.

Edward also became bound, on his attaining the sovereignty of Scotland, to put the Lady in possession of whatever lands belonged to her of right, [probably, as the daughter and heirs of Sir John Graham of Abercorn.] Lastly, it was covenanted, that the treaty with her deceased husband should be annulled, and that her daughter and the heir-male of her husband, hostages for the performance of that treaty, should be delivered back, [8th October,] *Foedera*, T. v. p. 801. but this last was superfluous, for the term during which they were to remain as hostages had already expired.

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coin. Edward issued a proclamation forbidding its currency in England, and ordered it to be taken as bullion only, [12th March 1354-5.] The preamble of this proclamation will seem strange to those who are unacquainted with the state of the two nations about the middle of the fourteenth century. 'The antient money of Scotland,' says Edward, 'was wont to be of the same weight and alloy as our Sterling money of England, and, on that account, had currency with us; yet, of late, money, bearing the resemblance of the antient money, has been coined in Scotland of less weight, and of baser alloy, and begins to have currency, whereby the English nation will be deceived and wronged *,' &c.

1355.

A truce between the two nations, for the long term of nine years, *Ford. xiv. 9.* would have proved prejudicial to France; and therefore the French King employed his utmost endeavours to frustrate it. He sent Eugene de Garencieres to Scotland with a small but chosen body of soldiers †, and, which was of more importance, with a considerable sum of money ‡.

This

* 'Licet antiqua moneta Scotiae ejusdem ponderis et alliaie, sicut fuit moneta nostra Sterlingi Angliae, ante haec tempora esse consueverit, propter quod in regno nostro Angliae habuit cursum suum; quia tamen quaedam moneta, dictae antiquae monetae similis et conformis, quae in pondere minor et alliaâ debiliior existit, in dicto regno Scotiae de novo est cussa, et in regno nostro suum cepit cursum,' &c. *Foedera*, T. v. p. 813.

† 'Post festum Paschae venit quidam miles nobilis et expertus armis, nomiae Eugenius de Garencieris, cum quibusdam militibus praelectis et valentibus armigeris, numero sexaginta,' *Fordun*, L. xiv. c. 9.

‡ Ten thousand merks, according to *Scala Chron.* ap. Leland. T. i. p. 564.; but, according to *Fordun*, L. xiv. c. 9. forty thousand gold *moutons*. This gold coin had the impression of the *Agnus Dei*, which the vulgar mistook for a sheep; hence it got the ridiculous name of *mouton*. *Gaguin*, Hist. L. ix. fol. 152. b. says, 'Moutonus, id enim monetae

1355

This money was to be distributed among the Scottish nobility, on condition of their renewing the war, [April.] 'The Scots,' says Fordun, 'are wont, for the sake of any present gain, to overlook all future inconveniencies.' They accepted the French offers, and consented to dissolve the truce, and invade England.

Ford. xiv. 9.
Scala Chron.
ap. Leland,
t. 564.

The Earl of March, who had assisted at the treaty with England, appears to have been singularly active in forwarding the negotiations with France, whether from ambition, or avarice, or levity of mind, is uncertain.

The Northumbrian borderers had made a predatory incursion into the territories of the Earl of March. Eager to seize any fair pretext for hostilities, the Earl ordered Sir William Ramfay of Dalwolly to enter England, pillage Northam, and lay waste the adjacent country. Ramfay obeyed, and insultingly drove off his spoils, in view of Northam castle. The keeper, Sir Thomas Gray, sallied out with a body of cavalry to chastise the spoilers. Ramfay fled; Gray pursued him across the Tweed, and fell into an ambush which the Earl of March and the French commander Garencieres had laid in concert with Ramfay. Gray, perceiving himself beset on every side, commanded his horsemen to dismount, and led them on to a desperate attack. But personal valour, admired and praised even by enemies, could not break through

'monetae aureae nomen erat, quia aristis effigiem, quem *mutuum* Franci dicunt, sculptam haberet;' he supposes that it had the impression of a man, *mutton*, in propriety of speech, is a wedder. This coin was originally of the value of 12 sols 6 deniers of fine silver.

* 'Qui crebro per denarium amittunt solidum;' Fordun, L. xiv. c. 9. literally, 'who often for a penny lose a shilling.'

† 'Animas suas in propriis manibus committebant, Scotis viriliter resistentes;' Fordun, L. xiv. c. 9. 'Yet for al that, Gray with his men fighting upon foot, set upon them with a wonderful corage, and killed more of them than they did of the English men;' Scala Chron. ap. Leland, T. i. p. 565.

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through those toils in which rashness had entangled him. He was made prisoner, together with his eldest son, and James Dacre, and many other brave men. Few of the English escaped. Of the Scots, John de Haliburton, a commander of approved fidelity and courage, was slain, [August, at Nisbet.]

Thomas Stewart Earl of Angus, having collected some ships, approached Berwick in the night, landed his forces silently, and scaled the walls on the side next the sea, while, on the land side*, the Earl of March, with the French auxiliaries, seconded the attack. The inhabitants fled into the castle, and abandoned to pillage a town become opulent through the tranquillity of twenty years, [about the beginning of November †.] The tower called *Douglas Tower* still remained in the possession of the English. John Copland, who commanded on the eastern borders, attempted, in consequence of the access by *Douglas Tower*, to dislodge the Scots from their new conquest. The Scots repulsed him, and won the tower. Elated with this success, they assaulted the castle; but that enterprise far exceeded their strength. The Regent came to Berwick, and provided, as well as the situation of affairs could allow, for its defence. He thanked the French auxiliaries

Ford. xiv. 10.
Scala Chron.
ap. Leland,
i. 565.

* By treason, says a MS. in the library of Peters house, Cambridge; *ap. Leland, T. i. p. 479.*

† All historians seem agreed that the surprize of the town of Berwick happened about the beginning of November. In *Scala Chron. ap. Leland, T. i. p. 565.* this event is placed *twenty-one days* after the ambush at Nisbet. Holding this computation to be just, the ambush at Nisbet ought to be brought down to the beginning of October, instead of being placed in August, as has been done on the authority of Fordun. Hector Boece has comprehended the history of Scotland, between the battle of Durham and the surprize of Berwick, in a single page, T. xv. fol. 325. a. The little that he says is taken from Fordun; but he has varied the narrative according to his own fancy. Thus, for example, he speaks of the Knight of Liddesdale having been assassinated by *one William Douglas;* * a *Willelmo quodam Douglas.*

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liaries for their good services, and dismissed them to their own country.

It appears singular that the Regent thus dismissed the French auxiliaries, after they had performed good service at Nisbet, as well as at the storming of Berwick, and especially at a juncture so critical, and in the depth of winter. An English historian accounts for it, by observing, that 'the French could not submit to live after the country fashion *.' And, indeed, the French, although eminently skilled in the elegancies of life, have seldom acquired the important art of appearing easy while from home.

Edward III. having returned from France, [18th November,] assembled an army for recovering Berwick, before the Scots could have leisure to strengthen its fortifications. He invested the town; Articles of capitulation were speedily adjusted, and the Scots had liberty to depart with all their effects, [13th January 1355-6.]

Balliol, weary of being the nominal sovereign of a people among whom he had no authority, resolved to renounce Scotland for ever.

He made an absolute surrender to Edward III. of all his private estates in Scotland, [at Roxburgh, 20th January 1355-6 †.]

On the same day, he made an absolute surrender to Edward III. of the kingdom and crown of Scotland, 'by delivery of a portion of the earth

* 'Nescientes vivere secundum morem patriae, cito repatriaverunt,' *Knyghton*, p. 2608. In writing history, I have industriously avoided the refinements of conjecture; and, therefore, I shall, on this occasion, barely hint, that the Stewart might possibly have wished to rid himself of the French auxiliaries. They were particularly connected with the Earl of March, in whom the Stewart could place no confidence; and their remaining in Scotland would have proved an obstacle to the renewal of the negotiations with the English.

† His principal estates lay in Galloway; *Foedera*, T. v. p. 833. He had also some lands in Annandale; and he held Lawderdale by virtue of a grant from Edward III.; *Foedera*, T. v. p. 632.

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* earth of Scotland, and also by delivery of his golden crown.' These were considered as the proper feudal symbols of possession given, [at Roxburgh, 21st January 1355-6.]

Balliol judged it incumbent on him to publish to the world the reasons which occasioned this surrender. They are here collected from the various instruments drawn up at that time, and they are *eleven* in number.

1. The many great favours, and distinguished marks of honour, bestowed on him by the English King.
2. Balliol's especial affection towards the English King.
3. The near relation by blood in which they stood to each other*.
4. The ingratitude, and the obstinate rebellion of those his relations who stood next in succession to the crown.
5. That his own right to the crown might not altogether perish.
6. That its opposers might not escape with impunity.
7. The various and imminent dangers, spiritual as well as temporal, in which his subjects were involved through the prevalency of rebellion.
8. The feebleness of his body by reason of the approach of old age.
9. The evils which might arise from a disputed succession after his death.
10. His expectation, that, through the valour of Edward, the wicked would at length be overcome; and, through his wisdom and clemency,

Feod. v. 832.
834. 839.

* The nature of their relation will be discerned from the following pedigree:

2. Hugh le Brun, = ISABELLA D'ANGOULESME. = 1. John King of England:
Count de la Marche.

John E. Warren, = Alicia.

John Balliol, = Isabella.

EDWARD BALLIOL.

Henry III.

Edward I.

Edward II.

EDWARD III.

1355.

cy, the good protected. And, *lastly*, in order to promote union, for the mutual strength, safety, and advantage, of the two nations.

Foed. v. 832.

To this instrument of surrender, a clause was added of the following import: ' And we, and our heirs, shall warrant against all mortals, for ever, the said kingdom and crown of Scotland, the Isles, and all other the premises, with their whole pertinents, to the said Edward our cousin, and his heirs and assigns *.'

It must appear exceedingly strange, that Balliol, when deprived of the possession of the kingdom of Scotland, and despairing to regain it, should have made it over to another, ' with absolute warranty.'

Foed. v. 836.

In return for this surrender, Edward became bound to pay five thousand merks to Balliol, and to secure him in an annuity of two thousand pounds Sterling, [at Bamburgh, 20th January 1355-6 †.]

The fate of Edward Balliol was singular. In his invasion of Scotland, during the minority of David Bruce, he displayed a bold spirit of enterprise, and a courage superior to all difficulties. By the victory at Duplin he won a crown; some few weeks after, he was surpris'd at Annan, and lost it. The overthrow of the Scots at Halidon, to which he signally contributed, availed not to his re-establishment. Year after year he saw his partisans fall away, and range themselves under the banners of his competitor. He became the pensioner of Edward III. and the tool of his policy, assumed and laid aside at pleasure: And, at last, by the surrender at Rokesburgh, he did what in
him

* ' Et nos et haeredes nostri, dicta regnum et coronam Scotiae, Insulas, et omnia alia praedicta, cum suis pertinentiis universis, praefato Domino et consanguineo nostro, haeredibus et assignatis suis, contra mortales omnes warrantizabimus et in perpetuum defendemus; Foedera, T. v. p. 833.

† From the instruments executed on this memorable 20th January 1355 6, it appears that Edward III. and Balliol were, on the same day, at Rokesburgh and Bamburgh. It is probable, that the treaty was concluded at Bamburgh, and that the parties afterwards went to Rokesburgh to give and to receive livery and sasine.

1355.

him lay to entail the calamities of war on the Scottish nation, a nation already miserable through the consequences of a regal succession disputed for threescore years. The remainder of his days was spent in obscurity; and the historians of that kingdom where he once reigned, knew not the time of his death. He died childless, [1363.]

Abercrombie,
ii. 109.
Knyght. 2627.

Edward, after having received the solemn surrender of Balliol's rights, remained at Roxburgh for some days. He suffered himself to be amused with hopes of the submission of the Scottish barons; but perceiving at length that they only sought to gain time, and that they had no purpose of acknowledging his authority, he resolved to extort their obedience, and he led his numerous forces into East Lothian. The Scots had not failed in their wonted precaution of driving off the cattle, and removing every sort of provisions beyond the reach of the enemy. Edward ordered a fleet of victuallers to attend him in the frith of Forth; but his ships were dispersed by a tempest, and many wrecked. As he advanced, his difficulties increased. Flying parties of the Scots infested him on all sides, and embarrassed his march. Edward, enflamed by disappointment and rage, desolated the country, and laid every town, village, and hamlet, in ashes. More resembling the frantic JOHN, than the conqueror at Cressy, he spared not the edifices consecrated to religion*. It behoved him to retreat; and, while part of his army was passing by the borders of Etrick forest, Lord Douglas set upon them, and slew great numbers. This inroad

Knyght. 2611.
Ford. xiv. 13.

* *Combusto burgo et toto monasterio, ac solemniter ecclesia Fratrum Minorum de Hadington, opus certe quod sumptuosum erat, mirique decoris, ac totius patriae illius solatium singulare, cujus chorus quidem, ob singularem pulchritudinem et luminis claritatem, Lucerna Laudoniae communiter vocabatur, direxit iter suum per Laudoniam, circumquaque cuncta comburens, et devastans, et nihil pro posse salvans, usque ad burgum de Edinburgh perveniret. A quo abcedens, et omnia combustibilia incinerans, propterea vulgo le Burnt Candlemas data datur, ad propria sine honore remeavit.*

1355.

inroad happened about the time of the feast of the purification; and hence it was long remembered as an æra among the vulgar in Scotland, under the name of *the burnt Candlemas*.

Ford. v. 846. After having been thus foiled, Edward issued an ostentatious proclamation, intimating, that he was resolved, as sovereign of Scotland, inviolably to maintain the antient laws, and the usages of that kingdom, [15th March 1355-6.]

1356.

Ford. xiv. 15. After Edward's retreat, the Scots expelled his partisans from the west marches. Roger de Kirkpatrick stormed the castles of Dalswinton and Carlaverock, and obtained possession of Nithsdale: And John Stewart, eldest son of the Regent, obliged the inhabitants of Annandale to yield submission to the Scottish government. About this

'remeavit;' *Fordun*, L. xiv. c. 13. To the same purpose the English historians speak: 'King Eduarde went beyond Lambremore in Lownes, destroying the country on to Edinburg;' *Scala Chron.* ap. Leland. T. i. p. 566. 'Super hoc Rex carpit iter versus Edynsborg cum iii aciebus, et destruxerunt patriam per viii leucas in circuitu, et succenderunt igne et flammâ;' *Knyghton*, p. 2611. Some of the English historians, as Wallingham and the Continuator of Murimuth, have altogether suppressed this savage and inglorious expedition. As to the fact of Edward having burnt churches, Barnes bluntly says, 'I believe it not, because of that notable success which followed his arms this year in France;' *Edward III.* p. 491. Mr Hume says, 'Balliol attended Edward on this expedition; but finding that his constant adherence to the English had given his countrymen an unconquerable aversion to his title, and that he himself was declining through age and infirmities, he finally resigned into the King's hands his pretensions to the crown of Scotland;' *History of England*, v. ii. p. 210. If there is no inaccuracy in the language of the historian, he erroneously imagines that Balliol made the surrender *after* the expedition into Scotland. That Balliol attended Edward into Scotland, is exceedingly improbable, and it is a circumstance not recorded by the old historians of either nation. Barnes, indeed has asserted it, but without quoting any authority; p. 491. And Tyrrel has transcribed the passage from Barnes, without even quoting him, V. iii. p. 592. Thus is history written!

1356.

this time, also, according to Fordun, it was that Lord Douglas reduced Interior Galloway.

The affairs in France required the whole attention of Edward. He now expressed his willingness to enter into a treaty with the Scots, not only for the ransom of their King, and for a cessation of hostilities, but also for a perpetual peace*. William de Bohun, Earl of Northampton, warden of the marches, with others, were appointed commissioners, [25th March 1356.]

Lord Douglas made a treaty with the warden. He became bound not to molest the English while they abstained from hostilities against his estates, and those of the Earl of March, [17th April.] This cessation of arms was to continue until the ensuing Michaelmas. Within that period he might have accomplished a pilgrimage which he had undertaken into foreign parts. Other objects, however, more suited to his temper, and his profession of arms, diverted him from this fashionable expiation for crimes.

The eyes of all men were turned towards France. The Black Prince had imprudently penetrated into that country with forces disproportioned to those of his antagonist. John, the French King, assembled a formidable army to intercept him in his retreat. The Scots, who at that time enjoyed a momentary tranquillity at home, crowded from every quarter to the French standard. Lord Douglas, forgetful of his religious pilgrimage, offered his sword to the French King. He was received with distinguished honours †, and his service was accepted.

* *Ad tractandum et concordandum cum prelatibus, nobilibus, et popularibus regni Scotiæ, adversariis nostris, de redemptione et de liberatione David de Bruys, prisionarii nostri, ac de treugis sine suffocatione guerræ, et de finali pace, ac ligis et perpetuis amicitibus, inter nos et ipsos nostros adversarios nostros inveniendis.* *Fœdera, T. v. p. 247.*

† *Was made knight of his bande.* *Scala Chron. ap. Leland, T. i. 567.* To say that a person received the honour of knighthood, is, in modern language, uninteresting.

1356.

accepted. The French and the English encountered in the vineyards of Maupertuis, not far from Poitiers, [19th September.] The event of that day is well known. Great carnage was made of the Scots. Lord Douglas, after having been wounded, was forced off the field by his surviving companions*. Archibald Douglas, a warrior eminent in our history, fell into the power of the enemy; but, by the extraordinary presence of mind of Sir William Ramsay of Colluthy, he was concealed, and escaped unknown †.

Ford. xiv. 17.

In

ing, and sometimes it is ludicrous. This must always be the case when names and ceremonies are retained, while, from a total change of manners, that which gave dignity to such names and ceremonies is forgotten by the vulgar.

* *Froissart*, T. i. c. 162. says, that Lord Douglas left the field as soon as he perceived that the English had the advantage, 'because he dreaded being their prisoner; *'car nullement ne vouloit estre prins des Anglois, ains eust plus cher estre occis.'*

† The story, as related by *Fordun*, is curious. It shall be translated, as nearly as possible in his own manner. 'Archibald Douglas having been made prisoner along with the rest, appeared in more sumptuous armour than the other Scottish prisoners, and, therefore, he was supposed by the English to be some great Lord. Late in the evening after the battle, when the English were about to strip off his armour, Sir William Ramsay of Colluthy happening to be present, fixed his eyes on Archibald Douglas, and affecting to be in a violent passion, cried out, *You cursed, damnable murderer, how comes it, in the name of mischief, [ex parte Diaboli], that you are thus proudly decked out in your master's armour? Come hither and pull off my boots.* Douglas approached trembling, kneeled down, and pulled off one of the boots. Ramsay taking up the boot, beat Douglas with it. The English bystanders imagining him out of his senses, interposed, and rescued Douglas. They said, that the person whom he had beaten was certainly of great rank; and a Lord. *What? he a Lord,* cried Ramsay, *he is a scullion, and a base knave, and, as I suppose, has killed his master. Go, you villain, to the field, search for the body of my cousin, your master, and when you have found it, come back, that, at least, I may give him a decent burial.* Then he ransomed the feigned serving-man for forty shillings, and having buffeted him smartly, he cried, *Get you gone; fly.* Douglas bore all this patiently, carried on the deceit, and was soon beyond the reach of his enemies.' This story, as to some of its circumstances, may not seem altogether probable; yet, in the main, it has the appearance

1356.

In a parliament held at Perth, the Scots appointed the Bishop of *Feod. v. 831.*
St Andrews, and the Bishop of Brechin, Sir William Livingston, and
Sir Robert Erskine, commissioners to treat with England, not only for
the ransom of the King, but also for peace between the two nations *,
[17th January 1356-7.]

1357.

A truce for two years was concluded between Edward III. and the *Feod. vi. 3.*
French King, [at Bourdeaux, 23d March 1356-7.] It was provided,
that the Scots might take the benefit of this truce: But the Scots
chose to negotiate for themselves; and concluded a truce for six *Feod. vi. 15.*
months with England, [8th May 1357.]

During

pearance of truth. Had I been at liberty to vary the narrative, I would have made
Ramsay suspect, that the feigned serving man had stript his master, after he had been
slain, or mortally wounded. This Archibald was the natural son of the renowned Sir
James Douglas, slain by the Saracens in Granada; *Fordun, L. xiv. c. 16.*

* The commission granted in consequence of this appointment is sealed by the
Stewart, Regent, in his own name, by two Bishops for the whole clergy, by Patrick
Earl of March, Thomas Earl of Angus, and William Keith, the Marshal, for the no-
bility, [nomine et vice procerum et baronum,] and with the common seals of the
boroughs of Aberdeen, Dundee, Perth, and Edinburgh, for all the burgesse, and
whole community, [nomine et vice omnium burgensium, et totius communitatis.]
The commission is granted 'de unanimi et expresso consensu et assensu omnium
' praelatorum, procerum, ac totius communitatis Regni Scotiae.' The commissioners
are persons whose names generally appear in the negotiations about that period; Wil-
liam Landales, Bishop of St Andrews, Patrick de Leuchars, Bishop of Brechin, and
Chancellor of Scotland; *Keith, Catalogue of Scottish Bishops, p. 95.*; Sir William
Livingston, and Sir Robert Erskine, afterwards Chamberlain of Scotland. They ob-
tained a passport from Edward III. 28th March 1357; *Foedera, T. vi. p. 12.* Rymer
has printed their commission as if it had been granted in January 1355-6, instead of
January 1356-7. This error in a single date has occasioned considerable confusion.
Abercrombie, Vol. ii. p. 119. did not remark the error; and, by that means, he has
exceedingly perplexed his narrative.

1357.

Ford. xiv. 10.

During this season of public tranquillity, when no enemies were to be dreaded on the borders, Roger de Kirkpatrick chanced to entertain Sir James Lindesay as his guest at Carlaverock castle. After an evening passed in friendship and jollity, Kirkpatrick retired to rest. Lindesay burst into his chamber, and murdered him. Lindesay rode off precipitately. The darkness of that night seemed to favour his escape. Having continued his course until day-break, he perceived himself still in the neighbourhood of the castle. Bewildered by guilt, he was seized. He was tried, and instantly executed*, [about 24th June.]

Knight. 2617.

Some Scotsmen, impatient of peace, equipped three vessels, and sent them well armed to cruise against the English in the east seas. Their course was short: They were forced by a tempest to take shelter at Yarmouth, with the English ships which they expected to seize, and they were confiscated.

Foed. vi. 31.

This incident, however, did not interrupt the negotiations between the two kingdoms. David Bruce was conveyed to Berwick, where the commissioners held their conferences, [August.]

The English insisted that one hundred thousand marks Sterling should be paid as the ransom of the King of Scots.

A

* *Fordun*, L. xiv. c. 20. remarks, that Lindesay and Kirkpatrick were the heirs of the two men who accompanied Robert Bruce at the fatal conference with Comyn. If *Fordun* was rightly informed as to this particular, and as to the time of the murder of Kirkpatrick at Carlaverock castle, an argument arises in support of a notion which I have long entertained, that the person who struck his dagger in Comyn's heart was *not* the representative of the honourable family of Kirkpatrick in Nithsdale. Roger de Kirkpatrick was made prisoner at the battle of Durham in 1346; Roger de Kirkpatrick was alive on the 6th August 1357; for, on that day, Humpbrey, the son and heir of Roger de Kirkpatrick, is proposed as one of the young gentlemen who were to be hostages for David Bruce; *Foedera*, T. vi. p. 35. Roger de Kirkpatrick, Miles, was present at the parliament held at Edinburgh, 26th September 1357; *Foedera*, T. vi. p. 43. And he is mentioned as alive, 3d October 1357; *Foedera*, T. vi. p. 48. It follows, of necessary consequence, that Roger de Kirkpatrick, murdered in June 1357, must have been a different person.

1357.

A parliament was held at Edinburgh, [26th September.] The nobility, the clergy, and the boroughs, consented to the demand of the English. The Regent, and the nobility present, became bound for the payment of this exorbitant sum; and they declared, that their obligation should be effectual against all persons of that estate. In like manner, the Bishops, having obtained the consent of their respective chapters, bound themselves, and all the rest of the clergy; and the commissioners of the boroughs bound themselves, and all the burghesses and merchants of Scotland *. To the four ambassadors already ready

Feed. vi. 39.
—46.

* As the transactions in this parliament are curious, and throw considerable light on the history of those times, it may be proper to enter into a detail of circumstances: It appears, that, at first, the Scots prelates granted powers to certain persons to act for them in parliament at Edinburgh, and to concur in every thing which might be requisite for effecting the deliverance of their sovereign. The Bishop of Aberdeen named three commissioners, one of them was John Archdeacon of Aberdeen, [John Barbour the metrical historian.] Like commissions were granted by the Bishop and Chapter of Moray, of Glasgow, and of Dunkeld, by the Bishop of Argyle, by the Chapter of Ross, by the Prior and Chapter of St Andrews, and by the Abbot and convent of Scone; *Foedera*, T. vi, p. 39. 40. These are preserved in *Foedera*, and it is probable that there were others, although now lost. It seems that this form was laid aside, and that it was judged more proper that the Bishops should become bound personally in parliament, for the whole clergy. The nobles present in the parliament at Edinburgh 26th September 1357, were.

Robert, Stewart of Scotland, the King's lieutenant.

William Earl of Ross	David Graham Lord of Dunaduff
Malcolm Earl of Wigton	William More Lord of Abercorn
Donald Earl of Lenox	Roger Kirkpatrick
William Douglas, [Lord Douglas]	John Maxwell
William Keith, Marshall of Scotland	Thomas Bisset
James Lindesay Lord of Crawford	Patrick Ramsay

They, 'de consensu et voluntate omnium Comitum, procerum, et Baronum, et communitatis regni Scotiae,' appointed commissioners to appear at Berwick, and treat with the English, namely, Patrick Earl of March, Thomas Earl of Angus, William Earl

of

1357.

ready appointed, the parliament added Patrick Earl of March, and Thomas de Fingask, Bishop of Caithness. Each of the three estates granted a separate commission to certain persons to appear at Berwick, and to treat with the English.

Foed. vi. 46.
—52.

The treaty, which had been in agitation for so many years, was at length concluded, [at Berwick, 3d October 1357.] By it the King of Scots was released, after a captivity of *eleven* years. The Scottish nation agreed to pay one hundred thousand marks Sterling as the ransom of their Sovereign, by yearly payments of ten thousand marks, [on the 24th June.] Twenty young men of quality, and among them the eldest son of the Stewart, were to be given as hostages; and, for further

of Sutherland, Thomas Moray of Bothwell, William Livingston, and Robert Erskine, [in *Foedera*, T. 6. p. 43. he is called *de Griffin*; but I suppose that to be one of the numberless errors in transcribing, which disgrace the *Foedera Angliae*.]

The Bishops present were

William Bishop of Glasgow	John Bishop of Moray
John Bishop of Dunkeld	Alexander Bishop of Ross
Alexander Bishop of Aberdeen	William Bishop of Dunblane

Martin Bishop of Argyle.

It seems that Michael Bishop of Galloway was not present; but he afterwards acceded, *Foedera*, T. vi. p. 61.

They appointed William Bishop of St Andrews, Thomas Bishop of Caithness, and Patrick Bishop of Brechin, to be their commissioners.

There were delegates present in parliament from seventeen boroughs, ranged in the following order:

1 Edinburgh	7 Coupar	13 Dumbarton
2 Perth	8 St Andrews	14 Rutherglen
3 Aberdeen	9 Montrose	15 Lanerk
4 Dundee	10 Stirling	16 Dumfries
5 Inverkeithing	11 Linlithgow	17 Peebles.
6 Crail	12 Hadinton	

They appointed eleven commissioners, the same men who were the delegates in parliament for the boroughs of Edinburgh, Perth, Aberdeen, and Dundee.

1357.

further security, three of the following great lords were to place themselves in the hands of the English: The Stewart, the Earls of March, Marre, Rofs, Angus, and Sutherland, Lord Douglas, and Thomas Moray of Bothwell. It was provided, that a truce should continue between the two nations until compleat payment of the ransom.

The King of Scots, the nobility, and the boroughs, ratified this treaty, [5th October:] And the Bishops ratified it on the following day, [6th October.] *Foed. vi. 52. —65.*

David, immediately after his release, summoned a parliament *; *Foed. vi. 68.* laid the treaty before the three estates, obtained their approbation, and then ratified the treaty anew, [at Scone, 6th November.]

1358.

The King of Scots had undertaken to apply to the Pope for his ratification of the engagement which the Scottish Bishops had come under, subjecting the ecclesiastical revenues in payment of the ransom. But the Pope declared, that such obligations might prove ruinous to the church, and that he could not, in conscience, ratify them by his authority; and, therefore, he peremptorily rejected the request †, [21st June 1358.] *Foed. vi. 89. 90.*

It appears that the King of Scots inclined to reside in the country where he had been so long a prisoner. After having remained at liberty for a few months, he procured permission from Edward III. to visit England, [14th July.] This permission was to continue in force until February 1358-9. In the course of his reign, he made many expensive, unprofitable, and impolitic visits of the like nature.

Ambassadors

* So I understand the words, 'in pleno concilio nostro apud Sconam;' *Foedera*, T. vi. p. 68.

† Nevertheless, Edward III. by an instrument dated 24th June 1358, seems to acknowledge that the Scottish Bishops had obtained that permission which the Bull itself refuses to grant; *Foedera*, T. vi. p. 90. Perhaps he only meant to acknowledge, that they had done every thing in their power to obtain such permission.

1359.

Ford, xiv. 21.

Ambassadors were sent to the Pope for procuring a grant of the tenth of the ecclesiastical revenues in Scotland towards payment of the King's ransom. The Pope consented to make the grant for three years, under condition that nothing more, on account of that ransom, should be exacted from the Scottish clergy.

Alliances between France and Scotland, 20. 31 MS. Adv. Libr.

Sir Robert Erskine, and Norman Lesley*, plenipotentiaries appointed by the King of Scots, entered into a negotiation with plenipotentiaries appointed by Charles the Dauphin, Regent of France.

'Our nation,' said the Scottish plenipotentiaries, 'has maintained a long and disastrous war against England. After our Sovereign was made prisoner in battle, he might, by renouncing the French alliance, have obtained his own liberty, and peace to his people; but he rejected liberty and peace on such conditions. In full confidence of aid from France, he agreed to lay down a ransom of one hundred thousand marks Sterling, by annual payments of ten thousand marks: He gave hostages of the chief of his nobility; and he concluded a truce with England until the ransom-money should be discharged. Of this sum only ten thousand marks have been paid; and, until the remainder is paid, the hostages cannot be relieved, or war re-commenced. The Scottish nation is not only willing, but most able to carry on the war with vigour †, yet cannot, *conveniently* ‡, discharge the ransom before the terms appointed, unless by the aid of France.'

The

* Sir John le Grant was in the commission [dated at Edinburgh 10th May 1359;] but it does not appear that he ever acted. The King calls Norman Lesley *Armiger noster*.

† 'De la quelle guerre ils avoient tres grand desir faire *bonne et forte*, et la pourrout faire.'

‡ 'Le quel payement nostre dit Seigneur le Roi D'Escosse et son Royaume ne pourroient faire *bonnement* devant les termes dessus dits.' *Abercrombie*, vol. ii. p. 124. refers to this negotiation; but in many particulars he has misunderstood it. He says,

says,

1359.

The Scottish plenipotentiaries reminded the French of the alliance which subsisted between France and Scotland ; and concluded, by engaging, ‘ that the Scots should instantly, and vigorously, and at their own charges *, make war against the English, if the Regent, and kingdom of France, afforded the aid necessary for discharging the ransom †.’

The French, by their plenipotentiaries, professed their regard for the faith of treaties ; and they gently insinuated, that the Scots themselves had overlooked the terms of the alliance, by omitting to include France in the truce. They said, that, while their country was exposed to the ravages of war, and their own Sovereign a captive, they could not, *conveniently*, pay so large a sum ; nevertheless, if the Scots made war against England, they would afford whatever assistance was in their power.

Although,

says, that Erskine and Lesley ‘ were commissioned to renew *the old league*, so it is expressly called, hitherto inviolably observed between the two nations.’ The words of the commission by David II. are : ‘ Quod cum quaedam confaederatio amicitiae inter illustres Reges Franciae, et progenitorem nostrum, ac nos, populumque ipsorum et nostrum, ab olim facta fuit, et inviolabiliter observata diutius, &c.’ This *old league* must imply the treaty concluded at Corbeil, 26th April 1326, between the King of France and Robert Bruce, unless the words of the commission are egregiously and wilfully misconstrued.

* The Scottish plenipotentiaries observed, that the King of France had formerly become bound to furnish to the King of Scots, during war with England, the pay of five hundred armed horsemen and five hundred archers, but that the Scots were willing to release him from that obligation.

† ‘ Neanmoins si tost comme le Roy et le royaume d’Ecosse feront guerre au Roy et au royaume d’Angleterre nostre dit Seigneur le Regent et le royaume de France les aideront et conseilлерont en tout ce qu’ils pourront bonnement.’ This general clause is transcribed from the treaty of Corbeil, 26th April 1326. But the words *comme loyaux allies*, which occur in the treaty of Corbeil, are omitted in that of Paris ; *Alliances*, MS. fol. 19. See also *Additions to Annals*, Vol. II. 116.

1359.

Although, at first, the one party demanded so much, and the other offered so little, it was finally agreed, that, on Easter day 1360, the French should pay fifty thousand marks Sterling to the Scots; and that the Scots should renew the war with England. A ratification of the former alliance between France and Scotland was also reciprocally stipulated, [at the Louvre, near Paris, 29th June 1359.]

1360.

Foed. vi. 178.
—196.

The French and the English concluded a treaty of peace, [at Breigny near Chartres, [8th May 1360.] By it the French King renounced every alliance with Scotland, and engaged for himself and his successors, that they should not, in time coming, aid, comfort, or favour the King, kingdom, or subjects of Scotland, or make any new alliance with them to the prejudice of the English.*

The English King, on his part, renounced every alliance with the people of Flanders.

Foed. vi. 265.

But both Kings afterwards protested, that these renunciations should only take place in the event of the articles of the peace being reciprocally fulfilled, [24th October.]

Foed. vi. 207.
* 208.

A treaty for a final peace with the Scottish nation was commenced, [20th August.]

In

* This ought to be perpetually remembered; it is the 32 article. See *Foedera*, T. vi. p. 192. * Concordatum est, quod Rex Franciae, et suus primogenitus, regens, pro ipsis et pro haeredibus suis, Regibus Franciae, in quantum fieri potest, dimittent et recedent in toto de alligantiis, quas habent cum Scotis; et promittent, in quantum fieri potest, quod nunquam illi, vel haeredes sui, nec Reges Franciae qui pro tempore erunt, dabunt vel ferent Regi nec regno Scotiae, nec subditis ejusdem, praesentibus vel futuris, auxilium, consolamen, vel favorem contra dictum Regem Angliae, nec contra haeredes et successores suos, nec contra suum regnum, vel subditos suos, quocunque modo; et quod ipsi non facient alias alligantias cum dictis Scotis, in futurum, contra dictum Regem et regnum Angliae.

1360.

In this year a singular incident occurred. David Bruce, during his captivity, had an unlawful intercourse with one Catharine Mortimer, a native of Wales. She came to Scotland with him, and continued for several years to be his favourite concubine. She became obnoxious to some of the nobility. They conspired against her life. Two wretches, Hulle and Dewar, went to her residence, pretending that they had orders to convey her to the King. She committed herself to their guidance. On the road between Melros and Soltra, they murdered her. Great suspicions arose that Thomas Stewart Earl of Angus, a turbulent and profligate person, had instigated the murderers. The King imprisoned him in the castle of Dunbarton; and honourably interred his beloved Mortimer in the chapel of the abbey of Newbattle.

*Ford. xiv. 24.
Scala Chron.
ap. Leland,
i. 578.*

1361.

The plague broke out again in Scotland, with redoubled violence, and continued its ravages through this year. It was computed, that one third of the people perished in this general calamity; among them were many persons of distinction. The Earl of Angus died in his prison at Dumbarton, and some of the hostages died in England*.

*Ford. xiv. 24.
25.*

To avoid the infection, the King, with many of his nobles, retired into the northern parts of Scotland. Some differences arose between him and the Earl of Marre. The King besieged and took the castle of Kildrummy, the principal residence of that nobleman, and placed a garrison in it. The Earl obtained leave to quit the kingdom; but he was soon received into favour again.

Ford. xiv. 24.

Our

* The King's nephew, son of the Earl of Sutherland, died of the plague at Lincoln; *Fordun, L. xiv. c. 25.* Fordun adds, that *Thomas Earl of Moray* died of the plague in England 1361. But there existed no such person at that time. Fordun probably meant 'Thomas Moray Lord of Bothwell.'

1361.

Ford. vi. 119.

Our historians are silent as to the cause of the King's displeasure against a nobleman nearly allied to the royal family: But it was probably this: The Earl of Marre had lately become bound, for a pension of six hundred marks Sterling, to serve Edward III. 'in his wars, and elsewhere, against all men, his liege lord only excepted.' It was natural for the King to be displeas'd at such a treaty between one of his own subjects, and a Prince still at enmity with Scotland; and he appears to have seized the first convenient opportunity of expressing his displeasure.

1362.

Walsing. 179.

Johanna, Princess of England, the consort of David Bruce, died childless.

1363.

Ford. lxx. 25.

The King of Scots, in a parliament at Scone, propos'd to the three estates, that, in the event of his dying without issue, they should choose for their King one of the sons of Edward III. And he earnestly expressed his wish that the choice might fall on Lionel Duke of Clarence.

* There is a strange diversity among historians concerning the time of the death of this ill fated lady; *Fordun*, L. xiv. c. 18. says, that she went to England in 1357, and died after she had remained there for some time, [aliquanto tempore commorata.] In *Scala Chron.* ap. Leland. T. i. p. 568. it is said, 'The Quene of Scotland, sister to King Edward, cam oute of Scotland to Wyndefore to speke with him, and after was with her mother Quene Isabel at Hertford, and ther dyed.' This imports that she died, either before her mother, or soon after her. It is certain that her mother died in autumn 1358.—*Fordun*, and the author of *Scala Chronica*, are in a mistake.—Queen Johanna must have lived beyond the year 1357 or the year 1358; her husband speaks of her as alive on the 21st February 1358-9; *Foedera*, T. p. vi. 118. Nay, more, on the 2d May 1362, a passport is granted by Edward III. to John Heryng 'the servant of Johanna Queen of Scotland, our sister;' *Foedera*, T. vi. p. 364. and, therefore, I incline to follow *Walsingham*, p. 179. who places her death in 1362.

1363.

Clarence. This, he said, would be the means of establishing perpetual tranquillity: That the Duke of Clarence would be able to maintain the national liberties; and that the English King would renounce for ever all pretensions to the sovereignty of Scotland.

The estates instantly, and unanimously, made answer *, ' that they would never permit an Englishman to reign over them: That the proposition made by the King was ill-advised: That, by acts of settlement, and solemn oaths of the three estates, in the days of Robert Bruce, the Stewart had been acknowledged presumptive heir of the crown; and that he, and his sons, were brave men, and fit to reign.' The King appeared to be sensible of the force of their arguments, and desisted from his proposition †.

But such a proposition, having been once made, could not be forgotten. Jealousy and distrust arose in the minds of a people who prized the national independency above all things. Many of the nobility entered into associations for their mutual support; and they resolved to force the King to disclaim his proposition, or, on his refusal, to expel him. The Stewart, in particular, entered into associations with the Earls of March and Douglas, the most powerful of the southern barons; and, which is remarkable, he formed a confederacy with his own sons. We are ignorant of the precise tenor of those instruments: We may, however, presume, that they aimed at maintaining the legal succession to the crown.

Neither

* ' Cui breviter et sine ulteriore deliberatione aut retractione responsum fuit per universales singulos et singulariter universos de tribus statibus; Fordun, L. xiv. c. 25. that is, ' generally by each man, and particularly by all.'

† Something has been said on this subject in *Remarks on the history of Scotland*, c. 5. But a more accurate attention to dates has enabled me to place the transactions of this year 1363 in a clearer light. By some strange inadvertency, I quoted *Barnes*, p. 426. 427. instead of *Foedera*, T. vi. p. 426. 427. See note p. 116.

1363.

Neither did the malecontents rest satisfied with such precautions: They took up arms, seized the persons whom they suspected of favouring the political views of the King, plundered the estates of the supposed traitors, and divided the spoils as if they had been in an enemy's country.

Personal intrepidity distinguished the character of David Bruce. Undismayed at the hostile appearances which he beheld on every side, he called on his people to protect their Sovereign; and he issued a proclamation, commanding his barons to desist from their rebellious attempts. His proclamation having been received with scorn, the King had recourse to arms. Many resolute men stood forth in defence of the throne*. The insurgents now perceived the hazards to which they had exposed themselves and their country, and they sued for peace. A general amnesty was granted, under condition that the barons should renounce their associations, become bound to abstain from such private confederacies in time coming, and renew their oaths of fealty.

Ford. xiv. 27. Fordun has preserved the form of the obligation executed by the Stewart. It is under the penalty of forfeiting for ever all right and title to the crown of Scotland, as well as to his own inheritances, and of being held a perjured man, and a false and dishonoured knight †, [at Inchmurdoch, 14th May 1363.]

And

* *Fordun, L. xiv. c. 25.* says that the King of Scots expended large sums of money in paying the forces which he had drawn together, 'in stipendiis illorum exposita multa pecuniâ.' This, if true, is singular; the finances of David Bruce must have been very low at that time; and it is hardly possible to imagine, that he could have commanded any considerable sum of money, without assistance from England.

† *Fordun, L. xiv. c. 27.* says, that the other nobles came under like obligations, *mutatis mutandis*, 'Sub isto tenore juraverunt cæteri, mutatis tamen certis terminis, pro ut personarum qualitas exposulavit.' Pity that he had not been more explicit; for then we should have seen *who* they were that engaged in this insurrection, and what confederacies

1363.

And thus a dangerous insurrection, which the extravagant proposals at Scone had excited, was quelled by the fortitude and clemency of the King.

Scarcely was the public tranquillity restored, when this capricious Prince repaired to London, and again involved himself in secret negotiations with Edward III. *Feed. vi. 426. 427.*

The two Kings were present at a conference held by their privy-counsellors, [23d November 1363.]

The heads of this conference were committed to writing; but it was anxiously premised, that the whole should be viewed merely in the light of a scheme or plan, and that nothing should be understood as having been either proposed on the one side, or agreed to on the other.

This singular historical curiosity is still preserved, and is of the following import:

I.

confederacies they had formed. It is probable that the obligations were granted, either in parliament, or at a convention, 'convocatis omnibus regni optimatibus,' *Fordun, ib.* The following persons appear to have been present:

- * William bishop of St Andrews
 - * Patrick Bishop of Brechin, Chancellor
 - John Abbot of Dunfermline
 - * Walter Wardlaw Archdeacon of Lothian, Secretary
 - * Gilbert Armstrong Prior of St Andrews
 - * Robert Erskine Chamberlain of Scotland
 - Archibald Douglas
 - Robert Ramsay
 - * Thomas Fauvide
 - * Norman Leslie
 - Alexander Lindesay.
- } Knights

There were others present whose names are omitted by *Fordun*.

From this list one may form a tolerable conjecture as to the persons who, at that time, enjoyed the chief confidence of the King. Those marked with an asterisk, appear to have been employed in the secret negotiations with England.

1363.

I. In default of the King of Scots, and his issue-male *, the King of England, for the time being, to succeed to the kingdom of Scotland.

II. If this was agreed to, then the town, castle, and territory of Berwick, to be forthwith delivered to the Scots.

III. As also the castles of Roxburgh, Jedburgh, and Lochmaben, with their respective territories.

IV. And also, in general, all lands occupied by the King of England, or those under his government, in which the late King Robert was vested and seized at the time of his decease.

V. The whole ransom-money due by the Scots to be discharged, their obligations for payment cancelled, and the hostages set at liberty.

VI. The King of England to make satisfaction to the Earl of Athole, the Lords Beaumont, Percy, and Ferrers; to the heirs of Sir Richard Talbot, and to all who claim lands in Scotland, whether by the gift or grant of the King of Scotland, since he became a prisoner, or otherways; so that the present possessors may enjoy such lands without any manner of challenge against them, or their heirs.

VII. The King of Scotland to be put in possession of the greatest part of the lands and rents which his ancestors held in England, and to have an equivalent, in a suitable place, for the remainder; he performing service to the King of England for such lands only.

VIII. The name and title of *kingdom of Scotland*, to be preserved with due honour, and proper distinctions, no union or annexation being made with England; and the King to be styled, in all public instruments, and others, *the King of England and of Scotland*.

IX.

* The original bears, 'sans heir engendre de son corps.' But the expression at the end of the conference, 'heir male engendre son corps,' shews, that *issue-male* was understood.

1363.

IX. The King, after having been crowned King of England, to come regularly to the kingdom of Scotland, and to be crowned King at Scone, in the royal chair, which is to be delivered up by the English: The ceremony of the coronation to be performed by persons whom the court of Rome shall depute for that purpose.

X. Every parliament concerning the affairs of the kingdom of Scotland, to be held either at Scone, or in some other place within that kingdom.

XI. The King, at his coronation, to make oath, that he will maintain the freedom of the holy church of Scotland, so that it shall not be subjected to any Archbishop, nor to any one else, saving the Papal see.

XII. Also, to make oath, that he will maintain the laws, statutes, and usages, of the kingdom of Scotland, established under its former Kings.

XIII. Also, to make oath, that he will, in no sort, summon the people of Scotland, or force them to appear in any court, unless within the kingdom, according to their own laws and usages.

XIV. Also, to make oath, that he will never consent that the Bishopricks, ecclesiastical dignities, or other benefices of the holy church of Scotland, be conferred on any except natives.

XV. The Chancellor, Chamberlain, and Justiciary, the sheriffs, provosts, bailies, governors of towns and castles, and other officers, to be natives of the kingdom of Scotland only.

XVI. The Prelates, Earls, and Barons, and other freeholders, whether ancient or new, in the kingdom of Scotland, to be fully maintained in their privileges, lands, revenues, and offices, according to their inheritments and their possession.

XVII. The Earl of Douglas to be restored to the estates in England to which his father and uncle had right, or to receive an equivalent in a suitable place.

XVIII.

1363.

XVIII. No grants to be revoked which have been made by the present King of Scotland, or any of his predecessors.

XIX. The merchants of Scotland to use their liberties in merchandizing, and not to be obliged to go to Calais, [then the staple town for the sale of wool] or elsewhere; and to pay to the general customs, only half a mark for each sack of wool*.

XX. The English King to make oath never to alienate the kingdom of Scotland, or to make over any part of it to be held of the King of England, or any one else, but to preserve the kingdom free and entire, as in the days of King Robert.

XXI. His only counsellors, as to Scottish affairs, to be Peers, and Lords of Scotland.

XXII.

* *Que les marchans d'Escoce useroient leur franchises de marchander, et qu'ils ne seroient constrainz a aler a Cales, ne ailleurs, fors a leur vouloir, et qu'ils ne paient fors demi marc du sac de laine a la grant coustume;* *Foedera*, T. vi. p. 427. Not being perfectly certain as to the meaning of this article, I have added the words as they stand in the original, leaving my readers to judge for themselves. *Abercrombie*, v. ii. p. 131. has given a translation of this article, which I imagine to be erroneous: It runs thus, 'That the merchants of Scotland should have full liberty of commerce and trade with the English, and that they should not be obliged to go any where, not even to Calais, the then staple port for English wool, which was their grand, and, perhaps, only commodity, but might purchase wool in England itself, upon paying but half a mark custom for the sack of it.' He adds, in his commentary, 'the Scots are invited to share in the commerce and wealth of flourishing and triumphant England.' The expression 'useroient leur franchises de marchander,' seems to imply no more than that the Scottish dealers, as well in buying as in selling, should have their former privileges reserved to them. They might have full liberty of commerce and trade with the English; but this could only mean in such a way as was consistent with the system of commerce established in England. If the Scots were to have full liberty to purchase, the English would have had full liberty to sell; and *this* would at once have annihilated the favourite institution of staples. Hence I incline to conclude, that the mention of a duty of half a mark Sterling on the sack of wool, respects what was to be paid as a duty on Scottish wool, not what was to be paid on the purchase of English wool. The difference is exceedingly material.

1363.

XXII. To impose no taxes whatever, others, or otherwise, than what were wont to be imposed in the days of the former Kings of Scotland.

XXIII. The people of Scotland not to be called out to military service, otherwise than of old. After the term of forty days, during which they are bound to serve on their own charges, to receive pay according to the rank of the persons who serve, and the nature and extent of the service.

XXIV. The abbeys, and other religious houses of both kingdoms, to be reciprocally restored to their lands, revenues, and benefices.

XXV. Indemnity to all who, after fealty performed to the English King, have revolted.

XXVI. The treaty founded on this conference, to be read in presence of the people and the King, whenever he is crowned, and the King to make oath for observing all its conditions.

XXVII. The King of England to advise with his council, as to granting and confirming whatever other points, conditions, and articles, shall be demanded by the three estates * of Scotland, for the general good of the kingdom, and for the more firm establishment of lasting tranquillity †.

XXVIII.

* 'Les trois comunalties;' *Foedera*, T. vi. p. 427.

† *Abercrombie*, V. ii. p. 132. thus translates the xxvii. article: 'That the King of England was willing to grant, by the advice of his council, whatever else the three communities of the kingdom of Scotland should ask for their farther security and satisfaction.' But 'se voudra aviser à granter,' is far short of such a meaning. In truth, the article is merely elusory. It only implies that Edward III. would grant any other conditions that might be agreeable to himself. By mentioning *the advice of his council*, he provided against the odium of refusing his assent to any equitable modifications of the treaty.

1263.

XXVIII. The King of Scots to sound the inclinations of his people as to the subject of this conference, and to inform the English King, and his council, of the result, fifteen days after Easter next.

The two Kings having retired from the conference, their counsellors discoursed on the perplexing question of 'a recompense to be made for the castles and territories, which it was proposed to yield up to the Scots, in case the treaty should be frustrated by the King of Scots leaving issue-male.' What expedients were suggested on either side is unknown.

Happily for David Bruce, the secret of this conference was faithfully kept *. Had it been disclosed, the proposals, however cautiously expressed, would have raised a general alarm in the Scottish nation, and have proved the cause of a more formidable insurrection than that which had been lately quelled. It is probable that David, on his return to Scotland, was soon made sensible of the extravagance and impracticability of the plan digested in the conferences at Westminster.

It was, indeed, a plan equally extravagant and impracticable. It did not tend to establish the internal tranquillity, increase the importance, or secure any valuable interests of the nation; neither do the Scots appear to have stipulated advantages of moment with respect to their commerce.

According to the plan proposed, the King of England was to become the Sovereign of the Scots; and thus the line of regal succession, acknowledged in the reign of Robert Bruce, was to be broken, all the descendants of his daughter Marjory disinherited, and even the daughters of David Bruce, and all the descendants of those daughters, excluded from the throne.

No

* To the best of my recollection, this conference was not known till after the union of the two kingdoms, when Mr Rymer published it in the sixth volume of *Fœdera Angliæ*.

1363.

No national benefit * accrued from a treaty so humiliating, and of such obvious injustice, other than a discharge of the sums still due for the ransom of the King of Scots.

The only visible motives which could have induced the King of Scots to ratify such articles, are, the jealousy which he might have conceived of the Stewart, as a person who was more respected in Scotland than himself, and the impatient desire of securing his own liberty. It will be remembered, that he had come under the most solemn engagements to return to his prison, if the ransom was with-held; and he might possibly have discerned, that his subjects were either unable, or unwilling, to make regular payments of a sum so exorbitant.

As he had no children, the exclusion of his own daughters was a very distant contingency. And, if resentment, and the love of ease, were his motives, every distant contingency would be disregarded †.

About this time it was that the King of Scots married Margaret Logie, a woman of singular beauty ‡. This unequal alliance proved unhappy.

*Ford. xiv. 28.
Scala Chron.
ap. Leland.
i. 579.*

The

* I say, 'no other national benefit,' for it is evident from the difficulty suggested at the end of the conference, that the English would never have surrendered Berwick, &c. until the King of England had become possessed of his new kingdom. The reader will remark, in the minute of the conference at Westminster, an affected repetition of the phrase, *the kingdom of Scotland*. Perhaps the Scottish negotiators imagined, that the phrase was sufficient to secure the independence of their country. But the clause concerning military service, would of itself have had the consequence of rendering the Scottish nation dependent, and of exhausting all her force in the warlike enterprises of an English Sovereign.

† I formerly imagined, that the proposal made by David II. to his parliament was in consequence of the negotiations at Westminster in November 1363. But the dates are so distinctly marked in Fordun, and the argument from the nature of the obligation granted by the Stewart, in May 1363, is so cogent, that I do not see how that hypothesis can be supported.

‡ In one MS. of Fordun she is called *the daughter*, and in another *the widow* of John

1363.

Foed. vi. 435. The King of Scots made another visit to England, [February 1363-4], under pretence of performing his devotions at the shrine of the Virgin at Walsingham*.

1364.

The history of Scotland, from the year 1363 to the end of the reign of David II. affords few interesting occurrences; and even these are, in general, imperfectly related.

Knights 2627. John King of France died, [at London 8th April.] He was succeeded by his son *Charles*.

1365.

At first, the annual payments of the ransom settled for the king of Scots, had been made with tolerable regularity †; but, for some years past,

John Logie. In the MS. of Fordun, which Hearne used in his edition, she is called * magna domina, honestis ac nobilioribus orta natalibus. *Bocco*, L. xv. fol. 327. 4. says, that her father was *Sir John Logie*. In *Foedera*, T. vi. p. 576. there is a passport to 'Johannes de Logy de Scotia, cum xii equitibus,' [26th October 1367.] Be her parentage what it will, all writers agree that she was exceedingly beautiful. The author of *Scala Chron.* ap. Leland, T. i. p. 579. says, 'the King of Scottes took to wife, by force of love, one Margaret de Logy.' Fordun, or rather his interpolator, on mention being made of Margaret Logie, runs out into an extravagant digression concerning bad wives; L. xiv. c. 28.—32. There are some passages in that digression capable of forcing a smile from the severest readers.

* At the same time, Margaret, his consort, obtained a passport to visit the shrine of Thomas à Becket; *Foedera*, T. vi. p. 435. The King of Scots visited England almost every year. See *Foedera*, T. vi. p. 451. 463. 497. 582. 613. 651. He had generally a numerous retinue. In January 1368-9, there were 100 horsemen in his train, and 60 in the train of his consort; *Foedera*, T. vi. p. 582. Such frequent journeys, undertaken in so great state, must have been exceedingly expensive. They were not fit to be undertaken by David Bruce, who ought to have studied, by frugality, to ease his affectionate and loyal subjects of the burden of his ransom.

† The following payments were made: 1358, 24th June, 10000 marks; *Foedera*, T. vi. p. 92. 1359, 30th October, 3000 marks; *Foedera*, T. vi. p. 142. 1359, 23d December, 2500 marks; *Foedera*, T. vi. p. 151. Date uncertain, 4500 marks; *Foedera*, T. vi. p. 197. 1360, 24th June, 10000 marks; *Foedera*, T. vi. p. 201. In all 30000 marks.

1365.

past, they had ceased. Probably the negotiations for a surrender of Scotland had made the English King less importunate, and the Scottish less attentive as to the ransom; but the negotiations being now at an end, Edward demanded the arrears and the penal sums incurred through failure in payment.

This produced a new treaty, by which the King of Scots obliged himself to pay one hundred thousand pounds Sterling *, at the rate of 6000 marks annually, on the 2d of February, until the whole should be cleared. The truce between the two nations was prolonged to the 2d of February 1370-1, [12th and 20th June 1365.] *Foed. vi. 468.*

1367.

About this time, committees of parliament, with parliamentary powers, were introduced, under the pretence of general expediency. From them the institution of *The Lords of the Articles* appears to have had its origin †. *Pitmeaden, MS. Collections.*

The

* It is probable, however, that this was of the nature of a penal sum, and that, if the King of Scots faithfully observed the treaty on his part, the sum was to be restricted to 80000 marks. Certain it is, that the method of accounting which ensued was on such principles. There is some obscurity in the transaction, owing to this, that *all* the mutual obligations between the two Kings have not been published in *Foedera*. In *Calendars of Ancient Charters*, p. 220. 3900 Edward III. there is this title, *de quibusdam conditionibus contentis in treugis*. This is, probably, the instrument wanting.

† A. D. 1367. ‘Apud Sconam convocatis tribus communitatibus regni congregatis ibidem, certae personae electi fuerunt per eosdem ad parliamentum tenendum, data aliis *causa autumnus* licentia ad propria redeundi; quidam ex parte cleri, quidam ex parte baronum; quidam ex parte burgenfium, electi sunt.

‘Parliamentum apud Perth, 6. March 1368, cum super certis punctis praefens parliamentum fuerit ordinatum teneri, electi fuerunt certae personae ad ipsum parliamentum tenendum, data licentia aliis recedendi.

‘Parliamentum

1369.

Foed. vi. 632.

The truce between the two nations was prolonged for the farther space of fourteen years, and it was agreed that the residue of the ransom-money should be cleared by annual payments of 4000 marks*, [20th July.]

Stat. David II. 16.

In this year an act of parliament was made of the following tenor: 'No justiciary, sheriff, or other officer of the King shall execute any order, whether under the great-seal, privy-seal, or signet, if such order be against law; but, whenever it is presented to him, he shall indorse it, [or note it,] and in that form return it †;' [at Scone, 18th February. 1369-70.]

An

'Parliamentum apud Perth, 18. Feb. 1369, anno regni Davidis 40. Quum fuerit inexpediens quoddam universalis communitas ad deliberationem intenderet seu expectaret, electi fuerunt quidam, ad generalem et unanimum consensum et assensum trium communitatum congregatarum, ad ea quae concernunt communem justitiam, judicia contradictoria et querelas alias, quae per parliamentum debeant determinari, discutenda, et alii per vos communes et alias communitates [Qu] electi ad tractandum et deliberandum super certis et specialibus ac secretis regni et regis Davidis negotiis, antequam veniant ad notitiam dicti concilii generalis, et quoddam judicia contradictoria proponantur penultimo die parliamenti vocatis partibus et facta de premissis relatione solenni sententialiter sit pronunciatum, secundum leges et consuetudines regni.'

* While the annual payments of the ransom were made at the rate of 6000 marks, according to the second treaty, there were paid the following sums: 1366-7, 2d February, 6000 marks; *Foedera*, T. vi. p. 493. 1367-8, 2d February, 6000 marks; *Foedera*, T. vi. p. 550. 1368-9, 2d February, 6000 marks; *Foedera*, T. vi. p. 585. 1369-70, 2d February, 6000 marks; *Foedera*, T. vi. p. 601. In all 24000 marks.

The King of Scots, in the third treaty, says, that 56000 marks were still due. 24000 marks added to that sum make up the 80000 marks, which I understand to have been exigible, according to the second treaty.

The 56000 marks were at length completely paid, and a discharge in full was granted by Richard II. in the 7th year of his reign, [1st December 1383;] *Foedera*, T. vii. p. 417. For an account of the various payments, the reader may consult *Foedera*, T. vi. p. 648. 689. 734. T. vii. p. 26. 40. 68. 113. 152. 208. 271. 417.

† 'Nullus justiciarius, vicecomes, aut aliquis alius minister Regis, faciet executionem

1369.

An act also was made revoking all late grants by which any persons were exempted from bearing their share in public burdens, and in the services due to the King*.

Chart. Morav.
i. 80.

The King of Scots, yielding to the suggestions of his consort, imprisoned the Stewart and his three sons, John, Robert, and Alexander. This imprisonment of *the heir presumptive* and his children is a singular event in a reign full of strange incidents, and yet it is mentioned by one historian alone †.

Ford. xiv. 34.

1370.

The power of Margaret Logie over the uxorious but fickle monarch was of short endurance. Disgusts and bitter animosities arose between the King and his consort. He applied to the Scottish bishops and obtained a divorce ‡. Margaret Logie escaped from Scotland, and found means

Ford. xiv. 34.

‘nem alicujus mandati sibi directi, sub quocunque sigillo, magno, secreto, vel parvo, seu signeto in praejudicium juris. Sed, si quid tale fuerit praesentatum, indorfet et indorfatum remittat;’ *Stat. David II. c. 18.* The date is added from a MS. in my possession.

* ‘Statutum est a Rege David, ex deliberatione parliamenti, communi utilitate pensata, quod omnes libertates de novo concessae generaliter revocentur, sic scilicet quod ad servicia Domini Regis contribuant, conserviant, et opera subeant cum vicinis;’ *Chart. Morav. Vol. i. fol. 80.* Much might be learned from an accurate edition of the whole Statutes of David II.

† ‘Ad cujus suggestionem Rex nepotem suum Robertum Stewart, cum tribus filiis Johannem, Robertum, et Alexandrum, arrestavit, et in diversis munitationibus ad custodiendum deputavit;’ *Fordun, L. xiv. c. 34.*

‡ *Fordun, L. xiv. c. 34.* says, ‘circa festum carnisprivii, an. 1369.’ In 1368-9, lent commenced in the third week of February. Fordun mistakes, if he means to place the divorce about the beginning of lent 1368-9. For it appears from *Foedera*, T. vi. p. 582. that David, and his consort, obtained a passport to visit England in January 1368-9; and it is not probable, that, in the very next month, he procured a divorce from her. Fordun, therefore, must have meant to place the divorce in 1369-70. It is remarkable, that, in *Foedera*, T. vi. p. 613. there is a passport, 10th March 1369-70, for David to visit England, in which no mention is made of his consort.

1370.

means to present herself to the court at Avignon. She appealed to Pope Urban V, from the sentence of the Scottish Bishops. The cause was warmly agitated, and depended long; the issue is not certainly known; but, as Fordun remarks that the Pope threatened to lay the kingdom of Scotland under an interdict, it is probable that the proceedings of the Scottish Bishops were judged to be irregular*.

On

* Fordun, who had seen a copy of the proceedings, is silent as to the grounds of the sentence pronounced by the Scottish Bishops; and, as to the reasons of appeal, he says, 'Liber inde confectus, et notariorum signis signatus, præcellit in scriptura, iudicio meo qui processum vidi et hæc scripsi, continentiam literataræ quatuor, plateriorum;' L. xiv. c. 34. But, although he is so ridiculously accurate in recording the *size* of the writings, he says not a word of their *contents*. John Major, L. v. c. 23. honestly confesses that he was unacquainted with the merits of the cause. Boece, not inclining to be ignorant of any thing, observes, L. xv. fol. 327. a. that the King of Scots was reported to have married Margaret Logie, rather on account 'of her beauty, than with the wish of having children by her: That he repudiated her when she had entered into her twenty-fifth year, and he had no hopes of children by her. [Magis, ut jactabatur, specie captus, quam quòd sobolem ex ea deperet. Eam autem annum egressam vicessimum quartum, quam nullam ex ea prolem speraret, repudiavit.] This is a singular story indeed! The King married without wishing for children, and repudiated his wife because he despaired of having children by her. And the reason of his despair was, that she had entered her twenty-fifth year! *Bellenden*, B. xv. fol. 231. a. perceiving, probably, that this story was absurd, has substituted another in its room, which, from its tenor, has the appearance of a popular tradition: 'He mariit ane lusty woman, namet Margaret Logy, and, within *thre monethis* after, he repentit, and wes so sorowful, that he had degradit his blud ryal with sic obscure lynnage, that he banist hir, and all otheris that gave hym counfall thairto, out of his realme. At last this lady pass, with an certane hir freindis, to Avinion, qshaire the Paip held his seit for the tyme, and wes so favorit, that scho gat finalie an sentence aganis King David, to annexe to hîr as his lawchfull lady and wyffe. Thus suld the realme have cumyn under interdiction and gret truble, *wer nocht scho deceiffit be the way returnand hame.*'

Much of this ill-told, and confused story, may be confuted from record. Margaret Logie was living with the King of Scots, and acknowledged as his wife, from 12th January

1370.

On the disgrace of Margaret Logie, the Stewart and his three sons *Ford. xiv. 34.* were released from their prison, and re-instated in the favour of the King.

David II. died, [22d February 1370-1, in the castle of Edinburgh,] *Ford. xiv. 34.*

10

mary 1365-6, to 4th January 1368-9; *Foedera*, T. vi. p. 484. 497. 582. So that, instead of banishing her in *three months*, he lived with her *three years*, and, probably, for a longer space. The time of her death is uncertain; but we know that she survived her husband. She was at Avignon on the 23d June 1372. She is then styled 'egregia Domina, Domina Margareta, Regina Scotiae, uxor quondam Domini Davidis Regis Scotiae, illustris, jam defuncti;' *Foedera*, T. vi. p. 727. She obtained a passport from Edward III. 24th March 1373-4; *Foedera*, T. vii. p. 35. Hence we may certainly conclude, that it was not her death which relieved Scotland from the apprehension of a Papal Interdict. Fordun, it is true, says something like this; 'si su-
'pervixisset.' But, to reconcile his expression with the truth of history, we must suppose that *Reu*, or *Papa*, is to be understood; that is, David Bruce, or Pope Urban V.

A worthy friend of mine, while at Rome in 1776, took the trouble of inquiring whether the proceedings on the appeal of David II. were to be found in the Papal archives. The *Abbate Cocquellini*, the learned and industrious editor of the *Magnum Bullarium Romanum*, engaged in this search. It was laborious, and proved unsuccessful. I cannot express this so well as in his own words. After having mentioned his searches in the Vatican library, and elsewhere, he says; 'confugiendum fuit ad secretius archivium Vaticanum, in quo regesta integra bullarum, brevium, ac literarum Pontificum Avenionensium asservari exploratum est, Romam a Cardinali Urfinio Jacobo adhuc seculis adportata. Elias Baldius, Graecae Latinaeque linguae scriptor in laudata bibliotheca, et Johannes Marinius secretioris Vaticani scrinii pro-custos, pro sui fide asserunt, codices se singulos bibliothecae et archivii non regesta modo, sed schedas quoque quam diligentissime, nec sine magno dierum quinque impendio, perstrasse, nullamque actae a Davide Rege, causae aut interpositae appellationis schedam vel indicium adinvenisse.' If, by any accident, this work should fall within the knowledge of the *Abbate Cocquellini*, and his associates, they are requested to accept of my sincere thanks. I lament, that, when I wished to have the inquiry made, the precise date of the proceedings was not known to me. That would have greatly abridged the trouble of such a search. The proceedings must have been in 1370, or in the beginning of 1371, about the latter end of the Pontificate of Urban V.

1370.

in the 47th year of his age, and the 42d of his reign. He was buried in the church of the abbey of Holyrood, before the great altar.

He was succeeded by his nephew ROBERT, the Stewart of Scotland.

When we acknowledge David II. to have been courteous and affable, and possessed of personal intrepidity, we complete the catalogue of his praise-worthy qualities*. But the defects in his character were many, and all of them were prejudicial to the public; he was weak and capricious, violent in his resentments, and habitually under the dominion of women.

The Scottish nation had an amiable partiality for the only son of their great deliverer, and his misfortunes excited universal pity. Hence it is, that the historians of our country are studious to draw a veil over the faults of David II. †.

Nevertheless, while we pity the early exile, and unfortunate valour, and tedious captivity of the only son of Robert Bruce, we ought not to forget, that he degenerated from the magnanimity of his father, and that, through the allurements of present ease, or through motives of base jealousy, he was willing to surrender the honour, security, and independence of that people whom God and the laws had entrusted to his protection.

MISCEL-

* Fordun, L. xiv. c. 34. says, that David II. by his policy, suppressed the robbers in the mountainous country of Scotland, and in the isles: That he set them against each other, rewarded those who destroyed their adversaries, and thus, insensibly, extirpated the disturbers of the public peace. It was a cruel policy, if indeed used. But it is probable, that, in this account, there is much exaggeration. For the remote parts of Scotland remained as uncivilized and disorderly after the reign of David II. as in elder times.

† It must, however, be admitted, that our historians were ignorant of the conferences at Westminster in November 1363. Fordun imagined, that the proposal made by the King to his parliament in the beginning of that year, was in consequence of a promise extorted from him during his captivity; L. xiv. c. 24. This good natured hypothesis, founded on an imperfect knowledge of facts, has been adopted by later historians, who had opportunities of being better informed.

M I S C E L L A N E O U S

O C C U R R E N C E S.

1306.

WILLIAM of Lambyrton Bishop of St Andrews, while a prisoner in England, had a daily allowance for himself of six pence, of three pence for his serving man, of three half-pence for his foot-boy, and of three half-pence for his chaplain. Food.ii. 1015.

Elisabeth, the consort of Robert Bruce, while a prisoner in England, had servants appointed to attend her, and particularly, 'a foot-boy for her chamber, sober, and not riotous, to make her bed *.' Food.ii. 1013.

1308.

John Duns Scotus †, called *doctor subtilis*, died; a person excessively admired by his contemporaries. He taught what, in those days, was called

* 'Eit ele ün garzon a pée, por demorer en sa chambre, tiel qui soit sobre, et ne un riotous, por son lit faire.'

† 'Descended from the family of *The Dunses* in the Merse; *M'Kenzie*, *Lives of Scots writers*, Vol. i. p. 215. But *Camden*, *Britannia*, p. 861. says, that he was a native of Northumberland; because a note subjoined to a manuscript copy of the works of John Duns, in the library of Merton college, Oxford, has these words: 'Explicit * *lectura subtilis doctoris in universitate Oxoniensi, super libros sententiarum, Doctoris Johannis Duns, nati in villa de Emilden vocata Dunshan, contracta Duns, in comitatu Northumbriae, pertinens ad domum scholasticorum de Mertonhall in Oxonio, et quondam dictae domus socii.*' This testimony is not sufficient to confute the

received

1308.

called *philosophy* and *theology*, at Oxford, Paris, and Cologne. It is reported that, at Oxford, thirty thousand pupils attended his lectures*.

So

received opinion: For, in its utmost latitude, it only implies, that an unknown, and illiterate transcriber of the works of John Duns, chose to make him a native of Emilden in Northumberland, called *Dunstan*, and, by a fanciful abbreviation, *Duns*. There was a more ancient *Johannes Scotus*, distinguished by the appellation of *Erigena*, who flourished in the days of the Emperor Charlemagne. The Scots have laid claim to him also as their countryman; but upon less probable grounds. They translate *Erigena*, 'a native of the town of Air;' but, in order to justify this translation, they must suppose, that the town of Air existed in the days of Charlemagne! The obvious translation of *Erigena* is, 'a native of Ireland.'

* Anthony à Wood, *Antiquitates Universitatis Oxoniensis*, p. 147. ad an. 1303, says, 'Hac denuo tempestate exundare coepit scholarium frequentia—Oppidanis Brevi regio Sept., xix. dato, strictè præcipitur ut hospitiorum scholasticorum possessione properè excederent, maximè cum academici lecturas jam essent resumpturi. Quod regem verè induxit, ut mandatis suis exequendis sedulò magis attenderet, erat *Scotorum* frequentia, quos Oxonii commorari jusserat: Malè enim metuens, ne gentis illius optimates, et ingenua pubes, si alibi educarentur, rebus novis maximè studerent; post Scoticas suas expeditiones, captivorum quemque eruditioni deditum Oxonium deduxit.' This inundation of *Scottish students* was, in all likelihood, the inundation of the pupils of *John Duns Scotus*, called *Scoti*, from their master, or from the sect to which they belonged. That they were Scotsmen of fashion, [optimates et ingenua pubes,] is exceedingly improbable.

Janus Vitalis says of John Duns,

——— 'omnibus sophistis

'Argutus magis, atque captiosus.'

Which may be thus translated: 'The chief of quibblers.'

Jacobus Latomus, in one of his epigrams, says,

'Quaecunque humani fuerant jurisque sacra

'In dubium veniunt cuncta, vocante Scoto.

That is, 'All laws to canvass, human or divine,

'Of all to doubt, great *Scottish Duns*, was thine!

I have only to add, concerning this singular personage, that Lucas Wading published a part of the works of John Duns in ten volumes in folio, A. D. 1639; and that many treatises of his composition are still in MS.

MISCELLANEOUS OCCURRENCES. 269

1310.

So great famine in Scotland, that many persons fed on horse-flesh. *Ford. xii. 18.*

1312.

Hugh Harding, an Englishman, challenged William de Seintlowe, a Scotsman, for bearing the coat armorial of Harding. To decide the controversy, they fought at Perth. William de Seintlowe was vanquished, and resigned the coat armorial, and the honour of the combat, to Hugh Harding, by open confession, in presence of Robert Bruce. The King, sitting on his throne, adjudged the coat armorial to Harding *.

E. Bisse, in N. Uptonum, de studio militari. Notae 34.

Five

* ‘ Robertus, Dei gratia, Rex Scotiae, omnibus ad quos praesentes literae pervenerint, salutem. Cum nos accepimus duellum apud nostram villam de Perth, die consecutionis praesentium, inter Hugonem Harding Anglicum, appellan-tem, de armis de Goules, tribus leporariis de auro coloree de B. et Willielmum de Seintlowe, Scotum appellatum, eisdem armis sine differentia indutos. Quo quidem duello percusso, praedictus Willielmus se finaliter reddidit devictum, et praedicto Hugoni remisit ac relaxavit, et omnino de se et haeredibus suis in perpetuum praedicta arma, cum toto triumpho, honore, et victoria, ore tenus in audientia nostra. Quare, nos in folio nostro tribunali regali sancti patris, cum magnatibus et dominio regni nostri personaliter sedentes, adjudicavimus et finaliter decretum dedimus, per praesentes, quod praedictus Hugo Harding et haeredes sui, de caetero in perpetuum habeant et teneant, gaudeant et portent, praedicta arma integraliter, absque calumnia, perturbati- one, contradictione, reclamatione, praedicti Willielmi seu haeredum suorum: In cuius rei testimonium, has literas nostras fieri fecimus patentes, apud dictam villam nostram de Perth, secundo die Aprilis, anno regni nostri septimo, annoque Domini 1312.’

‘ Diploma hoc, genere et studiis nobilissimi Sampsonis Erdeswick, de quo vide Cam- denum, adversariis debemus;’ *E. Bisse, in N. Uptonum de studio militari notae, p. 34. Colloree de B. is obscure; perhaps it may signify, that the greyhounds had blue collars. In plain language, the coat armorial was, ‘three gold or yellow greyhounds, with [blue] collars, on a red field.’ Harding won it, and, by the decree of the King of Scots, wore it. This certificate is singular in its style; I do not affirm it to be authentic, not having seen the original writing. Qu. Was this Hugh related to John Harding the forger?*

1314.

Chart. Aberb. Five shillings supposed to be the value of a cow, and six shillings and eight pence, the value of an ox*.

1327.

Barbour, 411. Fire-arms were first employed by the English in their wars with Scotland. Barbour calls them 'crakys of war.'

Froissart, i. 18. Froissart thus describes the manner of living of the Scots during their military expeditions. 'Their Knights and Esquires are well
' mounted on great courfers; the common sort, and the country people
' ride little horses. They take no carriages with them, by reason of
' the unevenness of the ground among the hills of Northumberland,
' through which their road lies, neither do they make provision of
' bread or wine; for, such is their abstemiousness, that, in war, they
' are wont, for a considerable space of time, contentedly to eat flesh half
' dressed, without bread, and to drink river-water, without wine: Nei-
' ther have they any use for kettles and caldrons; for, after they have
' flead the cattle which they take, they have their own mode of dres-

Froissart, i. 19. 'sing them.' [This he elsewhere describes to be, by fixing the hide to four stakes, making it in the shape of a caldron, placing fire below, and so boiling the flesh.] 'They are sure of finding abundance of
' cattle in the country through which they mean to go, and therefore
' they make no farther provision. Every man carries about the saddle
' of

* 'Affedatio terrarum de Dunnethyn,' by Bernard Abbot of Aberbrothock, to David de Maxwell—'Et si dictus David amerciatu fuerit in curia Domini Abbatis, pro propria querela dabit pro amerciamiento, quoties acciderit, *quinque solidos vel unam vaccam.*' *Ch. Aberbr.* vol. ii. fol. 12. Bernard, the Abbot, became Bishop of Sodor in 1328. The delivery of *four oxen* by the Earls of Lenox, was commuted, in 1317, into a payment of *two marks of silver*. So that, at that time, it appears that the price of an ox was *six shillings and eight pence*. The deed containing this commutation is so cautiously conceived, that we may conclude the bargain to have been fair; *Chart. Aberbroth.* *ibid.*

1327.

‘ or his horse, a great flat plate, and he trusses behind him a wallet
 ‘ full of meal ; the purpose of which is this ; after a Scottish soldier
 ‘ has eaten flesh so long that he begins to loath it, he throws this plate
 ‘ into the fire, then moistens a little of his meal in water, and when
 ‘ the plate is once heated, he lays his paste upon it, and makes a little
 ‘ cake, which he eats to comfort his stomach. Hence we may see,
 ‘ that it is not strange, that the Scots should be able to make longer
 ‘ marches than other men *.’

1329.

Thefts had become so frequent in Scotland, that husbandmen were *Ford. xiii, 18.*
 obliged to house their plough-shares every night. Randolph, Regent
 in the minority of David II. ordered that all plough-shares should be
 left in the fields, and, if stolen, that the county should refund their va-
 lue. A certain husbandman hid his plough-share, and pretending that
 it had been stolen, obtained its value † from the sheriff of the county.
 The cheat happened to be discovered, and the husbandman was hang-
 ed for theft.

1335.

Edward III. made a grant of the estate of Edrington near Berwick. *Ford. iv. 670.*

This

* Here is a minute and long description of the method of *baking bannocks on a girdle*.
 Froissart says, ‘ chacun emporte entre la selle de son cheval et le *penon*, une grande
 ‘ piece plate.’ Sauvage, the publisher of Froissart, *annot. 39.* confesses his ignorance
 of the sense of the word *penon* at this place. It probably implies *crupper*. As to the
 caldrons made of the hides of cattle, Sauvage says, *annot. 41.* ‘ J’ay entendu de ceux
 ‘ qui disent avoir veu chose semblable en Escoce, que les Escotois, apres avoir écorché les
 ‘ grosses bestes, attachent les peaux, par les pieds, à quatre fourchettes droites, fichees
 ‘ en terre : Tellement qu’au milieu d’icelles peaux, ainsi suspendues, se fait un fond :
 ‘ dedans lequel ils mettent bouillir et cuire ce qu’ils veulent, sur feu moyen, et si
 ‘ bien temperé, que c’est tout s’il brule seulement le poil, qui est tourné vers lui.’

† Fordun says, that the iron-work of the plough was estimated at two shillings.

1335.

This grant is remarkable ; because it determines a controverted point in the history of the law of Scotland. It proves that, antiently, *salmonfishings* and *mills* were extended, that is, valued, for ascertaining the rate of public taxations *, &c.

Ford. iv. 711. By a treaty of alliance between Edward Balliol and John Lord of the Isles, it was specially provided, that the Lord of the Isles should have right to stand Godfather to any heir of Balliol's body †.

1336.

Ford. xiii. 51. Alan of Winton forcibly carried off the young heiress of Seton. This produced a feud in Lothian, while some favoured the ravisher, and others fought to bring him to punishment. Fordun says, that, on this occasion, a hundred ploughs in Lothian were laid aside from labour.

Ford. xiii. 43. Henry de Lancaſter †, commander of the English forces, invited the

* ‘ Quae quidem villa [de Ederinton] piscaria [de Edermuth] et molendina [villae de Berewico] ad centum et septem libras, tres solidos, et septem denarios, *tempore pacis*; per dilectum clericum nostrum Thomam de Burgh, Camerarium nostrum de Berewico super Twedam, de mandato nostro *extenduntur*;’ *Foedera*, T. iv. p. 670. Here also there is a new sense of the phrase *tempore pacis*, not implying any antient valuation, but only the rate at which the subjects might be reasonably estimated in times of public tranquillity.

† ‘ Praeterea praefatus Dominus Rex vult et concedit, quod quocunque tempore habeat haeredem de corpore suo legitime procreatum, quod *compaternitas* ejusdem haeredis praefato Johanni concedatur.’ In *Du Cange*, v. *Compaternitas*, it is said, ‘ *Compaternitas*, cognatio spiritualis quae inter compadres intercedit. *Comperage* Gallicis. P. Damiani, L. ii. Epist. 17. *duo quidam viri qui et amicitiae invicem foedere, et compaternitatis necessitudine, tenebantur.* Thuroczius Reg. Hung. c. 66. *apud quem aliquandiu commemoratus compaternitatis vinculo Regi sociatur*, vid. c. 1. et 3. *de cognitione spirituali*’

‡ *Fordun*, L. xiii. c. 43. calls him *Earl of Derby*; but he did not obtain that title until 19th March 1337; *Knyghton*, p. 2568. The tournament at Berwick is placed at the

1336.

the Knight of Liddefdale to combat with him in the lists at Berwick. In the first course, the Knight of Liddefdale was wounded by the breaking of his own spear. This accident having interrupted the sport, Henry de Lancaſter requested Alexander Ramſay to bring twenty gentlemen with him to encounter an equal number of English. The request was complied with; and the sports continued for three days. Two of the English combatants were killed on the field: Nor was the loss of their antagonists less considerable. The point of a spear pierced the brain of William de Ramſay. After having been relieved, he expired in his armour. John Hay, an eminent person among the Scots, received a mortal wound. At this juncture, Patrick Graham happened to arrive from abroad. An English knight challenged him. ‘Brother,’ said Graham, *pleasantly*, ‘Prepare for death, and confess yourself, and then you shall sup in Paradise.’ *And so it fell out*, says Fordun; for Graham transfixed him with his spear, and left him dead on the field. This story is related, as much as possible, in the style of Fordun. He appears not to have felt any horror at a scene, where brave men, without either national animosity or personal cause of offence, lavished their lives in savage amusement.

1339.

A great famine in Scotland, the poorer sort fed on grass, and many *Ford. xiii. 46.* were found dead in the fields.

1340.

At the siege of Stirling, in this year, the Scots employed cannon. *Froissart, i. 74.*

Ten

the only season in which it could have been celebrated—during the truce in summer
1336.

274 MISCELLANEOUS OCCURRENCES.

1345.

*Chartulary
Aberdeen, 73.*

Ten marks Sterling settled as a stipend on the vicar of Aberdeen*.

1346.

Ford. xiii. 51.

Alexander Bruce, Earl of Carrick, fell at Halidon in 1333. A person, assuming his name, appeared in Scotland. He said that he had been made prisoner in the battle; that he had concealed his quality for a long course of years; and, at length, under the feigned character of a citizen of Aberdeen, had procured himself to be ransomed. His tale, related with many circumstances, imposed on numbers, and particularly on the meaner sort. After having undergone several examinations at court, he made his escape into Carrick, his supposed inheritance; but he was apprehended, tried by a special commission, convicted as an impostor, and hanged, [at Air, July.] Fordun says, that, according to the report of some, the judicial procedure against this adventurer was not formal; and hence there were who still believed that he had right to the title which he assumed.

1347.

Ford. v. 517.

Edward Balliol, and many others, were engaged to serve the King of England. The daily pay of Balliol was sixteen shillings; of a Banneret, four shillings; of a Knight, two shillings; of an Esquire, one shilling; and of an archer on horseback, fourpence. The Earl of Angus, [Umfraville,] and the other chief commanders, had the daily pay of eight shillings. Twenty-eight days were reckoned to the month, and ninety days to the quarter.

David

* In 1397, four marks were added to a prebend of six marks *per annum*, 'Quoddam modernis temporibus sex marcae non sufficiunt annuatim ad sustentationem congruam capellani.' It is added, 'qui prebendarius sibi de habitu quoties indigebit tenetur bitur providere;' *Chart. Aberdeen*, fol. 108.

MISCELLANEOUS OCCURRENCES. 275

1349.

David II. while a prisoner, appeared in a tournament at Windsor, [23d April.] The harness of his horse was of blue velvet, 'with a pale of red velvet, and beneath, a white rose, embroidered thereon.' This is the earliest mention of *the Scottish white rose*, which, in process of time, became a party-badge. It appears to have had no connection whatever with the York rose, and to have been more ancient than it.

Assmole, History of the Garter, ii. 185.

The great pestilence reached Scotland. It proved mortal in forty-eight hours. The bodies of persons seized with the distemper swelled exceedingly. This pestilence was particularly fatal to the poorer sort.

Ford, xiv. 7.

1350.

A perpetual annuity of eight marks Sterling, secured on land, was purchased for one hundred and twenty marks. This appears to have been a deliberate bargain*.

Chart. Morav, i. 76.

1354.

William Heron accused John Wallace and William Prudholm as horse-stealers. They offered to justify themselves according to the law and customs of Scotland, by single combat, against Heron or any person whom he should delegate. Heron obtained permission from Edward III. to send two men into Scotland as his champions for proving the charge.

After

* 'Carta foundationis de uno capellano super firmam terrae de Mayn.' By Alexander de Mennerys, Dominus de Lambride, [an English name, converted by degrees into *Menyes*, and, by a false reading, into *Menzies*.] He says, 'Cum Johannes de Innernys, cancellarius ecclesiae Moravien. volens in eadem ecclesia unum capellanium fundare pro anima sua, tradidisset mihi in pecunia numerata centum et viginti marcas Sterl. ad comparandum sibi et assignatis suis in perpetuum annum redditum octo marcarum Sterlingorum,' &c. *Chart. Morav. Vol. i. fol. 76.*

276 MISCELLANEOUS OCCURRENCES.

1355.

Ford. xiv. 9. After the action at Nisbet in Berwickshire, a certain Frenchman, who served in the armies of Scotland, purchased some English prisoners, and, having conveyed them to a retired place, beheaded them, in revenge for the death of his father, whom the English had slain. I do not recollect a like example of sentimental barbarity in the history of latter ages.

Ford. v. 828. Edward III. had permitted Balliol to hunt in the forest of Inglewood. The forest laws were so rigorously maintained in those times, that it became necessary to grant a formal indemnity to all men who had hunted in company with Balliol.

1356.

Ford. v. 870. There is another instrument of a like nature, but still more singular, which mentions, that Balliol had caught of fish in the ponds of the Lordship of Haitfield, in Yorkshire,

	Fect.	Inches.
2 Pikes of	3	6
3 Pikes - -	3	0
20 Pikes - -	2	6
20 Pikes - -	2	0
50 Pikerels - -	1	6
6 Pikerels - -	1	0
6 Breams and bremels		
109 Perch, roach, tench, and skelys.		

1358.

Ford. xiv. 21. On Christmas Eve, there happened an inundation in Lothian, great beyond example. The rivers, swollen by excessive rains, rose above their banks, and swept away many bridges and houses. Tall oaks, and other large trees, that grew on the banks, were undermined by the waters, and carried off to the sea. The sheaves of corn laid out

to

1358.

to dry in the adjacent fields were utterly lost *. The suburb of Hadington, called *the Nungate*, was levelled to the ground. When the water approached the nunnery at Hadington, a certain nun snatched up the statue of the Virgin, and threatened to throw it into the river, unless Mary protected her abbey from the inundation †. At that moment the river retired, and gradually subsided within its ancient limits. ‘This nun,’ says Fordun, ‘was a simpleton, but devout, although not according to knowledge ‡.’ If, however, she perceived any abatement of the inundation before she uttered her threats, she was not a simpleton.

1361.

The pestilence again in Scotland, with the same symptoms as in *Ford. xiv. 24.*
1349.

1362.

One hundred shillings provided to the vicar of Cloyeth and Kil-
drummy. *2. Chart. Aber-*
deen, 9.

1370.

Andrew Dempster of Caraldston became bound to the Abbot and
abbey of Aberbrothock, that he, and his heirs, should furnish a per- *Chart. Aber-*
son, residing within the territory of Aberbrothock, to administer ju- *l. 1.*
stice in the courts of the abbey. An annual salary of twenty shillings
Sterling was allowed to the judge thus furnished. The salary to be
paid out of the issues of the courts ¶.

APPEN-

* Hence it appears that harvest was not got in on the 24th December 1358.

† At this day, the Portuguese sailors address their favourite, St Antonio in a like form.

‡ ‘Simplicitate quadam fatua, sed mente, quamvis non secundum scientiam, de-
vota,’ *Fordun, l. xiv. c. 21.*

¶ ‘Facient ipsis deserviri de officio judicis in curiis eorum per unum hominem eo-
rundem residentem in schira de Aberbroth, qui jurabit specialem fidelitatem ad dic-
tum officium faciendum,’ *Chart. Aberbroth. Vol. 1. fol. 1.*

A P P E N D I X.

No. I.

OF THE MANNER OF THE DEATH

OF

MARJORY, DAUGHTER OF ROBERT I.

ANNALS Vol. II. pag. 65.

IT is an opinion generally received, that Marjory the daughter of Robert I. while big with child, was thrown from her horse, and killed between Paisley and the castle of Renfrew, [on Shrove Tuesday, 2d March 1315-6], and that her child was brought into the world by the Caesarean operation.

*Hist. of Ren-
frew-sh. p. 41.*

Crawfurd thus relates the story: 'At this place, in the lands of Knox, there is a high cross standing, called *Queen Blearie's cross*; but no inscription is legible. Tradition hath handed down, that it was erected on this occasion. Marjory Bruce, daughter of the renowned Robert I. and wife of Walter, great Stewart of Scotland, at that time Lord of this country, being hunting at this place, was thrown from her horse, and, by the fall, suffered a dislocation of the *vertebrae* of her neck, and died on the spot. She being pregnant, fell in labour of King Robert II. The child or *foetus* was a *Caesar*. The operation being by an unskilful hand, his eye being touched by the instrument, could not be cured; from which he was called *King Blearie*.

'*Blearie*. This, according to our historians, fell out in the year
'1317.'

Such is the tradition which Crawford relates in a strange and embarrassed style.

I cannot discover the origin of this story. Fordun, the author of *Ford. xii. 25.*
Excerpta e Chronicis Scotiae, and John Major, relate the birth of Robert Stewart, afterwards King of Scotland by the name of Robert II.; *Major. v. 4.*
but they mention nothing of extraordinary circumstances attending his birth.

Barbont, who wrote in the reign of Robert II. and Winton, who wrote soon after the death of Robert III. are silent as to the events related by Crawford, and so also are Bellenden, Lesley, and Buchanan.

Boece not only omits any mention of this story, but speaks in a strain inconsistent with it. His words are, 'Mortua eisdem ferè temporibus Marjora, Roberti filia, relicto filio adhuc puero Roberto Stewart.' If Boece had imagined that Marjory lost her life in this extraordinary manner, he never would have said, 'That she died leaving a son yet a child.'
Boece, 305.

It is said, in confirmation of the vulgar tradition, that, by the unskillfulness of the surgeon who performed the Caesarean operation, the infant received a wound in the eye, and that hence Robert II. was styled *Blear-eye*.

That Robert II. when advanced in years, had a remarkable inflammation in one of his eyes, is certain. Froissart, who visited his court, speaks thus: 'Robert King of Scotland had one eye turned up, [or tucked up,] and red; it seemed like *sanders wood*.'
Froiss. ii. 169.

But surely this affords no presumption that Robert II. received a wound in his eye when he was entering into the world, or that the inflammation was occasioned by that accident. A man bred up in war
as

* The words of Froissart are corrupted; but their sense is sufficiently intelligible: 'Le roy Robert d'Escosse, avec uns yeux rouges rebrallés. Il sembloit de fendal.' In those times *rouge comme fendal* was a common phrase for *exceedingly red*.

as he was, might have had his eye hurt without the unskillfulness of a surgeon.

The chief argument in favour of the popular tradition, arises from the circumstance of a cross, or pillar, having been erected on the spot where the Princess Marjory is supposed to have died. That pillar has been removed within the memory of man; and it was known in the beginning of this century by the name of *Queen Blearie's cross* *.

Popular tradition is the most inaccurate of all histories. It records, in Angus, every particular of the last days of M'Beth; and it points out the very spot where the fabled Hays turned the chance of the imaginary battle of Luncarty. By tradition, Wallace has been degraded into a hero of romance, a giant, and a combater with spirits. And, indeed, he is scarcely known to the vulgar under any other character.

The capital, and obvious absurdity in the tradition of the cross of *Queen Blear-eye* is this, that Marjory, the wife of the Stewart of Scotland, is supposed to have received the appellation of *Queen*.

Fifty-seven years had elapsed after her death before her son Robert succeeded to the crown. Now, even supposing her to have been called a *Queen*, because her son became a *King*, it still follows, that she could not possibly have received that appellation until fifty-seven years after her death; and that she could not have received it from any one who knew so much of history as that Robert Stewart succeeded to David Bruce.

Besides

* I am assured by persons eminently skilled in the Gaelic language, that there are two words in that language, pronounced *Quinè Blair*, which literally signify *Memorial of Battle*. The difference of sound between *Quinè Blair* and *Queen Blearie*, as pronounced by the vulgar, is less than generally occurs between the Gaelic and the Saxon pronunciation of the same words. It is certainly less than between *Arct's Seat* and *Arthur's Seat*, *Dunpendir* and *Traprain*. Holding this etymology to be just, we might conclude, that the origin of the name of the pillar, or monument in question, is to be sought for in times much more antient than those of Robert I.

Besides, why should Marjory Bruce be called *Blear-eye* because her son was wounded in the Cæsarean operation ?

It has been remarked by a learned friend, ' that the cross might originally have been called *King Blearie's mother's cross*; and that, in process of time, this might have been changed into *Queen Blearie's cross*. That change must have been pretty violent, which, in a sentence of four words, omitted *mother*, the chief word, and turned *King* into *Queen*. But still the observation holds good, that the name of *Queen Blear-eye* could not have been given to *the Princess Marjory* until *fifty-seven years* after her death: And, indeed, there is reason to believe, that the name of *Blear-eye* was not given, even to her son, for many years after.

Our ancestors did not distinguish their sovereigns who bore one common name, by the appellation of *first, second, &c.* Thus, on the Scottish coins, we have the general title of *Alexander Rex*, and *Robertus Rex*, while antiquaries are obliged, from the size of the coin, the fineness of the metal, and other circumstances, to determine whether *Alexander II.* or *III.* *Robert I.* *II.* or *III.* ought to be understood.

While Robert II. reigned, there was no occasion for distinguishing him by any peculiar epithet. To call him *King*, or *Liege Lord*, was a sufficient description. Neither is it probable, that, after the accession of his son Robert III. Robert II. would have been distinguished from Robert I. otherwise than by the name of *Robert Stewart*, in opposition to the name of *Robert Bruce*. Thus we know, that David II. was called *David Bruce*, or *David Rex modernus*, to distinguish him from *David I.*

After the death of Robert III. a distinction between Robert II. and Robert III. became necessary. Although our ancestors did not use the distinction of *first, second, or third*, when speaking of Kings who had the same name, yet they used another distinction, which was no less intelligible.

Every one knows that the epithet given to Robert III. was *Faranyeir*: But the import of the word is not generally known. *Faren, faran,* is *gone* or *past*, as *farand* is *going* or *passing*. Thus, *farand man* was used with us for a *traveller*. And *way-fairing man* continues to be a phrase in the English language. We still retain *ould farand*, literally, *an old traveller*, but figuratively, a *person sharp* or *versatile*. For, while there was little intercourse among nations, he who had travelled into foreign countries was supposed to have acquired, by experience, a knowledge of mankind, and a suppleness of manners, not attainable by those who had always continued at home. Of the like import is the French expression *vieux routier*.

Thus *faranyeir* means *of the past year*, or *late*; and *Robert Faranyeir* is precisely *the late King Robert*. Robert III. sometimes received the appellation of *John Faranyeir*, because his baptismal name was *John*. And thus he was distinguished from *John Balliol*, or *John the first*.

Our ancestors having thus distinguished Robert III. from the two former Roberts, took a separate method for distinguishing between Robert II. and him. They called Robert II. *Blear-eye*, from the inflammation in his eye. That circumstance could not fail of being generally remembered by the nation; because the interval between his death, and the death of his son Robert III. was of fifteen years only.

Hence, it is probable, that, as Robert III. could not receive the appellation of *Faranyeir* till after the accession of James I. so Robert II. did not receive the appellation of *Blear-eye* before the same period, when it became necessary to distinguish between him and *the late King Robert*.

Should this deduction be held just, it will follow, that Marjory the daughter of Robert I. could not possibly have received the appellation of *Queen Blear-eye*, or *Blearie*, till after the death of her grandson Robert III. that is, about *ninety* years after her own death; and *this*, of itself,

itself, must greatly invalidate the evidence arising from a tradition, to which so confident an appeal is made.

I do not by this admit that she was known by that name at the distance of ninety years after her death; for hitherto I have not seen any evidence that she was known by that name, till near four hundred years after her death.

Many other circumstances in the vulgar tale are exceedingly improbable. 1. The Princess Marjory is supposed to have been hunting on horse-back when the time of the delivery of her first child approached. 2. The day appointed for this extraordinary hunting-party was *Shrove Tuesday*. The Protestants of Paisley, in whose neighbourhood this story may be said to have originated, cannot discern the difference betwixt *Shrove Tuesday* and any other Tuesday; but if a Roman Catholic Princess, even in our free times, should be invited to a hunting-match on *Shrove Tuesday*, she would be shocked at the profane invitation. 3. It is a singular circumstance, that the Princess should have dislocated the *vertebrae* of her neck, and yet that there should have been time to perform so successfully the Caesarean operation on her child. 4. It is extraordinary, that there should have been at hand any person so capable of performing the operation, as not to hurt the child any farther than by a flesh-wound in the eye-lid, or on the ball of the eye.

Of late years, the circumstances of the story have been somewhat varied, and it has been reported, that the Princess Marjory was not riding on a hunting-party, but was riding to Mass, when she lost her life.

The person who made this improvement on the story, knew that *Shrove Tuesday* was a day kept holy by the Romish Church for the purposes of solemn confession.

Another

Another story is now told in the neighbourhood of *Queen Blearie's cross*. It is said, that there were disturbances in the country; that the Princess Marjory rode from Renfrew towards Paisley, with the purpose of taking refuge there; but that she was thrown from her horse, and died of the fall.

This edition of the story seems calculated to soften the improbabilities of the former traditions. It supposes that the Princess Marjory rode on horseback at a period so critical, from necessity, not choice.

Having made these observations on the popular story of *Queen-Blearie*, I leave it with my readers, to form the conclusion.

No. II.

JOURNAL OF THE CAMPAIGN

OF

E D W A R D III.

1327.

ANNALS, Vol. II. pag. 118.

THE old English historians are brief in their accounts of the mighty preparations made by Edward III. in 1327, for repelling and conquering the Scottish invaders, and of the unsuccessful events of that campaign.

Froissart has supplied this defect in English history. His account, although not altogether accurate, is particular and ample. Any one who reads it with attention must perceive, that Froissart procured his information from some officer of the cavalry of John de Hainault, who served under Edward III. in 1327. And, it will be seen hereafter, that there is such an exactness in dates as could scarcely have occurred, unless a military journal had been kept at the time by the person from whom Froissart procured his information. It must be confessed, that the relator had an imperfect notion of the country through

through which the army marched; and, there is reason to believe, that, in some circumstances, Froissart has misunderstood his meaning.

From Froissart's account, explained by two or three occasional passages in English historians, and from the dates of events ascertained in *Foedera Angliae*, a journal of this campaign may be drawn up with reasonable precision.

Froiss. i. 16.
Foed. iv. 295,
296.

10th July 1327, Edward III. marched from Yorke with his army in three divisions, or *battles*, in the language of that age. The King led the first division, or van, and lay that night at Topcliff*. The auxiliaries, consisting of heavy armed cavalry, commanded by John de Hainault, were in the first division, and encamped near the King †.

Froiss. i. 16.
Foed. iv. 295,
296.

11th and 12th, Halted at Topcliff until the second and third divisions came up ‡.

Froiss. i. 16.

13th, Decamped before day-break, and, by a forced march, arrived at Durham §.

14th,

* Froissart, Vol. i. p. 16. says, '*six lieues au dessus de la dite cité.*' [Yorke.] This nearly corresponds with the distance between Yorke and Burrough-bridge. But, as it appears from *Foedera*, T. iv. p. 295. 296. that the King halted at Topcliff, it is more natural to suppose that he proceeded to Topcliff on the first day, than that he halted there, no more than six miles from Burrough-bridge, on the second day's march. We cannot expect great precision, as to distances, from Froissart, or any other foreigner on whom he relied. Besides, the next march was very long, even supposing the army to have set out from Topcliff; and there is no occasion to make it longer.

† Not so much to shew honour to them, as to keep them at a distance from the English archers, with whom they had had a fatal quarrel while the army was quartered at Yorke.

‡ In *Foedera*, T. iv. p. 295. 296. there are three instruments by the King, all dated at Topcliff, 12th July 1327.

§ A march, nearly, of 50 miles. The King was at Northallerton on the 13th July; *Foedera*, T. iv. p. 296. But, if Froissart is not mistaken, he did not stop there. Were it not for the authority of Froissart, I would lay down the rout thus: 10th July, Topcliff. 11th and 12th, halted. 13th, Northallerton. 14th, Durham. This last might still be called a forced march, being longer than either of the preceding marches.

14th, 15th, 16th, and 17th, Remained at Durham, expecting intelligence of the motions of the enemy *. *Foed. iv. 297-298. 300.*

18th, The English descried at a distance the smoke of the flames kindled by the Scots in the country which they wasted in their progress. The army marched from Durham in order of battle, the infantry ranged in three bodies, with the cavalry on the flanks. They proceeded towards that quarter from whence the smoke appeared to issue, came to their ground in the evening, and encamped at a wood near a little river. *Froiss. i. 17.*

19th, At break of day decamped, and continued to march until the afternoon, always in order of battle. The march of this day was exceedingly fatiguing, as they had to pass through woods, morasses, and wild deserts †. Encamped in a position like the former one, at a wood near a little river. The King lodged in a mean monastery. *Froiss. i. 17.*

It was resolved in a council of war to leave the baggage of the army at this camp, and, by a forced march towards the north-west, to gain the Tine, and to intercept the Scots, who were now supposed to be about to return home, probably, because the smoke of their ravages had ceased. The army began to march at midnight. *Froiss. i. 17.*

20th, This day's march was the most laborious of all, and through very difficult ground; the army kept no order; every man pressed forwards without regarding his companions; and the cavalry left the foot soldiers behind. At the close of day the cavalry reached the Tine, and crossed it at Haidon ‡; they lay on their arms that night, in want
of *Froiss. i. 17. 18. Scala Chron. ap. Leland, i. 551.*

* In *Foedera*, T. iv. p. 300. there is an order by the King and council, dated at Durham 17th July 1327. This is an important date, and must be remembered.

† *Froissart*, Vol. i. p. 17. says, 'deserts sauvages.'

‡ *Froissart* does not mention the place. The only notice that we have of it, is in *Scala Chron.* ap. Leland, T. i. p. 551. 'The King after loggid at Eiden, [this must mean Haidon,] when they had compassit the bakkes of the Scottes.'

of all necessaries. It was reported that they had marched twenty-eight English miles that day.

21st, The infantry came up, but could not ford the river, which had become much swollen by violent rains during the night.

Froiss. i. 18.

22d, The rains continued during this day [Thursday], and throughout the week. The army suffered much from want of shelter for themselves and their horses, and from the exceeding scarcity of provisions.

Froiss. i. 18.

23d, Provisions and other necessaries arrived from Newcastle and the places in the neighbourhood *, but in small quantities, and sold at exorbitant prices.

Froiss. i. 19.

24th, 25th, 26th, and 27th, The army remained on the same ground, without receiving any intelligence of the Scots. The troops now began to murmur at their situation, and to charge some of their leaders as false traitors, who had brought the King and his army into a remote corner where they were exposed to perish through fatigue and famine, without ever encountering an enemy. It was now resolved to march again towards the south. The King proclaimed a reward of lands to the value of one hundred pounds yearly, for life, to the person who should first discover the enemies 'on dry ground' where they might be attacked †.

Froiss. iv. 312.

Fifteen

* Froissart says 'from Newcastle;' but it may be supposed that the different towns and villages on the banks of the Tyne contributed in bringing provisions to the army. Froissart seems to say that the provisions arrived on the 22d; but this is inconsistent with what follows in his narrative, that the army was without necessaries for three nights.

† 'Rex, &c. sciatis, quod cum nuper, dum in partibus borealibus cum exercitu nostro fuimus, proclamari fecerimus, quod ille, qui nos perduceret ad visum inimicorum nostrorum, ubi eos appropinquare possemus, super terra sicca, pro facto ab eis habendo, sibi faceremus habere centum libratas terrae per annum, ad terminum vitae suae; et dilectus et fidelis noster. Thomas de Rokesby nos perduxerit ad visum inimicorum nostrorum praedictorum in loco duro et sicco, juxta proclamationem praedictam; Noveritis igitur,' &c. [at Lincoln 28th September 1327:] *Foedera*, T. iv.

15th, Fifteen or sixteen Knights and Esquires swam the river and set out upon this search. *Froiss. i. 19.*

28th, The army decamped, the cavalry went some miles up the river *, where they crossed, although with much difficulty; many soldiers were drowned in the passage. The army thus re-assembled, quartered at a neighbouring village which the Scots had burnt. Here they found forage for their horses. *Froiss. i. 19.*

29th, Marched over an uneven country until noon, when they discovered some villages lately burnt by the Scots. There they found corn and grass, and remained all day. *Froiss. i. 19.*

30th, Marched without receiving any intelligence of the Scots. *Froiss. i. 19.*

31st, Marched again until about three o'clock in the afternoon, when Thomas Rokesby, an esquire, brought certain accounts that the Scots were encamped about nine miles off, on the side of a hill. He reported, 'That the Scots had made him prisoner; but, on hearing his business, dismissed him, and said, that they had been on that ground for eight days, as ignorant of the motions of the English as the English of theirs, and that they were ready and desirous to fight.' The English army halted at Blanchland upon the river Derwen †, a place belonging to the Cisterians. *Froiss. i. 19, 20. Fœd. iv. 312.*

ist.

p. 312. *Froissart*, v. i. p. 19. says, 'cent livres de terre à heritage.' This mistake, natural enough to be reported in the camp, has been carelessly adopted by later historians, who had an opportunity of reading the grant made to Rokesby.

* *Froissart* says *seven leagues*; but I presume that he meant *miles*. As Edward lay at Haldon, it is not probable that he would have marched 20 miles farther up the river. It seems that the English repassed the Tine somewhere about Beltingham, above the junction of Allan and Tine; and, if so, then *the burnt village*, mentioned by *Froissart*, must have been Beltingham.

† *Froissart* says, v. i. p. 20. 'Une Blanche abbaye qu'on nommoit du temps du Roi Artus, la Blanche lande.' By *the days of King Arthur*, he means *from time immemorial*. The place still retains its ancient name.

1st August, With Rokesby for their guide, they advanced towards the Scottish army, and came in view of it about mid-day. The Scots were drawn up in three bodies on the side of a hill, having the river Were in front, and their flanks secured by rocks and precipices.

Froiss. i. 20. 21.

The English dismounted and advanced, hoping that the Scots would abandon their advantageous position, and cross the river; but the Scots moved not. Then the King sent a message to Randolph and Douglas the Scottish generals, of this import, 'Either suffer me to pass the river, and leave me room to range my forces, or, do you pass the river, and I will leave you room to range yours, and thus shall we fight on equal terms.' This message, of itself, would have determined the Scottish generals to remain on the defensive; and, therefore, they made answer in scorn, 'We will not accept of either proposal; we have burnt and spoiled the country on our road hither, and *here* are we fixed, during our pleasure; if the King of England is offended, let him come and chastise us*.' The English troops, although destitute of every accommodation, remained on their arms until morning. The Scots, after having placed their guards, returned to their camp. During the night, they kept great fires constantly burning, and sounded horns without ceasing †, 'as if,' says Froissart, 'all the fiends of hell had

* This message and the answer resemble not the manners and style of modern times; they may seem uncouth and improbable to readers who suppose that soldiers always thought and expressed themselves as they do in our days, after much of the antient pedantry of war has been exploded.

† Barnes, *Edward III.* p. 13. says, 'They made so many and so great fires of ~~the~~ *glisb wood*, as if they designed thereby to provoke their enemies by *wasting so prodigally that fuel of which they themselves had so little.*' This observation is ridiculous, and betrays gross ignorance. The intention of the Scots in lighting up great fires, and in sounding horns throughout the night, was, probably, in order to call in the parties who were occupied in pillaging the country. It is said in *Scala Chron.* ap. Leland, T. i. p. 551. 'At this tyme Archibald Douglas toke great prayes in the bishopricke of Duresme, and encountered with a band of Englishmen at Darlington, and killed

‘had been there.’ And in this manner did both armies pass the night*.

2d August, The armies were again drawn out, as on the former day. Some English parties crossed the river, and skirmished with the Scots; but the English commanders saw that the Scots could not be provoked to quit their fastnesses; and therefore they called in the parties. *Froiss. i. 21.*

3d, Matters remained in the same situation. The English received intelligence that the Scots had no provisions left but cattle, which they slaughtered from day to day. The English resolved to keep the Scots closely blockaded in their camp, expecting soon to reduce them by famine. *Froiss. i. 21.*

4th, On the morning they perceived, with astonishment, that the Scots had decamped during the night. The Scots took post somewhat higher up the river Were, in ground still stronger, and of more difficult access, than what they had occupied before, and amidst a great wood. The English placed themselves on a hill opposite to the enemy: This was near the place called *Stanhope Park*. Douglas, with two hundred horsemen, crossed the river at some distance from the English camp. When he approached the out-guards, he cried, ‘Ha! St George, no ward,’ [guard,] and thus, under the appearance of *Froiss. i. 21. 22.*
Knyght. 2552.

‘killed many of them.’ This must have happened while Edward III. was in the neighbourhood of the Tine.

* Froissart says, v. i. p. 21. ‘Furent logés cette nuit, qui fut la nuit St Pierre, à l’entrée d’Oauſt de l’an. 1327, jusque’ au lendemain, que les seigneurs ouïrent messe.’ The festival of *S. Petri ad vincula*, [1st August,] is here meant. But it is not certain whether *la nuit S. Pierre* means the eve of St Peter, [31st July], or the night of his festival [1st August]. *Nox*, in the Latinity of the lower ages, sometimes means *eve*. But I know not whether *la nuit* has a like sense in French. The circumstance of hearing mass next day would lead us to suppose that *eve* is here meant. If so, we must hold that the English remained about Haidon one day less, and about Stanhope Park one day more, than this journal supposes.

of an English officer of distinction making the rounds, he came undiscovered at dead of night to the royal quarters. His companions called out 'a Douglas, a Douglas, English thieves, you shall all die,' overthrew whatever opposed them, and furiously attacked the King's tent. The King's domestics made a brave stand to protect their Sovereign. His chaplain, and others of his household, were slain; and he himself with difficulty escaped. Douglas, thus disappointed of his prey, rushed through the enemies, and retreated with inconsiderable loss*.

Froiss. i. 22.

5th, A Scottish knight was brought in prisoner. Having been strictly questioned, he acknowledged, that general orders had been issued for all men to hold themselves in readiness to march that evening, and to follow the banner of Douglas. The English concluded that the Scots had formed the plan of a night-attack: All preparations were made for opposing them; the army was drawn up in order of battle, great fires lighted, and strict guard kept.

Froiss. i. 22.

6th, On the morning, two Scottish trumpeters were brought in prisoners. They reported, that the Scottish army had decamped before midnight, and were already many miles on their march: And that they, the trumpeters, had been left by the Scottish commanders to convey this intelligence to the English. The English were unwilling to credit this strange and unwelcome report. Suspecting a stratagem, they continued in order of battle for several hours longer, and still hoped and looked for the appearance of the enemy; at length, some scouts having crossed the river, returned with certain intelligence that the Scottish camp was totally deserted.

Froiss. i. 22.

In the Scottish camp there were found five hundred bees, all slaughtered;

* Froissart says, that Douglas and his party 'en tua lui et sa compaignie, avant qu'ils cessassent, plus de trois cens.' And 'perdit aucuns de ses gens à la retraite, mais, ce ne fut mie grandement;' vol. i. p. 20. 21.

slaughtered *; three hundred caldrons made of skins, and fixed upon stakes, in which there was meat ready for boiling, and a still greater quantity of meat prepared for roasting †; there were also found upwards of ten thousand old brogues made of leather, with the hair on. The Scots left behind them five English prisoners, all naked, and bound to trees. Some of them had their legs broken ‡.

7th, It having been resolved to lay aside all thoughts of pursuing the enemy, the English decamped, and lay that night at Stanhope ||.

*Froiss. i. 22.
Foed. iv. 301.*

8th,

* Froissart supposes that the Scots killed the beeves, lest they should fall alive into the hands of the English, as if it had been of any importance whether the Scots killed the cattle on one day, or left them to the English to be killed on the next. It is plain that they were killed, and a great quantity of meat prepared for dressing, that the soldiers might not suspect the intention of their commanders to retreat. Had the daily preparations for supplying the army been omitted, every man in the camp would have discovered the cause, and it would have been in the power of a single deserter to reveal it to the English.

† Froissart says, ‘plus de mille *bastiers*,’ which is translated by Barnes ‘a thousand spits;’ *bastier* imports a machine on which three or four spits might be hung, one above another.

‡ En y avoit *aucuns* qui avoyent les jambes toutes rompues. Si les delierent et les *laisserent aller*; Froissart, v. i p. 22. Tyrrel, T. iii p. 345. and Barnes, p. 16. erroneously suppose that the legs of all the prisoners were broken. It is difficult to account for this barbarity of the Scots. Had they meant to prevent the prisoners from making their escape, and from giving intelligence to the English, they would have led them along with the army, or they would have broken the legs of all of them. Perhaps they were wounded men. Froissart tells the story in an inaccurate manner; one might be led to suppose, that the English *let the men go* whose legs were broken.

|| Edward III. issued writs at Stanhope, 7th August, for assembling a parliament; *Foedera*, T. iv. p. 301. He mentioned the escape of the Scots from Stanhope Park. This is an important date. We have seen that the King and council were at Durham 17th July, and here we see that the Scots had escaped before the 7th of August; between the two dates, there is an interval of twenty days, during which all the operations of the campaign must, of necessity, have occurred. And here it is that Froissart seems

Froiss. i. 22.

8th, Marched from Stanhope, and lay in the neighbourhood of an abbey two leagues from Durham. At this, and the former nights quarters, there was abundance of forage found for the horses, who, by long marches, and scanty sustenance, were so reduced that they could hardly crawl.

9th, Halted.

10th, Marched into Durham. Here they found their baggage which they had left in the fields on the 19th of July. The citizens of Durham had conveyed it into the town, and preserved it with great care. The army was quartered at Durham, and in the neighbourhood.

11th and 12th, Halted.

13th, Marched towards Yorke.

14th, Continued to march.

*Froiss. i. 23.
Foed. iv. 302.*

15th, Arrived at Yorke *. The King thanked his barons for their good and loyal service, and dismissed the army.

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seems to have misunderstood his informer: He says, v. i. p. 21. ' Les Anglois se logerent là endroit contre eux, [at Stanhope Park,] et demourerent xviii jours tous pleins sur cette montaigne.' The only method that I can discover of accounting for this is, that Froissart's informer told him the army had been engaged among the mountains against the Scots for eighteen days; and this is precisely the space between the 19th July, when they left their baggage, to their encampment at Stanhope, after the escape of the Scots.

* The first instrument by the King that occurs in *Foedera*, after his return from the campaign, is dated at Yorke, 15th August. See T. iv. p. 302.

No. III.

OF THE GENEALOGY
OF THE
FAMILY OF SETON,

In the Fourteenth Century.

ANNALS Vol. II. pag. 148.

OUR genealogical writers have given a fair pedigree of the family of Seton in the fourteenth century.

Christopher Seton suffered death 1306. = Christian Bruce, sister of Robert I.

Alexander Seton slain at Kinghorn 1332. = Isobel, daughter of Duncan, 10th Earl of Fife.

Alexander Seton governour of Berwick, 1333, died 1337. = Christian Cheyne daughter of Cheyne of Straloch.

1. William slain at Berwick 1333. 2. Thomas slain at Berwick 1333. 3. Alexander, who carried on the line of the family, and was a commissioner to England in 1340.

This pedigree, however, will not stand the test of historical criticism.

That

That all possible indulgence may be shown to it, let it be supposed that both Alexander the son, and Alexander the grandson of Christian Bruce were married at fourteen, and that each of them had a son at fifteen.

This is to hold circumstances for true, which are always exceedingly improbable, and which can scarcely ever happen in times of public disorder.

The first husband of Christian Bruce was Graitney Earl of Marr. Their children were, Donald Earl of Marr, slain at Duplin in 1332, and Helen, or Ellyne, through whom the earldom of Marr did, in after times, devolve on the family of Erskine. Graitney Earl of Marr was alive in 1296.

See *Annals of Scotland*, i. 235. 238.

Peerage of Scot. 460.

Sir Robert Douglas says, that Graitney Earl of Marr died *about* 1300; but, of this assertion, he produces no evidence; and therefore I lay no weight on it, although it would make considerably for the argument which I am to use. Indeed, I do not, at present, recollect any mention of Graitney Earl of Marr after autumn 1296; and, therefore, let it be supposed that he died in the end of that year.

We cannot suppose that Christian Bruce married her second husband Christopher Seton before 1297, or that she could have had a son by him till about 1298.

This son Alexander [slain at Kinghorn 1332] may have been married at fourteen, to Isobel the daughter of Duncan, 10th Earl of Fyfe, *an.* 1312, and may have had a son, [Alexander governour of Berwick 1333,] *an.* 1313.

Alexander governour of Berwick may have been married at fourteen, *an.* 1327, and may have had a son William, *an.* 1328, and a son Thomas, *an.* 1329, [both said to have been slain before the walls of Berwick 1333,] and also a son Alexander, *an.* 1330, [who carried on the line of the family]

All this is matter of figures; and the reader is entreated to attend to the calculation, and to observe its consequences.

I. Alexander

1. If Alexander Seton, the son of Christian Bruce, married, in 1312, the daughter of Duncan, 10th Earl of Fife, when he himself was but fourteen, it follows that his wife was twenty-four at least; for Duncan 10th Earl of Fife, her father, died in 1288. *Annals of Scot. i. 185.*

2. As Alexander Seton, the grandson of Christian Bruce, could not have been born before 1313, and yet was governour of Berwick in 1333, he must have been intrusted with that government at the age of twenty-one. A very eminent person, having a numerous vassalage, might have obtained such a command; but it is not probable that it would have been conferred on a private baron, at so early a time of life, when the preservation of Berwick was the great object of the national councils.

3. As William, the eldest son of Alexander Seton, governour of Berwick, could not have been born sooner than 1318, he must, if given as an hostage to Edward III. in 1333, have been put to death when he was a child of *five* or *six* years old.

4. As Thomas, the second son of Alexander Seton, governour of Berwick, could not have been born sooner than 1329, he must, if given as an hostage to Edward III. in 1333, have been put to death when he was a child of *four* or *five* years old.

5. As Alexander, the 3d son of Alexander Seton, governour of Berwick, could not have been born sooner than 1330, it follows, that he was a commissioner to treat of peace with England in 1340, at the age of *ten*.

Thus the consequences of this pedigree of the Setons, when viewed in the most favourable light, are inconsistent with all the probabilities of moral evidence*.

Some

* If the age of Christian Bruce could be discovered, a collateral argument might thence arise. Let us inquire what may be done in that way. Robert Bruce, the Father

ther

Some new hypothesis may, perhaps, be devised in order to prop the old one: The most specious would be, that Christian Bruce might have been divorced from Graitney Earl of Marr, and might, during his lifetime, have married Christopher Seton. This would have the consequence

that either of Christian, could not have married the *Countess of Carrick* before 1271; for the Earl of Carrick, [either her father or her husband,] died in the holy wars, *an.* 1270. As Isobel the mother of Randolph was her eldest daughter, and as her son Robert Bruce was born 11th July 1274, it follows that Christian Bruce could not have been born sooner than 1273. If she was born in 1273, she was aged 53 in the year 1326. But we know, from Fordun, that, in 1326, she was married for the third time to Sir Andrew Murray of Bothwell, *Lib.* xiii. c. 12. It is admitted that she brought him two sons, who were successively Lords of Bothwell. Therefore, she must have born the elder at the age of 54, and the younger at the age of 55. Now; this is exceedingly improbable; and, therefore, we may conclude, that, when Christian Bruce was married for the third time in 1326, she was considerably younger than 53, and consequently, that she was born several years after 1273. Let us see how calculations will answer on the hypothesis, that, in 1326, at the age of 45, she married Sir Andrew Murray; if so, she was born in 1281, and, consequently, was 15 at the supposed death of the Earl of Marr in 1296, and, as she brought him two children, she must have remained in wedlock for two years, and she must have been married in 1294, at the age of thirteen. If she married Christopher Seton in 1297, she must have been a widow with two children, and have married a second husband at the age of sixteen. According to this hypothesis, it appears that the events of her life were strangely crowded; but, if we suppose, with Douglas, that the Earl of Marr lived to about 1300, and that Christian Bruce married Christopher Seton in 1301, every thing will have a probable appearance.

Christian Bruce Born	1281,	
Married Earl of Marr	1295,	at 14
Bare a son Donald Earl of Marr	1296,	at 15
Bare a daughter Ellyne	1297,	at 16
A widow	1300,	at 19
Married Christopher Seton	1301,	at 20
Bare a son Alexander	1302,	at 21
A widow	1306,	at 25
Married Sir Andrew Murray	1326,	at 45
Bare a son	1327,	at 46
Bare another son	1328,	at 47

consequence of advancing the birth of her son and grandson some few years; and, by that means, would, in some measure, soften the deformity which appears on the face of the popular tale. The hypothesis, however, of a divorce, can gain no credit. For, *1st*, The very tender age of the child who was heir of Marr in 1306, precludes the notion of such a divorce before 1296, in which year, I am willing to hold, that Graitney Earl of Marr died. *2d*, Christian Bruce possessed the castle of Kildrummy, the chief seat of the family of Marr, in 1333, which she would not have done, had she been divorced from Earl Graitney. *Annals of Scot. ii. 17.*

The reader will now be led to inquire, Whether the received genealogy of the family of Seton is to be overturned without any thing more probable being substituted in its place? To reduce things into a state of scepticism is very different from what I hold to be the office of an historian; and they who ascribe this to me do me great wrong.

It has been shewn, that Alexander Seton, slain at Kinghorn 1332, Alexander Seton, governour of Berwick in 1333, and Alexander Seton, a commissioner to treat with England in 1340, cannot all subsist together, as son, grandson, and great-grandson, of Christian Bruce. The question is, *which* shall we reject?

If Fordun intended to say, that Alexander Seton, slain at Kinghorn 1332, was the father of Alexander Seton, governour of Berwick in 1333, and the grandfather of William and Thomas, slain at Berwick in 1333, it has been demonstrated that that story is absurd and impossible. For Alexander, the son of Christian Bruce, could not have been above 32 years of age, and, consequently, his grandson could not have been a soldier in the same year. We must either hold, that the son of Christian Bruce was not slain at Kinghorn in 1332, or that the Alexander Seton, who had two sons slain at Berwick in 1333, was not the grandson of Christian Bruce; and, of course, we must hold, that all the genealogical writers who have supposed this pedigree have been in an error.

If we adhere to the first part of the story, and hold that Alexander Seton, the son of Christian Bruce, was slain at Kinghorn in 1332, the tragical event of his grandsons, the young Setons, put to death at Berwick in 1333, is annihilated; and it must be admitted to have been wholly a fable.

But, although by adhering to the first part of Fordun's story, as understood by later writers, we should be relieved for ever of the story of the cruelty of Edward III. at Berwick, yet I cannot lay hold on such evidence.

To me it seems probable, that Fordun has either committed a mistake as to the name of the person slain at Kinghorn in 1332, or that the *Alexander Seton* mentioned by him was some other person, of whose parentage we have no knowledge.

And, inclining to be of this opinion, I also think, that the *Alexander Seton*, who was one of the persons that addressed the letter to the Pope in 1320, who is said by Fordun to have been governour of Berwick in 1333, who was present at Balliol's parliament in Edinburgh 1333-4, and who was a commissioner to England in 1340, was one and the same person, the son of Sir Christopher Seton and Christian Bruce; and thus the pedigree of the son, grandson, and great-grandson, of Christian Bruce, will be curtailed, and the events which have been supposed applicable to *three* Alexander Setons, will be found to have relation to *one* and the same person.

No. IV.

LIST OF THE SCOTTISH ARMY

AT THE

BATTLE OF HALIDON,

19th July 1333.

ANNALS, Vol. II. pag. 166.

ALTHOUGH the numbers of the Scottish army, at the battle of Halidon, are variously reported by historians, the evidence of W. Hemingford, or his continuator, a contemporary writer, and of H. de Knyghton, a writer in the succeeding age, ascertains their numbers with a greater degree of certainty than is generally required in historical facts.

W. Hemingford minutely records the numbers and arrangement of the Scottish army. He says, that, besides Earls and other Lords, or great barons, there were 55 knights, 1100 men at arms, and 13500 of the commons lightly armed, amounting in all to 14655: But he is guilty of an unpardonable exaggeration when he adds, 'that the Scots covered the face of the earth like locusts.'

*W. Heming.
275. 276.*

He

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He thus describes the disposition of the Scottish army :

	Knights.	Men at arms.	Commons lightly armed.
1st Body	15	300	2200
2d Body	11	300	3000
3d Body	17	300	4300
4th Body	12	200	4000
Total	55	1100	13500

Knyght. 2563.
2564.

H. Knyghton concurs with Hemingford as to the division of the Scots into four bodies, as to the number and arrangement of *the knights* *, and as to the number of *men at arms*, and of *commons lightly armed*, in the 1st and 4th bodies.

With respect to the 2d and 3d bodies, there is a diversity, arising merely from the inattention of the transcribers, or the publisher of Knyghton.

Thus the printed copy of Knyghton bears, ‘in secunda acie Senefcallus Scotiae, &c. &c. cum trecentis viris bene armatis, et trecentis de communibus armatis.’ Knyghton could not mean, that, in the main body, or center, there were no more than six hundred men. ‘Trecentis,’ i. e. iii. c. or 300, appears to be an error of the transcriber for iii. M. or 3000.

Again, the printed copy of Knyghton bears, ‘in tertia acie, scilicet *le Rereward*, Comes de Carrick, Dominus Archibaldus Douglas, cum vexillo, &c. cum ccc armatis de communibus armatis.’ Here the number of the commons is omitted ; but, as in all the other particulars, Knyghton exactly agrees with Hemingford, we may well conjecture that the passage ought to be read thus : [‘Cum ccc armatis, et iii. m. ccc.] de communibus armatis ;’ and thus there will be a perfect coincidence.

* There is a very inconsiderable variation as to the number of the knights, but which deserves not to be mentioned ; it shews, however, that the one historian did not copy from the other.

AT THE BATTLE OF HALIDON. 303

coincidence between the two historians, as to the number and arrangement of the Scottish army, a coincidence fully justifying what has been asserted in the Annals, 'that the number of the Scots exceeded not 15000 *.'

It must not be dissimbled, that Barnes has published a list of the Scottish army from a MS. at Cambridge, very different from the list in Hemingford and Knyghton. According to it, there were, besides the barons and knights whom those two historians mention, the numbers following: *Hist. Ed. III.*
7^b.

	New Knights.	Men at arms.	Commons.
1st Body	40	600	3000
2d Body	30	700	17000
3d Body	40	900	15000
4th Body	30	900	18400
	<hr style="width: 50%; margin: 0 auto;"/>	<hr style="width: 50%; margin: 0 auto;"/>	<hr style="width: 50%; margin: 0 auto;"/>
Total	140	3100	53400

This makes in all 56640 men. The anonymous writer of this list was not satisfied with swelling the Scottish army to such an exorbitant amount: For he adds, that the Earl of March, keeper of the castle of Berwick, and Alexander Seton, captain of the town, brought 150 men at arms in aid of the Scots, and that the people of Berwick brought 400 men at arms, and 10800 infantry; and thus, according to him, the Scots mustered at Halidon no fewer than 67990 combatants.

These

* There is a passage in *Knyghton*, ap. Twisden, Vol. ii. p. 2563. corrupted beyond correction, and utterly unintelligible. 'Et fuerunt ibidem occisi ad summam xxxvi. mill. hominum. scilicet, Comes de Strathern, Comes de Sutherland, Comes de Levenax, Comes de Menteth, Comes de Athole; Baronetti, Dominus Walterus Stewart, Dominus Johannes de Graham, Dominus Humfridus de Boys, Dominus Johannes de Strivelin, Dominus Willielmus Tweedy. Numero M. et C. de communibus non armatis, MDCCC. Summa omnium occisorum Scotorum XL millia.' Here the numbers of the slain are not only inconsistent with Knyghton's own account of the numbers of the army, but the particulars and the total are absolutely irreconcilable. This seems to be rather an interpolation, than an error in transcribing.

These accounts are, in every respect, extravagant and incredible; and, being given by an anonymous writer, can never be placed in competition with the united testimonies of Hemingford and Knyghton.

Indeed, to suppose that, immediately after the carnage at Duplin, the Scots could assemble an army of near 70000 combatants, is greatly to over-rate the populousness and internal force of Scotland in that age. This is said, not to extenuate the disasters of the Scots, or invidiously to diminish the glory of the English arms, but from regard to historical truth.

See *Aber.* ii.
27.

In recording the names of the noble persons who fought for the Scottish cause at Halidon, I pay a just and pleasing tribute to patriotic, although unfortunate valour*.

FIRST

* Their names are to be found in Hemingford and Knyghton, but so miserably disguised by the ignorance of transcribers, that some of them can only be traced by conjecture, while others cannot to be discovered at all. *Fordun*, L. xiii. c. 28 has given a very imperfect list, because, as he says, ‘nomina per singulos recitare magis lacrimabile quam expediens est.’

F I R S T B O D Y.

1. JOHN EARL OF MORAY, Commander

2. James Frazer, killed
3. Simon Frazer, killed
4. Walter Stewart, killed
5. Reginald de Chene
6. Patrick de Graham
7. John Grant
8. John de Carlyle
9. Patrick ———

10.

(1) John Earl of Moray, son of the renowned Randolph. He succeeded his brother Thomas, slain at Gaskmore, which is vulgarly called *the battle of Duplin*. Hemingford and Knyghton concur in asserting that he was present at Halidon. Knyghton adds, that he was a very young man, 'adhuc juvenis.' Boece, and the later historians, suppose, that he was detained from the army by inditposition, and that one John de Moray commanded the first division of the Scots. But of this there is no probability. As the Earl of Moray was a young man, it may be presumed, that the two Frazers had the command of the first division. They are mentioned by Hemingford as being superior in rank to the other persons here mentioned.

(2) James Frisel, or Frazer. He and Simon Frazer, both slain at Halidon, are said by *Fordun*, L. xiii. c. 28. to have been brothers. The received opinion is, that they were the sons of Sir Alexander Frazer, slain at Duplin, and the nephews of Robert I. by their mother Mary Bruce.

(3) Ancestor of the family of Lovat.

(4)

(5) His name appears in the letter to the Pope 1320.

(6) He is called *Patrick de Graham* by Hemingford; but Knyghton calls him *Patrick de Graham seneth*. This is corrupted: Perhaps it should be *senior*. He is probably that Patricius de Graham who joined in the letter to the Pope 1320.

(7)

(8)

(9) *Berechere H. Careter Kn. Parker MS.* quoted by Barnes, p. 78.

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10. Robert de Caldecotes
11. Patrick de Meldrum
12. William Jardin
13. Thomas Kirkpatrick, prisoner
14. Gilbert Wyfman
15. Adam Gordon
16. James ———
17. Alan Grant
18. Robert Boyd, prisoner

S E C O N D B O D Y.

1. ROBERT, STEWART OF SCOTLAND
2. James Stewart, prisoner

3.

(10)

(11) *Philip H.*

(12) *Gareyne*, Kn. Qu. Are not Garden, Gairn, and Jardin, all one and the same name?

(13) Knyghton has *Thomas Toker*, which may be *Thomas of Lochore*, who appears in the parliament 1315. In enumerating the prisoners, Knyghton mentions *Roger Kirkpatrick*.

(14)

(15)

(16) *Garnegath*, H. *Grancranche*, Kn. *Grament*, MS. quoted by Barnes.

(17)

(18) Probably that Robert Boyd who adhered to Robert Bruce during his greatest calamities, and who was rewarded by that monarch with the estate of Kilmarnock, and other lands, which had belonged to the Balliol family. In MS. Barnes, *Brady*.

(1) As the Stewart of Scotland was then a youth just turned of sixteen, it cannot be supposed that the conduct of the second division, or center, was committed to him. It is probable that his uncle actually commanded.

(2) Sir James Stewart of Rossyth, brother of Walter Stewart of Scotland.

3. Malcolm Fleming
4. William Douglas, prisoner
5. David de Lindesay
6. Duncan Campbell
7. John Stewart, killed
8. Alan Stewart, killed
9. William Ereskine
10. William Abernethy
11. William Morrice
12. Walter Fitz Gilbert
13. John de Kirketon, prisoner
14. William Morrice de —

THIRD

(3) This name is strangely corrupted in Knyghton. 'Maclinus filius Andensis.' *Maclinus* is *Malcolinus* or *Malcolm*. The rest of the name has been written *Flandrensis*, i. e. *Fleming*, which the transcriber has mistaken for *Fil. Andensis*.

(4) Rather *Archibald*, the natural son of the renowned Sir James Douglas. Knyghton calls him 'filius Jacobi Douglas ejus,' [i. e. ejusdem,] or 'James Douglas of Douglas.' In *Scala Chronica*, he is erroneously numbered among the slain.

(5) Eldest son of David Lindesay of Crawford.

(6)

(7) Erroneously called James. It is said in Fordun, most absurdly, that James, John, and Alan Stewart, were brothers of Robert the Stewart of Scotland. This John Stewart is called *of Daldon*. MS. Barnes, *Colden*.

(8) Called *Adam* by Knyghton. The person meant is Alan Stewart of Dreghorn, son of John Stewart of Bonkil, slain at Falkirk 1296. He was the ancestor of the Darnley family.

(9)

(10) William Abernethy Lord of Salton. His name appears in the letter to the Pope 1320.

(11)

(12) Of Cadiow, by grant from Robert Bruce; the ancestor of the Duke of Hamilton.

(13)

(14) Distinguished from the other Morrice by the title of Glawiton. Qu.

T H I R D B O D Y.

I. ARCHIBALD DOUGLAS LORD OF GALLOWAY, REGENT OF SCOTLAND, mortally wounded, and prisoner.

2. Alexander Earl of Carrick, killed
3. Alexander ———
4. Malcolm Earl of Lenox, killed
5. The banner of the Earl of Fyfe
6. John Earl of Athole, killed
7. Robert Lauder, junior

8.

(1) Archibald Douglas, vulgarly called *Tineman*, brother of the renowned Sir James Douglas. *Fordun*, L. xiii. c. 28. mentions him among the slain, *Knyghton* among the prisoners. It is probable that he was mortally wounded, and left on the field of battle.

(2) Alexander Bruce Earl of Carrick, a natural son of Edward Bruce. Hemingford seems to suppose that he led the third body, and perhaps he did so, but still under the command of the Regent.

(3) This person is called *Alexander Larneys* by *Knyghton*. He must have been of distinction; for he had a banner displayed *cum vexillo*. It might be conjectured that Alexander Ramsay of Dalwoffy [now Dalhousie] was the person here intended: But it seems, from the sequel in *Knyghton*, that Alexander Ramsay was in Berwick. Perhaps he escaped into the town after the battle.

(4) Malcolm Earl of Lennox, an aged Lord, the companion in arms of Robert I.

(5) At that time Duncan Earl of Fyfe was a prisoner. It is not known who led his vassals.

(6) The earldom of Athole fell to the crown by the forfeiture of David de Strathbogie, [or Hastings.] Robert I. bestowed it on his nephew John Campbell of Moulin, son of Sir Nigel Campbell. The English historians, not admitting the justice of the forfeiture, say, 'se clamavit Comitum de Athole.'

(7) In *Knyghton*, he is called *Robert le Wyther, filius*. Mention is afterwards made of *Robert de Condre, pater*. From a careful examination of the lists in *Knyghton*, it appears that *Robert de Lauder* is here meant.

8. John de Strivelin, or Stirling, prisoner
9. William de Vypont
10. William de Linlithgow, prisoner
11. John de Lindfay
12. William de ———
13. Bernard Frifel
14. Alexander de Lindfay, killed
15. Alexander de Gray
16. William de Umfraville
17. Patrick de Polwarth
18. Michael de Wemyfs, prisoner
19. [Michael] Scot

20:

(8) This person is called by Knyghton *Jocus de Sherlynghong*, *Johannes de Sherlynghowe*, and *Johannes de Strivelin duo*, if so, there were, probably, two *John Stirlings*, one made prisoner, the other slain. See *Knyghton*.

(9) Knyghton says, *W. de Vefon*. As I know no such person, and as *William de Vypont* occurs afterwards in the history of David II. I conjecture that he is the man here intended, and so it is in Barnes's MS.

(10) Knyghton says *W. de Lyngifon*; but, in enumerating the prisoners, he speaks of *William de Linlifcou*, [or Linlithgow.]

(11)

(12) Knyghton says, *William de Fryfeye*. If this does not mean *Frifel* or *Frafer*, I know not what to make of it.

(13)

(14) Alexander de Lindfay, the younger son of David Lindfay of Crawford. He married the daughter and sole heir of John Stirling of Glenesk.

(15) He is mentioned in *Scala Chronica*; probably *Andrew*.

(16)

(17) Called By Knyghton *le Yleward*.

(18) Knyghton, in enumerating the commanders, says *David*; but, in enumerating the prisoners, *Michael*, which seems to be the true reading.

(19) Knyghton says *William Scot*; perhaps it should be *M. i. e.* Michael Scot of Murthockitone, now Murdiestoun, the ancestor of the Duke of Buccleugh.

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20. William de Landales
21. Roger Mortimer
22. Thomas de Boys, killed
23. William de Cambo

F O U R T H B O D Y.

1. HUGH EARL OF ROSS Commander, killed.
2. Kenneth Earl of Sutherland, killed
3. Malise Earl of Strathern, killed.
4. Walter de Kyrkeby
5. John de Cambron
6. Gilbert de Haye

7.

(20) William de Land, in Knyghton.

(21) He was probably a stranger. Roger de Mortimer, or *de Mertuo Mari*, held lands of John Campbell Earl of Athole.

(22) Knyghton says, J. de Veys, which seems an error for *Bois* or *Boys*. Among the slain he mentions Humfridus de Boys, whom I take to be the same man.

(23)

(1) *Fordun*, L. xiii. c. 28. mentions the Earl of Ross as commanding the attack on the flank of the English army.

(2) The *third* Earl of Sutherland, so far as can be discovered from record.

(3) Malise Earl of Strathern was one of the Scottish nobles who addressed the letter to the Pope in 1320. I observe, by the way, that, in the chartulary of Inchaffray, [*Infula Miffarum*,] there are many particulars concerning the old Earls of Strathern which have escaped the observation of our genealogical writers.

(4)

(5) His name appears in the letter to the Pope 1320.

(6) Knyghton says *de Saye*, which is a name unknown in Scotland. It should probably be *de Haye*. Sir Robert Douglas quotes a MS. history of the family of Errol, in proof that the famous Gilbert de la Haye, Constable of Scotland, was killed at Hali-don; *Peerage*, p. 250. The manuscript histories of noble families in Scotland, are generally

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7. David de Marre
8. Christian de Harde
9. _____
10. Oliver de St Clair

It will be remembered, that the Scots dismounted, and attacked on foot. Knyghton mentions the names of the following persons who were not present in the battle. It is probable that age or infirmities prevented them from acting.

1. Alexander de Menzies
2. William de Plendergast
3. Robert de Lauder, senior
4. Robert de Keith
5. Edward de Keith
6. Patrick de Brechin

Knyghton,

generally of most uncertain authority. Had the Constable of Scotland been killed at Halidon, Fordun, or some one of the English historians, would have mentioned it. It is impossible that a knight in the fourth body, fighting without a banner, could have been the Constable. If, therefore, the person here meant was a *Gilbert de Hays*, he must have been one of that heroic name, altogether different from the Constable.

(7)

(8) *Cristinus de Harde*, in Knyghton. Qu. Whether *Airth*?

(9) Knyghton says, *Dom. filius de Brening*, which is unintelligible.

(10)

Historians agree, that Murdoch Earl of Menteth fell at Halidon; yet, by some accident, his name is omitted in the lists. Knyghton, however, enumerates him among the killed.

(1) He was made prisoner at Berwick; *Knyghton*.

(2) He is mentioned in *Scala Chronica*.

(3)

(4)

(5)

(6)

312 LIST OF THE SCOTTISH ARMY, &c.

Knyghton, in enumerating the slain and the prisoners, mentions several persons who are not in his list of commanders,

S L A I N.

1. Murdoch Earl of Menteth
2. J. de Graham
3. W. Tweedy

P R I S O N E R S.

4. William Keith
5. James Douglas
6. Alexander Fryfell
7. Robert le Warde

No. V.

(1) See above, p. 311.

(2) Probably the same person in the list who is called *P. de Graham*.

(3) *W. Tedy, Knyghton*.

(4) He performed the functions of Marshal of the army. He is mentioned in *Scala Chronica*.

(5)

(6)

(7)

No. V.

WHETHER EDWARD III. PUT TO DEATH

THE SON OF

SIR ALEXANDER SETON,

At BERWICK in 1333.

ANNALS Vol. II. pag. 168.

FORDUN relates, that the besieged in Berwick obtained a truce from Edward III. and became bound to deliver up the town, unless relieved within a time limited; that, for the faithful execution of this treaty, Thomas, the son and heir of Alexander Seton governor of the town, was given as an hostage; that, after the lapse of the time limited, Edward required those in Berwick to surrender, and, on their refusal, hanged Thomas Seton on a gibbet before the gates, in sight of both his parents. *Ford. xiii. 27. 28.*

Boece, and his imitator, Buchanan, improve on the simple narrative of Fordun, and relate, that Edward hanged, not only the hostage, but also another son of Alexander Seton, who was a prisoner of war.

This seems to have been added to heighten the horrors of the narrative; and it is not improbable that Boece, much conversant in antiquity, might have held it lawful, in certain circumstances, to kill an hostage; and, therefore, that, to make the character of Edward compleat-

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ly

by detestable, he represented him as a violator of the law of nations, by murdering a prisoner.

The heroic speech uttered by the wife of the governour is now given up on all hands as a rhetorical fiction.

In none of the ancient English historians, hitherto published, is there any mention made of this cruel incident; and hence the modern historians of that nation are generally inclined to consider it as a tale absolutely fabulous.

Tyrrel, iii. 379.

Tyrrel, however, has drawn up a narrative from the chronicle of Lanercost, and the treatise called *Scala Chronica*, both in MS. which greatly favours the account given by Fordun. What he says, when divested of embarrassed expressions, pleonasm, and tautology, amounts to this; 'The besieged obtained a truce for fifteen days, and became bound to surrender, if not relieved within that term; for this there were given twelve hostages; and, among them, the son of Sir Alexander Seton the governour. After the lapse of the term, Edward required the governour to surrender; but he refused. Then Edward, by advice of his council, commanded young Seton to be hanged in sight of his father. This severity so intimidated the other persons, whose children were hostages, that they sought and obtained a prolongation of the truce for eight days more, under the condition of surrendering, if they were not relieved; and that, the Scots having ineffectually attempted to relieve Berwick, a capitulation was concluded.'

The story in Tyrrel is certainly incorrect; for we learn from an authentic instrument, *Foedera*, T. iv. p. 564—568. that what is called the *second truce*, was not for eight days, but for a shorter space, from the 15th to the 19th of July.

To the story, as related by Fordun, and in Tyrrel, there lies a capital objection, which, since the publication of *Foedera Angliae*, is obvious to every one, namely, 'That Alexander Seton is said to have been governour of the town of Berwick in July 1333; whereas, it is

certain,

tain, from record, that Sir William Keith held that office, and, in the character of governour of the town of Berwick, entered into a negotiation with Edward III.

Mr Ruddiman observes, that it might be answered, 'That, when Sir William Keith, the governour, obtained permission to go from Berwick, and lay the state of affairs before the regent, he left Sir Alexander Seton as his deputy.'

Not. ad Buchanan, 429.

But this solution is altogether unsatisfactory. 1. Any one who peruses Fordun with attention, must perceive that he supposed Alexander Seton to have been governour of the town of Berwick from the beginning of the siege. 2. The passport granted by Edward III. to Sir William Keith, is dated 16th July, and therefore, if there were two treaties, must relate to the *second*. Now, if Sir William Keith appointed Alexander Seton to be deputy-governour in his own absence, this must have happened after the second treaty was made, and, consequently, after the death of young Seton, who is said to have been put to death, because the conditions of the first treaty were violated; and this seems effectually to confute the story, that at the death of young Seton, his father was deputy-governour, in absence of Sir William Keith.

Another attempt might be made to get free of this difficulty, and it is by supposing, that, on occasion of the first treaty, Sir William Keith obtained a passport to go to the Scottish army; that he left Seton as his deputy; that he returned in the interval between the death of young Seton and the second treaty; and that then he obtained another passport, which is on record, to go again to the Scottish army. But this hypothesis is awkward and improbable, and is not supported by any evidence.

Hitherto the weight of the argument is against the story related by Fordun, and the presumption seems to be for the general opinion of the later English historians.

As to the MS. authorities of *the Chronicle of Lanercost*, I can say nothing, never having been able to discover in what library it is preserved.

With respect to *Scala Chronica*, I have been more fortunate, having obtained a copy of what it contains with respect to the siege of Berwick, *an.* 1333*.

The reader will not be displeas'd to see the passage from *Scala Chronica*; it brings many curious circumstances to light, and may serve in a great measure to terminate the controversy concerning the death of young Seton:

Le roy desirant les armys et honors, et son conseil enprovauntz
 et combatantz les guerres, qy tost sez acorderent a cest condition, et
 le plus tost par desir a reconquer lors pris sur eux, par queux ils le
 avaint perduz. Dez plus privé du conseil le Roy moverent ove
 Edward de Baillol. Qui en le second semayn de gartresme assigerent
 la vile de Berewyk par mer et terre; et procheynement devaunt la
 Pentecost, le Roy d'Englet. y veint meismes, et assailerent la vile,
 mais ne la prissent point; mais reapparailerent meutz lors horduz
 pour reassailler la dit vile. En le mene temps ceaux dedenz la vile
 parlerent de condicions, que s'ils ne ussent secours devaunt un certain
 jour, qe' ils renderoient la vile; et sur ceo baillierent hostages. De-
 vaunt quel temps limitez tout le poair d'Escoce, un si graunt mul-
 titude dez genz qi a niervail, passerent l'eaw de Twede en un aube
 de jour a le Yarforde, et sez monstrerent devaunt Berewik del autre
 Twede devers Engleter au plain vieu du Roy et de son ost, et bonte-
 rent gentz et vitailis dedenz la vile, et demourerent là tout le jour
 et la nuyt. Et lendemain a haut hour delogerent et moverent parmy
 la tere le Roy en Northumbreland, ardauntz et destruyantz le
 pays

* The manuscript of *Scala Chronica* is in the library bequeathed to Corpus Christi college in Cambridge, by Archbishop Parker. The reverend Mr. Nafinsh, late fellow of that college, transcribed it for my use, with a ready politeness which enhanced the favour.

' pays au plain vieu del ost as Engles. Cestes gentz departys à la
 ' maner le counsail le Roy al assege demanderent la vile felonc lez con-
 ' diciouns, le terme passé de leurs rescous. Ceaux dedenz disoient,
 ' qils estoient rescous et dez gentz et des vitails. Si monstrerent novelis
 ' gardeins de la vile et chevalers eynz boutès de leur ost, dont Willm
 ' de Kéth estoit un od autres. Fust avys au dit counsail qe ils avoient
 ' perduz louz ostages. Si firent pendre le fitz Alex. de Setoun gar-
 ' deyn de la vile. Cest ostage mort à la maner, lez autres dedenz la
 ' vile par tendresce de leurs enfauntz q' estoient ostages, renouvelerent
 ' condicioun par assent dez chevalers einz boutes as queux estoit avys
 ' qe leur poair d'Escoce surmountoit le ost le Roy d'Englet. Si pri-
 ' firent tiel novel condicion qe devant lez xv. jours ils butroient ij
 ' centz homs darmis par force par sek tere dedenz la vile entre l'ost
 ' des Engles et la haut mere, ou qe ils lez combateront au playn.
 ' Willm. de Keth, Willam de Prendregest, et Alex Gray, chevalers qe-
 ' estoient einz boutez dedenz la vile avoient conduyt à passer parmy l'ost
 ' devers leur gentz d'Escoce, od cest condicioun qe furent amenez par
 ' conduyt parmy Northumb. qi leur ost d'Escoce troverent a Witton-
 ' Undrewod et les reamenerent à Berewik à performer leur rescous,
 ' ou ils vindrent combattre, et ou ils furent descounfitz. Archebald de
 ' Douglas al hour gardein d'Escoce de par le Roy David de Brus fust
 ' là mort, lez Countis de Rosse, Muret, de Meneteth, de Levenaux, et
 ' de Suthirland furent là mortz. Le Seignour de Douglas Fitz James
 ' de Douglas qi morust en le frounter de Cernate sur lez Sarazins, qavoit
 ' enpris cest saint veage od le quere Robert de Bruys leur Roys qi le
 ' avoit devise en soun moriaund, et touz plain dez barouns dez che-
 ' valers et dez comunes furent illoeqs un tres graunt noubre mortz.
 ' La vile se rendy sur condiciouns taïlle. Le Count de la Marche
 ' qavoit le chastel de Berewik à garder, deveint Engles, qi n'avoit my
 ' graunt gree de nul coste, qi en le mene temps fist affermer par suf-
 ' fraunce le Roy soun chastell de Dunbar, qi puis fist grant mal.'

That

That is, the King was eager to be at the head of armies, and to gain renown. His counsellors approved of war, and wished for it: And, therefore, they speedily agreed to the conditions proposed [by Balliol and his adherents.] And *this* the rather, because they fought, by the means of the Scots themselves, to recover what the Scots had taken from England. Some of the chief counsellors of the King went with the army of Edward Balliol; and, in the second week of Lent, they laid siege to the town of Berwick, by sea, as well as on the land-side. And shortly before Whitfuntide, the King of England came thither in person. They assaulted the town; but they did not master it. Then they busied themselves in repairing their hurdles for a new assault. At this time, the besieged entered into a treaty with the besiegers, and agreed to surrender the town, unless succoured before a certain day: And to that effect they gave hostages. Before the day thus limited, the whole power of Scotland, in astonishing numbers, crossed the river of Tweed one morning at day-break, at the Yareford, and shewed themselves before Berwick, on the south side of the river, towards England, in full view of the King, and his army. They conveyed some men and provisions into the town, and they remained on their ground all the day, and the night following; and next day, before noon, they removed into the territories of the King in Northumberland, burning and ravaging the country in full view of the English army. These men having thus departed, the King's counsellors required the town to be given up, as the term stipulated for their being succoured had now elapsed. The besieged made answer, that they had received succours both of men and of provisions; and they shewed that there were new governours in the town, and also knights, who had been sent from their army. Sir *William Keith* was one, and there were others besides. It was the opinion of the English council that the Scots had forfeited their hostages, and, therefore, they caused the son of Alexander Seton, governour of the town, to be hanged. On his death, after this sort,

the

the other people of the town, from affection for their children, who were also hostages, renewed the treaty of capitulation. The Scottish knights, who had found entrance into the town, advised them to this, being of opinion that their forces were superior to the army of the King of England. By the new conditions, it was agreed to surrender the place, unless, within fifteen days, the Scots should either throw 200 men at arms in a body into the town by dry land, between the sea and the English army, or combat [and overcome] the English army in open field. William de Keith, William de Prendergest, and Alexander Gray, all knights who had thrown themselves into the place, had a passport to go through the English camp to their countrymen in Northumberland. They found the Scottish forces at Witton Underwood, and brought them back to the relief of Berwick. The Scots fought, and were discomfited. Archibald Douglas, then Regent of Scotland for King David Bruce, was there slain, together with the Earls of Ross, Murray, Menteth, Lenox, and Sutherland. The Lord Douglas also fell. He was the son of James Douglas who perished on the frontiers of Granada, in battle against the Saracens. This James Douglas had undertaken that holy expedition with the heart of Robert Bruce King of Scots, in consequence of his dying request. There were slain, besides them, many barons and knights, and a great multitude of the common folk. The town surrendered according to treaty. The Earl of March, who held the castle, became English; a man lightly esteemed by all parties. At the same time, by permission of the English King, he fortified his own castle of Dunbar, which afterwards had fatal consequences.

Such is the narrative in *Scala Chronica*, of which Leland has made this very brief extract: "After that the hole English hoste had faught with the Scottes, and had so great a victory, the toune of Berwick was given up to King Edward." Leland, *Col. i. 554.*

The narrative of *Scala Chronica* appears, in general, to be authentic, although not altogether free from errors.

From

From it we discover the solution of that difficulty in the accounts given by the Scottish historians, which hitherto has been inexplicable; namely, 'how Sir Alexander Seton could have been *gouverneur of the town of Berwick* in July 1333, while it appeared from record, that at that very time, Sir William Keith was *gouverneur*.

We now learn, that Sir Alexander Seton had been originally *gouverneur*, but that Sir William Keith, having found means to enter Berwick towards the end of the siege, assumed the command, with a view, no doubt, to favour the pretext of Berwick having received succours, according to the letter of the treaty.

Hence, also, we may discern why the English were so exceedingly minute in the *second treaty*, as to what should be held as *succours to Berwick*. It was to prevent any ambiguity like that which had arisen from the too general terms, in which, as it seems, the *first treaty* had been conceived.

*Alphus de
Jure belli et
pacis lib. 2. c. 11.*

The right of putting an hostage to death, when the conditions of the treaty, for which he was given in pledge, are not performed, has been examined by the writers on the law of nations, more diligent in collecting *precedents*, than in establishing *principles*. That parties contracting may agree to give some of their own number as hostages, to be put to death if the treaty is violated on their part, appears to be a proposition of more difficulty than is generally apprehended; but that they may agree to give their children as hostages, under such conditions, is repugnant to every notion of morality; and, therefore, I neither pretend to justify Sir Alexander Seton for exposing his child to death, nor Edward III. for killing him.

No. VI.

LIST OF THE PERSONS OF DISTINCTION

IN THE

SCOTTISH ARMY KILLED OR MADE PRISONERS

AT THE

BATTLE OF DURHAM,

17th October 1346.

ANNALS, Vol. II. pag. 219.

KNYGHTON is the historian who has given the most ample list of the killed at the battle of Durham ; yet it is, in various particulars, erroneous ; and it has been strangely disfigured by the mistakes of transcribers. Knyghton has afforded the ground-work of the following list ; and care has been taken to correct his errors, whenever they could be detected. This was the more necessary, because our writers seem to have despaired of being able to correct the list, and have left many names as erroneous as they found them. Thus, Abercrombie has *Humphrey de Blois* and *Robert Maltalent*, and, to conceal his ignorance, he affirms them to have been Frenchmen. He has also *David Banant* and *Nicholas Clopodolian*, names which he has not

Marial Achievements,
ii. 98.

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S. f.

ventured.

322 LIST OF PERSONS KILLED, &c.

L. six. c. 26. ventured to account for. Some additions have been procured from Fordun, although his list is not so full as that in Knyghton. These additions are marked, F.

Ford. v. 533-536, 537. It is impossible to give a correct list of all the prisoners of distinction taken at Durham; for it appears, that many persons privately took ransoms for the prisoners whom they had made, and suffered them to depart. This practice became so general, that it was prohibited under pain of death, [20th November, and 13th December 1346.]

Ford. v. 533-535. Most of the prisoners of distinction, who had not escaped by means of this connivance, were ordered to be conveyed to the tower of London, [8th December 1346.] From that instrument, and from some other scattered notices, I have drawn up a list of prisoners, not so complete, indeed, as might have been wished, yet more authentic and intelligible than any that has been hitherto exhibited.

K I L L E D.

1. John Randolph, Earl of Moray
2. Maurice Moray, Earl of Strathern
3. David de la Haye, Constable, F
4. Robert Keith, Marshall, F
5. Robert de Peebles, Chamberlain, F

6.

(1) The younger son of Randolph the Regent. With him the male line of that heroic family ended. He was succeeded in his honours and estate by his sister, the Countess of March, vulgarly termed *Black Agnes*.

(2) In right of his mother Mary. The English, in general, did not acknowledge his title. Knyghton mentions him again under the name of *Maurice de Murief*.

(3) Knyghton mentions his name, but without his title of office.

(4) Grandson of Sir Robert Keith, mentioned Vol. ii. p. 47.

(5) There is considerable uncertainty as to this name.

6. Thomas Charters, Chancellor, F.
7. Humphry de Boys
8. John de Bonneville, F
9. Thomas Boyd
10. Andrew Buttergask, F
11. Roger Cameron
12. John de Crawford
13. William Frazer, F
14. David Fitz-Robert
15. William de Haliburton
16. William de la Haye
17. Gilbert de Inchmartin, F
18. Edward de Keith
19. Edmund de Keith

20.

(6) De Carnuto. A name of great antiquity in Scotland. See *Crawford*, *Officers of State*, p. 19.

(7) Knyghton, and his copists, say, *de Bloys*, probably *Boys*, the same with *Boyse*, or *Boccs*.

(8)

(9) This is a mistake in Knyghton, unless there were two persons of that name; for there was a *Thomas Boyd* among the prisoners.

(10) This family subsisted until about the beginning of the 15th century, when the heiress, *Margaret Buttergask of that Ilk*, made over her estate to the family of Gray.

(11)

(12)

(13) Of Cowie; ancestor of Lord Salton.

(14) Probably some person who had not as yet assumed a surname.

(15) Fordun says *Walter*; but there is a *Walter de Haliburton* among the prisoners.

(16)

(17)

(18)

(19) According to Knyghton, the brother of Edward de Keith.

324 LIST OF PERSONS KILLED, &c.

20. Reginald Kirkpatrick
21. David de Lindefay
22. John de Lindefay
23. Robert Maitland
24. ——— Maitland
25. Philip de Meldrum
26. John de la More
27. Adam Moygrave
28. William Moubray
29. William de Ramsay, the father
30. Michael Scot, F
31. John St Clair
32. Alexander Strachan
33. ——— Strachan
34. John Stewart

35.

(20)

(21) Said by Fordun to have been 'the son and heir of Lord David de Lindefay,' ancestor of the Earls of Crawford and Balcarras.

(22)

(23) Called *Mantalent* by Knyghton. From whence Abercrombie formed '*Maltalent*, a French knight.' Plainly *Matulant*, now *Maitland*, of Thirlestane, ancestor of the Earl of Lauderdale.

(24) The brother of Robert Maitland of Thirlestane.

(25) Called *de Mildron* by Knyghton.

(26)

(27)

(28) There was a *William Moubray* among the prisoners.

(29) A *William de Ramsay*, probably *the younger*, was among the prisoners.

(30) Of *Murthockstone*, now *Murdiefton*, ancestor of the Duke of Buccleugh.

(31) There was a *John St Clair* among the prisoners.

(32) Called *Stragy* by Knyghton.

(33) The brother of Alexander Strachan.

(34)

35. John Stewart
36. Alan Stewart
37. Adam de Whitforn

P R I S O N E R S.

1. David II. King of Scots
2. Duncan Earl of Fife
3. John Graham, Earl of Menteth.
4. Malcolm Fleming, Earl of Wigton.
5. George Abernethy

6.

(35) I conjecture that Sir John Stewart of Dreghorn is meant, whose father *Alan* was killed at Halidon.

(36) The brother of John Stewart.

(37) Knyghton has *Adam de Nysson*, which is plainly an error in transcribing. Perhaps *de Dennistoun* is the right name. Knyghton reckons *Patonus Heryng*, s. *Patricius Heron*, among the slain. It appears from *Foedera* that he was a prisoner. Knyghton also reckons *the Earl of Sutherland* among the slain, Fordun, among the prisoners. It is certain that he was not killed; and, if he was made prisoner, he must have been among those who were suffered to escape immediately after the battle.

(1) He received two wounds before he yielded himself a prisoner.

(2) He had sworn fealty to Balliol. He was condemned to suffer death as a traitor, but obtained mercy.

(3) In right of his wife *Mary*, according to the mode of those times; he was executed as a traitor. He had formerly sworn fealty to Edward III.

(4) He is called *Malcolm Fleming*, without any addition; *Foedera*, T. v. p. 537. He had a grant of the earldom of Wigton in 1342. See *Crawford*, Peerage, p. 493. But the English government did not acknowledge the right of David II. to confer titles of honour. It is probable that he made his escape; for, in *Calendars of Antient Charters*, p. 203. there is this title, 'de capiendo Robertum Bertram, qui Malcolmum Fleming, Scotum, inimicum Regis, evadere permisit.'

(5) Of Salton, ancestor of Lord Salton.

6. David de Armand.
7. William Baillic.
8. Thomas Boyd.
9. Andrew Campbell.
10. Gilbert de Carrick.
11. Robert Chisholm.
12. Nicholas Knockdunham.
13. Fergus de Crawford.
14. Roger de Crawford.
15. Bartholomew de Dermond.
16. John Douglas.
17. William Douglas, the elder.

(6)

(7) Supposed to be Baillic of Lambhastans of Lambhastoun, vulgarly, Lambington; *Nisbet*, vol. ii. Appendix, p. 137. But see *Sir James Dalrymple*, p. 410.

(8) Probably of Kilmarnock. The son of that Boyd who was the faithful and fortunate companion of Robert Bruce.

(9) Of Loudoun. In right of his mother Susanna Crawford, heritable Sheriff of Ayrshire, ancestor of the Earl of Loudoun.

(10) Ancestor of the Earl of Cassilis. His son assumed the name of Kennedy.

(11)

(12) Called *Chopdolan* by Kaynton, and by Abercrombie, *Glepodolan*, in Galloway, although the name has a German air.

(13)

(14)

(15) A German, as the record in *Feodera* bears. This is mentioned, because Abercrombie, vol. ii. p. 99. says, 'perhaps *Drummond*,' although he had perused *Feodera*.

(16) Probably the younger brother of William Douglas of Liddesdale, ancestor of the Earl of Morton.

(17) This person, I am confident, is William Douglas, the bastard brother of William Douglas of Liddesdale. There is no evidence that William Lord Douglas, son of Archibald, surnamed *Tineman*, and first Earl of that family, was made prisoner at Durham, or, indeed, that he was present at the battle. *Jordan*, li. xiv. c. 6. expressly says,

18. Patrick de Dunbar
19. Adam de Fullarton
20. John Giffard
21. Laurence Gilibrand.
22. David Graham
23. Alexander Haliburton
24. John de Haliburton
25. Walter de Haliburton
26. Patrick Heron
27. William de Jardin
28. Roger de Kirkpatrick
29. Thomas de Lippes
30. William de Livingston

31.

says, that he did not come from France till after the battle. We learn from *Foedera*, that he was at liberty while others were prisoners; and we do not learn from *Foedera*, that he was ever a prisoner. To support an erroneous hypothesis of Roce, concerning William Lord Douglas, records have been misconstrued and misapplied.

(18)

(19)

(20)

(21)

(22) Of Montrose; ancestor of the Duke of Montrose.

(23 24) Douglas, *Peerage*, p. 321. conjectures, not improbably, that they were the brothers of Walter de Haliburton. But he ought not to have referred to *Fordun*, v. ii. [L. xiv. c. 3.] in proof of this, for Fordun mentions them not.

(25) Predecessor of the Lords Haliburton of Dirleton.

(26)

(27)

(28) Made prisoner by Ralph de Hastings. Hastings died of his wounds. He bequeathed the body of Roger de Kirkpatrick to his joint legatees, Edmund Hastings of Kynthorp, and John de Kirkcubry; *Foedera*, T. v. p. 535.

(29) Called, in *Calendars of Ancient Charters*, *Chevalier*. If he was not a foreigner, I know not who he was.

(30)

328. LIST OF PERSONS KILLED, &c.

31. ——— Lorein
32. Duncan M'Donnel
33. Duncan M'Donnel
34. ——— de Makepath
35. John de Maxwell
36. Walter Moigne
37. David Moray
38. William de Moray
39. William More
40. William Moubray
41. Patrick de Polwarth
42. John de Preston
43. Alexander de Ramsay
44. Henry de Ramsay
45. Nels de Ramsay

46.

(31) Said in the record to have been the son of Eustace Lorein. This Eustace, called *Taffy* by *Fordun*, L. xiv. c. 5. was captain of Roxburgh under Douglas of Liddisdale, the governour.

(32) Not in the list in *Foedera*, T. v. p. 535. but mentioned as a prisoner, *Foedera*, T. v. p. 554.

(33) See *Foedera*, ib. the son of the former.

(34) Were it not for the article *de*, I should suppose that some person of the name of *M' Beth* was here understood.

(35) Of Carloverock, ancestor of the Earl of Nithsdale.

(36)

(37)

(38)

(39)

(40)

(41) Ancestor of the Earl of Marchmont.

(42) Supposed to have been the ancestor of Preston Lord Dingwall.

(43)

(44)

(45)

46. William de Ramsay
47. William de Salton
48. John St Clair
49. Alexander Steel
50. Alexander Stewart
51. John Stewart
52. John Stewart
53. John de Vallence
54. William de Vaux
55. Robert Wallace.

No. VII.

(46) Probably Sir William Ramsay of Colluthy. He was at the battle of Poitiers in 1356, and was made prisoner there.

(47) Not in *Foedera*; but mention is made of him, *Calendar of Ancient Charters*, p. 199.

(48)

(49)

(50)

(51) Of Dalhwinton, as the record bears. Ancestor of the Earl of Galloway.

(52) A bastard, as the record bears.

(53)

(54)

(55)

KINGS.

ROBERT born 11th July 1274; began to reign 27th March 1306.

DAVID II. began to reign 7th June 1329.

MARRIAGES.

1. ISABELLA, daughter of Donald Earl of Marre.

2. ELISABETH, daughter of Aymer de Bergh, Earl of Ulster. She died 20th October 1327. Buried at Dunfermline.

1. JOHANNA, daughter of Edward II. King of England, 12th July 1328. She died, 1362.

2. MARGARET, daughter of Sir John Logie, Knt. 1363. She survived her husband.

CHILDREN.

By his first wife, *Margery*, married Walter the Stewart of Scotland 1315. Died about the end of the same year.

By his second wife, *David*, born 5th March 1327. *Margaret*, married William Earl of Sutherland. *Matildis*, married Thomas Isaac.

Elizabeth, married Sir William Oliphant of Galt, [but this is doubtful.]

DEATHS.

ROBERT I. died at Cardross 7th June 1329, in the 55th year of his age, and 24th year of his reign. Buried at Dunfermline.

He had a natural son, Robert, slain at Duplin, 12th August 1332.

DAVID II. died in the castle of Edinburgh, 22d February 1370-71, in the 47th year of his age, and the 42d year of his reign. Buried in the church of the abbey of Holy-rood.

ENGLAND.

Edward I. 1272.
Edward II. 1307.
Edward III. 1326.

Edward III. 1326.

FRANCE.

Philip le Bel, 1285.
Lewis X. 1314.
Philip le Long, 1316.
Charles le Bel, 1322.
Philip de Valois, 1328.

Philip de Valois, 1328.
John, 1350.
Charles V. 1364.

POPES.

Benedict X. or XI. 1303.
Clement V. 1305.

John XXII. 1316.
Benedict XI. or XII. 1334.
Clement VI. 1342.
Innocent VI. 1352.
Urban V. 1362.

No. VIII.

C O R R E C T I O N S

A N D

A D D I T I O N S.

ANNALS, Vol. I.

WITH the assistance of my friends, I have been enabled to correct many errors in *the Annals of Scotland*, and to make considerable additions to the work. Much, however, remains to be corrected, and there is much to be added.

P. 1. note *. The authors of *the Critical Review*, and of *the London Review*, selected the account of MthBeth as a specimen of the nature and execution of this work. Hence it may be presumed, that any information concerning the real name of the Lady MthBeth of Shakespere, will be acceptable. In an instrument subjoined to *Crawford's Lives of Officers of State*, the wife of MthBeth is called 'Gruach filia Bodhe.'

P. 2. note †. For 'accompt' r. 'account.'

L. 7.
P. 2. note †. Vary the note thus: 'In Aberdeenshire, two miles north-west of the village of Kincardin O'Neil, just by the parish-church of Lumfanan, there is a valley where the vestiges of an antient fortress are still to be discerned, of an oblong figure, in length near an hundred yards, and twenty yards in breadth. A brook, which waters the valley,

* valley, appears to have been led round the fortress. As no remains, &c. The note as it stands in the Annals, was communicated by a correspondent. There occurred in it an ungrammatical expression: The error was pointed out in one of the periodical publications at London. I wish that the same critic had pointed out the other errors in the Annals; for there are very many things discernible by a reader, which an author is apt to overlook.

For 'probably,' r. 'and probably.'

P. 4. note *

Del. the words, 'his errors,' &c.

l. 14.

P. 9. N. 1. l. 6.

For 'polititian,' r. 'politician.'

P. 10. N. 1. l. 1.

For 'fe,' r. 'the.'

P. 14. note,

l. 14. 15.

For 'probably,' r. 'perhaps.'

P. 16. N. 1. 7.

Add, 'at this day, the Solway, where it becomes navigable, is cal-

P. 17. N. 1. 8.

led *the Wead*, or *the Scot-wead*.'

Del. the words after *gistas*, and add, 'in High Dutch, *Geifel*, testis,

P. 17. N. 1. 23.

'sponfor, fidejuffor, obfes.'

Add, 'Doctor Percy, Dean of Carlisle, has favoured me with some

P. 24. N. *

observations on this subject. They are curious, and will be accept-

able to my readers.—The common story of the death of Malcolm III.

from being pierced in the eye, begins to be discredited, because the

old Scottish historians have connected it with a circumstance that was

not true, namely, that it gave rise to the name of *Piercy*. William

de Percy, who came over with the Conqueror, founded, before the

death of Malcolm, the monastery of Whitby in Yorkshire, and had

then the name *de Percy*, or *de Perci*, as appears from the charter of

his foundation, and other public deeds, which Dugdale has printed

at large in his *Mónasticon*. So that there can be nothing more cer-

tain than that the name of *Percy* was not taken up from the cir-

cumstance of Malcolm's death; nor, indeed, had the Percy family

the most remote connection with Northumberland till after the reign

of Edward I.' See *Dugdale*, Baronage, vol. i. v. *Percy*.

On

On the other hand, I am inclined to believe, that there is some truth in the account of the stratagem employed by the soldier that killed Malcolm; because I find it related by annalists who were most likely to know it, although their history has never yet been printed. This is the old Chronicle of Alnwick abbey, of which a manuscript is preserved in the British Museum, among the Harleyan MSS. No. 692. (12.) fol. 195.

It is thus intitled, *Cronica Monasterii de Alnwyke, &c.* and the transcript thus begins:

Incipit Genealogia Fundatorum et Advocatorum Abbatiae de Alnwyke, prima scilicet de Ricardo Tybome fundatore capellae Sancti Wilfridi monasterium de Gising.

It begins with the conquest, gives the history of the foundation of Alnwick abbey by the family of de Vesey, barons of Alnwick, and presents a short summary of the history of those barons, and of some of the principal events relating to the abbey during their time. And, upon the extinction of the family of de Vesey, gives the history of the first Percys who succeeded them, and ends with the accession of King Richard II. to the throne.

There are so many circumstances of local history and description scattered through the whole composition, that there is no doubt but that the annals were really composed within the monastery of Alnwick. It indeed includes a history of the Abbots, and has all the marks of a genuine history compiled from short notices, made at, or soon after, the time when most of the events happened. Now the history of Malcolm's death is related in the following very peculiar and circumstantial manner.

Speaking of the second Lord, Eustace de Vesey, son of William, the Annalists say, *confirmavit omnia bona patris et ipsi nobis collata: Et insuper dedit nobis quandam rure parvicam, quae dicitur Quarrel-hat, pro illa terra super quam fundavit capellam Sancti Leonardi, pro Malcolm.*

Malcolmi Regis Scotiæ anima, sponsi scilicet sanctæ Margaretæ Reginae Scotorum, qui ibidem occisus est, cum filio suo primogenito Edwardo, anno Dom. 1093, anno scilicet Regis Willielmi Rufi, filii bastardi, 7mo. Ista sancta Margareta obiit eodem anno, quo et vir fuit.

Hoc autem anno ecclesia nova Dunelmensis incepta est, episcopo Willielmo, et Malcolmo Rege Scotiæ, et Turgone Priorè ponentibus primos lapides in fundamento. Huic autem Eustathio filio Willielmi de Vescy dedit Willielmus Rex Margaretam, filiam Willielmi Regis Scotiæ, filii Malcolmi, in uxorem, ex illegitimo tamen thoro progenitam, cum baronia de Sproustoun, pro fundatione capellæ sancti Leonardi, quam prædictus Eustathius fundaverat pro anima Malcolmi Regis Scotiæ, ibidem letaliter vulnerati juxta quendam fontem; eidem fonti nomen suum relinquens usque in perpetuum, unde fons iste vocatur Anglico Ydiomate, Malcolm's well. Iste Malcolmus Rex fuit vulneratus ab Hamundo tunc constabulario prædicti Eustathii de Vescy, cum quadam lancea, eidem lanceæ claves castelli de Alnwyck ad cautelam superimponendo, quasi eidem Regi Scotiæ Malcolmo castellum cum omnibus inhabitantibus, [sic MS.] subjiciens. Hoc factò, rediit idem Hamundus concito gressu, sanus, illæsus, et incolumis, transiens vadum aquæ immeabilis, et supra modum tunc inundantis, voluntate divinâ, nomen suum eidem vado relinquens, unde vadus ille, ubi transit, dicitur Anglico Ydiomate, Hamundeford, ab illo die et deinceps.

Here it is observable, that the annalist makes no mention of the eye as the vulnerable part; that was a posterior invention, and probably suggested to compleat the etymology of *Pierceye*. With regard to the ford, that would cease, together with the name, when the bridge was built over the Alne; and as to *Malcolm's well*, the ground (near which stood a cross, the reliques of which are extant to this day, and called *Malcolm's cross*,) hath undergone such changes, principally by sinking coal-pits, a long time ago near the cross, that both the well and

‘and its name have been lost out of memory. But, about a stone’s
 ‘throw below the cross, still oozes a little streamlet of water, which
 ‘proves that a well might have been supplied thereabouts with plenty
 ‘of water.

‘The name of the soldier here was *Hamond*; but if his commander
 ‘was *Moubray*, that will account for the confusion and misnomers of
 ‘the Scottish historians. Though he held the place of Constable of
 ‘Vesey’s castle, yet Moubray may have commanded at that time in
 ‘Northumberland; and Hamond’s exploit would naturally enough be
 ‘attributed to him by distant relators of the transaction.—

‘I am not yet satisfied as to the authenticity of this relation. The
 ‘silence of the Saxon Chronicle is a strong circumstance against it; and
 ‘the silence of S. Dunelm. [or Turgot] is a still stronger.

‘The passage relating to Malcolm III. in the annals of Alnwick
 ‘abbey, is more modern than it appears to be at the first inspection.
 ‘It was written after the marriage of Eustace de Vesey and the natural
 ‘daughter of William King of Scots. Now, that marriage did not
 ‘take place till 1193. *Cbr. Melros*, p. 179. a compleat century after
 ‘the death of Malcolm III.; besides, there is reason to suppose, from the
 ‘narrative, that that marriage was not a recent event when the annals
 ‘were drawn up, and that William was not then the reigning King of
 ‘Scotland. Now William died in 1212. A Northumbrian author, who
 ‘could suppose that William the Lion was the son of Malcolm Can-
 ‘more, must have lived in a later age. He says that King William
 ‘gave Margaret the daughter of William King of Scotland in marriage
 ‘to Eustace de Vesey. This passage detracts from the antiquity of the
 ‘Annalist. By *King William*, he certainly meant *William Rufus*. Now,
 ‘it is impossible that any one who lived near the times of Eustace de
 ‘Vesey and his wife Margaret, could have supposed that William Ru-
 ‘fus was their contemporary. The Annalist speaks of Margaret Queen
 ‘of

of Scotland as a *saint*. But it is not probable that she obtained that title before the year 1250, that is, 157 after the death of Malcolm III. See *Fordun*, L. x. c. 3.

In the Saxon Chronicle it is asserted, that Morel of Bamburgh, the steward of Moubray, slew Malcolm III. And surely the author of that chronicle had better opportunities of information than the Annalist of Alnwick abbey, who wrote at least 100 or 150 years after the event. If the Saxon Chronicle is to be credited, the whole fabric of the story in the annals of Alnwick abbey falls to the ground. I admit the probability of the place called *Malcolm's cross* being the place at which Malcolm III. was slain; for such memorials were frequently erected on the spot where any eminent persons lost their lives. But, for the reasons assigned, I still doubt as to the origin of the name of *Hamond's ford*. Perhaps, in all this, I am too sceptical; but one naturally wishes to disbelieve a tale of infamous treachery.

Del. 'a strange picture of that age;' not so much from my own judgement, as in deference to the opinion of a correspondent. P. 39. l. 16.

For 'inveterate,' r. 'established.' P. 50. l. 14.

For 'St Andrew's,' r. 'St Andrews.' P. 50. l. 15.

For 'I imagine,' r. 'I formerly imagined.' P. 78. N. l. 4.

After 'contemptuous sense,' add, '*Cateranus* is from *Ceatherne*, a general term derived from *Cath*, battle. It properly signifies *men fit for service, but of a rank inferior to that of the nobility*. But, however plausible this conjecture may appear, I prefer the opinion of those who observe, that the people of *Lorn* are here understood. In the Gaelic language, they are still called *Labbern*, [pronounced *Lavern*.] This word, extended by a Latin-termination, might naturally enough have produced *Lavernanus*, *Lavernani*.' P. 78. N. l. 8.

Del. 'I presume that he placed no confidence in them.' P. 78. N. l. 10.

'I have been censured for this note, and I have been seriously told, that there are many reasons which justify Hector Boece for ascribing

‘ the victory to the Scots. Hector Boece wrote about four hundred years after the battle of Cutton moor, and Aldred lived at the court of David I. *Which* of the two authorities ought to preponderate?’

P. 83. L. 12. For ‘ By,’ r. ‘ of.’

P. 96. N. *. Del. this note, it appears to be erroneous.

P. 96. N. †. For ‘ In the Anglo-Saxon language, &c.’ r. ‘ in the Anglo-Saxon language, *saer, fere*, means *dry, withered, waste*.’

P. 96. N. †. For ‘ *Salisbury* or *Selisbury*,’ r. ‘ *Saerisbury, Serisbury, Salisbury*, is *the dry, or waste habitation*.’

P. 97. N. *. After ‘ *Lefmahagow*,’ add, ‘ [or *Ecclesia Machuti*.]’ And, at the end of the note, ‘ the common people sometimes preserve the true pronunciation of names, but generally they disfigure them. Thus, *Les, Clisb, Engles*, are vulgar corruptions of *Ecclesia*.’

P. 107. N. †. Add, ‘ It appears that the inhabitants of Moray again rebelled in the year 1171; *Selden*, titles of honour, Part ii. c. 7. §. 2. So that the policy of Malcolm had not the consequences expected from it.’

P. 108. N. †. Add, ‘ The word *Somerled*,’ says a correspondent learned in the Gaelic language, ‘ is formed by a double translation and corruption from *Samuel*, which the Caledonians express by *Somberle*, from which the Latins formed *Somerledus*, rendered by our modern critics *Somerled*. [It seems that the error of our modern critics consists in writing *Somerled* instead of *Somberle*.]’

The same correspondent adds a curious and instructive note. ‘ *Gillecolm*,’ says he, ‘ is the same with *Malcolm*, in general; *Gille* and *Maol*, pronounced *Gil* and *Mil* nearly, denote *servant*. Originally, and uncompoundedly, they are not synonymous, as the former means *servus*, and the latter *calvus*. So that this last, in the formation of proper names, seems to imply *consecrated by tonsure*. [But if hair was antiently a sign of freedom, why might not *bald*, or *shaved*, imply *servant*?] *Gilchrist* is *servus-Christi*; *Gilespic*, or *Gilescop*, is *servus Episcopi*; *Gilbride*, is *servus Brigidae*; and *Gil-*
 ‘ *patric*’

‘*patric* is *servus Patricii*; *Gilcolumb*, *Gilcalumb*, and *Gillecolan*, all mean *servus Columbae*. Again, *Malcolumb*, or *Melcolumb*, according as the orthography, or the pronunciation, is followed, is also *servus Columbae*; *Mal*, or *Milmaire*, is *servus Mariae*; and *Mildomaich* is *servus Domini*, which last is generally used in speaking of infants before baptism. These, and all such, were first assumed as Christian names; though many of them became afterwards family names, with the usual patronymic of *Mac* prefixed. Thus, *Mac-gil-bbride* is *natus servo Brigidae*; *Mac-gil-candreas* is *natus servo Andreae*; and *Mac-gil-ion*, or *Mac-gil-eaon*, contracted into *Maclea*, is *natus servo Johannis*. Such modest names the first Caledonian converts seem to have used before they grew bold enough to assume the sacred names of *John*, *Andrew*, *Mary*, *Bridget*, &c. unqualified.’

For ‘28th,’ r. ‘9th.’

P. 109. l. 14.

For ‘agreeable,’ r. ‘agreeably.’

P. 110. l. 3.

Add, ‘1171. In this year there was an insurrection of the inhabitants of Moray.’ Add on the margin, ‘*Selden*, Titles of Honour, ii. c. 7. §. 2.’

P. 112. l. 9.

For ‘to make,’ r. ‘to send.’

P. 113. l. ult.

For ‘assisted,’ r. ‘was present.’

P. 120. l. ii.

For ‘at any rate,’ r. ‘besides.’

P. 120. l. 18.

For ‘the forgers of England, and the forgers of all England.’ r. ‘the forgers of Yorke and of Canterbury.—The original expression was sufficiently intelligible to those who understand the distinction between *England* and *all England*; but, as some of my readers do not, I thought it better to change the expression, than to explain it by a commentary.’

P. 121. N. 1. l. 1.

For ‘these names are probably in *Ch. Melros*,’ r. ‘these names, probably corrupted, are in *Ch. Melros*.’

P. 121. N. *. l. 1.

After ‘Durham,’ add, ‘proud of new authority.’

P. 125. l. 1.

For ‘communication,’ r. ‘excommunication.’

P. 125. l. 12.

After ‘impartiality,’ add, ‘he was succeeded by his son Richard, surnamed *Coeur de Lion*.’

P. 131. l. 7.

P. 133. N.º.

Del. the note, and say, ‘ Lord Lyttelton, Vol. i. p. 407.—411. has a dissertation on the value of money, from the conquest to the death of Henry II. He says, “ From the beginning of the reign of William I. till after the death of Henry II. the English pound must be understood to mean a pound weight of silver, containing three times the quantity of silver contained in our present pound Sterling; the shilling and penny weighing also three times as much as ours.—The common mark in those days was two thirds of a pound of silver, that is, twice the value of our present pound Sterling.—The proportion that the value of silver then bore to the common value of it at present, has been estimated differently by authors who have treated the subject; some thinking that it ought to be reckoned at twenty, some at fifteen or sixteen, and some at ten times the present rate. To form some conjecture *which* of these computations is nearest the truth, or rather to show that they are all much too high, I shall transcribe a few passages from the contemporary authors,” &c. The inference which his Lordship draws from the examples quoted, is, ‘ that the value of silver, from the conquest to the death of Henry II. ought to be reckoned at *five* times the present rate.’

Thus, when, in that period, we read of a *pound* and a *mark*, we must figure to ourselves something which, for the common purposes of life, was equal to *fifteen pounds*, and *ten pounds*, *Sterling*, of our own times. I do not pretend to say that Lord Lyttelton’s calculation is precisely exact.

P. 134. L. 14.

Add this note. ‘ I have been told, that *I doubt here, but give no reasons for my doubts; that I am determined to doubt, &c.* But, indeed, I made no question as to the possibility of the adventures said to have befallen the Earl of Huntington. I only said, that *the evidence was somewhat suspicious*; and any one who is as well acquainted with Hector Boece as I am, will suspect all wares from that *magazine.*’

Add,

Add, ' A copy of this very rare and curious book is in the library P. 134. N. *.
 of Richard Gough, Esq; small 4to, 151 leaves, *imprimé à Paris, par
 la Veufve feu Jehan Trepperel, demourant en la rue neufve nostre
 Dame a l'enseigne de l'escu de France.* The title runs thus: *S'en-
 fuyt le liure des trois filz de Roys, c'est assavoir, de France, d' An-
 gleterre, et d'Escoffe, lesquels en leur jeunesse pour la foi Chretienne
 eurent de glorieuses victoires sur les Turcs, au service du Roi de Ce-
 cille, lequel fut fait apres ung des lecteurs de l'empire.* This book
 is altogether fabulous. J. Major supposes *the Earl of Huntington* to
 be one of its heroes, because it treats of a *David, son of the King of
 Scots.* That name, however, has been employed at random; for it is
 said in the romance, that David, on the death of his father, became
 King of Scotland; and, under that title, distinguished himself in a
 tournament at Vienna.

' The note concerning the names of Caithness and Sutherland ought P. 137. N. †
 to be omitted; for I am positively assured that it is altogether erro-
 neous.'

For ' St Bartholomew's day,' r. ' 24th August.' P. 136. l. 6.

' The derivation of the word *Pertb* ought to be omitted. I have P. 138. N. *.
 been favoured with different interpretations of the word. Not know-
 ing *which* to choose, I judge it best to omit them all.'

After l. ii. add, ' 1214.' P. 139. l. ii.

For ' 5th,' r. ' 10th.' P. 142. l. 4.

Add, ' I am informed by one correspondent, that *Kenauk Macabt* is P. 142. N. †
Ceanachmahaet, which implies, in the Gaelic language, *the chief of
 a district*; By another correspondent, that *Kenauk* is the man's
 name, *Macabt* his surname. Sutherland is termed in the Gaelic
 language *Cad* or *Cabt*. Hence the Earl of Sutherland is termed
Morar Chat, that is, *the Lord of Sutherland.* *Kenauk Ma-
 cabt* might have been a Sutherland man who joined *Makentagart*.
 But a third correspondent says, the word, though corrupted and
 disfigured, is still very intelligible to every Caledonian ear. It is
Caineack.

‘ *Caineach-mac-Eachain*, that is, *Kenneth son of Hector*. Both *Cain-
each*, and *Eachain*, mean *dux equitum*, or *rector equorum*, with
‘ this difference, that the former is *Archippus*, and the latter *Hippar-
chus*. Further, he remarks, that the *Clan Eachain* still subsists, and
‘ that M^cKenzie of Garloch is the head of it.—*Makentagar* is certain-
‘ ly *Mac-in-tsagaird*, or *the son of the priest*. *Sagaird* is *priest*; in the
‘ genitive, *Sagaird*, or *of a priest*;—*in-tsagaird* is *of the priest*; in
‘ which last, the radical letter *s* is mute, and the servile *t* pronounced
‘ in its room.

‘ It is said, that, before the local surname of *Ross* was assumed, the
‘ clan *Ross* had the surname of *Mackintagaird*, because their ancestor
‘ was the son of a priest. Such surnames were not uncommon before
‘ the introduction of clerical celibacy into Scotland. Thus we have
‘ *M^cNab*, that is, *the son of the abbot*; and *M^cPherison*, that is, *the son
‘ of the parson*; and *M^cVicar*, that is, *the son of the vicar*.’

P. 143. N. *.
l. 8.

For ‘calendar,’ r. ‘calendars.’

P. 155. N. *.

Add, ‘One learned person conjectures that her name was *Dornag-
beal*, or *fair hands*. But another says, that the name on the seal is
‘ the only intelligible one, implying *filia* or *virgo magna, candida*.’

P. 152. l. 3.

Add this note at *Gilrodb*. ‘Properly *Gilruadh*, that is, the *red-
‘ haired lad*. And hence the modern corrupted name of *Gilderoy*.’

P. 152. N. *.

Instead of ‘so that the name,’ &c. say, ‘the word *Thomas* is placed
‘ here, by an error of transcribers, instead of *Comes*. As to *M^cKenta-
‘ gart*, or *M^cKintagaird*, see p. 142.’

P. 172. l. 14.

For, ‘had married, as it would seem,’ r. ‘appears to have married.
‘ Whenever the erroneous expression, *it would seem*, occurs, it ought
‘ to be changed into *it appears*, or *it seems*, or *it is probable*.’

P. 177. l. 11.

For ‘Lewis,’ r. ‘Lewes.’

P. 183. l. 24.

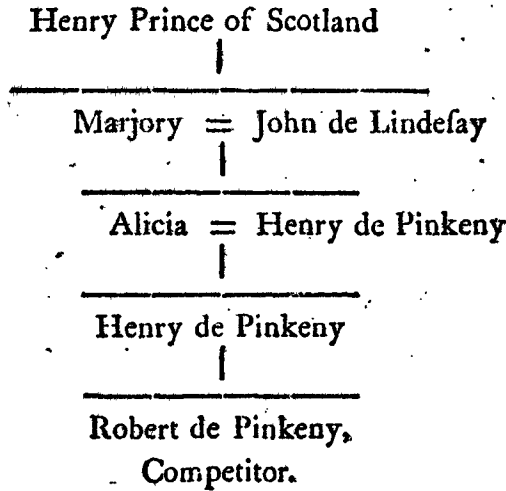
For ‘for that,’ r. ‘because.’

P. 209. N. *.

Add, ‘I have collected a pedigree of Robert de Pinkeny from dif-
‘ ferent passages in *Dugdale*, Baronage, Vol. ii. p. 556. 769. John
‘ de Lindesay, called, 6. Hen. III. *the kinsman* of Alexander II. King

‘ of

of Scots, married Marjory, supposed to have been the daughter of Henry Prince of Scotland. John de Lindefay had two sons, David and Gerard, who died without issue, and a daughter, and heiress, Alicia, married to Henry de Pinkeny, grandfather of Robert de Pinkeny, the competitor. This will be better understood by a genealogical tree.



In this pedigree there are several things doubtful; and, particularly, the existence of a *Marjory*, daughter of Prince Henry.

For 'it would seem,' r. 'it is probable.'

P. 229. N. †.
l. 6.

At 'Lamelay,' add note, 'P. *Langtoft* has Lanercost and Hexham instead of Lamelay, Vol. ii. P. 273.'

P. 235. l. 12.

Vary the note thus: 'In this carnage 4000 men perished, according to *Langtoft*, Vol. ii. p. 272. although his translator says 40000.

P. 236. N. †.

7500 perished according to Fordun,' &c.

Add, 'it was this renunciation which made *Langtoft* exclaim, Vol. ii. p. 265. "Scotland, whi ne mot I fe be fonken to helle ground." 'This *old English* is intelligible enough.'

P. 237. N. *.

Add on the margin, '*Hemingford*, i. 96. *Langtoft*, ii. 277.

P. 238. l. 8.

For 'never,' r. 'and never.'

P. 241. l. 7.

For

- P. 242. l. 9. For 'at,' r. 'and at.'
- P. 243. l. 4. Add on the margin, '*Langtoft*, ii. 282.'
- P. 245. l. 3. Add on the margin, '*Langtoft*, ii. 297.'
- P. 246. N. *. After 'book,' add, 'for it is characteristical.'
- P. 251. l. 7. At 'ford,' add note, 'probably the ford of Maner, at which place there was an advanced post in the days of the Romans.'
- P. 251. N. *. Add, 'it is the general tradition of the country, that, in those times, the bridge was about a mile higher up the river than the present bridge is.'
- P. 253. N. *. Add, '*Dugdale*, Baronage, Vol. ii. p. 555. says, that Robert de Ros of Werke, a great Northumbrian baron, joined himself to Wallace, and aided him in wasting the north of England.'
- P. 257. N. *. For 'idea,' r. 'fancy.'
- P. 258. l. 13. Add on the margin '*Langtoft*, ii. 305.'
- P. 258. N. *. Del. 'is the only historian who,' and add at the end of the note, 'much to the same purpose, *Langtoft*, Vol. ii. p. 305. speaks,—ther formaft courey ther bakkis togidere sette, ther speres poynt over poynt, so sare and so thikke, and fast togidere joynt, to se it was ferlike. Als a castelle thei stode that were walled with stone, thei wende no man of blode thorgh tham suld haf gone.'
- P. 259. note. l. 11. For 'if you can,' r. 'gif you cun.'
- P. 259. note. l. 19. For 'can,' r. 'cun.' Add to note, '*Langtoft*, Vol. ii. p. 305. as translated by Brunne, reports the words thus: *To the reнге ere ye brouht, hop now if ye wille.* But he does not seem to have understood the import of the words.'
- P. 263. l. 3. Add on the margin, '*Hemingford*, i. 165.'
- P. 264. N. 4. Add, 'I have seen the title of a public instrument which runs thus:
 " *Acte contenant les responses faites par pierre Flotte seigneur de Revel*
 " *Commis par le Roy [de France] pour traiter et conserer avec les Am-*
 " *bassadeurs Anglois, touchant l'exécution du traité de treve, et repara-*
 " *tion des infractions d'icelle. Simon de Meleun l'arbitre nommé par le*
 " *Roy offrit au Roy d'Angleterre de delivrer tous les prisonniers Anglois,*

“en rendant par lui le Roy d’Escoffe et son fils, et les Escossois detenus en
 “Angleterre et ailleurs, ou les mettant en la garde d’un prelat Francois,
 “qui les gardera sous le nom du Pape pendant que le Pape jugera de
 “leur differend.” ‘The original, if extant; might serve to explain
 ‘several circumstances respecting this treaty; particularly, that Ed-
 ‘ward Balliol was in captivity, together with his father; and that the
 ‘Pope proposed himself as umpire between Edward I. and his diso-
 ‘bedient vassal.’

At the top, for ‘1298.’ r. ‘1299.’ P. 265. 66.

Add on the margin, ‘Langtoft, ii. 308.’ P. 266. l. 8.

Add on the margin, ‘Langtoft, ii. 310.’ And after ‘Annandale,’ P. 266. l. 12.
 add note, ‘Langtoft, Vol. ii. p. 310. says, that Edward’s army a
 ‘povere hamlete toke, the castle Kureleverock.’

Add ‘Langtoft, vol. ii. p. 311. seems to blame Edward I. for ha- P. 266. N. †.
 ‘ving consented to this truce. He describes a character, in the fol-
 ‘lowing terms; ‘The antient Britons,” says he, “forsook that man
 “who was a dissembler, lived at ease, lay long in bed, gave himself to
 “surfeiting at night, solaced himself in lechery, put confidence in
 “traitors, and shewed mercy to his enemies, [affiance of feloun, of
 “enemy haf pité;] who was unreasonably obstinate, and avoided the
 “counsels of wise men; who was greedy, avaritious, and churlish.”
 ‘Under this satyrical disguise, Langtoft intended to libel Edward I.’

After ‘guarding them,’ add, ‘Langtoft, vol. i. p. 318. says, that P. 273. N. 1.
 ‘the son of Segrave was made prisoner, together with his brother L. 3.
 ‘uterin, [his brother of bedde,] sixteen knights, and thirty men,
 ‘whom he terms *serjeants*. He says, that Sir Thomas Nevil was
 ‘slain.’ At the end of the note, add, ‘it appears that *Rulph, the*
 ‘*Cofferer*, was an ecclesiastic, and that the Scots would not receive him
 ‘to quarter; Langtoft, vol. ii. p. 319.’

Add on the margin, Langtoft, ii. 321. P. 275. l. 12.

Add, ‘The Espringal threw large darts, [called *muschettae*,] some- P. 279. N. *.
 ‘times, instead of feathers, winged with brass. *Espringal, balista va-*

* lidior quâ telum emittitur; *muschetta*, telum quod balistâ validiori
 * emittitur; *Du Cange*. This note is taken from Grose's antiquities.
 * Pref. p. 11.—*Langtoft*, vol. ii. p. 326. mentions also an engine used
 * at this siege, called a *ludgare*, or *lurdare*. This is plainly a cor-
 * ruption of *loup de guerre*, *lupus belli*, *warwolf*!

P. 480. l. 6.

After l. 6. place '1305.'

P. 480. N. *

Add, 'according to *Langtoft*, vol. ii. p. 326. there were in the castle,
 * beside Sir William Oliphant the governour, Sir William of Duplin,
 * and twenty more gentlemen.'

P. 481. at top.

From p. 281. the year ought to be '1305,' not '1304.'

P. 481. l. 2.

For 'his mangled,' r. 'and his mangled.'

P. 482. N. 1.

For 'committed,' r. 'apprehended and committed.' And at the end
 of the note add, 'My apology for Menteth has been received with
 * wonderful disapprobation by many readers; for it contradicts vulgar
 * traditions, and that most respectable authority, *Blind Harry*. A corre-
 * spondent has pointed out a passage, which, as he imagines, ought
 * to silence all scepticism concerning the treason of *Stewart*, [com-
 * monly called *Menteth*.] It is the conclusion of *Blair, Relationses*,
 * quoted in Nicolson, *Scottish Historical Library*, p. 88. and which is
 * to be found at the end of the modern edition of *Blind Harry*. With-
 * out inquiring into the age and authenticity of the fragments called
 * *Relationses A. Blair*, I answer, that the passage referred to is obvi-
 * ously a memorandum interpolated by some patriotic and passionate
 * transcriber.'

* They who condemn Sir John Menteth, ought to condemn him
 * for having acknowledged the government of Edward I. and for ha-
 * * ving accepted an office of trust under him, not for having discharged
 * the duties of that office.—There is a curious passage in *Langtoft*,
 * * vol. ii. p. 329. which, in modern language, runs thus. Sir John
 * * of Menteth pursued Wallace so closely, that he took him unawares
 * * one night while he was in company with his mistress. This hap-
 * * pened through the treason of Jack Short, the servant of Wallace.
 * Wallace,

* Wallace, it is said, had slain the brother of Jack Short, who, on that account, was the more inclined to do him that ill office.

* This note is erroneous as to the word *Urquhart*; the true name in the record is *de Monbaud*, or *de Monte Alto*, now pronounced *Mowat*. P. 285. N. *.
L. penult.

For 'had formed no plan, nor concerted,' r. 'had not concerted,' P. 294. l. 28. Sec.

After 'pure blood,' add note, 'From this passage it has been concluded, that the author of *the Annals of Scotland* is excessively credulous. He must still remain under that imputation; for he cannot submit to acknowledge, that he does not believe that a fountain near Kilwinning ran blood for eight days and eight nights without intermission.' P. 299. l. 2.

Add, 'A correspondent has favoured me with the following note:— *Gilmory*, a servant of the Virgin Mary, probably so called in honour of her, as the gift was made on the day of the annunciation. His former name has been *Gil-andear*, that is, *the southern lad*; probably an English prisoner.' P. 304. N. †.
l. 6.

* This passage has afforded a pretext for much senseless ribaldry in newspapers; and, therefore, I incline to vary it thus: "For when once the meaning of a word is ascertained, inquiries into its etymology are rather curious than useful." P. 323. l. pen.

For 'Annandale,' r. 'Nithsdale.' This alteration is adapted to modern geography, which has circumscribed *Annandale* within narrow bounds. P. 339. l. 3.

Del. from 'one' to 'language,' and add, '*Manelet* is a Gaelic word. In the Welsh, Cornish, and Armoric dialects, *melyn*, or *melen*, is yellow, and, in the Irish, *lat* is a plant. Thus, *melenlat* is the yellow plant, and *menelat* is the same word transposed, as *Alan*, in the Armoric dialect, is transposed to *Anal* in the Irish. See *Lbryd*, *Archæologia*, p. 7. and at the words *flavus* and *planta*, p. 207. 289. and *Luleni*, p. 294.

- P. 348. l. 12. ' For ' Miserecordia,' r. ' misericordia.'
- P. 350. l. 12. Add on the margin, ' Langtoft, ii. 278.' And add this note, ' Langtoft gives a very distinct account of the prisoners. He says, *to the toure of London the thre Erles were sent*; but he speaks not of the execution of the Earl of Menteth; and it is not probable that he would have omitted it, if he had ever heard the story. Langtoft, a passionate historian, would have rejoiced at the execution of a Scottish rebel; for he thus speaks, vol. ii. p. 279. *God gyve, at the parliament, the Scottis be alle schent and hanged bi the hals*. The whole passage is curious, and deserves to be perused: He afterwards says, p. 303. that Edward released the prisoners; and, particularly, *the Earl of Menteth*.'
- P. 356. l. 19. ' Leave out the passage concerning Sir G. S. and the M. of R. I still consider that passage as an apt illustration of my subject; but it has been strangely misunderstood by some readers, and construed into a censure of the persons alluded to; a censure which, surely, I never intended.'
- P. 359. l. 13. Del. from ' Besides' to ' Northumberland.'
- Tables. At JOHN BALLIOL, add, ' He married *Isabella*, the daughter of John de Warren, Earl of Surrey.'
- At EDWARD BALLIOL, add, ' died childless, 1363.'

No. IX.

C O R R E C T I O N S

A N D

A D D I T I O N S.

ANNALS, Vol. II.

A D-D. A learned friend has supplied me with some farther illustrations of this dark subject. He observes, that one of the most solemn vows of knights, was what is termed *the vow of the Peacock*: This bird was accounted noble. It was, in a particular manner, the food of the amorous and the valiant, if we can believe what is said in the old romances of France; *St. Palaye*, *Memoires sur l'ancienne Chevalerie*, T. i. p. 185. and its plumage served as the proper ornaments of the crowns of the *Troubadours*, or *Provençal poets*, who consecrated their compositions to the charms of gallantry, and the acts of valour.

When the hour of making the vow was come, the peacock, roasted and decked out in its most beautiful feathers, made its appearance. It was placed on a bason of gold or silver, and supported by ladies, who, magnificently dressed, carried it about to the knights assembled for the ceremony. To each knight they presented it with

‘ with formality ; and the vow he had to make, which was some promise of gallantry or prowess, was pronounced over it.

‘ Other birds beside the peacock were beheld with respect, and honoured as noble. Of this sort was the pheasant ; *St. Palaye*, T. i. p. 186. Vows and engagements, accordingly, were made, and addressed to the pheasant. A vow of this sort, of which the express purpose was to declare war against the infidels, was conceived in these words ; *Je voue à Dieu mon Createur tout premierement et à la glorieuse Vierge sa mere, et apres aux dames et au faisant, &c. ib.* T. i. p. 191.— This serves to prove, that vows were made to *Peacocks* and *Pheasants* ; and that, by analogy, they might have been made to *swans* likewise. But the origin of a custom seemingly so profane and ridiculous still remains unknown.

P. 7. l. 23.

For * put †.

P. 8. l. 23.

After ‘ all,’ add ‘ persons.’

P. 12. N. *.

For ‘ learned,’ r. ‘ learnt.’

l. 1.

P. 24. l. 12.

Add on the margin ‘ *Boece*, *Aberdon. Episcop. Vitae*, 6. a.’ and to the text, ‘ it was, probably, about this time that the citizens of Aberdeen, and other partizans of Bruce, stormed the castle of Aberdeen, slew the English garrison, and razed the fortifications. The English, in the neighbourhood, marched against Aberdeen. While they were on their march, the loyal citizens encountered and overthrew them. All the prisoners taken in this conflict were put to death.— Add note. ‘ This story is related by Boece, *Aberdonensium Episcoporum vitae*, fol. 6. a. b. He says, “ *Placuit victoribus quos captos habebant ad terrorem extra oppidum furcâ suspendere : Sed vetuere Canonici, utque ut caesorum corpora ad possicam templi Divi Nicolai terrâ conderentur—obtinuerunt, ubi eorum ossa cum titulis in rei monumentum adhuc cernuntur.*” The canons of Aberdeen endeavoured to save the lives of prisoners, whose chief offence was, that they had Edward I. for their Sovereign. Amidst the loud calls for bloody *reprisals*, the voice of religion and humanity was not heard. The Canons, however,

ever, obtained a place of sepulture for the slaughtered prisoners; perhaps not honourable, yet still in consecrated ground.—The excellence of their charity must be estimated by the notions of the age in which they lived.—

Boece relates, that, in his days, the bones of the Englishmen, with inscriptions in memory of their death, were still to be seen.—I purposely omit some singular traditions concerning the slaughter of the English prisoners, because they are not sufficiently authenticated.

But there is one circumstance which I must not omit. In 1580, James VI. revoked a grant of a fishing in the mouth of the river of Don, which had been made to George Auchinleck of Balmanno. In this revocation, a grant by Robert I. to the borough of Aberdeen, is thus recited: That, whereas, *his Highness progenitor, King Robert of good memory, who rests with God, sometime being within the said burgh, perceiving the barrenness and sterility of the country where the said burgh is situated, and the great Honesty thereof, together with the fervent love shewn by them to his Highness, and his progenitors, then, and at all times of before; considering also their bauld manheid in the recovering and destroying of the strong castel bigget and maintained there by the Englishmen, sometime for daunting and suppressing of the town and country, upon these respects, dotit the said burgh, and commonty thereof, of his bountifull liberality and clemency, with certain commoities, liberties, and immunities, for the aid and support of the same; and, namely, with an piece of ground called the Stocket, adjacent to the burgh, and the salmon fishings of the same burgh upon the waters of Dee and Don, for yearly payment to his Grace, and his successors, of 320 merks usual money of this realme, in name of feu farm.* &c.

One would naturally suppose, that the substance, at least, of this preamble, was to be found in the grant by Robert Bruce to the borough of Aberdeen.

Robert

‘ Robert Bruce granted to the borough of Aberdeen, *curam et custodiam totius forrestae de Stokett salvis nobis viridi et venatione tartum*, [Dundee 24th October, 8th year of his reign.]

‘ The same King made a grant to the borough of Aberdeen of *the Stocket* in property. Its tenor is,—Robertus, Dei gratia, Rex Scottorum, omnibus probis hominibus totius terrae suae, salutem: Sciatis, nos, de consilio et ordinatione proborum regni nostri, concessisse, et *ad feodofirmam* assedasse, ac praesenti cartâ nostrâ confirmâsse burgensibus nostris, et communitati burgi nostri de Aberdene, burgum nostrum de Aberdene praedictum, et forrestam nostram *del Stocket*, cum pertinentiis. Tenend. et habend. praedictis burgensibus et communitati, eorum haeredibus et successoribus, in perpetuum, de nobis, et haeredibus nostris, in feodo et haereditariè, et in libero burgagio, per omnes rectas metas et divisas suas, cum molendinis, aquis, piscariis———custumis, toloneis, curiis, ponderibus, mensuris, et cum omnibus aliis libertatibus, commoditatibus, aïfamentis, consuetudinibus, et justis pertinentiis suis, ad assedationem dictorum burgi et forrestae de jure et consuetudine spectantibus, vel spectare valentibus, in futurum: Reddendo inde nobis annuatim, et haeredibus nostris, dicti burgum, eorum haeredes et successores; ut supra dictum est, *duentas et tresdecem libras sex solid. et octo denar. Sterling.* [L. 213: 6: 8 Sterl.] tent. in cameram nostram, ad duos anni terminos, videlicet, medietatem ad fest. Pentecostes, et aliam medietatem ad fest. Sancti Martini in hyeme; pro omni alio servicio, exactione, consuetudine, seu demanda; volumus etiam et concedimus, quod dicti burgum nostrum haeredes et successores eorundem, liberè, et sine impedimento quocunque, in campis, moris, et aliis quibuscunque locis dictae forrestae, extra boscum *del Stocket* praedicto burgo de Aberdene, proximè adjacentem, possint omnimodam culturam facere, mansiones et aedificia constituere, focalia fodere, ac alias quascunque commoditates exercere, pacificè et ordinariè prout melius viderint expedire; salvo tantùm nobis et haeredibus nostris viridi.

‘ [one

one word illegible,] arborum in praedicto bosco, et venatione similiter, si in eadem foresta casualiter inveniatur. Concessimus etiam eidem burgo nostro, burgenſibus et communitati, ejusdem haeredibus, et ſucceſſoribus ſuis, quod nullus juſticiarius foreſtae, aut aliquis alius regni noſtri, cujuſcunq; conditionis fuerit, ſive ſtatûs, ſuper cuſtodîâ praefentis conſeſſionis, et infeodationis jure, vel ſuper defect. [ſome words illegible,] aut contradictionem habeant, niſi tantum Camerarius noſter, qui pro tempore fuerit, ita tamen quod quiſque ex hujusmodi defectibus. aut ſi deſtructor viridis, aut venationis, in dicta foreſta legaliter convictus fuerit, poenam hujusmodi criminis ſupportet in ipſa perſona, et nullis aliis, principali tamen conſeſſione et infeodatione noſtrâ in ſuo robore [firmiter] et perpetuò permanente. In cujus rei teſtimonium praefentibus ſigillum noſtrum praecipimus apponi. Teſtibus Willelmo, et Willelmo, Sancti Andreae et Donkeldae epiſcopis, Bernardo Abbate de Aberbrothock, Cancellario noſtro; [Thoma] Ranulphi, Comite Morav. et Domino Vallis Anandiae, et Manniae; Roberto de Keith, Mareſcallo noſtro; Gilberto de Haya, Conſtabulario noſtro; Alexandro Fraſer, Camerario noſtro, militibus. Apud Berwicum ſuper Twed, decimo die Decembris, anno regni noſtri quarto decimo. [*Archives borough of Aberdeen.*] In this grant, although abundantly verboſe, there is no mention of the circumſtances which the preamble of the revocation by James VI. recites.'

Read, 'A perſon nowiſe diſtinguiſhed either for rank or for military prowels.' P. 15. N. 1. l. 2.

For, 'but intelligence,' &c. r. 'but timely intelligence of his motions was received.' P. 25. l. 3.

For, 'is adjacent,' r. 'lies next.' P. 25. N. 1.

For 'letters,' r. 'deſpatches.' l. 3.

Add, 'The clergy of Scotland, aſſembled in a provincial council, iſſued a declaration to all the faithful, bearing, that the ſcottish nation,' P. 29. l. 14. P. 30. l. 7.

'tion, seeing the kingdom betrayed and enslaved, had assumed Robert Bruce for their Sovereign; and that the clergy had willingly done homage to him in that character,' [at Dundee, 24th February.] Add on the margin, '*Anderson*, Independency, Appen. No. 12.'

- P. 30. N. †. For 'Forth,' r. 'the Forth.'
- P. 31. l. 13. For 'encountering,' r. 'to encounter.'
- P. 32. l. 8. For 'learned,' r. 'learnt.'
- P. 32. N. *. For 'Stewart,' r. 'Steward.'
- P. 34. l. 8. For 'was,' r. 'is.'
- P. 36. l. 7. For 'Scots,' r. 'Scottish.'
- P. 37. l. 15. For * put †.
- P. 38. N. †. Add, 'His name was probably *Peter Luband*. In *Roll. Rob. I.* No. 63—64, there are grants of the lands of Gamilton and Elwynston, "quae fuerunt quondam *Petr. Luband*, militis, in curia nostra de prodicione erga nostram regiam dignitatem nuper convicti.'
- P. 52. N. last. For † put ‡.
- P. 60. l. 14. For 'to have rejected,' r. 'to reject.'
- P. 63. N. *. For 'where,' r. 'in which.'
- P. 64. l. 8. For 'stranger,' r. 'a stranger.'
- P. 65. l. 10. Del. 'irretrievably.'
- P. 68. l. 21. For 'move on,' r. 'march.'
- P. 69. l. 2. For 'rod,' r. 'rode.'
- P. 70. l. 6. For 'Liffy,' r. 'the Liffy.'
- P. 71. l. 16. For 'learned,' r. 'learnt.'
- P. 74. l. 2. This passage is erroneously pointed. r. "Sinclair shall be my Bishop. Under the appellation of *the King's Bishop*."
- P. 75. l. 24. For 'messenger,' r. 'messengers.'
- P. 80. N. last. For † put ‡.
- P. 81. N. †. For 'learned,' r. 'learnt.'
- P. 83. l. 11. For 'administ'rating, &c.' r. 'of taking upon himself the administration of government.'

For

For 'prohibites,' r. 'prohibited.'

P. 85. l. 8.

After 'Damory,' add an inverted comma.

P. 92. N. 1.

At 'John de Logie,' add note, 'From a charter granted by Robert

l. 2.
P. 96. l. 6.

'Bruce to the Black Friars at Perth, there is some reason to suspect, that John de Logie forfeited at an earlier period. That charter is dated *2d Feb. anno regni nostri quarto decimo*, and mentions the tenement of Logy, *quod fuit quondam Johannis de Logy, militis, et quod forisfecit*. This charter is in the archives of the borough of Perth. As Bruce ascended the throne on the 27th March 1306, *the 2d day of February, in the 14th year of his reign*, seems to be 2d February 13 9-20.'

Add, 'Randolph, ambassador from the King of Scots, concluded an alliance, offensive and defensive, with France, [at Corbeil, April]

P. 116. l. 17.

And on the margin, *Leibnitz, Cod. Jur. Gent. i. 116.*

For 'on the morn,' r. 'next morning.'

P. 120. l. 13.

Del. from 'But 3. to David and Thomas.' For, although I have seen it most confidently asserted that Thomas Hay was a commissioner to England in 153, I cannot discover evidence of that fact.

P. 152. N. l. 22.

For 'excursions,' r. 'incurfions.'

P. 159. l. 16.

For 'and Sir William Keith,' r. 'and Sir Alexander Seton; and afterwards, Sir William Keith.'

P. 163. l. 8.

For 'man,' r. 'mean.'

P. 173. l. 6.

For '21st,' r. '20th.'

P. 235. l. 3.

Add, 'There is a curious passage concerning the Portuguese at Goa, in the travels of a zealous Roman catholic, *de la Boulaye le Gouz*, c. 25, p 204 "Les Portugais—ayment extremement Sainct Anthoine de Lisboa, ils lui font une particuliere devotion lors qu'il ne fait point de pluye; ils prennent sa statue, l'attachent par les pieds, la trempent dans des pays la teste la premiere, et apres l'avoir bien mouillée et trempée plusieurs fois, ils la retirent par la corde qu'elle

P. 277. N. †.

“ qu'elle a attachée aux pieds, et font la même à celle de la Vierge
 “ Marie. Comme je m'effonnois de cette ceremonie extraordinaire,
 “ j'en demandai la raison au Pere Gardien des Capuches de Damaon,
 “ lequel me dist, que Saint Anthoine vouloit estre ainsi traité, et avoit
 “ operé par ce moyen une infinité de miracles, et la Sainte Vierge,
 “ laquelle fit retrouver l'enfant d'une pauvre femme, qui alla dans
 “ l'eglise apres l'avoir perdu, et prenant le petit Jesus d'entre les bras
 “ de nostre Dame, lui dist, *si tu ne me rends mon fils, je ne te rendrai pas*
 “ *le tien* ; et à quelque tems de là, l'enfant revint à la maison sain et
 “ sauve. Une autre fois, un frere portier d'une ordre de Franciscains
 “ perdit per mesgarde les clefs du couvent, et ne sçachant où ils les
 “ avoit esgaré s, alla dans l'eglise et lia la statuë de St. Anthoine de
 “ Lisbon par les pieds, la trempa dans un puy où il l'avoit descendue
 “ la teste la premiere, la retira, et elle apporta les clefs penduës mira-
 “ culeusement à son col ; ce qui est digne d'admiration, et non d'imita-
 “ tion.”

That is, ' The Portugúese are extremely fond of St Anthony of
 ' Lisbon ; they pray to him, in particular, whenever a drought hap-
 ' pens. They take his image, fix a rope to its feet, and sink it head-
 ' long into a well. Having thoroughly and often wet it, and soaked
 ' it, they draw it out again ; and they do the like to the statue of the
 ' Virgin Mary. Surprized at this extraordinary ceremony, I applied
 ' to the guardian of the Capuchins at Damaon to learn its reason ; he
 ' told me, that St Anthony chose to be treated so ; and that, in this
 ' way, he had wrought an infinity of miracles ; that the blessed Vir-
 ' gin made a child to be found again which a poor woman had lost :
 ' The manner was this ; the woman having lost her child, came into
 ' the church, and taking the infant Jesus out of the arms of our Lady,
 ' said to her, *Unless thou givest me back my son, I will not give thee*
 ' *back thine* : Some time after, her child came home safe and sound —
 ' On another occasion, a friar, porter of a convent of Franciscans, ha-
 ' ving

‘ving carelessly mislaid his keys, and not knowing where he had put
‘them, went into the church, took the statue of St Anthony of Lisbon,
‘immerfed it headlong in a well, and drew it out again. Then the
‘statue brought back the keys, hung miraculously about its neck.
‘This is worthy of admiration; yet the conduct of the friar ought
‘not to be imitated.’

CHRONO.

C H R O N O L O G I C A L

A B R I D G E M E N T.

A. D.		Page
1306.	March 27.	
	R OBERT I. was crowned at Scone	1
	29. He was again crowned by Isabella de Fife, Countess of Buchan, officiating for the heir of M'Duff	2
	Edward I. prepared to revenge the death of Comyn, and to quell the insurrection in Scotland, but sickened at Carlisle.	3—5
June 19.	Robert Bruce came before Perth; was attacked and defeated at Methven, by Aymer de Valence Earl of Pembroke	5—6
August 11	Bruce was defeated by the Lord of Lorn, at Dalry	7
	He eluded the pursuit of his enemies, and escaped to Rathrin, on the northern coast of Ireland	7
	Edward I. inflicted various punishments on the partizans of Bruce	8—17
October 23.	James, the Stewart of Scotland, did homage to Edward I. at Lanercost, near Carlisle	17
Feb. —	Bruce and his adherents were excommunicated by the cardinal legate at Carlisle	17
	Bruce fled over from Rathrin to Arran, and from thence to Turnberry in Carrick, surprised the English in their cantonments; but was obliged, by superior numbers, to take shelter among the hills	17—19

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Feb. 9.	Thomas and Alexander, the brothers of Bruce, landed in Galloway, were defeated by Duncan M'Dowal, made prisoners and executed.	19
March 19.	Sir James Douglas surprized the English, at Douglas castle, and put them to the sword	20
	Bruce defeated the Earl of Pembroke at Lowdown-hill	20
	After having made a vain attempt on the castle of Air, Bruce was again obliged to take shelter among the hills	21
	The English burnt the monastery of Paisley	21
July 7.	Edward I. died on his march against the Scots, at Burg on Sande in Cumberland	21
August 28.	Edward II. having entered Scotland, impowered the Earl of Pembroke to receive the Scots to mercy, under certain exceptions	22
	Edward II. ingloriously returned into England	22
Sep. 13.	He appointed the Earl of Richmond guardian of Scotland in the room of Pembroke	23
	Bruce invaded Galloway. Was put to flight by the guardian, and retired into the north	23
Dec. 25.	The Earl of Buchan attacked Bruce, and was discomfited	23
May 22.	The Earl of Buchan, and Moubray, an English commander, totally routed by Bruce, at Inverury	24
	Sir David de Brechin, and other Scotsmen, abandoned the English	24
	About this time, according to common report, the citizens of Aberdeen, and other partizans of Bruce, stormed the castle of Aberdeen, slew the English garrison, razed the fortifications, and defeated the English, who endeavoured to regain that castle	24
June 29.	Edward Bruce invaded Galloway, overthrew the enemies of Scotland, expelled the English, and subdued the country	24—25
	Sir James Douglas surprized and made prisoners Alexander Stewart of Bonkill and Thomas Randolph, the King's nephew.	
	Randolph.	

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	Randolph having spoken petulantly to the King, was committed to close custody - - - - -	25
A. D. 1308.	July 16. James the Steward of Scotland died - - - - -	30
	August 23. Bruce invaded Lorn, defeated the troops of Lorn at Crethinben, and made himself master of that country - - - - -	26
	11. William de Lambyrton, Bishop of St Andrews, having been received into favour with the English, undertook to publish the sentence of excommunication against Bruce and his adherents - - - - -	27
	Edward II. made frequent changes in the office of guardian of Scotland - - - - -	28
	Philip King of France endeavoured to promote a reconciliation between Edward II. and Bruce - - - - -	28
	Edward, through the mediation of the King of France, consented to a truce with the Scots; but he presently charged them as guilty of violating the truce, and he summoned his barons to march against them - - - - -	29
	August 2. Edward complained to the King of France of the duplicity of de Varennes his ambassador, who had sent despatches openly to the <i>Earl of Carrick</i> , and secretly to the <i>King of Scots</i> . - - - - -	29
	The King of France, by other ambassadors, solicited a truce for Scotland. Edward consented to negotiate at the request of the King of France, as his father-in-law, and friend, but not as an ally of Scotland - - - - -	29
	Nov. 29. Bruce besieged the castle of Rutherglen. It was relieved by the young Earl of Gloucester - - - - -	30
	Dec. 3. The negotiations with Scotland were renewed. The Bishop of St Andrews was one of the commissioners on the part of England. A truce was concluded; but the Scots disregarded it - - - - -	30
	Feb. 16. The Scottish clergy issued a declaration, importing, that they, together with the rest of the nation, had assumed Robert Bruce for their Sovereign - - - - -	30

A. D.
1310

Page

	Edward II. made preparations for invading Scotland.—The English barons, disgusted at his government, repaired slowly to the royal standard	30
Sept.	He invaded Scotland; penetrated by Selkirk and Biggar to Renfrew, and then retired to Berwick, while Bruce remained on the defensive	31
Dec. 9.	Edward II. issued a proclamation, prohibiting his subjects, under pain of forfeiture, from supplying the Scots with military stores	32
	Bruce projected an invasion of the Isle of Man, but was prevented by the vigilance of the English	32
1311.	William Binnok, a poor peasant, won the castle of Linlithgow from the English by stratagem	32
July 14.	Edward II. again purposing to invade Scotland, ordered a rendezvous of his forces at Rokesburgh	34
	Bruce invaded England, and ravaged the country about Durham	34
Jan. 8.	Bruce took Perth by escalade	34
26.	Edward II. empowered the Earl of Athole, and others, to conclude a truce with the Scots	36
Feb. 8.	He endeavoured, by conferring favours, to secure the fidelity of such of the Scots as had hitherto remained in his interest	36
1312.	Bruce invaded England, burnt great part of Durham, and threatened to besiege Berwick. Edward II. fixed his residence at Berwick	36
	Bruce took the castles of Butel, Dumfries, and Dalswinton, and many others	36
March 6.&7.	Douglas surpris'd the castle of Rokesburgh	37
14.	Randolph, guided by one William Frank, surpris'd the castle of Edinburgh	38
1313.	The Earl of Athole revolted to the Scots	38

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1313.	May 17. Through the mediation of France, conferences for a truce with Scotland were renewed	39
	23. The Scots ravaged Cumberland	39
June 11.	Bruce subdued the Isle of Man	39
July —	Edward II. attempted to assemble forces for resisting the Scots, but was thwarted by the Earl of Lancaster, and other discontented barons	39
	Such of the Scots as continued in the English interest sent a deputation to Edward II. representing their distresses, and imploring aid. Edward dismissed the deputies with many fair promises	40
Nov. 28.	Edward Bruce, brother of the King of Scots, took the castles of Rutherglen and Dundee, and besieged the castle of Stirling. Philip de Moubray agreed to surrender it, unless relieved on the 24th June 1314	40
	Bruce ratified this singular capitulation	40
1314.	Edward II. made great preparations for the relief of the castle of Stirling. He invited many Irish chiefs to his aid; and he summoned his English subjects in Ireland to join the army under the command of the Earl of Ulster	40
March 26.	He ordered a great army to be assembled for the succour of the castle of Stirling	41
May 27.	Bruce assembled his army at Torwood, between Falkirk and Stirling; and he chose the ground on which he was to combat the English	42
June 23.	Edward II. with his army, came in sight of the Scots, who were posted between Stirling and the stream called Bannockburn.—There were skirmishes, this day, in which the Scots had the advantage.—Bruce slew Henry de Bohun in single combat	45
24.	The two nations fought.—The English were totally routed.—Edward II. fled sixty miles without halting. The Earl of March threw	

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	threw open the gates of his castle of Dunbar to Edward; and conveyed him by sea into England	45—49
	The castle of Stirling surrendered according to treaty.—Moubray, the governour, entered into the service of Scotland	51
	The castle of Bothwell was besieged. The Earl of Hereford, who had taken refuge <i>there</i> after the rout at Bannockburn, capitulated	53
	Edward Bruce, and Douglas, wasted Northumberland, laid the bishoprick of Durham under contribution, penetrated to Richmond in Yorkshire, burnt Appleby, &c. and returned home loaded with plunder	53
August	Edward II. summoned a parliament at Yorke, in order to concert measures for the public security	54
10.	He appointed the Earl of Pembroke, late Guardian of Scotland, to be Guardian of the country between the Tweed and the Trent	54
Sep. 18.	Bruce having made overtures for peace, Edward II. appointed	
October 17.	commissioners to treat with the Scots	54
	The Scots again invaded England, and levied contributions	54
	John Balliol died, leaving his son Edward heir to his fatal pretensions	55
1315.	The Scots invaded England, penetrated into the bishoprick of Durham, and plundered Hartlepool	55
April 26.	The succession to the crown of Scotland was settled in parliament at Air	55—59
July	Bruce besieged Carlisle, but was repulsed. The Scots also failed in an attempt to surprize Berwick	55
	Walter, the Stewart of Scotland, married Marjory, daughter of the King of Scots	60
	The Irish of Ulster implored the aid of Bruce against the English, and offered to acknowledge his brother Edward for their sovereign. Bruce accepted their offers.	60

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1315.	May 25. Edward Bruce landed at Carrickfergus, in the north of Ireland, with 6000 men	60
	Aided by his new subjects, he wasted the possessions of the English settlers	61
June 29.	The Scots stormed, plundered, and burnt Dundalk	61
	They burnt Atherdee, and other places	61
	Richard de Burgh, Earl of Ulster, assembled forces to oppose Edward Bruce	61
July 22.	Edmond Butler, Justiciary of Ireland, having gathered together the forces of Leinster, offered to assist the Earl of Ulster; but the Earl scornfully rejected his assistance	62
Sep. 10.	The Earl of Ulster was surprised and defeated by the Scots at Coyneers	62
15.	Randolph went into Scotland for reinforcements	62
Dec. 6.	Edward Bruce besieged the castle of Carrickfergus.—Raised the siege.—Randolph brought over a reinforcement of 500 men.—The Scots penetrated into Kildare	62—63
Jan. 26.	The Scots defeated the English under the command of Butler the Justiciary, near Arscoll in Kildare	63
Feb. 14.	Edward Bruce was compelled, by want of provisions, to retreat towards Ulster	63
	Roger Lord Mortimer endeavoured to cut off his retreat. The troops of Mortimer were dispersed by the Scots, at Kenlis in Meath	63
March	Edward Bruce acted as Sovereign in Ulster. Randolph went again into Scotland for fresh reinforcements	64
	In the course of this year Bruce subdued the western isles	64
2.	Marjory, daughter of Bruce, and wife of Walter, the Stewart of Scotland, brought forth a son, <i>Robert</i> , and soon after died	65
1316. April 11.	Edward Bruce resumed the siege of the castle of Carrickfergus.	Lord

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- Lord Mandeville entered the castle with succours, sallied out and surpris'd the Scots. While pursuing his advantage he was slain, and the troops of the sally were cut to pieces 65—66
- May 2. Edward Bruce was crowned King of Ireland - 66
31. The garrison of the castle of Carrickfergus agreed to surrender, unless relieved within a certain day; that term having elapsed, they desired the Scots to send a detachment to take possession. They seized the detachment, and persisted in maintaining the castle - - - 67
- Bruce, having committed the charge of his kingdom to the Stewart and Douglas, conducted a reinforcement to his brother 67
- The garrison of the castle of Carrickfergus, after having endured the extremities of famine, surrendered - 67
- October 25. The English appeared in Ulster, and defeated a part of the Scottish army - - - 68
- Feb. 16. Bruce and his brother, by forced marches, entered the province of Leinster, and approached to Dublin.—The inhabitants of Dublin made preparations for defending their city - 68—69
- Feb. 23. The Scots, after having remained some days in the neighbourhood of Dublin, marched to Callen in Kilkenny, and continued their progress to Limerick - - - 70
- March 12. - - -
1317. March 31. The English assembled their whole forces in the neighbourhood of Kilkenny - - - 71
- April 7. Roger Lord Mortimer arrived from England in the character of deputy. He ordered that no attempt should be made against the Scots until he joined the army - - - 72
- May Meanwhile the Scots, having eluded the enemy, retreated leisurely into Ulster - - - 72
- During the absence of Bruce, the English made several unsuccessful attempts against Scotland. The Earl of Arundel invaded the forest of Jedburgh; Douglas drew him into an ambush, and

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and defeated his troops. Edward de Cailaud invaded Teviotdale. Douglas routed his troops and flew him. Robert Neville sallied out from Berwick against Douglas, was defeated and slain. 72—73

The English invaded Scotland by sea, landed near Inverkeithing, and routed the Earl of Fyfe, and others, who opposed their landing. William Sinclair, Bishop of Dunkeld, rallied the fugitives, attacked the English, and drove them back to their ships 73—74

Pope John XXII. despatched two cardinals into Britain to proclaim a papal truce for two years between the English and Scots; and he conferred on the cardinals a discretionary power of excommunicating Bruce, and whomever else they thought fit 74

Sep. The cardinals sent messengers to Bruce. He refused to receive letters not addressed to *the King of Scots*, and dismissed the messengers with a mild, but resolute answer 74—75

Dec. 20. The cardinals sent Adam Newton, a Minorite friar, to proclaim the papal truce in Scotland. The King of Scots turned him back to Berwick unheard. The friar, in his return, was waylaid, stript, and robbed of all his parchments, letters, and instructions 76

18. March 23. Randolph and Douglas, conducted by one Spalding, a malecontent citizen of Berwick, surprised the town of Berwick. The garrison of the castle sallied out to regain the town; but was repulsed, chiefly by the valour of Sir William Keith of Galston 77—79

Bruce attacked and won the castle of Berwick. He committed the defence of the town and the castle to the Stewart 79

The Scots invaded Northumberland, and took the castles of Werk, Harbottle, and Mitford 79

May They again invaded England, penetrated into Yorkshire, burnt Northallerton, Burrough-bridge, Scarborough, and Skipton in Craven, and exacted contributions from Rippon. 79

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June 28.	The Pope commanded Bruce, and his adherents, to be excommunicated for their contempt of the papal truce	80
June 8. and 10.	Edward II. summoned his forces to assemble at Yorke for defence of the country	80
Sept.	A parliament, held at London, appointed an army to be raised, the quotas of soldiers being furnished by the different cities and towns. This army was assembled; but, on account of party-animosities among the soldiers, was immediately disbanded	80—81
Oct. 5.	Edward Bruce, contrary to the opinion of all his officers, fought the English under Lord Bermingham, at Fagher near Dundalk. His army was totally defeated and dispersed, and himself slain	81
Dec.	The death of Marjory, the King's daughter, and of Edward, his brother, made new arrangements necessary as to the regal succession. They were accordingly settled in parliament at Scone	82—83
	Many wise and salutary laws were enacted in that parliament	84—86
	About the same time, the two cardinals, who resided in England, pronounced the sentence of excommunication against Bruce, and his adherents.—From Scotland messengers were sent to solicit the repeal, and from England, the confirmation of this sentence	87
	The Pope having been informed, by the English King, of a correspondence by letters between Avignon and Scotland, imprisoned the Scots who were within his territories, and the persons who had corresponded with Scotland	87
1319.	Robert Count of Flanders refused to prohibit trade with Scotland, 'because Flanders was the common country of all men, and prohibitions as to trade would ruin his people'	87
April 24.	Edward II. obtained leave from the Pope to treat with certain concealed traitors in Scotland	87—88
July 20. 24.	Edward II. resolved to regain Berwick. He requested the prayers of the clergy, together with a great loan, and ordered his forces to assemble at Newcastle upon Tyne	88

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1319.	Sep. 7. The English drew lines of countervallation round Berwick, assaulted the town, and were repulsed	88
	13. They made a general assault, and were again repulsed. The Stewart distinguished himself by his courage and conduct in defence of Berwick	88—90
	Fifteen thousand Scots, under Randolph and Douglas, entered England by the west-marches, wasted Yorkeshire, and fought and overcame the Archbishop of Yorke, and his followers, at	
	20. Mitton near Burrough-bridge	91
	The northern barons, whose estates were most exposed to the inroads of the Scots, forced Edward II. to raise the siege of Berwick. Edward in vain attempted to cut off the retreat of the Scots	91
	Commissioners were appointed for negotiating a treaty between the two nations	92
Nov. 17.	The Pope interposed, and ordered the general sentence of excommunication to be published against Bruce, and his adherents, and also the antient sentence against Bruce for the slaughter of Comyn	92
Dec. 21.	A truce, until Christmas 1321, was concluded between the two nations	92
1320.	April 6. In a parliament held at Aberbrothock, the barons, freeholders, and whole community of Scotland, drew up a letter to the Pope, asserting their independency, and justifying their cause	93—95
	William de Soulis, and other persons of quality, conspired against Bruce. The Countess of Strathern revealed the conspiracy	96
August	The conspirators were tried in a parliament at Scone. Some of them were condemned and executed.—Soulis, and the Countess of Strathern, were imprisoned for life	96
July 12.	The Pope addressed a Bull to Edward II. recommending peace with Scotland	97
		Bruce

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	Bruce, by his ambaffadors, applied to the Pope for a repeal of the sentence of excommunication. The Pope questioned the power of the ambaffadors, but allowed Bruce again to apply	98
A. D. 1320.	Sep. 15. Edward II. appointed commiffioners for treating of peace with Scotland	98
	Nov. 17. Edward II. appointed commiffioners for receiving into favour all the Scots who might be defirous of reconciliation with England;	
	Dec. 11. and granted an indemnity, with few exceptions	98—99
1321.	May 14. Edward II. ftopt certain letters fent by the Pope to Bruce, becaufe they contained expreffions which it was not held fafe to communicate to the Scots	99
	Dec. 7. The Earl of Lancafter entertained a treasonable correffpondence with the Scots	99—100
	The Scots invaded Northumberland, and the Bifhoprick of Durham	100
	Feb. The Earls of Lancafter and Hereford rofe in arms againft their Sovereign	100
	March 16. They were defeated near Borough-bridge by Sir Andrew Hartcla. Hereford was flain. Lancafter yielded himfelf up	101
	22. The Earl of Lancafter was tried, found guilty, and beheaded	101
1322.	March 25. Sir Andrew Hartcla was made Earl of Carlifle, and had a penfion of 1000 marks yearly	101
	Edward II. informed the Pope that he had fuppreffed the rebellion, and was preparing to invade Scotland; and he declared that he would no longer liften to any propofals for a truce	101—102
	Meanwhile the Scots invaded England, penetrated into Lancashire, and fpoiled the country without oppofition	102
	Auguft Edward II. having requested the Pope to enforce the fentence of excommunication againft the Scots, invaded Scotland	102
	Bruce ordered the whole cattle and flocks to be driven off from the Merfe and Lothian, and fixed his camp at Cardrofs, on the north fide of the Frith of Forth	102
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1322.	Edward II. advanced to Edinburgh, but was obliged to retreat for want of provisions. His soldiers plundered the abbeys of Holy-rood and Melros, and burnt Dryburgh. It was computed that one half of the English army died in this campaign. 103.
Sept. 15.	Edward II. appointed Andrew Hartcla guardian of the west marches, and the Earl of Athole of the east - 104.
	The Scots besieged Norham. They surpris'd Edward II. at Biland in Yorkshire, storm'd his camp, and defeated his army 104.
	The Scots wafted Yorkshire, and continued their incursions to Beverly in the East-riding - - 106
Feb. 1.	Andrew Hartcla having engaged in a treasonable correspondence with the Scots, was arrested as a traitor - 106.
5.	Edmund Earl of Kent, brother of the English King, was appointed sole guardian of the marches - 106
27.	Commissioners were appointed for the trial of Hartcla - 107
March 2.	Hartcla was condemned to be degraded, and to suffer as a traitor. This sentence was immediately executed - 107
21.	Edward II. agreed to a cessation of arms ' with the men of Scotland.' But Bruce would not, until he was treated as ' a principal party' - - 108—109
1323. March 30.	Edward II. demanded the opinion of his counsellors, as to the expediency of a truce. Henry de Beaumont refusing to give any opinion, was removed from the council board - 109
30.	The treaty of truce, to endure until 12th June 1336, was concluded, at Thorpe near Yorke - - 109
June 7.	Bruce, under the style of <i>King of Scotland</i> , ratified the treaty at Berwick, with the consent of his bishops, Earls, and barons 110
	Meanwhile, Edward II. requested the Pope to publish the sentence of excommunication against Bruce and his adherents, but the Pope would not - - 110
	Bruce

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1323.	Bruce sent Randolph to the papal court, who prevailed with the Pope to bestow the title of <i>King</i> on Bruce -	111—113
Jan. 13.	The Pope, reflecting that his concessions were too ample, apologized to the English King -	112—113
March 5.	A son was born to Bruce at Dumfermline—named <i>David</i>	114
1324.	April 1. Edward II. remonstrated against the concessions which the Pope had made to Randolph, the Scottish ambassador -	114
July 2.	Edward II. required Edward, the son of John Balliol, to come to his court - - -	115
Nov. 8.	Commissioners appointed for a treaty of peace between the two nations - - -	115
	The Scots prayed to be reconciled to the church. Edward II. prevailed on the Pope to reject their prayer, until restitution of Berwick should be made. But the Scots rather chose to remain excommunicated than to restore Berwick -	116
1326.	The parliament, held at Cambuskenneth, took an oath for the performance of fealty and homage to <i>David</i> , the King's son, and his issue, whom failing, to <i>Robert Stewart</i> -	116
	Andrew Moray of Bothwell, married <i>Christian</i> , sister of the King of Scots, and widow of Sir Christopher Seton -	116
April	Randolph, ambassador from Scotland, concluded an alliance, offensive and defensive, with France, at Corbeil -	116
9.	Walter Stewart, the King's son-in-law, died -	116
Jan. 24.	Edward II. resigned his crown to Edward III. a youth of 15	116
March 4. 8.	Edward III. renewed the negotiations for peace with Scotland, and ratified the truce - - -	116
April 5.	Having received intelligence that the Scots had resolved to infringe the truce, he summoned his barons to meet him in arms at Newcastle, but without discontinuing the negotiations for peace - - -	117
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May 18.	He contracted with John de Beaumont, brother of the Count of Hainault, for a body of heavy-armed cavalry	117
July 12.	He invited Edward Balliol from France	117
15.	He fortified Yorke	117
June 15.	Meanwhile, Randolph and Douglas invaded England by the west marches, with an army of 20,000, chiefly horsemen	118
July 13.	Edward III. with an army of 50,000, came to Durham, in order to oppose the invaders	118
August 1.	The English army came in view of the Scots	119
4.	Douglas surpris'd the English camp at Stanhope-park, and assaulted the King's tent. On being repuls'd, he made good his retreat	120
6.	The Scots, when their retreat appear'd to be cut off, disengag'd themselves by a skilful movement, and retir'd without loss	122
15.	Edward III. having march'd to Yorke, disbanded his army	122
	Bruce besieg'd the castle of Norham. Randolph and Douglas made an unsuccessful attempt on the castle of Alnwick	125
October 9.	Henry de Percy, and others, were appointed plenipotentiaries for concluding a peace with Scotland. The treaty, however, was managed by Mortimer for the English, and Douglas for the Scots	126
Nov. 23.		126
October 26.	Elizabeth, the consort of the King of Scots, died	126
Dec. 10.	The commissioners for the treaty met at Newcastle, and drew up articles of pacification. Edward II. summon'd a parliament to meet at Yorke for deliberating on the articles	126
Jan. 25.	Meanwhile, a short truce was concluded with Scotland	126
March 1.	In the parliament at Yorke Edward II. consented, ' That Scotland ' should remain unto Robert King of Scots, and his heirs and ' successors, free, and divided from England, without any sub- ' jection or right of service'	127

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1328.	April In a parliament at Northampton, peace was concluded with Scotland	127—131
	July 12: In consequence of an article in the treaty of Northampton, David Prince of Scotland, married Johanna the daughter of Edward II. at Berwick	131
1329.	June 7. Robert Bruce, the restorer of the Scottish monarchy, died at Cardross, and was succeeded by his only son <i>David II.</i>	131
	In consequence of the act of settlement 1318, Randolph assumed the character of Regent.	133
1330.	June Douglas had promised to convey the heart of Bruce to the Holy Land: He set out on this expedition: Having heard that Alphonfus, King of Leon and Castile, waged war with the Moors in Granada, he resolved to fight the infidels in his progress to Jerusalem.	134
	Aug. 25. Douglas, incautiously pursuing the enemy, was slain, near Teva, on the frontiers of Andalusia	135—136
1331.	Nov. 24. David II. and his consort Johanna, were anointed and crowned at Scone	137
	Edward Balliol began to revive his pretensions to the crown of Scotland	137
	Mortimer, the great minister in England, having been disgraced, and executed, Edward III. required the Scottish regency, in terms of the treaty of Northampton, to restore the estates of Henry de Beaumont, and Thomas Lord Wake, who had been enemies of Mortimer. The Regent, distrusting the sincerity of the English in the performance of the other articles of the treaty of Northampton, delayed the performance of the article as to Beaumont and Wake	141
	Balliol and the disinherited barons, under the guidance of Henry de Beaumont, resolved to invade Scotland with an army of 400 men at arms, and 3000 infantry, which they had assembled	142
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1332.	March 24. Edward III. would not permit them to march into Scotland, and issued a specious proclamation enforcing observance of the treaty of Northampton	142
	Balliol and his followers, without any obstacle, embarked at Ravenshere in Holderness	142
	Randolph had assembled an army and marched to Colbrandspath, on the frontier of East Lothian; but hearing of the embarkation, he marched northwards	144
July 20.	He expired on his march, at Muffelburgh	146
Aug. 2.	The Scottish parliament, at Perth, elected Donald Earl of Marre to the office of Regent.	147
	9. Edward III. impowered Henry de Percy to punish all his subjects who should presume to array themselves in contempt of his proclamation of the 24th March, and also impowered Percy to arm for repelling an imaginary invasion of the Scots	148
July 31.	Balliol appeared in the Frith of Forth	148
	He landed near Burntisland, in Fife, and routed the Earl of Fife, who, with troops hastily gathered together, opposed the landing	148
Aug. 11.	Balliol encamped near Fort-Teviot, with the river Earn in front	148
	The Earl of Marre, with a numerous army, encamped at Duplin, on the opposite bank of the river. The Earl of March, with another army, approached, and quartered at Auchterarder, eight miles to the west of Fort-Teviot	149
	12. Balliol, being thus in imminent jeopardy, crossed the river by night, surprised and totally defeated the Scots. The Earl of Marre, and many other persons of distinction, were slain	149
	The Earl of Fife having been made prisoner, submitted to the victors	152
	13. Balliol took possession of Perth, and hastily fortified it.	153
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- The Earl of March's troops hurried on to assault Perth ; but, instead of assaulting, blockaded it - - - 154
- John Crabbe, a Fleming, in the service of Scotland, came with a fleet of ten ships to the mouth of the river Tay. He took a ship belonging to Henry de Beaumont. He was soon after defeated, in a general engagement, and his whole fleet was burnt 154
- August 24. The Earl of March abandoned the blockade of Perth, and ordered his troops to disperse - - - 154
- Sept. 24. Edward Balliol was crowned at Scone ; Duncan Earl of Fife and William Sinclair Bishop of Dunkeld assisted at the solemnity 155
- He repaired to the south of Scotland, intrusting the custody of Perth to the Earl of Fife - - - 155
- Oct. 7. James and Simon Frazers, and Robert Keith, surpris'd Perth, and razed its fortifications. The English said that the Earl of Fife, the governour, betrayed the town. - - - 155
- The Scots who remained faithful, conferred the office of Regent on Sir Andrew Moray of Bothwell - - - 156
- Edward III. having been counsell'd by his parliament to draw near the Scottish frontiers, repaired to Yorke - - - 156
- Nov. 23. Balliol, at Rokesburgh, made a solemn surrender of the liberties of Scotland to the English King ; became bound to put Berwick, and its appurtenances, into his hands; offered to marry the Princess Johanna, and to provide for the maintenance of her infant husband, David II. and also to serve the English King in all his wars, excepting in England, Wales, and Ireland 156—157
- He renounced even this exception, on Edward III. becoming bound to maintain him in the possession of Scotland - - - 157
- Oct. 26. Edward III. without mentioning the revolution in Scotland, requested the Pope to prefer Robert de Ayleston to the see of St Andrews, because he was well affected to England, and 'the plighted fidelity of the Scots was frail' - - - 157

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1332.	Dec. 15. Edward III. in addressing the Pope, on another occasion, was silent as to Balliol's submission - - -	158
	14. Just about the same time, he appointed plenipotentiaries to treat with the ambassadors from the Regent and the barons of Scotland - - -	158
	Many of the Scottish royalists submitted to the conqueror. The Earl of March, and Archibald Douglas, obtained a truce until the 2d of February - - -	158
	16. John Randolph, now become Earl of Moray, Archibald Douglas, the youngest brother of the renowned Douglas, together with Simon Fraser, surprised Balliol at Annan. Henry, his brother, was slain; himself, almost naked, escaped into England	158
Feb. 12.	Balliol, now an exile, appointed commissioners to swear to the performance of his promises to the English King - - -	159
March 23.	The Scots having made incursions into the English borders, Edward III. proclaimed that <i>they</i> had violated the treaty of Northampton - - -	159
	9. Balliol, having been joined by many English barons, returned to Scotland, took and burnt the castle of Oxnam in Teviotdale, fixed his quarters near Rokesburgh, and prepared to besiege Berwick - - -	160
	Archibald Douglas, with 3000 men, invaded Cumberland, and wasted the district of Gillelland - - -	160
	Sir Anthony de Lucy made an inroad into Scotland, defeated and made prisoner William Douglas, called <i>the Knight of Liddefdale</i> , near Lochmahen - - -	161
1333.	March 28. Edward III. commanded the knight of Liddefdale to be put in irons - - -	161
	Sir Andrew Moray, the Regent, attacked Balliol's troops at the bridge of Rokesburgh. While attempting to rescue Ralph Golding, who had advanced too far, he was made prisoner	161

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- Archibald Douglas was acknowledged as Regent by the Scots 162
- March 30. Edward III. ordered an army to rendezvous at Newcastle 162
- May 7. He rejected the solicitations of the King of France in behalf of the Scots; and declared, that he was resolved to chastise their outrages - - - 162
20. He ordered the Isle of Man to be seized in his name; and, soon after, he made it over to William de Montague - 163
- Edward III. and Balliol, laid siege to Berwick - 163
- The besieged, although successful in burning great part of the enemies fleet, were reduced to extremities - 164
- July 11. The Regent appeared with an army in the neighbourhood; attempted to relieve Berwick, but in vain; marched into Northumberland, and made an unsuccessful attack on Bamburgh castle, where Philippa, the consort of Edward III. resided 164
- During a general assault, Berwick was set on fire, and great part of it burnt. The inhabitants insisted to capitulate. It was agreed that the town and castle should be surrendered, unless relieved on the 19th of July - - - 164
19. The Regent returned out of Northumberland, attacked the English at Halidon, and was totally defeated. He was made prisoner, and died of his wounds. The Earls of Lenox, Ross, Sutherland, Menteth, Carrick, and Athole, [Campbell], with many other persons of distinction, were slain - 165—167
- Berwick surrendered to the English - 167
26. Edward III. granted his protection to the Earl of March, who had commanded in Berwick, and appointed him to an important office - - - 168
- The castles of Dunbarton, Lochleven, Urquhart, and Kildrummy, with a strong hold in Lochdoun, were the only places in Scotland which remained in possession of the partizans of David II. - - - 168

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1333.	Malcolm Fleming conveyed David II. and his consort, from Dunbarton into France	168
Oct.	Balliol held his first parliament	169
	Edward III. summoned Balliol to his parliament; but Balliol excused himself, by reason of the unsettled state of Scotland	169
Feb. 10.	Balliol held a parliament at Edinburgh	169
	12. In that parliament, the treaty between Balliol, and his liege-lord, was ratified	169
1334. June 12.	Balliol surrendered great part of the Scottish dominions, to be annexed for ever to England; at Newcastle upon Tyne	171
June 15. and 21.	Edward III. appointed officers of justice in his new dominions	172
	18. Balliol did homage to Edward III. for the whole kingdom of Scotland, and the isles adjacent; at Newcastle upon Tyne	172
June 18.	The private estates of Balliol happening to have been comprehended under the general words of Balliol's cession, Edward III. declared them <i>excluded</i> , because he had too much reverence for God, justice, and good faith, to mean that the cession should be prejudicial to private rights.	173
August	A quarrel arose among the <i>disinherited</i> , or <i>claimants</i> , who had supported the cause of Balliol. Alexander de Moubray claimed an inheritance as heir-male of his brother John de Moubray. Henry de Beaumont, Earl of Buchan, and David de Strathbolgie, or Hastings, Earl of Athole, espoused the cause of the heirs-general. Perceiving that they were not heard, they left the court in disgust. Balliol dismissed Moubray, and courted his opposers.	173
	Sir Andrew Moray of Bothwell having been released from captivity, assembled the surviving friends of Scotland. Alexander de Moubray joined him; and Geoffrey de Moubray, governour of Rokeburgh, revolted to the Scots	174

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- Richard Talbot, an eminent person among *the disinherited Lords*, endeavoured to pass into England from the north. He was intercepted, defeated, and made prisoner, by Sir William Keith of Galston - - - - - 174
- The Regent and Sir Andrew Moray, with Moubray, besieged Henry de Beaumont in his castle of Dundarg; and, on his capitulating, allowed him to depart into England - - - - - 174
- The Stewart, who had lain concealed in Bute, took arms, won the castle of Denoon in Argyleshire, and made himself master of Bute, and the territory of Renfrew - - - - - 175
- Godfrey de Rofs, the English governour of Ayrshire, submitted to the Stewart - - - - - 175
- The Earl of Moray had escaped into France after the battle of Halidon: He now returned. The Scots acknowledged him and the Stewart as joint Regents - - - - - 175
- The Earl of Moray suddenly invaded the territories of [Hastings] Earl of Athole, cut off all supplies, and compelled him to surrender. Athole went over to the Scots - - - - - 176
- Balliol again fled to England for protection - - - - - 176
- Nov. 14. Edward III. marched into Scotland to quell the insurgents - - - - - 176
- Dec. Balliol, with a detached body, wasted Avondale, and the neighbouring country - - - - - 176
25. He royally celebrated Christmas at the castle of Renfrew; distributing lands and offices among his guests.—His chief favourite was William Bullock, an ecclesiastic - - - - - 177
- Edward III. led the rest of his army into the Lothians, and ruled at pleasure - - - - - 177
- Patrick Earl of March renounced his fealty to Edward III. - - - - - 177
- John de Strivelin [or Stirling] besieged Alan de Vipont in the castle of Lochleven - - - - - 178

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1335.	June 19. While he was celebrating the festival of St Margaret at Dunfermline, the Scots surprised and destroyed his works	178
	John de Strivelin passionately vowed, never to desist from his enterprise, until he had overthrown the castle, and put the garrison to the sword; Yet he raised the siege	178
	April The Stewart, and the Earl of Moray, Regents, held a parliament at Dairsy, [near Coupar in Fife.] The members, distracted by party-animosities, separated without concerting any general plan of defence	179
	July 11. France had offered her mediation; but the English parliament rejected all terms of peace; and Edward III. again invaded Scotland, and marched, with Balliol, towards Perth	179
	30. Count Guy of Namur landed at Berwick with a body of foreign auxiliaries, and advanced to Edinburgh. He was encountered, and vanquished, at <i>the Borough Muir</i> . He and his troops were allowed to depart, on their promise not to serve again in the Scottish wars	180—181
	The Earl of Moray, Regent, while he returned from escorting Count Guy, was set upon, and made prisoner, by William de Pressen, warden of Jedburgh	181
	August 18. The Moubrays, and others, pretending to have powers from the Earl of Athole and the Stewart, concluded a treaty with Edward III. at Perth	183
	24. Edward III. granted a pardon to the Earl of Athole, restored him to his English estates, and appointed him Lieutenant in Scotland	184
	Athole, invested with new authority, punished the partisans of the cause which he had deserted. He besieged the castle of Kildrumray. Sir Andrew Moray and the Earl of March having collected 1100 men, surprised Athole in the forest of Kilblain. Athole, abandoned by his troops, was slain	185
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1315	Dec. 12. Balliol concluded a treaty with John, Lord of the Isles, on very disadvantageous terms	187
	Edward III. made grants of his new acquisitions to his principal Lords	187
Jan. 27.	After having lent L. 300 to Balliol, he settled a daily pension on him of five marks, to be enjoyed during pleasure	188
	Sir Andrew Moray assembled a parliament at Dunfermline, and was acknowledged by that assembly as regent	188
	A short truce had been granted to the Scots, through the mediation of the ambassadors from the Pope and the King of France, and had been renewed from time to time; nevertheless, the	
March 8.	Scots still kept the field. Edward III. renewed the truce, on condition that the Scots should desist from the blockade of the castles of Coupar and Lochindorp, and not besiege any other fortresses	190
1336.	April 7. Edward III. appointed the Earl of Lancaster to the command of the troops in Scotland	190
	10. He vested him with full powers of pardoning the Scots	190
May 4.	He authorized Lancaster, and others in commission with him, to conclude a short truce with Scotland	190
August.	Edward III. came unexpectedly to Perth, marched into the north, raised the siege of Lochindorp, wasted Moray, and penetrated to Inverness. The Scots avoided encountering him	191
	Meanwhile Thomas Roskeme, a foreigner in the service of England, landed with a body of troops at Dunoter. The citizens of Aberdeen attacked him, and were worsted; but Roskeme fell in the action. Edward, on his return from the north, burnt Aberdeen	191
	Edward III. endeavoured to secure Scotland by a chain of fortresses; and left his brother, John Earl of Cornwall, to command in Scotland	191—192
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1336.	October. The Earl of Cornwall died at Perth -	192
	October. Sir Andrew Moray, the Regent, besieged the castle of Stirling ; but was obliged to abandon the enterprize. -	193
	Sir Andrew Moray won the castles of Dunoter, Laurieston, and Kincleven, and thus broke the chain of the English fortresses	193
	The Knight of Liddesdale attacked Lord Berkeley near Blackburn, but was discomfited, and hardly escaped -	193
	The Scots hired some gallies, at Genoa, to act against the English ; but the Genoese regency burnt them -	193
	A naval armament, fitted out by the partizans of David II. took many English ships near the Isle of Wight, and plundered Guernsey and Jersey - -	194
Feb. 28.	Sir Andrew Moray cast down the tower of Falkland, won the castle of Leuchars, and, after a siege of three weeks, took the castle of St Andrews - -	194
1337.	March. The castle of Bothwell surrendered to the Scots -	195
	Sir Andrew Moray invaded Cumberland, and wasted the country in the neighbourhood of Carlisle. He besieged the castle of E- dinburgh. The English came to its relief; they fought the Scots at Crichton in Mid-Lothian; the Scots kept the field; but their commander, the Knight of Liddesdale, was dangerously wounded; Sir Andrew Moray raised the siege -	195
	Henry de Beaumont, in the north, revenged the death of Athole, his son-in-law, by slaying the Scots who had been at the battle of Kilblain, whenever they fell into his hands - -	196
	A great famine in Scotland: Many persons died of want, and many emigrated - - -	196
August	The wives and children of the Scottish barons who had sought an asylum in Flanders, embarked in two ships to return home, under the guidance of John de Lindesay Bishop of Glasgow; John de	

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1337.	Ros, the English admiral, took them: The Bishop of Glasgow was mortally wounded, and many persons of distinction slain	197
October 7.	Edward III. publicly asserted his claim to France.	197
—7..15.	Meanwhile the Scots were amused with negotiations for peace	198
15.	Edward III. empowered the Earls of Arundel and Salisbury to receive the Scots to pardon and favour	198
Jan, 28.	The Earl of Salisbury besieged the castle of Dunbar, which was bravely defended by the Countess of March, daughter of Randolph	198—200
1338. June 10.	Alexander Ramsay having brought succours into the castle of Dunbar, made a successful sally. The English abandoned the siege, and consented to a cessation of arms	201
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	The Knight of Liddesdale expelled the English from Teviotdale	202
	Sir Andrew Moray, Regent of Scotland, died; Robert The Stewart succeeded him in the office of Regent	202
	The Regent made preparations for besieging Perth, and despatched the Knight of Liddesdale into France to implore aid for the Scots	203
August 4.	Edward III. required Balliol to commit Perth to the care of Thomas Ughtred	203
	Balliol obeyed, and went to reside in England	204
1339.	The Stewart came before Perth. The Knight of Liddesdale returned with French auxiliaries	204
	William Bullock, bribed by the Stewart, yielded up the castle of Coupar, and swore fealty to David II.	205
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1339.	The Stewart, assisted by the counsels of Bullock, besieged Perth.	
	The Earl of Ross, by the artifice of a mine, drained the fossé.	
August 17.	Ughtred capitulated - - -	205
	The Stewart rewarded, and dismissed the French auxiliaries	205
	The Stewart besieged and took the castle of Stirling, where Thomas Rokesby commanded - -	205
	The Stewart made a progress through Scotland for the administration of justice - - -	206
Sep. 26.	Edward III. entered the French territories -	206
	The armies of England and France, after having been in fight for some days, mutually withdrew, at Viron-fosse, in the Cambresis	206
	David II. it is said, was in the French army -	206
1340.	Edward III. having unsuccessfully besieged Tournay, made a truce	
Sep. 25.	with France; in that truce the Scots were comprehended	206
	The Scots, commanded by the Earls of March and Sutherland, made an inroad into England: They were repulsed by Thomas de Gray - - -	206
1341.	April 17. The castle of Edinburgh was surpris'd by a stratagem of William Bullock - - -	207
	May 4. David II. and his consort Johanna, landed from France, at Inverbervie, in Kincardineshire - -	207
1342.	March 30. Alexander Ramsay of Dalwolsy took the castle of Rokesburgh by escalade - - -	208
	David II. rewarded him with the office of sheriff of Teviotdale, which the Knight of Liddeisdale enjoyed -	208
June 20.	While Ramsay held his courts in the chapel of Hawick, the Knight of Liddeisdale assaulted and wounded him, and carried him prisoner to the castle of Hermitage.—Ramsay was starved to death - - -	209
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The Knight of Liddefdale, through the intercession of the Stewart, was pardoned, restored to his office, and made keeper of Rokef-burgh castle - - - 210

During this year, the Scots infested England by frequent inroads :
1. The Earl of Moray burnt Penreth. The King served as a volunteer under him. 2. The King erected the royal standard, invaded Northumberland, received a check from Robert Ogle, and retired ingloriously. 3. A third inroad was repressed by Balliol, lieutenant to the north of Trent - - - 210

The Scots besieged the castle of Lochmaben in Annandale, where Walter Selby commanded. Selby, aided by John Kirkeby, Bishop of Carlisle, and Thomas de Lucy, repulsed the Scots 211

Feb. 20. Edward III. made proclamation, that he had consented to a truce with France, and her allies, until Michaelmas 1346. Military operations were every where suspended - - - 211

1343. August 18. Edward III. began to make attempts on the fidelity of the Knight of Liddefdale - - - 212

1344. August 25. The Scots, weary of the truce, made inroads on the marches : Balliol, with the forces of the north of England, was appointed to oppose them - - - 213

1345. March 15. Edward III. charged Philip King of France, with having aided the Scots, contrary to the conditions of the truce - - - 213

1346. April 24. He declared that the King of France had violated the truce, and he commanded hostilities to be re-commenced - - - 213

David II. instigated by France, undertook to invade England. His army rendezvoused at Perth. The Earl of Ross assassinated Raynald of the Isles, in a monastery, and, abandoning the King's host, led back his followers to their mountains - - - 213

David II. stormed the castle of Lidel, and beheaded Walter Selby the governour, who had alternately plundered and defended England - - - 213

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David II. marched through Northumberland, and wasted the bishoprick of Durham, not even sparing the patrimony of St Cutlibert	214
16. He pitched his camp at Bear Park, within view of Durham, while Edward III. lay before Calais with his best troops	214
William le Zouche. Archbishop of Yorke, with the northern barons, prepared to oppose the Scots	214—215
The Knight of Liddefdale, being on a foraging party, encountered the English forces, and was defeated at Ferry of the hill	215
17. The Scots and the English fought at Nevils cros, near Durham; the Scots were utterly discomfited; David II. was wounded and made prisoner; and many of the Scottish nobility were slain	216—219
20. The English regency appointed commissioners to pardon the Scots and receive their fealty	220
Nov. 20. Some of the English having connived at the escape of their prisoners; this was prohibited, under pain of death	219
Jan. 2. The King of Scots was imprisoned in the Tower of London	220
20. J hn Copland, who took him, and Robert de Bertram who took the Knight of Liddefdale, were amply rewarded	220
The English entered Scotland, took the castles of Rokesburgh and Hermitage, and advanced their posts to the neighbourhood of the low country of the Lothians	220
Balliol, who then resided in Galloway, having been joined by some English troops, wasted the Lothians, Clydesdale, Cuningham, and Niddefdale	221
The Stewart was elected to the office of Regent, in absence of the King	221

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		William Lord Douglas, having returned from France, expelled the English from Douglisdale, the forest of Etrick, and Teviotdale	221
		John de Graham, Earl of Menteth, and Duncan Earl of Fyfe, prisoners at Durham, were convicted of treason. Edward III. together with the warrant for trying them, transmitted to their judges a schedule containing the sentence of condemnation. Sentence was executed against the Earl of Menteth, but not against the Earl of Fyfe.	221—222
1347.	Aug. 4.	Edward III. won Calais, after a tedious siege	222
	Sep. 28.	He concluded a truce with France, to endure, by various prorogations, until the 1st of April 1354. Scotland was comprehended in the truce	222
1348.	April 16.	Negotiations were commenced for procuring the liberty of the King of Scots	222
	October 10.	Queen Johanna obtained permission to visit her husband the King of Scots, after he had been in captivity for two years	222
1349.		The great pestilence reached Scotland	222
1350.		John St Michel and his accomplices assassinated Sir David Berkley at Aberdeen. The Knight of Liddeisdale, it is said, hired the murderers, in revenge of the death of his brother Sir John Douglas, assassinated by Berkley	223
	Aug. 23.	Philip King of France died; succeeded by his son <i>John</i>	223
	March 5.	A treaty was carried on for releasing the King of Scots, and for establishing peace. Balliol in vain protested against this treaty: He was, however, admitted to the conferences	223
1351.	Sept. 4.	The King of Scots obtained a temporary enlargement from prison, on giving hostages	223
1352.		The English engaged in certain dark negotiations with the King of Scots and Lord Douglas	224
		The negotiations proved unsuccessful, and the King of Scots was remanded to prison	225

- A. D. 1352. July 17. The Knight of Liddefdale, while a prisoner, entered into articles of agreement with Edward III. inconsistent with his duty as a Subject of Scotland, [at London] 225—227
1353. Duncan M'Dowal, a powerful chief in Galloway, was induced by Lord Douglas to acknowledge the sovereignty of the King of Scots. Edward III. ordered his estates to be seized, and his goods confiscated 227—228
- Aug. 18. The treaty was renewed for the release of the King of Scots. David II. was permitted to assist at the conferences at Newcastle; but nothing was determined. The Scots, it is said, suspected their King 228
- Aug. The Knight of Liddefdale was assassinated at Galvord, in Etrick forest, by his kinsman Lord Douglas, in revenge, it is said, for the murder of Ramsay and Berkley 228
- July 13. The treaty for the ransom of David II. was finished at Newcastle. The ransom was 90,000 marks, in yearly payments of 10,000 marks. A truce concluded for nine years, in which all the allies of England, and especially Balliol, were comprehended. Twenty young men of quality were given by the Scots as hostages 229
- Nov. 12. The treaty was ratified by commissioners from Scotland 230
- Dec. 5. And by Edward III. and the Prince of Wales 230
- Edward III. about this time, negotiated with Balliol, as well as with David Bruce 230
- Oct. 8. Edward III. secured the possession of Hermitage castle, by a treaty with the widow of the Knight of Liddefdale 230
- March 12. The Scottish government debased the coin. Edward III. issued a proclamation forbidding its currency. This proclamation sets forth, 'that the ancient money of Scotland was wont to be of 'the same weight and alloy as the Sterling money of Eng- 'land' 231
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- April The King of France, in order to procure a breach of the truce, sent Eugene de Garencieres to Scotland with a body of troops, and a considerable sum of money. The Scots agreed to break the truce, and to invade England - 232
- The Earl of March, who had assisted at the treaty with England, was active in forwarding the negotiations with France - 232
- August Taking a pretext from an incursion of Northumbrian borderers into his estates, he ordered Sir William Ramsay of Dalwolsy to pillage the town of Norham. Sir Thomas Gray, the keeper of Norham castle, sallied out, was drawn into an ambush by Ramsay, and, after a courageous resistance, was made prisoner, with most of his followers, at Nisbet in the Merse - 233
- Nov. Thomas Earl of Angus surpris'd the town of Berwick from the sea, while the Earl of March, and the French auxiliaries, assaulted it on the land-side. The town was pillaged - 233
- The Regent came to Berwick, and made provision for its defence. He sent the French auxiliaries home - 234
- Jan. 13. Edward III. expeditiously march'd against Berwick. The garrison obtained favourable terms of capitulation - 234
26. Balliol made an absolute surrender to Edward III. of all his private estates in Scotland, [at Rokesburgh] - 234
- And, on the same day, he surrendered his kingdom and crown to Edward III. - 234—235
- Edward III. became bound to pay 5000 marks to Balliol, and to secure him in an annuity of 2000 pounds Sterling, [at Bamburgh] - 236
- Edward III. after having remained at Rokesburgh for some days, in hopes of the submission of the Scottish barons, march'd into Scotland, desolated the country, and then retreated, not without considerable loss. - 236—237

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1355.	March 15. He issued a proclamation, declaring his resolution to maintain the antient laws and usages of Scotland	238
1356.	After Edward's retreat, the Scots expelled his partizans from the west marches. Roger de Kirkpatrick stormed the castles of Dalwinton and Carlaverock, and reduced Nithsdale. John Stewart, the eldest son of the Regent, reduced Annandale, and Lord Douglas Interior Galloway	238
March 25.	Edward III. appointed the Earl of Northampton, Warden of the marches, and others, commissioners for treating of a peace with Scotland	239
April 17.	Lord Douglas became bound to the Warden not to molest the English, as long as they abstained from hostilities against his estates, and those of the Earl of March	239
Sept. 19.	Battle of Poitiers. The French were defeated, and their King made a prisoner. There was great carnage of the Scots who had crowded to the French standard. Lord Douglas, although wounded, escaped. Archibald Douglas, although made prisoner, escaped unknown	240
Jan. 19.	In a parliament at Perth, the Scots appointed the Bishop of St Andrews, and others, commissioners to treat for the ransom of the King, and for peace	241
March 23.	A truce for two years was concluded between Edward III. and the French King, [at Bourdeaux]	241
1357.	May 8. The Scots, negotiating for themselves, concluded a truce with England for six months	241
June 24.	Sir James Lindesay assassinated, under trust, Roger de Kirkpatrick at Carlaverock castle. He was seized, tried, and executed	242
	Notwithstanding the truce, certain Scotsmen sent out three vessels to cruise against England. They were forced into Yarmouth by a tempest, together with the ships which they meant to seize, and were confiscated	242

- A. D. 1357.
- August. David II. was conveyed to Berwick, where the conferences for peace were held. 242
- The English demanded a ransom of one hundred thousand marks for the King of Scots. 242
- Sept. 26. In a parliament held at Edinburgh, the Scots consented to the demands of the English, and took every method for rendering their consent effectual. 243
- Oct. 3. The treaty was at length concluded at Berwick. The ransom was 100,000 marks, in ten equal yearly payments. Many hostages of distinguished rank were to be given. A truce, until payment of the ransom, was stipulated. 244—245
5. The King of Scots, the nobility, and the boroughs, ratified the treaty. 245
6. The Bishops also ratified it. 245
- Nov. 6. David II. having been released, held a parliament at Scone, laid the treaty before the three estates, obtained their approbation, and then ratified the treaty anew. 245
1358. June 21. The Scottish bishops had engaged to subject the ecclesiastical revenues in payment of the ransom; but the Pope peremptorily refused to ratify their engagement. 245
- July 14. David II. obtained permission from Edward III. to visit England. The Pope granted a tenth of the ecclesiastical revenues in Scotland for three years, towards payment of the ransom, under condition that nothing more should be exacted from the Scottish clergy on that account. 246
1359. June 29. Sir Robert Erskine and Norman Lesley, ambassadors from Scotland, entered into a negotiation with France. It was agreed, that, on Easter-day 1360, the French should pay fifty thousand marks Sterling to the Scots, and that the Scots should renew the war with England. A ratification of the former alliance between France and Scotland was also stipulated, [at the Louvre]

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1360. May 8. The first step that the French took after a treaty so solemn on their part, and so hazardous to Scotland, was to conclude a treaty of peace with the English, [at Breigny near Chartres.] By it the King of France renewed every alliance with Scotland, and the King of England, every alliance with the people of Flanders 248
- Oct. 24. But both Kings protested, that such renunciations should only take place, in the event of the articles of peace being reciprocally fulfilled 248
- Aug. 20. Meanwhile negotiations for a final peace between England and Scotland were commenced 248
- Catharine Mortimer, a favourite concubine of David II. was murdered. Thomas Stewart Earl of Angus, suspected of having been privy to the murder, was imprisoned in the castle of Dunbarton 249
1361. The plague broke out in Scotland. It was computed that one third of the people perished in this general calamity. The Earl of Angus died of it; as also some of the hostages in England 249
- David II. retired to the north of Scotland to avoid the infection. Some differences arose between him and the Earl of Marre. The King besieged and took his castle of Kildrummy; but he soon received him into favour again 249
1362. Johanna, the consort of David II. died childless 250
1363. In a parliament held at Scone, David II. proposed to the three estates, that, in the event of his dying without issue, they should chuse for their King Lionel Duke of Clarence, son of Edward III. The three estates unanimously rejected the proposition. 250—251
- Many of the Scottish nobility now formed associations for their mutual support. The Stewart, in particular, with his own sons, and with the Earls of March and Douglas 251
- The malecontents took up arms, and committed many outrages. The King also armed. The malecontents submitted, and a general

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- general amnesty was proclaimed, on condition that the barons should renounce their associations, become bound to abstain from such confederacies, and renew their oath of fealty 252
- May 14. The Stewart, in particular, renounced his associations, under the penalty of forfeiting all title to the crown of Scotland, &c. 253
- David II. again repaired to London, and involved himself in secret negotiations with England 253
- Nov. 23. The two Kings were present at a conference, in which a plan was formed for settling the crown of Scotland on the King of England for the time being, in default of David II. and his issue male 253—259
- David II. married Margaret Logie, a woman of singular beauty 259
- Feb. David II. visited England, under pretence of performing his devotions at the shrine of the Virgin at Walsingham 260
1364. April 8. John King of France died at London. Succeeded by his son *Charles*. 260
- A treaty was concluded which settled the arrears of the ransom, and the penalties for delay of payment, at 100,000 marks Sterling, to be paid in moities of 6000 marks yearly. But the parties seem to have restricted the sum to 80,000 marks.
- [*Note.*] The truce was prolonged until 2d February 1370-1. 261
1367. Committees of parliament, with parliamentary powers were introduced, under the pretence of general conveniency 261
1369. July 20. The truce between the two nations was prolonged for the farther space of fourteen years; and, it was agreed, that the residue of the ransom-money should be cleared by annual payments of 4000 marks 262
- Feb. 18. In a parliament, at Scone, some wise laws were enacted 262—263
- David II. yielding to the suggestions of his consort, imprisoned the Stewart and his three sons, John, Robert, and Alexander 263

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David II. applied to the Scottish Bishops to be divorced from Margaret Logie. They pronounced sentence of divorce; but she appealed to the Pope, and repaired in person to Avignon to prosecute her appeal. The cause was never determined - 264

On the disgrace of Margaret Logie, the Stewart and his sons were set at liberty - 265

Feb. 22. David II. died in the castle of Edinburgh. And was succeeded by his nephew ROBERT, The Stewart of Scotland 265—266

MISCELLANEOUS OCCURRENCES.

1306

A daily allowance of sixpence was made for the Bishop of St Andrews, while a prisoner in England, of three pence for his serving man, of three halfpence for his foot-boy, and three halfpence for his chaplain - 267

Elisabeth, the consort of Robert Bruce, while a prisoner in England, had a foot-boy to make her bed - 267

1308.

John Duns Scotus, called *Doctor Subtilis*, died, a person excessively admired by his contemporaries, as a teacher of philosophy and theology. - 268

1310.

So great famine in Scotland, that many persons fed on horse flesh 269

One Harding asserted, that his coat armorial had been usurped by one Seintlowe. The question was decided by single combat, in presence of the King of Scots. Seintlowe having been vanquished, acknowledged the right of Harding. [Qu. as to the truth of this incident?] - 269

1314

Five shillings the value of a cow, and six shillings and eight pence the value of an ox - 270

1327.

Fire-arms first employed by the English in their wars with Scotland - 270

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	The manner of living of the Scots during their military expeditions, described by Froiffart	270
1329.	Theft was so frequent, that husbandmen housed their ploughshares every night. Randolph, Regent, in the minority of David II. ordered, that all ploughshares should be left in the fields; and, if stolen, that the county should refund their value. The iron-work of a plough was estimated at two shillings	270
1335.	From a grant by Edward III. of the estate of Edrington, in the Merse, it appears, that, antiently, <i>salmon fishings and mills</i> were extended	271—272
	By an article of the alliance between Balliol and the Lord of the Isles, it was provided, that the Lord of the Isles should have right to stand godfather to any heir of Balliol's body	272
1336.	Alan of Winton forcibly carried off the heiress of Seton. This produced a feud in Lothian. 'An hundred ploughs were laid aside from their labour,' says Fordun	272
	Henry de Lancaster, commander of the English at Berwick, courteously invited the Knight of Liddefdale, and his friends, to partake of the diversion of a tournament. In the course of the sports, the Knight of Liddefdale was wounded, and two Scottish gentlemen and three English were killed	272—273
1339.	A great famine in Scotland; the poorer sort fed on grass; and many were found dead in the fields	273
1340.	The Scots employed cannon at the siege of the castle of Stirling	273
1345.	Ten marks Sterling settled as a stipend on the vicar of Aberdeen	274
1346.	A person pretending himself to be Alexander Bruce Earl of Carrik, slain at Halidon in 1333, appeared in Scotland, and deceived the vulgar. He was convicted as an impostor, and hanged; yet his story still obtained credit	274
1347.	Edward Balliol, and others, engaged to serve the King of England. The daily pay of Balliol was sixteen shillings; of the chief commanders,	

manders,

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	manders, eight shillings; of a banneret, four shillings; of a knight, two shillings; of an esquire, one shilling; of an archer on horseback, four pence. Twenty eight days were reckoned to the month, and ninety days to the quarter	274
1349.	David II. while a prisoner, appeared at a tournament with the badge of a <i>white rose</i>	275
1350.	The great pestilence, which had desolated the continent, reached Scotland	275
	A perpetual annuity of eight marks Sterling, secured on land, was purchased for one hundred and twenty marks	275
1354	Wallace and Prudholm, whom Heron had charged as guilty of horse-stealing, offered to justify themselves by single combat. Heron obtained permission from Edward III. to send two champions into Scotland to prove his charge	275
1355.	After the action at Nisbet, a Frenchman in the service of Scotland, purchased some English prisoners, and privately slew them, in revenge for the death of his father, whom the English had slain in France	276
	Edward III. having permitted Balliol to hunt in the forest of Inglewood, an indemnity was granted to all men who had hunted in his company	276
1356.	A like indemnity was granted as to fishing: It mentioned the species and the size of the fish caught	276
1358.	A great inundation happened in Lothian. A nun of the convent at Haddington, is reported to have stayed the waters by threatening to throw the statue of the Virgin Mary into the river	276—277
1362.	The pestilence again in Scotland	277
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