

NOTES AND ILLUSTRATIONS.

LETTER A, page 4.

IN the present volume, the reader will find many references to the Accounts of the Great Chamberlains of Scotland. Two large quarto volumes of these accounts, which contain all that is yet printed, were politely communicated to me by Mr Thompson, the present Clerk Register, to whose learning and enthusiasm the legal antiquities of the country are under deep obligations. Neither of these volumes has as yet been published, as the Preface and Appendix to be subjoined to each is not yet printed; but when completed, the work will be one of the most valuable which has ever been presented to the student of the history and antiquities of his country. The accounts, indeed, are written in Latin, and, from the innumerable contractions, present themselves in a shape somewhat repulsive to the general reader; but they contain a mass of information upon the state of ancient Scotland, its early agriculture, commerce, manufactures, and upon the manners and habits of the people, which is in a high degree interesting and important. From the extreme minuteness of the details, and the perfect authenticity of the records, there is a freshness and a truth in the pictures which they present, nowhere else to be met with. As a corroboration of this remark, let us take the following specimen from the *Computum Constabularii de Cardross*, vol. i. p. 37. 30th July, 1329.

Item computat in empcione 2 celdrarum frumenti 53 sh. 4 d. Et in empcione 40 celdrarum farine 40 lib. boll pro 15 d. Et in empcione 130 celd. et 8 boll. ordeï, et brasei ordeï, secundum

quod computans declarabit 166 lib. 11 solidi; videlicet 40 celdr. pro 40 lib. celdr. pro 20 solidis et 40 celdr. pro 44 lib. celdr. pro 22 solidis et 40 celdr. pro 46 lib. celdr. pro 23 solidis et 30 celdr. pro 36 lib. celdr. pro 24 solidis et 8 boll pro 11 solidis. . .

Item in empcione 77 martorum, 32 lib. In 7 martis emptis, 56 solidi. Et in empcione 20 martorum pro pastu, 100 solidi. Et pro 5 multonibus emptis, 7 solidi et 6 denarii. Et in 36 salmonibus salsis empt. 18 solidi.

Item pro uno reti empto pro piscibus majoribus et minoribus capiundis, 40 solidi. Item pro maremio empto pro scaffaldis faciendis pro opera novæ cameræ, 3 solidi.

Item in 6 petros crete empt. pro pictura nove Cameræ apud Cardross, 3 solidi. Et in 10 lib. stanni pro clavis ad reparacionem ipsius Cameræ dealbandis et pro vitreo opere fenestrarum ejusdem, 3 solidi et 4 denarii. Et pro 30 ponderibus bosci ad comburendum pro negociis operis vitrei dictæ cameræ, 2 solidi et 6 denarii. Item pro 1 celdr. calcis albe emptæ pro dealbacione dictæ cameræ, 8 solidi.

Item computat pro fabricatione 80 petrarum ferri pro navibus Domini Regis et Comitis Moraviæ, ac pro aliis negociis manerii de Cardross, 26 solidi et 8 denarii, videlicet pro qualibus petrarum 4 denarii. Item, levantibus mala Domini Regis per tres vices, 3 solidi. Item, pro duccione magnæ navis Domini Regis ab aqua in rivulum juxta manerium, ac pro actiliis ipsius navis cariatas, et portatis in manerium de Cardross, 3 solidi. Item, pro 200 plaustratis petarum in æstate anni 1328, 4 lib. Item, pro 200 plaustratis petarum, in omnibus custibus factis circa cariagium earundem usque ad Cardross in anno 1329, 4 lib. . . Item pro custodia 61 martorum interfectorum ut patet inferius per tres septimanas, 12 denarii. Item pro interfectione eorundem, 5 solidi. Item in portagio carcosiorum eorundem in lardarium, 12 denarii. Item Idem computat pro construccione unius porte juxta novam Cameram apud Cardross, 6 denarii. Item pro emendacione et tectura domus cujusdam pro falconibus ibidem cum construccione cujusdam sepis circa ipsam domum, 2 solidi.

Item in construccione cujusdam domus ad opus Culquhanorum Domini Regis ibidem, 10 solidi. Item computat Johanni filio

Gun pro negociis navium Domini Regis, 6 lib. 13 solidi et 4 denarii. Item computat 12 hominibus de Dumbar transeuntibus usque le Tarbart, pro magna nave Domini Regis reducenda, 28 solidi. Item in expensis hominum transeuncium cum Patricio stulto veniente de Anglia usque le Tarbart, 18 denarii.

Even within the small limits of this extract, it will be seen that much curious and interesting information is to be found. The prices of grain, and the quantities furnished for the consumption of the royal household at Cardross, (it will be recollected that Robert Bruce spent there the two last years of his life, 1328, 1329,) the prices of the provisions for the larder, which consisted of marts, sheep, salted salmon, and numerous other articles not in this extract, enable us to form a pretty correct idea of the mode of living at this time. From the next passage, we are not only able to glean some information as to the state of the necessary and ornamental arts, but we obtain, at the same time, an interesting view of the occupations of this great king during the last year of his life. We see him and his illustrious nephew, Randolph, employing their rural leisure in experiments in ship-building and navigation, although the circumstance, that one of the king's *great* ships could be hauled from the frith to the running stream (rivulum) beside the manor of Cardross, gives us a very contemptible idea of the size of these vessels. The house for the king's hawks, and the expenses paid for the journey of Patrick the Fool, from England to Tarbart, are examples of the entries in these records which throw light on the manners of the times. Of the obscure sentence regarding the house which was constructed "ad opus culquhanorum domini regis," I am unable to give any explanation; but innumerable other passages might be selected, which would prove the high interest and value of these accounts.

The first volume contains 543 pages, and its contents, as described in page 2, are as follows:

1. The preface to the volume, with an appendix.
2. Extracts from a roll of accounts in the reign of Alexander the Third, A.D. MCCLXIII.—MCCLXVI., and from a roll of accounts during the Interregnum, A.D. MCCLXXXVIII.—MCCXC. From the originals, now lost, by Thomas Earl of Hadington, clerk register in the reign of James the Sixth.

3. The accounts of the great Chamberlains of Scotland, and of the other officers of the Crown, now remaining in his Majesty's General Register House, arranged in the order of time, from the twentieth year of the reign of Robert the First, A.D. MCCCXXVI., to the death of David the Second, A.D. MCCCLXX.

The second volume extends to 679 pages. Its contents are as follows :

1. Preface to this volume.

2. The accounts of the Great Chamberlains of Scotland, and of the other officers of the Crown, now remaining in his Majesty's General Register House, arranged in the order of time, from the accession of Robert the Second, A.D. MCCCLXXI., to the death of Robert the Third, A.D. MCCCVI.

LETTER B, p. 10.

Death of Randolph.

Barbour, the metrical historian of Bruce, whose work is of the highest authority, informs us that Randolph was poisoned, without adding any particulars.

The lave sa weill mantenynt he,
 And held in pes sa the countre,
 That it wes nevir or his day
 Sa weill, as I herd auld men say.
Bot syne, allace ! pusoynt wes he ;
To see his dede was gret pite.—BARBOUR, p. 423.

Barbour is generally believed to have been born about 1316, and, according to Lord Hailes' conjecture, was fifteen years old at the period of the death of Randolph. I would ask, on what grounds are we entitled to set aside such an authority ?

Winton is supposed, by his able editor, M'Pherson, to have been born about the year 1350, (Preface to Winton's Chronicle, p. 19,) only eighteen years after the death of Randolph. He composed his Chronicle in his old age, having commenced it in 1420, and finished it in 1424. (Ibid. p. 22.) His account is as follows.

“Darefore with slycht thai thoct to gere
 Hym wyth wenenous fell poyson
 Be destroyed, and fel tresoun
 And that thai brocht sune til endyng
 Be sum tresounabill undertakyng ;
 For at the Wemyss, be the se,
Poysonnyd at a fest wes he.”—Vol. ii, p. 146.

This is pretty direct testimony also. Let us next turn, not to Fordun, for he omits all mention of the circumstance¹ of the poisoning, and simply states the death of the Regent, but to his continuator, Bower, who, as we learn from himself, was born fifty-three years after the death of Randolph,² in the year 1385. “Et ideo,” says he, speaking of the designs of the disinherited barons against Randolph, “novam artem confixerunt, et ut Italici ferunt, bello tradimento verius vili effecerunt, ut quidam Anglicus religione corruptus dicto custodi familiaris capellanus, sibi venenum in vino propinaret. Quod et factum est ut supra.” Hailes, in opposition to these respectable authorities, pronounces the story of the death of Randolph by poison to be a silly popular tale, and affirms that he was afflicted in the decline of life with a confirmed stone; that in the progress of the disease he became gradually worse, was seized with colic pains, and at length died. It is singular that this circumstance of Randolph being afflicted with the stone, as well as the minute detail of the progress of the disease, on which Hailes’ whole theory rests, is not supported by an atom of authentic evidence. It rests solely on the authority of *Hector Boece*, whom Hailes in almost every page represents, and truly represents, as a romancer, who is unworthy of all credit. Barbour, Winton, and Bower, say not a word of it, but describe Randolph as being in the active discharge of his duties as governor, when he was suddenly cut off by the treachery of his enemies. Yet this historian does not hesitate to adopt the fabrication of an author whom none can trust, and whom, on other subjects, he never trusts himself, in order to support an attack against the Scottish historians. As

¹ Fordun a Hearne, p. 1018.

² Lib. xiv. c. 50.

for poor Hector, he is treated rather cavalierly, being first compelled to act as an ally, and then summarily put down as a fabricator. In speaking of the Scottish historians, we must be careful to separate Boece and his followers from those who flourished before him. The last class, including Barbour, Winton, Fordun, and Bower, are highly valuable; the first, full of invention and apocryphal details. For instance, Hailes observes, that the Scottish historians pretend that Randolph was poisoned by a vagrant monk from England, and that this was executed with the knowledge of Edward the Third. Now, neither Barbour nor Winton, as we see, say a word of Randolph being poisoned by a monk, far less an English monk; and Fordun, although he lays the crime on an English chaplain, does not allege that Edward was privy to the plot. Boece, however, and those who followed him, assert both facts.

LETTER C, p. 30.

Death of Seton.

Hailes, in his Annals, has omitted the circumstance of Edward the Third having hanged the son of Sir Alexander Seton, reserving it as a historical problem, to be treated of in a separate dissertation. In the dissertation given in the appendix, the fact of Seton's death is established beyond doubt, yet in future editions the scepticism of the text is retained. The result of the dissertation is satisfactory in one way, as it proves that Winton and Fordun are corroborated in every particular by the narrative of the Scala Chronicle. Their account also of Seton being governor of the town, is confirmed by the testimony of the Chamberlain's Accounts.

LETTER D, page 32.

Battle of Halidon Hill.

Extract from a MS. Chronicle of England, down to the time of Henry the Fifth, by Douglas, a monk of Glastonbury.

Ande the Scottes come in this araye in iiii bateilles ageste the II. kingges of Englund and Skottelond, as it is schewed herafter plenely by the names of the Lordes, as ye mough se in this nexte writingge.

In the forewarde of Skottelonde, weren thes Lordes whas names folowenne :

The Erle Moreffe.
James Friselle.
Simonde Friselle.
Water Stywarde.
Ranolde Cheyne.
Patrick Graham.
Jonne Graunte.
James Cardeille.
Patrick Parkers.

Robert Caldecotes.
Philip Meldrum.
Thomas Kyrye.
Gilbarde Wiseman.
Adam Gurdun.
James Gramat.
Roberte Boyde.
Hugh Parke.

} With 40
knightes new
dubbede, vic
men of armes,
and xiii^m
comunes.

In the first parte of the halfe hendeward of the bateille, weren these Lordes folwing :

Stywarde of Scottelonde.
Erle Moneteth.
James hes unkelle.
William Donglas.
David Lindesaye.
Malcome Flemyng.
Wm. Kethe.
Dunkan Kambel.

} With thritty bachelers new
dubbede.

In the seconde parte of the halfe hendewarde of the bateilles, wer thes Lordes :

James Stywarde of Colden.
Alan Stywarde.
William Abbrelim.
William Moris.
Robert Walham.

Jon fitz William.
Adam Mose.
Water fitz Gilberte.
Jon Cherton.

In the III. warde of the bateilles of Skotelonde, weren these Lordes folowinge :

The Erle of Marre.
 The Erle of Rosse.
 The Erle of Straherne.
 The Erle of Southerlande.
 William Kirkeley.
 Jonne Cambron.
 Gilbert Haye.
 William Ramseye.
 William Prentegeste.
 Kirston Harde.
 William Gurdon.
 Arnalde Garde.
 Thomas Dolfine.

With 40 knightes newe
 dubbede, ix men of
 armes, and xv^m co-
 miners.

In the IIII. warde of the bateilles of Skotelonde, were these Lordes whose names folowe :

Archibald Donglas.	Gilbert Schirlowe.
The Erle of Levenax.	Jonne Lindesay.
Alesaunder Brus.	Alesaunder Gray.
Erle of Wiffe.	Ingram Umfreville.
Jonne Cabell.	Patrick Pollesworthe.
Erle of Athelle.	David Wymes.
Roberte Laweder.	Michel Scotte.
William Vipont.	William Landy.
William Launston.	Thomas Boys.
Jonne Lavel.	Roger Mortimer.

With xxx ba-
 chelers, ix^e
 men of armes,
 xviii^m and iii^e
 cominers.

The Erle of Dunbar, keeper of the castle of Berwicke, halpe the Scottes with 50 men of armes. Sir Alisaunder Seton, keeper of the towne of Berwicke, halpe the Scottes with an hundred men of armes ; and the comens of the town, with iiiii men of armes, x^m and viii^e fote menne. The sum of Erles and Lordes amounteth lxxv. The sum of bachelers new dubbede, a c. and xl. The sum of men of armes, iii^m vi^e and i. The sum of

cominers iiii score m. and ii^c. The sum total of alle the pepelle amounteth iiii^{xx} m. xv^m and v^c and v.

And these forsaid fifty five grete Lordes, with iiii bateilles, as it is before descrivede, come alle a fote. And Kinge Edwarde of Englonde, and Kinge Edwarde of Skottelonde, had well paired ther folke in iiii bateilles on fote, also to fighte agenste ther enemys. And then the Englische mynstrelles beten ther tabers, and blowen ther trompes, and pipers pipeden loude, and made a grete schoute uppon the Skottes, and then hadde the Englische bachelers, eche of them ii winges of archers, whiche at that meeting mightly drewen ther bowes, and made arowes flee as thick as motes on the sonne beme, and so thei smote the Skottes, that thei fell to grounde by many thousands. And anone, the Skottes begane to flee fro the Englische menne to save ther pere lyves; butt whan the knaves and the Skottishe pages, that weren behinde the Skottes to kepe ther horses, seyen the discomfiture, thei prikened ther maisters horses away to kepe themselfe from perille, and so thei towke no hede of ther maisters. And then the Englische men towken many of the Skottes horses, and prikened after the Skottes, and slewe them downe righte. And ther men might see the nowbell Kinge Edwarde of Englonde and his folke, hough mannefully they chaseden the Skottes; whereof this Romance was made.

There men mighte well se
 Many a Skotte lightly flee;
 And the Englische after priking
 With sharp swerdes them stiking.
 And then ther baners weren founde
 Alle displayde on the grounde,
 And layne starkly on blode
 As thei hadde fought on the flode.
 But the Skottes ill mote thei
 Thought the Englisch adrenit schulde be,
 For bicause thei might not flee.
 But if thei adrenite schulde be,
 But thei kepte them manly on londe,
 So that the Skottes might not stonde,
 And felde them downe to grounde
 Many thousandes in that stounde,

And the Englishe men pursuyed them so
 Tille the flode was alle a-goo.
 And thus the Skottes discomfite were,
 In litell tyme with grite feere,
 For no notherwise did thei stryve
 But as xx schepe, among wolves fyve,
 For v of them then were
 Agenste ane Englischeman there ;
 So there itte was welle semyng
 Thatte with multitude is no scomfiting.
 Butt with God fulle of mighte
 Wham he will helpe in trewe fighte.
 So was this bi Goddes grace
 Discomfiture of Skottes in that place
 That men cleped Halidoun hille.
 For ther this bateill befelle
 Atte Berwicke beside the towne,
 This was do with mery sounne
 With pipes, trompes, and nakers thereto,
 And loude clarionnes thei blew also ;
 And there the Skottes leyen dede
 xxx m. beyonde Tweed,
 And v m. tolde thereto
 With vii c. xii and mo ;
 And of Englischemen but sevenne,
 Worschipped be God in hevenne !
 And that were men on fote goyng
 By fely of ther oune doyng.
 On Seinte Margete-ys eve, as I yow telle,
 Befille the victory of Halidoune hille.
 In the yere of Gode almighte
 A m. iii c. and ii and thritty.
 Atte this discomfiture
 The Englishe knightes towke ther hure
 Of the Skottes that weren dede,
 Clothes and habergiounes for ther mede,
 And watteever thei might finde,
 On the Skottes thei lefte not behinde
 And the knaves by ther purchas
 Hadde ther a mery solas,
 For thei hadde for ther degree
 In alle her lyffe the better to be.
 Alle thus the bateille towke ending,
 But I cannot telle of the ymgoing

Of the two kinges, where thei become,
 And whether thei wenten oute, or home.
 But Godde that is heven King
 Sende us pes and gode ending !

LETTER E, page 86.

Battle of Durham.

Hailes (Annals, vol. ii. p. 218), in his observations on the conduct of the Steward of Scotland at the battle of Durham, has this passage: "Boece, b. xv. fol. 324, has been pleased to assert, that the Steward 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." Hailes then observes, that the proper vindication of the Steward is, that the narrative of Boece, although not altogether of his own invention, has no warrant from Fordun, or from any English historian of considerable antiquity. I have no desire to support the character of Boece, the most apocryphal of all our historians; but as I have differed entirely, in this part of the history, from the view given of this battle by Hailes, it is necessary to observe, that this has been done on authentic grounds; and I must remark, that this historian had certainly read Fordun's account of the battle of Durham in a very cursory way; for, instead of giving no support to Boece, this ancient chronicler describes the flight of the Steward and the Earl of March in strong expressions. "Omnibus captis," say he, "exceptis Patricio de Dunbar et Roberto Sever Scotis, qui fugam capientes illæsi abierant."—Fordun a Hearne, p. 1038. The Scala Chronicle, a contemporary English authority, of which Leland has given extracts in his Collectanea, also corroborates the account of Fordun. "The Counte of March and the Seneschal of Scotland fled." To say that the Steward fled from the field without striking a blow, would be highly inaccurate, for we know from Winton that he sustained great loss; but that, seeing the day on every side going against

them, he and the Earl of March effected their retreat without attempting to rescue the king, seems to be the fact; and it is quite evident that David never forgave it.

LETTER F, page 157.

The Record of the proceedings of the Parliament held at Perth on the 13th of January, 1364, is extremely curious, and has never yet been published; I therefore subjoin it.

Apud Perth in Domo fratrum predicatorum die tercio decimo mensis Januarii anni dōmini millesimi trecentesimali sexagesimi quarti.

Constitutis et comparentibus coram domino nostro rege tanquam in suo consilio generali venerabilibus in Christo patribus dominis Sancti Andree Donkeldensis Brechynensis Rossensis et Candide case ecclesiarum episcopis De Dunfermelyn de Aberbroth de Passeleto de Scona de Kylwynnyne et de Cupro abbatibus Et dominis Roberto senescallo Scocie Comite de Stratherne, Willielmo Comite de Rosse Johanne Senescallo domino de Kyle, Willielmo de Keth marescallo Scocie Roberto de Erskyn, Archembaldo de Douglas, Hugone de Esglyntoun, Waltero et Alexandro de Haliburtoun, Daud de Grame, Alexandro Senescallo Willielmo de Dyssyntoun, Rogero de Mortemer, Daud Fleming, Daud de Anandia, et Roberto de Ramesay militibus, Alano de Erskyn, Malcolm Fleming, Willielmo de Nevbyggyng, et Willielmo de Melgdrōm, Johanne Wygmer, Adam Tor, Johanne Crab, Adam Pyngle, Johanne Mercer, Johanne Gil, Willielmo de Harden, et Eliseo Falconier, Conuocatisque aliis ad huiusmodi consilium vocari consuetis et ad negocia infrascripta citatis et recitatis articulis siue punctis reportatis a tractatu nuper habito cum rege et consilio Anglie per nuncios vltimo illuc missos videlicet Dominum Willielmum episcopum Sancte Andree Dominum Robertum de Erskyn militem Magistros Walterum de Wardlau et Gillebertum Armistrang prout continetur inferius fuit per modum qui sequitur concordatum

videlicet Quod eorum omnium plena fuit intencio et assensus quod tractatus super bona pace reformanda et habenda perpetuo cum rege et regno Anglie acceptetur per vias modos et condiciones subscriptas, et quod si tractatus huiusmodi super pace forte deficiat, fiat tractatus super treugis habendis per redempcionem regis soluendam, si possit haberi vt inferius est contentum ad quod nuncium faciendum eosdem prenominatos nuncios concorditer elegerunt.

Primo quidem quo ad primum articulum seu punctum reportatum vt permittitur quod scilicet dominis exheredatis existentibus in Anglia de regno Scocie restituantur terre sue *ita ordinatum est ad tractandum* quod quinque persone *alias nominate in diuersis tractatibus* videlicet Comes Atholie, domini de Percy, de Beaumont, de Talbot, et de Ferrers, *pro bono pacis* rehabeant terras suas Eciam pro bona pace habenda quod aliis diuersis videlicet Dominis Godfrido de Roos Patricio Macowlach Edwardo de Lechmere et Willielmo de Westheryngton sint sue hereditates restitute et quod dominus Alexander de Mowbray habeat ad summam centum marcatarum terre Etiam quod ille de regno Scocie qui fuerunt ad pacem regis Anglie videlicet existentes in Marchiis gaudeant terris suis Eciam quod ad terras quas vendicant heredes quondam domini de Walris infra regnum Scocie videtur prenotatis dominis super ipsis esse tractandum et quod si de aliis punctis concordari poterit ad bonam pacem non esse sic standum per hoc vt aliis concurrentibus impediatur tractatus.

Secundo quo ad terras concedendum *filio juniori* regis Anglie concordatum fuit sic esse tractandum quod mille librate terre infra Galwydiam que fuit hereditas quondam Edwardi de Balliolo concedantur eidem hereditarie eciam et similiter de Insula de Man que est valoris mille marcatarum cum tenendiis et pertinenciis earundem quod si ad hoc concordari non possit quin Comes de Salisberi habeat dictam insulam per ipsum tractatum concedatur et tractetur quod dicto filio regis Anglie loco illarum mille marcatarum de Man mille marce stirlingorum per annum de certis redditibus hereditarie sint concesse quousque terre ad eundem valorem sibi valeant assignari ita tamen quod vterque pro eisdem terris sit homo legius domini nostri regis Scocie.

Tertio quod pro bona pace habenda et omnimodis accionibus et reprobacionibus finaliter sedandis ad hoc tractetur secundum quod nuncii domini nostri regis viderint melius expediri vt dominus noster rex faciat guerram fieri ad tempus infra aliquas partes Hybernie ad quas sui commodius accedere poterunt per potenciam vias et modos rationabiles et possibiles consideratis marchiis regni Scocie et Hybernie quibus sibi et suo consilio visum fuerit faciendum.

Preterea de tractatu habendo super pace reformanda si forte premissa omnia non sint accepta per partem aduersam, nec vellet per hoc assentiri ad pacem, volunt predicti domini et vnanimi consensu concordarunt antequam bona pax et perpetua relinquatur, omnino, quod concedatur solucio redempcionis debite tollerabiliter facienda, nec non mutua confederacio regnorum perpetuo, quamuis non per equalem potenciam, que tamen nullo modo sapiat seruitutem, vna cum omnibus supradictis si eorum aliqua nullo modo recindi valeant modificari uel minui per fidelem industriam tractatorum verum concessio terre vallis Anandie que petita est alias relinquatur regie voluntati.

Ceterum concordauerunt predicti domini congregati si forte defecerit tractatus pacis per vias pretactas tractandum esse super treugis et solucione redempcionis reformanda sic scilicet primo quod pro remissione et sedacione omnium penarum et reprobacionum remittantur penitus vinginti mille marche iam solute et deinde quod soluantur per annum quinque mille marche quousque sexies vinginti mille marche sint solute treugis durantibus pro tempore solucionis predicte viz ad vinginti quatuor annos que si non valeant acceptari tractetur postea quod centum mille libre soluantur pro omnibus supradictis remittendo etiam vt supra vinginti mille marchas solutas et incipiendo de nouo vt omni anno soluantur quinque mille marche prorogatis treugis pro toto tempore solucionis vt supra quibus omnibus forte deficientibus affirmetur finaliter quod dictis vinginti mille marchis solutis omnino remissis soluantur centum mille marche infra decem annos quolibet anno videlicet decem mille marche prout in primo tractatu super deliberacione regis extitit concordatum.

Item ordinatum fuit per dictum consilium quod pecunia pro redempcione soluenda sic leuetur vt scilicet tocius lane regni

custuma ad summam octo mille marcharum per annum ad minus ascendere estimetur, que vero custuma si tanta fuerit vel vberior per certos burgenses committendos per regem et eciam per literas sub communi sigillo burgorum de quibus fuerint et sub periculo communitatum eorundem recipiatur in Flandria in moneta regis Anglie ita tamen quod sit aliquis sufficiens ex parte regis ibidem qui astet continue et examinet ad domum ponderandi et sic fiat ibi solucio de octo mille marchis per annum vt in dicto primo tractatu est contentum ita quod intelligatur dicta solucio fieri si processum fuerit ad vltimam viam soluendi aliis recusatis.

Item ordinatum fuit quod fiat eciam contribucio omni anno, durante dicto decennio, sex denariorum de libra per totum, que leuetur per certos collectores annuatim eligendos, nulle persone parcendo, de qua per camerarium et aliam sibi per regem adiungendam personam sumantur. primo ante omnia alia, due mille marche per annum ad solucionem dictarum decem mille marcharum redempcionis complendum, residuum ipsius contribucionis permaneat cum camerario pro necessariis sumptibus domini nostri regis. manuceperunt eciam et efficaciter promiserunt prenominati domini omnes et singuli quod tractatum pacis siue treuge que dicti nuncii inient siue perficient cum rege Anglie et suo consilio per modos et vias prenotatas approbabunt ratificabunt confirmabunt et sub pena reprobacionis et periurii perficient in omnibus et inuiolabiliter obseruabunt et eciam quod ordinacionem factam pro contribucione leuanda et solucione redempcionis facienda tenebunt fideliter et implebunt nec ipsam in se vel in suis hominibus impediunt aut ei in aliquo contradicunt.

Similiter quod non impetrabunt nec exigent clam vel palam pro se vel pro aliis a domino nostro rege aliquas terras wardas releuia vel maritagia fines vel escaetas medio tempore contingentes sed remanebunt integre in manibus camerarii ad vtilitatem regis vna cum residuo dicti contribucionis vt est dictum in casu quo per dictam vltimam viam concordetur super treugis et summa redempcionis soluenda et quia si premissa non seruarentur sed procederetur forsitan in oppositum eorundem manifeste sequeretur annullacio contractus initi in obprobrium et graue dispendium regis prelatorum et procerum necnon destruccionem tocius communitatis regni.

Promiserunt omnes et singuli dicti domini congregati fideliter et tactis sacrosanctis euuangelis personaliter iurauerunt quod contra quemcunque premissa vel premissorum aliquod infringentem impediens seu contradicentem in aliquo cum sua tota potentia insurgent concorditer tanquam contra rebellem regis et rei publice subuersorem ac ipsum infractorem impeditorem seu contradicentem ad obseruacionem predictorum compellent sub pena reprobacionis et periurii vt premittitur et sub pena pariter fidelitatis sue infracte contra regiam maiestatem In cuius rei testimonium sigilla prenominatorum prelatorum et sigilla dicti domini Senescalli Scocie Comitum de Stratharne et domini Patricii Comitum Marchie et Morauię et domini Willielmi Comitum de Douglas qui ad premissa omnia et singula suum consilium adhibuerunt et consensum in presencia domini nostri regis apud Edenburgh corporali prestito iuramento licet personaliter non interfuerit cum ordinarentur primitus apud Perth vna cum sigillis domini predicti Comitum de Ross et aliorum procerum predictorum nec non communibus sigillis burgorum de Edenburgh Abridem Perth et Dunde presentibus sunt appensa Acta et data anno die et loco predictis.

LETTER G, page 165.

ORDINATIO CONSILII.

Octauo die Maii anni millesimi trecentissimi sexagisimi sexti apud monasterium Sancti Crucis.

Fuit per consilium ordinatum In primis quod cum super quatuor punctis videlicet homagio, successione, regni demembra-
 cione, ac subsidio gencium armorum perpetuo, per regnum Scocie regno Anglie et eciam infra propria duo regna et vltra per regnum Scocie extra regnum Anglie impendendo, fuisset aliquandiu tractatum, *finaliter refutatis primis tribus punctis tanquam intollerabilibus et non admissibilibus deliberatum* extitit fore super quarto puncto tractandum per nuncios a parlamento mittendos cum modificacione possibili habenda super eodem quarto puncto et in casu quo per quartum punctum tolerabiliter modificatum

finalis pax haberi non valeat vt petitur deliberatum, extitit quod iterum taxentur secundum verum valorem et antiquum per totum regnum terre et redditus tam ecclesiastici quam alii, et ipse taxationes ad parlamentum presententur, et eciam quod scribatur vicecomitibus quod ad certos dies sibi nominandos in scripto citari faciant coram ipsis diuites patrie et plebanos qui ad parlamentum non erunt, nec voluerunt permittere interesse ibidem, ad quos dies eciam erunt certe persone deputande per regem vel camerarium, et queratur a quolibet singillatim et ponatur in scripto quantum quisquis dare voluerit gratis ad redempcionem regis infra tres annos proximo futuros complete soluendam, et ipse donaciones ibidem pariter presententur, ad finem quo dicto tractatu pacis deficiente, habeatur saltem in fine quatuor annorum quibus treuge sunt iam firmate totum residuum redempcionis Domini nostri regis in promptu soluendum vt vitari valeant omnes reprobaciones et pene si que per partem aduersam possent inpingi vel peti per instrumenta super magnis treugis et liberacione regis confecta.

DE MONETA FABRICANDA.

Item quod fabricetur moneta de materia iam allata in regnum talis qualem fecit magister Jacobus in pondere et metallo ita quod in hiis equipolleat monete currenti in Anglia et fiat in ipsa signum notabile per quod possit ab omni alia prius fabricata euidenter cognosci quousque in proximo parlamento possit super hoc maturius ausari Et interim super mercede monetarii et operariorum conueniat camerarius pro parte regis cum ipsis prout melius poterit conuenire.

LETTER H, page 171.

Parlamentum tentum apud Sconam vicesimo die Julii anno gracie millesimo trecentesimo sexagissimo sexto et regni Domini nostri regis David tricesimo septimo summonitis et vocatis more debito et solito episcopis abbatibus prioribus comitibus baronibus libere tenentibus qui de Domino nostro rege tenent

in capite et de quolibet burgo certis burgensibus qui ad hoc fuerunt ex causa summoniti comparentibus omnibus illis qui debuerunt potuerunt vel voluerunt commode interesse absentibus vero quibusdam aliis quorum aliqui legitime excusati fuerunt aliqui vero quasi per contumaciam absentarunt videlicet Wilhelmus Comes de Rosse Hugo de Ross Johannes de Insulis Johannes de Lorn et Johannes de Haje.

Cum ipsum parlamentum principaliter inter cetera fuerit statutum ad deliberandum de consensu et assensu illorum quorum supra super tractatu pacis habendo cum rege et regno Anglie in forma et super punctis vltimo reportatis per nuncios et super plenaria solucione redempcionis domini nostri regis facienda in fine treugarum iam per triennium duratarum in casu quo pax interim reformari aut vlteriores treuge haberi non poterunt et super necessariis expensis regis et suorum nunciorum tunc mittendorum in Angliam Primo et principaliter super negociis pacis fuerat ordinatum quod nuncii adhuc mitterentur in Angliam qui fuerunt nuper illic videlicet dominus episcopus Sancti Andree Dominus Robertus de Erskyn Magister Walterus de Wardlau et Gillebertus Armistrang sicut aliam planam commissionem habentes ad tractandum de pace vt bona et perpetua possit firmari inter regna concedendo omnia que in primo instrumento facto sub sigillis dominorum fuerunt pro pace concessa et vltra tractando super quarto puncto videlicet subuencione guerratorum mutuo facienda quanto melius et ad minus grauamen fieri poterit sicut in vltimo instrumento sub sigillis vt supra inde facto super eodem puncto onerati fuerunt.

Et vlterius hoc tractatu deficiente ad tractandum super prorogacione treugarum ad viginti quinque annorum exitum soluendo summam redempcionis que restat soluenda videlicet quolibet anno quatuor millia librarum vt habebatur alias in tractatu. Quantum vero ad secundum punctum sic ordinatum fuit, quod cum iam habeatur in certo per presentaciones hic factas tam antique extenti quam veri valoris omnium reddituum ecclesiarum et terrarum tam ecclesiasticarum quam mundanarum taxentur eciam omnia bona burgensium et husbandorum preter oues albas ad presens, et infra festum natiuitatis beate virginis proximo

futurum apud Edinburgh consilio presententur et tunc habita totali summa veri valoris omnium bonorum tocius regni ordinabatur contribucio leuenda generaliter et adequabitur libra libre vt leuentur extunc incontinenti octo mille marce ad expensas regis et ad eius debita soluenda in regno, et ad expensas nunciorum et non plus, cum magna custuma ordinetur ad dictam solucionem quatuor mille librarum pro redempcione vt premittitur facienda quousque nuncii reuertantur et ex hoc posset ordinacio quo ad tercium punctum videlicet. Quod cum dominus noster rex ordinauerit pro certiori magnam custumam suam ad solucionem dictarum quatuor mille librarum pro sua redempcione facienda, per annum, dicte quatuor mille libre leuentur de dicte contribucione leuenda et duo millia marcharum eciam de eadem contribucione mille marche videlicet ad soluenda debita regis et ad expensas suas interim faciendas et mille marce ad expensas nunciorum que quidem duo millia marce sic mutuata fuerunt vt haberentur in promptu videlicet per barones mille marche per clerum sexcente marche et per burgenses quadringinte marche que sibi refundentur cum dicta contribucio fuerit leuata. Plegiis ad solucionem faciendam burgensibus Domino Roberto de Erskyn et Domino Walterro de Bygar camerario Scocie.

Et fuit in dicto parlamento ad instanciam trium communitatum per regem expresse concessum et eciam publice proclamatum primo quod vniciuique fiat communis iusticia sine fauore cuiquam faciendo et absque accepcione cuiuscunque persone et quod litere que emanauerint de capella regis aut aliter per alios ministros quibus incumbit facere iusticiam pro iusticia facienda non reuocentur per quascunque alias literas sub quocunque sigillo sed quod liceat ministris quibus tales litere destineantur ipsis non obstantibus iusticiam facere ac ipsas remittere indorsatas.

Item quod cum communitates se iam onerauerint ad tam onerosam solucionem faciendam tam pro redempcione domini nostri regis facienda, quam pro ipsius et nunciorum suorum necessariis et expensis, nichil de hiis que ad hoc ordinantur applicetur ad vsus alios quoscunque ex dono remissione vel aliter sed solum ad ea ad que sunt vt premittitur singulariter ordinata.

Item quod viri ecclesiastici et terre sue elemosinate gaudeant

suis libertatibus et priuilegiis et quod nulla alia onera vel impositiones sint eis imposite vltra onera in parlamento concessa et si qui sint impeditores assedacionis decimarum quod arceantur per regem ad querelam ipsorum qui in hoc grauati fuerint sic quod suis decimis possint pacifice et cum integritate gaudere sub pena excommunicacionis quo ad clerum et decem librarum penes regem.

Item quod nichil capiatur a communitatibus ad vsus regis sine prompta solucione nec eciam aliqua capiantur ad pricam nisi vbi et secundum quod fieri consuevit et debet fiat infra tempus consuetum et debitum solucio prompta et debita pro eisdem.

Item quod isti rebelles videlicet de Atholia Ergadia Baydenach Lochaber et Rossia et alii si qui sint in partibus borealibus aut alibi arestentur per regem et ipsius potenciam ad subeundam communem iusticiam et ad contribucionem specialiter exsoluendam et aliter corigantur prout ad pacem vt vtilitatem communitatis et regni magis fuerit oportunum.

Item quod omnes officarii regis videlicet vicecomites et alii inferiores ministri tam infra burgum quam extra obediant camerario et aliis superioribus ministris sub pena amocionis eorundem ab ipsorum officiis sine spe restitutionis imposterum ad eadem.

Item quod non mittantur aliqui cum equis ad perhendinandum cum religiosis rectoribus vicariis aut husbandis nec aliqui cum quibuscunque equis mittantur in patriam qui consumant bona blada vel prata husbandorum vel aliorum aut aliquis hoc facere presumat sub pena que pro huiusmodi debet infligi pro quantitate delicti et qualitate persone.

Item quod remissiones regis concesse vel concedende pro quibuscunque transgressionibus sint casse et nulle nisi satisfiat parti infra annum a data earundem nisi forte manifeste steterit per illos quorum interest et de hoc illi quibus concesse fuerint remissiones huiusmodi fecerint sufficientur doceri.

Item quod camerarius faciat in singulis burgis iuxta locorum facultates de hospitiis competentibus prouideri.

Item quod nullus prelatus comes vel baro vel alius cuiuscunque condicionis existat ecclesiasticus vel secularis equitet cum maiori familia in personis vel equis quam deceat statum suum

ad destructionem patrie quodque nullus ducat secum lanceatos vel architenentes equitando per patriam nisi causa rationabilis subsistat de qua ministris regis super hoc questionem facientibus fidem facere teneantur sub pena incarcerationis corporum eorundem.

Item quod quilibet iter faciens siue moram per regnum solutionem faciat suis hospitibus et aliis de quibuscunque receptis et expensis suis vtrobique rationabiliter et secundum forum patrie sic quod exinde nulla iusta querimonia audiatur sub pena.

Item quod dominus noster rex faciat omnia et singula prenotata sub sigillo suo in scripto redigi et per singulos vicecomites publice proclamari.

LETTER I, page 174.

Acta in parlamento tento apud Sconam vicesimo septimo die mensis Septembris cum continuacione dierum anno gracia millesimo trecentesimo sexagesimo septimo conuocatis tribus communitatibus regni congregatis ibidem Quedam certe persone electe fuerunt per easdem ad parlamentum tenendum data aliis causa autumpni licencia ad propria redeundi videlicet.

Ex parte cleri electi fuerunt domini episcopi Sancti Andree Glasguensis Morauiensis Brechinensis Cancellarius et Dumblanensis Prior Sancti Andree, Abbates de Dunfermelyn, de Aberbroth, et de Lundors, de clero eciam Sancti Andree, prepositus Sancti Andree, et Magister Alexander de Caroun de clero Glasguensis, Dominus Johannes de Carric Procurator Episcopi de Dunkelden cantor eiusdem, Procurator Episcopi Abirdonensis Magister Dauid de Marre, et Procurator Episcopi Rossensis, Decanus eiusdem.

Pro parte vero baronum Domini Senescallus Scocie Comes de Stratherne, Comes de Marr, Domini de Kyle et de Meneteth, Domini Willielmus de Keth marescallus Scocie, Robertus de Erskyn, Archibaldus de Douglas, Walterus de Lesley, Walterus de Haliburtoun, Hugo de Esglyntoun, Dauid de Grame, Duncanus Wallays, Dauid Walteri &c absentibus contumaciter Comitibus de Marchia, de Ross, et de Douglas.

Et pro parte burgensium electi de Edynburgth Adam de Brounhill, et Andreas Bec, de Aberden, Willielmus de Leth, et Johannes Crab, de Perth, Johannes Gill et Johannes de Petscoty, de Dunde, Willelmus de Harden, et Willielmus de Innerpeffre, de Monross, Elisieus Falconar et Thomas Black, de Hadyngstoun Johannes de Heetoun et Magister Willielmus de Tauernent, et de Lychcu Thomas Lethe.

Cum super tribus punctis determinandis fuerit presens parlamentum ordinatum principaliter teneri. Primo videlicet quo ad modum viuendi regis, super quo dicti domini congregati deliberant per hunc modum videlicet quod vt dominus rex viuere possit, et debeat sine oppressione populi, omnes redditus firme, cane, custume, foreste, et officia ac alia emolumenta quecunque ac omnes terre tam dominice quam alie, in quorum possessione vt de feodo immediate recolende memorie dominus rex Rober-tus pater domini nostri regis qui nunc est, fuit tempore mortis sue, et quarum possessio siue proprietas ad jus et proprietatem corone tempore regis Roberti, aut tempore regis Alexandri, pertinere consuevit et debuit, cum reuersionibus debitis, ratione corone, et que reuersiones medio tempore contigerunt, eciam si dicte terre redditus et firme cane custume foreste et alia emolu-menta que supra sint per dictum quondam dominum regem Ro-bertum aut per dominum nostrum regem qui nunc est, aliquibus personis vel locis donata vel concessa ad certum tempus iam transactum vel sub certa limitatione condicione seu talliacione finita et extincta, et similiter terre per ipsum dominum nostrum regem vel suum camerarium assedate ad tempus, licet terminus seu exitus nondum venerit, plene et integre ab illis qui eas et ea hactenus habuerunt et ab omnibus aliis imposterum ad dictum nostrum regem et suam coronam reuocentur et redeant, cum ec-clesiarum aduocacionibus, et debitis antiquis seruiciis perpetuo remansure, nec vnquam concedantur illis aut aliis nisi solum ex deliberacione et consensu trium communitatum. Et si illi quibus terre huiusmodi fuerunt concesse, habeant iam ipsorum aliquas in sua propria cultura, redactas, non assedatas ad firmam, compellantur ad soluendum tantam firmam ad terminum Sancti Mi-chaelis proximo futurum pro ipsis terris pro quanta ille terre vel alique alie eque bone, posent in presenti rationabiliter et fide-

liter assedari, et quod omnes warde releuia maritagia et escaeta ac exitus curiarum regis quarumcunque remaneant ad sustentationem domus sue in manibus camerarii pro vtilitate domini nostri regis disponenda, et cum dominus noster rex aliquem pro merito promouere vel remunerari voluerit, hoc fiat tantum de mobilibus et cum bona deliberacione consilii si quis autem remuneracionem seu promocionem a domino rege impetrauerit et ipsum male informauerit de valore uel summa cum fuerit compertum quod ipse valor vel summa maior fuerit per quantitatem excessiuam ita quod impetracio illa surreptitia possit notari ipsam promotionem seu remissionem omnino amittet et reprobacionem incurret merito debitam in hoc casu; aut si aliquis impetrauerit a domino rege de dictis demaniis, seu terris reuersionibus et reuocationibus aliquam partem notabilem tanquam a rege et suo consilio, reprobandus penam subibit debitam et carebit nichilominus impetracione.

Item deliberant pro vtilitate communi quod omnes regalitates libertates, infeodaciones, infeodacionum innouaciones, per quas warde, releuia, maritagia, secte curiarum aut alia quecumque seruicia communia domini nostri regis diminuta sunt in aliquo vel subtracta post mortem domini dicti regis Roberti, quibuscunque partibus; de nouo concessa reuocentur et cessent, omnino, et seruicia subeant communia cum vicinis prout facere consueuerunt ante concessam huiusmodi libertatem antiquis regalitatibus libertatibus et immunitatibus in suo robore permansuris, et quod omnes carte et munimenta super reuocacionibus et reuersionibus vel aliqua eorum confecte vel confecta hactenus, reddantur et restituantur apud Perth in scaccario, ibidem tenendo, in manus cancellarii et camerarii, infra quindecim dies festum epiphanie domini proximo futurum immediate sequentes, et nichilominus si alique carte vel munimenta huiusmodi penes personas aliquas abinde remanserint non reddite vel non reddita ex tunc casse irritae et nulle cassae irritae et nulla habeantur et perpetuo nullius sint momenti.

Secundum punctum videlicet quantum ad municionem castro- rum requiratur in paruo registro. Quantum vero ad tertium punctum videlicet disposicionem et statum regni deliberant quod si aliqua motiua de nouo occurrant pro parte regis Anglie vel

pro parte nostra vltra alios tractatus per nuncios regni et per communitates negataque inducere poterunt bonam rationabilem et tollerabilem pacem vel treugarum prorogacionem vtilem habeant dominus noster rex et illi quos ipse ad tunc propinquius habere poterit de suis consiliariis juratis vicem et protestatem liberam prelatorum et procerum in hoc parlamento congregatorum eligendi nuncios et taxandi eorum expensas secundum laborem et negociorum exigenciam et personarum eligendarum qualitatem et statum absque conuocacione super hoc parlamenti seu alterius consilii cuiuscunque, et quod propter promptitudinem et certitudinem solucionis redempcionis habende tota magna custuma leuatur ad ipsam solucionem faciendam videlicet viginti solidi de sacco. Et ordinatur quod ad nullum aliud applicetur, et vt patet ex deliberacione et ordinacione premissorum, cum ipsis demaniis alia propria domini regis redire debent ad manus suas, et reuerti. Inter que comprehenditur dimidia marca que solet solui de sacco lane, et sic proportionaliter de aliis mercandisis consimilibus ad custumas. Habeant eciam dominus rex et illi quos ipse ad tunc propinquius habere poterit vicem et potestatem, vt supra ad ordinandum quasi per communem contribucionem leuari quantum recompensare valeat cum domino nostro rege ad sustentacionem domus sue, pro illa dimidia marca de custuma recepta ad solucionem redempcionis antedictę, quando scilicet saccum ad plenum videlicet in exitu scaccarii in proximo tenendi de custuma integra mercatorum ad quantum videlicet ascenderit vsque ad nonam lanam. Et sic si quid ad dictam recompensacionem faciendam leuatum aut contributum fuerit non erit tanquam ad expensas domus regis sed ad supplecionem redempcionis eius tantum vt patet ex precedentibus ad quam solucionem redempcionis tota communitas obligatur.

NOTE L, page 181.

Parlamento tento apud Sconam duodecimo die mensis Junii cum continuatione &c. anno domini millesimo trecentesimo sexagesimo octauo conuocatis prelatiis proceribus et burgensibus qui tunc voluerunt et potuerunt personaliter interesse aliis per commissarios comparentibus aliis autem contumaciter absentibus.

Cum per relationem nunciorum nuper missorum ad curiam et presenciam regis Anglie domino nostro regi et toti communitati fuerit expresse nunciatum, quod non proficit inire nec attemptare tractatum cum rege et consillio Anglie super pace habenda, nisi per deliberacionem et commissionem generalis consilii regis, et regni mittatur ad tractandum in bona fide super vno quatuor punctorum, principaliter, concedendo alias per ipsos aduersarios petito vna cum aliis diuersis articulis ipsis punctis adiunctis ex parte omnium congregatorum in parlamento presenti. Habito per quatuor dies, et amplius, super premissis diligenti consilio et deliberacione matura deliberatum, fuit finaliter, quod cum adhuc restent treuge siue inducie vltimo capte et concordate inter regem et regnum vsque videlicet ad festum Purificacionis proximo futurum et deinde per vnum annum continuum et a tunc vsque rex fuerit per regem Anglie sub magno sigillo suo per dimidium anni spacium ante incepcionem guerre premunitus, non adhuc oportet nec expedit inire nec attemptare tractatum super aliquo ditorum punctorum concedendo, que alias in pleno parlamento ad quod plures et maiores interfuerunt quam nunc sunt hic presentes per tres communitates vnanimiter fuerant denegata, *que tanquam inconueniencia, intolerabilia et impossibilia obseruari reputabantur et expressam, inducencia seruitutem*, verum non deliberant quin aliter forte aliis deficientibus secundum quod tunc opportunum et expediens visum fuerit, possit attemptari in bona fide tractatus super ipsorum punctorum aliquo, cum punctis, articulis et moderacionibus, seruitutem per Dei gratiam finaliter expellentibus si opportuerit concludendum.

Item deliberant quod quia necessarium est prouidere atque disponere super et pro defensione regni omnes dissensiones mote inter magnates et nobiles aliter quam per viam iusticie communis festinanter sopiri debeant et sedari per regem ita quod nullus inquietet alium aliter quam per processum communis iusticie quam quidem dominus noster rex vnicuique debeat semper administrare equaliter sine fauore aliquo et acceptione personarum.

Item diliberant quod insulani et illi de superioribus partibus compescantur per regem et Senescallum Scocie ne dampna inferant aliis sed quod in euentu guerre *possint communitates tu-*

tum habere refugium inter eos. Et sic dominus noster rex ibidem viua voce precepit et iniunxit expresse Senescallo Scocie, Comiti de Marre, Johanni Senescallo Domino de Kyle, et Roberto Senescallo, Domino de Meneteth, in fide et ligiancia quam sibi debent et sub pena que incumbit quod ab omnibus existentibus, infra limites dominiorum suorum seruent communitates regni indempnes. Et quod scienter voluntarie seu in quantum obsistere poterunt malefactores aliquos dampna aliis illaturos per ipsos limites transire aut in ipsis receptari non permittant sub pena vt supra.

Item quod dominus noster rex statim sine more dispendio faciat Johanni de insulis per modum tactum inter ipsum et Senescallum Scocie ibidem et similiter Johanni de Loorn ac Gillaspic Cambel venire ad suam presenciam, et de ipsis securitatem capiat sufficientem per quam tota regni communitas ab eis et suis hominibus et adherentibus et quilibet eorum ab alio de cetero sint indempnes. Et eciam faciat quod ipsi et sui homines subeant labores et onera cum suis comparibus et vicinis.

Preterea videtur dictis dominis congregatis ad cautelam et securitatem maiorem quod dominus noster rex debeat scribere statim adhuc, cum instancia, regi et consilio Anglie super diebus reparacionum et emendacionum petendis teneri et assignandis de dampnis et iniuriis factis et illatis super marchiis iuxta colloquium factum inter ipsos in parlamento presenti.

Et deliberant quo ad custodias marchiarum quod statim dominus noster rex habeat consilium cum Comitibus Marchie et de Douglas alias constitutis custodibus marchiarum in oriente licet non sint iam bene dispositi ad laborem et secundum auisamentum eorum et consilium custodes constituat celeriter et prudenter sed in occidentibus partibus remaneat Dominus Archibaldus de Douglas custos sicut prius.

Et quantum ad castra deliberant, quod dominus noster rex mittat cum camerario Scocie hos milites subscriptos videlicet Dominos Waltherum de Lesly, Waltherum de Haliburtoun, Hugonem de Es Clintoun, et Waltherum Moygne vna cum custodibus castrorum quos ipse dominus noster rex habere voluerit ad quatuor castra regia, videlicet Lacus de Leuyn, Edynburgh, Striue-lynn, et Dunbartan, visitanda et quod secundum quod per visum

ipsorum dicta castra indiguerint tam in hominibus tempore guerre quam in municione murorum in victualibus instrumentis et aliis necessariis ad ipsa castra debite et decenter tenenda contra hostes sine dilacione aliqua eis faciat prouideri. Et quod aut per dictos milites aut per alios prouidos et circumspectos rex faciat indilate visitari alia castra et si inuenerint ea defensibilia et inexpugnabilia inter ipsum et dominos in quorum dominiis siue custodiis ipsa castra fuerint situata ordinetur celeriter de municione ipsorum tam in hominibus quam in victualibus et aliis necessariis vt supra finanter absque more dispendio precipiat ea perstrui sub pena, &c.

Est eciam ordinatum quod quia non adhuc videbatur expediens communitati imponere contribuciones aliquas vel collectiones debeant leuari de sacco lane viginti sex solidi et viii^{to} denarii ad custumas regis et sic proportionaliter de coriis & pellibus custumandis quousque cessatum fuerit a solucione redempcionis vel aliter pro expensis domus regis ordinatis. Et quia in quibusdam partibus non sunt oues sed animalia alia habundant ordinant quod in partibus illis leuetur vna summa martorum ad expensas dicte domus que iuxta visum peritorum de consilio equipolleat oneri quod incumbit lane ouium in custuma.

Ordinatum est discussum et publice proclamatum in presenti parlamento quod omnes processus facti super iudiciis contradictis quorum discussio et determinacio ad parlamentum pertinent presententur cancellario ante parlamentum proximum tenendum. Et quod omnes partes ad proximum parlamentum compareant ad audiendum et recipiendum determinaciones ipsorum. Et discernitur quod ista premunicio seu proclamacio preualet citaciones ac si mitteretur per breue de capella regis.

NOTE M, page 185.

Vniuersis presentes literas inspecturis Johannes de Yle Dominus Insularum salutem in omnium saluatore Cum serenissimus princeps ac dominus meus metuendus dominus Dauid Dei gracia rex Scottorum illustris contra personam meam propter quasdam negligencias meas commissas commotus fuerit propter quod ad ipsius domini mei presenciam apud Villam de Inuernys die quin-

to decimo mensis Nouembris anno gracie millesimo trecentesimo sexagesimo nono in presencia prelatorum et plurium procerum regni sui accedens humiliter ipsius domini mei voluntati et gracie me optuli et summi de huiusmodi negligenciis remissionem et gratiam suppliciter postulando Cumque idem dominus meus ad instanciam sui consilii me ad suam beneuolenciam et gratiam graciose admiserit concedens insuper quod in possessionibus meis quibuscunque remaneam non amotus nisi secundum processum et exigenciam juris Vniuersitati vestre per presencium seriem pateat euidenter, quod ego Johannes de Yle predictus promitto et manucapio bona fide quod de dampnis iniuriis et grauaminibus per me filios meos et alios quorum nomina in literis regiis de remissione michi concessis plenius exprimuntur, quibuscunque regni fidelibus hucusque illatam satisfaccionem faciam et emendas terras et dominia in subiectis iuste regam et pro posse gubernabo, pacifice filios meos et homines et alios nobis adherentes subici faciam prompte et debite domino nostro regi legibus et consuetudinibus regni sui et iustificabiles fieri, et quod obedient et comparebunt justiciariis, vicecomitatibus, coronatoribus, et aliis ministris regiis, in singulis vicecomitatibus, prout melius et obediencius aliquo tempore bone memorie, domini regis Roberti predecessoris mei: et inhabitantes dictas terras et dominia sunt facere consueti, et quod respondebunt prompte, et debite, ministris regis de contribucionibus et aliis oneribus et seruiciis debitis imposterum et eciam de tempore retroacto, et in euentu quod aliquis vel aliqui infra dictas terras seu dominia, deliquerit vel deliquerint contra regem seu aliquos vel aliquem de suis fidelibus et iuri parere contempserit, seu contempserint, aut in premissis vel premissorum aliquo obedire noluerit, vel noluerint, ipsum seu ipsos tanquam inimicum vel inimicos et rebellem seu rebelles regis et regni dolo et fraude omnino remotis statim prosequar toto posse quousque a finibus terrarum et dominiorum expulsus vel expulsi fuerit vel fuerint aut ipsum vel ipsos parere fecero iuri communi, et ad hec omnia et singula facienda implenda et fideliter obseruanda in predictorum prelatorum et procerum presencia corporale prestiti iuramentum; insuper et dedi et concessi obsides infra scriptos, videlicet Donnaldum, filium meum ex filia domini Senescali Sco-

cie genitum, Anagusium filium quondam Johannis filii mei et Donnaldum quemdam alium filium meum naturalem quos quia tempore confeccionis presentis presentialiter promptos et paratos non habui, ipsos intrare seu reddi faciam apud castrum de Dunbretane ad festum natalis Domini proximo iam futurum si potero alias citra vel ad festum Purificacionis beate Virginis proximo inde sequens sub pena infraccionis prestiti iuramenti et sub pena amissionis omnium que erga dominum nostrum regem amittere potero, quouis modo, ad quorum obsidum intracionem vt premittitur faciendam dominum meum dominum Senescallum Scocie Comitem de Stratherne fideiussorem inueni cuius sigillum causa fideiussionis huiusmodi et eciam ad maiorem rei euidentiam vna cum sigillo meo proprio est appensum presentibus in testimonium premissorum Actum et datum anno die et loco predictis.

LETTER N, page 211.

In the MS. Cartulary of Kelso, is to be found the following interesting and curious Rent-roll of the possessions of that rich religious house, which throws great light on the state of the agriculture of ancient Scotland.

Rotulus reddituum Monasterii de Kalchou tam de Temporalibus videlicet de antiquis firmis terrarum suarum, in burgis et extra burga, de antiquis exitibus grangiarum et Dominuorum suorum, quam de spiritualibus scilicet de pensionibus debetis in ecclesiis suis et de antique assedatione decimarum suarum ubi sub compendio factus.

De Temporalibus.

Habent monachi dicti Monasterii in vicecomitatu de Rokisburg in temporalibus Grangiam de Reveden. cum villa in puram elemosynam : ubi habent dominium in quo colebant per quinque carucas, et ubi possint habere unum gregem ovium matricum circa xx et pasturam ad boves suos. Habent ibi *octo terras husbandorum, et unam bovatum terræ*, quarum quilibet fecit talia servicia aliquo tempore videlicet. Qualibet septimana in estate unum carragium cum uno equo apud Berwicum et

portabit equus tres bollas bladi, vel duas bollas salis, vel unum bollam cum dimidia carbonum, et in hyeme fecerunt idem cariagium, sed non portavit equus nisi duas bollas bladi, unam et dimidiam bollam salis, unam bollam et ferloch carbonum: et qualibet septimana anni cum venerint de Berwic fecit quilibet terra unam dietam de opere sibi injuncto.

Item quum non venerunt apud Berwic coluerunt qualibet septimana per duos dies; et in autumno quum non venerunt apud Berwic fecerunt tres dietas; et tunc quilibet husbandus cepit cum terra sua (staht?) scil: duos boves unum equum tres celdras avine, sex bollas ordeï, et tres bollas frumenti. Et postmodum quum Abbas Ricardus mutavit illud servicium in argentum reddiderunt sursum suum staht, et dedit quilibet pro terra sua per annum xviii solidos. * * Habent ibi decem et novem cotagia, quorum octo decem quodlibet reddit per annum xii d. et sex dietas in autumno recipiendo cibos suos; et adjuvabant circa locionem et tonsionem bidentum pro cibis suis; et decimum nonum cotagium reddit xviii d. et novem dietas. Item solebant ibi duæ braccine esse, que reddebant duas marcas per annum. Habent ibi molendinum quod solebat reddere per annum novem marcas. Habent apud Hauden unam carrucam terræ quam semper habuerunt in manu sua.

Habent apud Spronston duas *carucatas terræ* in Dominio ubi solebant colere cum duabus carucis, cum communi pastura dicte ville ad duodecim boves, quatuor assos et iii^c hoggass. Habent ibi unam *bovatam* terræ quam Hugo Cay tenuit que solebat reddere per annum x solidos. Habent ibi sex cotagia quarum unum quod est propinquum domui vicarii habet sex acras terræ sibi pertinentes cum braccina que solebat reddere per annum sex solidos. Apud Scottoun habent duas acras terræ et communem pasturam pro iii^c multonibus, et habent licenciam fodiendi focale quantum voluerint in illa communia, et solebant haberi unum hominem in molendino ibidem et unum porcum, et ibi solebant molere bladum suum de Colpinhopis, sed nunc quod habent licenciam habendi molendinum apud Colpinhopis et molere bladum suum ad proprium molendinum dabunt annuatim molendino de Schottoun dimidiam marcam.

Habent in tenemento de Yetham juxta molendinum de Col-

pinhopis tres acras terre cum communi pastura de Yetham quas molendinarius de Colpinhopis solebat tenere, et ibi solebant monachi habere et facere receptaculum bonorum suorum de Colpinhopis quum viderint aliquid periculum ex altera parte. Apud Cliftoun habent septem acras terre quas dnus ecclesie de Mole dedit pro pane benedicto inveniundo.

Habent unam grangiam que vocatur Colpinopis ultra marchiam ubi possint colere cum duabus carucis pro tempore hiemali; et habere pasturam viginti boves et xx^{ti} vaccas, et post annum deponere sequelam suam, et v^c oves matrices et ii^c alios bidentes.

Apud Molle habent apud Altoriburn l acras terre arabilis et prati cum communi pastura ad iii^c bidentes cum libero introitu et excitu, et ad decem boves et iiii assos, et habebunt in bosco de Scrogges stac et flac pro omnibus suis firmandis, et virgas pro reparacione carucarum suarum. * * *

Habent villam de Bolden in qua sunt viginti octo terre husbandorum quarum quilibet solebat reddere per annum vi sol. et viii denar. ad pentecostem et Sancti Martini, et faciendo talia servicia. Scil: metendo in autumpno per quatuor dies cum tota familia sua quilibet husbandus et uxor sua; et faciet similiter quintam dietam in autumpno cum duobus hominibus. Et quilibet cariabit unum plaustrum petarum vel pullis usque ad Abbatiam in cestate et non plus. Et quilibet husbandus faciet cariagium per unum equum de Berwick una vice per annum et habebunt victum suum de Monasterio quum faciunt hujusmodi servitium, et quilibet eorum solebat colere quolibet anno ad grangium de Newton unam acram terre, et dimidiam acram, et herciabit cum uno equo per unum diem, et quilibet inveniet unum hominem in locotione bidentum et alium hominem in tonsione sine victu et respondebunt sibi de forinseco servitio et de aliis Sectis, et cariabunt bladum in autumpno cum uno plastro per unum diem, et cariabunt lanam Abbatis de baronia usque ad Abbatiam et invenient sibi cariagia ultra moram versus Lesmahago. Abbas Ricardus mutavit illud servitium in denar. per assedacionem fratris Willmi de Alincromb. tunc Camerarii Sui.

The limits to which this note must be confined will not allow me to give further extracts from this curious manuscript rental, demonstrating the riches of the early monasteries. It appears,

in the concluding pages of it, that Kelso possessed no less than thirty-four churches, the united rents of which amounted to the sum of v^oli lib. xi solid. iiii denarii.

The rental was drawn up previous to 1316.

LETTER O, page 256.

Slavery of the Lower Orders. .

In the ancient manuscript Cartulary of Dunfermline, and page 541 of the Macfarlane transcript, is to be found the deed entitled, "Perambulatio inter terras Abbatis de Dumferm. et terram David Hostiarii. scilicet Dunduf. 1231," which illustrates the comparative situation of the higher classes and the lower orders, in the thirteenth century. A jury of *probi homines* are therein summoned by the precept of the king, to determine the marches between the lands of David Durward and the domain of the Abbacy, who take the evidence of the countrymen residing on the spot, and determine the question. The jury are the free-men; and their names are, with a few exceptions, Saxon and Norman names: the witnesses were evidently the *nativi bondi*, who were the property of their lord; and their names are almost exclusively Celtic.

In the same Cartulary, p. 592, will be found a deed entitled, "Assisa Super Alano, filio Constantini et duobus filiis," by which we find that, in 1340, an assize was held in the churchyard of Kartyl before David Wemyss, sheriff of Fife, to determine whether Alan, the son of Constantine, and his two sons, were the property of the Abbot of Dunfermline, or of the Earl of Fife, when it was found, "per fidelem assisam fide dignorum et nobilium," that these persons belonged to the Lord Abbot of Dunfermline. See the same Cartulary, p. 654, for the names of the slaves given by David, probably David the First, to the church of Dunfermline. Their names, Marcoran, Mevynir, Gyllemichael, Malmuren, Gillecris, Gillemahagu, are, with one or two exceptions, Celtic.

LETTER P, page 257.

State of the Lower Orders.

In the same valuable Cartulary, p. 145, are to be found many genealogies of the slaves, or bondmen, who belonged in property to the monastery, which show how carefully the marriages, the families, and the residence, of this unfortunate class of men were recorded. I shall subjoin one of them :

Genealogia Edillblac.

“Edillblac genuit W. de Lathanland, Willmus Constantinum, Constantinus Johannem qui vivit : Iste sunt homines de Dumferm. et remanentes. Gilbertus de Cupromal manet in Balnyr in schyra de Rerays. Galfr. de Dumberauch manens apud Dumberauch. Cristinus filius adæ manens apud Westerurchard Ego filius Gilberte manens in terra Ach de Kynros.¹ Joannes filius Kynect manens apud Walwein, Oenus freberner manens apud hichir mokedi. Patricius frater ejus manens apud Renkelouch Mauricius Colms. manens apud Petyn Kyr.”

In other genealogies, the place of the death and burial of the bondman is particularly specified.

LETTER Q, page 440.

Arms and Armour.

This assize of arms will be found in the manuscript Cartulary of Aberbrothock, M'Farlan Transcript, p. 295.

“Quod quilibet homo de regno laicus habens decem libras in bonis habeat pro corpore suo in defensionem regni unam sufficientem aketonam, unum bacinetum et cyrotecas de guerre, cum lancea et gladio. Et qui non habuerit aketonam et bacinetum

¹ This proves that the meaning attached to the terms “clerici nativi,” p. 158, supra, is correct.

habeat unum habergellum, vel unum bonum ferrum pro corpore suo, unum capellum de ferro et cyrotecas de guerra, ita quod quilibet sit paratus cum attyliis predictis citra octavas paschi proxime futuri. Et quecunque habens decem libras in bonis, non habuerit tunc omnia armorum attylia predicta, perdat omnia bona sua. Ita quod dnus rex habeat unam medietatem bonorum, et dnus illius qui in defectu fuerit repertus habeat aliam medietatem. Et dnus rex vult quod singuli vicecomites regni cum dnis locorum inquirant super his, et faciant monstracionem statim post octavas Paschæ predictas. Praeterea dnus rex vult et precipit quod quicunque habens valorem unius vacce in bonis habeat unam bonam lanceam, vel unum bonum arcum, cum uno scafo sagittarum, videlicet viginti quatuor sagittis, cum pertinentiis sub pena prescripta."

LETTER R, page 444.

Dress of the Ladies.

I shall give the passage in the original, from the beautiful edition of this interesting and curious poem, published in 1814 by Didot :

" Puis li revest en maintes guises
 Robes faites par grans maistrises
 De braus dras de soie, ou de laine
 De scarlate ou de tirelaine,
 De vert, de pers ou de brunete
 De color fresche, fine et nete
 Ou moult a riches pennes mises
 Erminees, vaires ou grises
 Puis les li oste, puis repoie
 Cum li siet bien robe de soie
 Cendaus, molequins Arrabis
 Indes vermaus jaunes, et bis
 Samis diapres, Camelos
 Por neant fut ung angelos
 Tant est de contenance simple
 Autrefois li met une gimple
 Et par dessus ung cuevrechief
 Qui cuevre la gimple et le chief

Ains ne cuevre par le visage.
 Qu'il ne vuet pas tenir J'usage
 Des Sarrasins, qui d'estamines
 Cuevre les vis as Sarrasines
 Quant eus trespasent par la voie
 Que nuz trespasans ne les voie
 Tant sunt plein de jalouse rage.
 Autrefois li reurent corage
 D'oster tout, et de mettre guindes
 Jaunes, vermeilles, vers et indes.
 Et tréceors gentiz et gresles
 De soie et d'or à menus pesles,
 Et dessus la crespine atache
 Une moult precieuse atache
 Et par dessus la crespinette
 Une coronne d'or grelete
 Ou moult ot precieuses pierres,
 Et biaux chastons a quatre quierres
 Et a quatre demi-compas
 Sans ce que ge ne vous cont pas
 L'autre perrerie menue
 Qui siet entor espece et drue
 Et met à ses deus oreillettes
 Deus verges d'or pendans greletes
 Et por tenir la cheveçaille
 Deus fermaus d'or pendans greletes
 En mi le pis ung en remet
 Et de li ceindre s'entremet ;
 Mes c'est d'ung si tres-riche ceint
 C'onques pucele tel ne ceint.
 Et pent au ceint une aumosniere
 Qui moult est precieuse et chiere
 Et cinq pierres i met petites
 Du rivage de mer eslites.
 Dont puceles as martiaus gevent
 Quant beles et rondes les trevent
 Et par 'grant ententi li chauce
 Et chacun pie soler et chauce
 Entaillies jolivetement
 A deus doie du pavement
 N'ert pas de hosiaus estrenee
 Car el n'ert pas de Paris nee
 Trop par fust rude chaucement
 A pucele de tel jovente

D'une aiguille bien aflee
 D'or fin de fil d'or enfilee
 Li a, por miex estre vestues
 Ses deux manches estroit cosues
 Puis li baille flors novelettes
 Dont ces jolies puceletes
 Font en printemps lors chapelez
 Et pelotes et oiselez
 Et diverses choses noveles
 Delitables as damoiseles.
 Et chapeles de flors li fait
 Mes n'en veistes nul si fait
 Car il met s'entente toute
 Anelez d'or es dois li boute
 Et dit cum fins loiaus espous
 Bele donie, ci vous espous
 Et deviens vostres et vous moie
 Ymeneus et Juno m'oie
 Qu'il voillent a nos noces estre
 Ge'ni quier plus ni clere ne prestre,
 Ne de Prelaz mitres ne croces
 Car cil sunt li vrai diex des noces.

Pp. 294-298 inclusive, vol. iii.

LETTER S, page 445.

Useful and Ornamental Arts.

There yet remain a few gleanings of information upon the state of some of the ornamental and useful arts in Scotland, too scanty to be included under any separate division, and which yet appear of importance, when we are collecting every scattered light which may serve to illustrate the manners and civil history of the country. At a very early period, for instance, we can just trace an interesting attempt of David the First, to soften the manners of his people by introducing a taste for gardening. He spent some portion of his time, as we learn from his friend and contemporary, in his orchard in planting young trees, or in the more difficult operation of grafting; and it was his anxious desire to encourage the same occupations amongst his subjects. The gardener appears constantly in the Chamberlain's Accounts as

an established servant, attached to their different palaces and manors. Alexander the Third had his gardeners at Forfar and Menmoreth.¹ The royal garden at Edinburgh appears as early as 1288; and the Cartularies contain ample evidence, that the higher nobles and dignified clergy, and even the lesser knights and barons, considered their gardens and orchards as indispensable accompaniments to their feudal state.²

It must be evident to any one who has perused this Enquiry, that besides this elegant branch of rural economy, many of the other useful and ornamental arts must have arrived, during this period, at a state of very considerable perfection in Scotland. The pitch of excellence, for instance, to which the architecture of the country had attained, necessarily includes a correspondent excellence in the masons, the carpenters, the smiths, the plumbers, the plasterers, the painters, and the glaziers, of those remote times. The art of working skilfully in steel and iron must have been well known, and successfully practised, by a people and a nobility armed and accoutred for war, in the fashion we have just described; and the mysteries of embroidery and needlework, with the professions of the clothier, silk-merchant, milliner, and tailor, could not fail to thrive and become conspicuous in so splendid a court, and amid such a display of dames and knights as we have seen thronging the royal residences during the course of the thirteenth and fourteenth centuries. The jeweller, too, the goldsmith, and the enameller, must have been lucrative professions, where the girdles, ear-rings, brooches, tiaras, and jackets of velvet, powdered with pearls, were conspicuous articles in female dress; and where the palls, copes, rocquets, crosiers, censers, and church plate, were still more sumptuous and extravagant. There is, accordingly, decided evidence in the Chamberlain's Accounts, that the art of working in the precious metals had attained to considerable perfection, although in the sumptuous extent of their gold and silver plate, the kings and nobles of Scotland appear to have been very far inferior to

¹ Chamberlain's Accounts, Temp. Alex. III., p. 13. Item gardinario de Forfar, de illo anno v. marc. Item gardinario de Menmoreth de illo anno i marc. See also pp. 59. 112.

² Robertson's Index, p. 86.

the splendour and extravagance of their English neighbours.¹ It must be remembered, also, that the most splendid specimens of the armour, jewellery, and gold and silver work, which are met with in the wardrobe books of the times, or which we read of in the descriptions of contemporary historians, were of Italian, Flemish, or Oriental workmanship, imported from abroad by the Scottish merchants. In the sketch of the learning of those remote times, I have said nothing of the state of the healing arts, during a period when it may be thought, from the frequency of war and bloodshed, their ministrations were much called for. But, unfortunately, upon this subject no authentic data remain, upon which an opinion may be formed; yet it has been already seen that our kings had their apothecaries and physicians. As to the actual skill, the prescriptions and operations of such persons, we are quite in the dark; but, if we may form our opinion from the low and degraded condition of the healing art in England at the same period, the patient who fell into the hands of these feudal practitioners must have rather been an object of pity than of hope. And it is probable, that a sick or wounded knight had a better chance for recovery from the treatment of the gentle dames or aged crones in the castles, whose knowledge of simples was often very great, than from the mixture of quackery and superstition which was inflicted upon him by the accredited leeches of the times.

¹ Chamberlain's Accounts, pp. 98, 187, 228, 411.

END OF VOLUME SECOND.

EDINBURGH :

PRINTED BY BALLANTYNE AND COMPANY,

PAUL'S WORK, CANONGATE.

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