

CHAP. II.

ROBERT THE THIRD.

 CONTEMPORARY PRINCES.
Kings of England.

Richard II.

Henry IV.

France.

Charles VI.

Popes.

Benedict XIII.

Innocent VII.

THE remains of Robert the Second were committed to the sepulchre in the ancient Abbey of Scone, and on the 14th August, 1390, being the morning succeeding the funeral, the coronation of his successor, John Earl of Carrick, took place, with circumstances of great pomp and solemnity.¹ Next day, being the Assumption of the Virgin, his wife, Annabella Drummond, Countess of Carrick, a daughter of the noble house of Drummond, was crowned queen; and on the following morning, the assembled prelates and nobles, amidst a great concourse of the people, took their oaths of allegiance, when it was agreed that the king should change his name to that of Robert the Third;

¹ Winton, vol. ii. pp. 361, 362. Fordun a Goodal, vol. ii. p. 418. Chamberlain Accounts, vol. ii. p. 196. The funeral expenses amounted to L. 253, 19s. 9d.

the appellative *John*, from its associations with *Baliol*, being considered ominous and unpopular.

The character of the monarch was not essentially different from that of his predecessor. It was amiable, and far from being wanting in sound sense and discretion ; but the accident which had occasioned his lameness, unfitted him for excelling in those martial exercises which were then necessary to secure the respect of his turbulent nobility, and compelled him to seek his happiness in pacific pursuits, and domestic endearments, more likely to draw upon him the contempt of his nobles, than any more kindly feelings. The name of king, too, did not bring with it, in this instance, that hereditary dignity and honour which, had Robert been the representative of a long line of princes, must necessarily have attached to it. He was but the second king of a new race ; the proud barons who surrounded his throne had but lately seen his father and himself in their own rank ; had associated with them as their equals, and were little prepared to surrender, to a dignity of such recent creation, the homage or the awe which the person on whom it had fallen did not necessarily command by his own virtues. Yet the king appears to have been distinguished by many admirable qualities. He possessed an inflexible love of justice, and an affection for his people, which were evinced by every measure where he was suffered to follow the dictates of his own kind and upright heart ; he was aware of the miseries which the country had suffered by the long continuance of war, and he saw clearly that peace was the

first and best blessing which his government could bestow, and for the establishment and continuance of which almost every sacrifice should be made. The soundness of these views could not be doubted. They were the dictates of a clear and correct thinking mind, which, confined by circumstances to thoughtfulness and retirement, had discovered the most judicious line of policy, when all around it was turbulence and error, and a few centuries later they would have been hailed as the highest virtues in a sovereign.

But Robert wanted that combination of qualities which could alone have enabled him to bring these higher principles into action ; and this is explained in a single word, when it has been said he was unwarlike. The sceptre required to be held in a firm hand, and to restrain the outrages and ensure the respect of a set of nobles so fierce and haughty as those who then domineered over Scotland, it was absolutely necessary that the king should possess somewhat of that fierce energy, and warlike ardour, which distinguished themselves. Irresolution, timidity, and an anxious desire to conciliate the affection of all parties, induced him to abandon the most useful designs, because they opposed the selfishness, or threatened to abridge the power, of his barons ; and this weakness of character was ultimately productive of the most fatal effects in his own family, and throughout the kingdom. It happened also, unfortunately for the peace of the community, that his father had delegated the chief power of the state to his brothers, the Earls of Fife and of Buchan, committing the

general management of all public affairs, with the title of Governor, to the first;¹ and permitting the Earl of Buchan to rule over the northern parts of the kingdom, with an authority little less than regal. The first of these princes had long evinced a restless ambition, which had been increased by the early possession of power; but his character began now to discover those darker shades of crime, which grew deeper as he advanced in years. The Earl of Buchan, on the other hand, was little less than a cruel and ferocious savage, a species of Celtic Attila, whose common appellation of the "Wolf of Badenoch," is sufficiently characteristic of the dreadful attributes which composed his character, and who issued from his lair in the north, like the devoted instrument of the Divine wrath, to scourge and afflict the nations.

On the morning after the coronation, a little incident occurred, which is indicative of the gentle character of the king, and illustrates the rude and simple manners of the times. The fields and inclosures round the monastery had been dreadfully destroyed by the nobles and their retinue, and as it happened during the harvest, when the crops were ripe, the mischief fell heavily on the monks. A canon of the order, who filled the office of storekeeper, demanded an audience of the king, for the purpose of claiming some compensation, but on announcing his errand, was dismissed by the chamberlain with scorn. The mode in which he revenged himself was whimsical and extraordinary. Early on the morning after the coro-

¹ Chamberlain Accounts, vol. ii. pp. 165, 192.

nation, before the king had awoke, the priest assembled a vast and motley multitude of the farm-servants and villagers belonging to the monastery, who, bearing before them an image stuffed with straw, and armed with the drums, horns, and rattles which they used in their rustic festivals, took their station under the windows of the royal bedchamber, and at once struck up such a peal of yells, horns, rattles, and dissonant music, that the court awoke in terror and dismay. The priest who led the rout was instantly dragged before the king, and asked what he meant. "Please your majesty," said he, with undaunted effrontery, "what you have just heard are our rural carols, which we indulge in when our crops are brought in; and as you and your nobles have spared us the trouble and expense of cutting them down this season, we thought it grateful to give you an early specimen of our harvest jubilee." The sarcastic nature of the answer would have been instantly punished by the nobles; but the king understood and pardoned the reproof, ordered an immediate inquiry into the damage done to the monastery, and not only paid the full amount, but applauded the honesty and courage of the eccentric ecclesiastic.¹

It was a melancholy proof of the gentleness and indolence of the king's character, that, after his accession to the throne, the general management of affairs, and even the name of Governor,² were still in-

¹ Fordun a Hearne, vol. iv. pp. 1111, 1112.

² Chamberlain Accounts, vol. ii. p. 165. "Et Comiti de Fyf: Custodi regni pro officio Custodis percipient: mille marcas per annum." Ibid. pp. 261, 267.

trusted to the Earl of Fife, who for a while continued to pursue such measures as seemed best calculated for the preservation of the public prosperity. The truce of Leilinghen, which had been entered into between France and England, in 1389, and to which Scotland had become a party, was again renewed,¹ and at the same time it was thought expedient that the league with France, concluded between Charles the Sixth and Robert the Second, in 1371, should be solemnly prolonged and ratified by the oath of the Scottish monarch,² so that the three countries appeared to be mutually desirous of peace. Upon the part of England, every precaution seems to have been taken to prevent any infractions of the truce. The Scottish commerce was protected—all injuries committed upon the borders were directed to be instantly investigated and redressed by the Lord Wardens—safe conducts to the nobles, the merchants, and the students of Scotland, who were desirous of residing in or travelling through England, were readily granted—and every inclination was shown to pave the way for the settlement of a lasting peace.³ Upon the part of Scotland, these wise and moderate measures were met by a spirit equally conciliatory. For eight years, the period for which the truce was prolonged, no important warlike operations took place—a blessed and un-

¹ Rymer, *Fœdera*, vol. vii. p. 622. *Rotuli Scotiæ*, vol. ii. pp. 103, 105.

² Acts of the Parliament of Scotland, vol. i. sub anno 1390. *Rotuli Scotiæ*, vol. ii. p. 98.

³ *Rotuli Scotiæ*, vol. ii. pp. 99, 100, 101, 103, 105.

usual cessation, in which the country began to breathe anew, and to devote itself to the pursuits of peace.

So happy a state of things was first interrupted by the ferocity of the Wolf of Badenoch, and the disorders of the northern parts of the kingdom. On some provocation given him by the Bishop of Moray, this chief descended from his mountains, and, after laying waste the country, with a sacrilege which excited unwonted horror, sacked and plundered the cathedral of Elgin, carrying off its rich chalices and vestments, polluting its holy shrines with blood, and, finally, setting fire to the noble pile, which, with the adjoining houses of the canons, and the neighbouring town, were burnt to the ground.¹ This exploit of the father, was only a signal for a more serious incursion, conducted by his natural son, Duncan Stewart, whose manners were worthy of his descent, and who, at the head of a wild assemblage of katherans, armed only with the sword and target, broke with irresistible fury across the range of hills which divides the county of Aberdeen and Forfar, and began to destroy the country, and murder the inhabitants, with reckless and indiscriminate cruelty. Sir Walter Ogilvy, then sheriff of Angus, along with Sir Patrick Gray, and Sir David Lindsay of Glenesk, instantly collected their power, and, although far inferior in numbers, trusting to the temper of their armour, attacked the mountaineers at Gasklune, near

¹ Winton, vol. ii. p. 363. Keith's Catalogue, p. 83. See Chamberlain Accounts, vol. ii. p. 355.

the Water of Ila.¹ But they were almost instantly overwhelmed, the katherans fighting with a ferocity, and a contempt of life, which seem to have struck a panic into their steel-clad assailants. Ogilvy, with his brother, Wat of Lichtoune, Young of Ouchterlony, the Lairds of Cairncross, Forfar, and Guthry, were slain, and sixty men-at-arms along with them; whilst Sir Patrick Gray and Sir David Lindsay were grievously wounded, and with difficulty carried off the field. The indomitable fierceness of the Highlanders is strikingly shown by an anecdote preserved by Winton. Lindsay had pierced one of these, a brawny and powerful man, through the body with his spear, and thus apparently pinioned him to the earth; but although mortally wounded, and in the agonies of death, he writhed himself up by main strength, and with the weapon in his body, struck Lindsay a desperate blow with his sword, which cut him through the stirrup and boot into the bone, after which he instantly sunk down and expired.²

These dreadful excesses, committed by a brother and nephew of the king, called for immediate and effectual redress; and it is a striking evidence of the internal weakness of the government, that they passed unheeded, and were succeeded by private feuds

¹ Winton, Chron. vol. ii. p. 369. Fordun a Goodal, vol. ii. p. 420. Glenbrieret, where this writer affirms the battle to have been fought, is Glenbrierachan, about eleven miles north of Gasklune. M'Pherson's Notes on Winton, p. 517.

² Winton, vol. ii. p. 369. Extracta ex Chronicis Scotiæ, MS. folio 240.

amongst the nobility, with whom the most petty disputes became frequently the causes of cruel and deadly revenge. A quarrel of this kind had occurred between the Lady of Fivy, wife to Sir David Lindsay, and her nephew, Robert Keith, a baron of great power. It arose from a trifling misunderstanding between some masons and the servants of Keith, regarding a water-course, but it concluded in this fierce chief besieging his aunt in her castle; upon which Lindsay, who was then at court, flew to her rescue, and encountering Keith at Garvyach, compelled him to raise the siege, with the loss of sixty of his men, who were slain on the spot.¹

Whilst the government was disgraced by the occurrence of such deliberate acts of private war in the low country, the Highlanders prepared to exhibit a most extraordinary spectacle. Two numerous clans, or septs, known by the names of the clan Kay, and the clan Quhele,² having long been at deadly feud, their mutual attacks were carried on with that determined ferocity, which at this period distinguished the Celtic race from the more southern inhabitants of Scotland. The ideas of chivalry, the factitious principles of that singular system of manners from which we derive our modern code of honour, had hitherto made little progress amongst them; but the more intimate intercourse between the northern and

¹ Winton, vol. ii. p. 372.

² Clan Quhele, *i. e.* clan Quete or clan Chattan. The clan Kay is thought to have been the clan Dhail—the Davidsons, a sept of the M'Pherson.

southern portions of the kingdom, and the residence of the lowland barons amongst them, appear to have introduced a change; and the notions of the Norman knights becoming more familiar to the fierce mountaineers, they adopted the singular idea of deciding their quarrel by a combat of thirty against thirty. This project, instead of discouragement, met with the warm approval of the government, who were happy that a scheme should have suggested itself, by which there was some prospect of the leaders in those fierce and endless disputes being cut off. A day having been appointed for the combat, barriers were raised in the level ground of the North Inch of Perth, and in the presence of the king and an immense concourse of the nobility, sixty noble-looking Highland soldiers, armed in the fashion of their country, with bows and arrows, sword and target, short knives and battle-axes, entered the lists, and advanced in mortal array against each other; but at this trying moment the courage of one of the clan Chattan faltered, and, as the lines were closing, he threw himself into the Tay, swam across the river, and fled to the woods. All was now at a stand—with the inequality of numbers the contest could not proceed; and the benevolent monarch, who had suffered himself to be persuaded against his better feelings, was about to break up the assembly, when a stout burgher of Perth, an armourer by trade, sprung within the barriers, and declared, that for half a merk he would supply the place of the deserter. The offer was accept-

ed, and a dreadful contest ensued. Undefended by armour, and confined within a narrow space, the Highlanders fought with a ferocity which nothing could surpass, whilst the gashes made by the daggers and battle-axes, and the savage yells of the combatants, composed a scene altogether new and appalling to many French and English knights, who were amongst the spectators, and to whom, it may be easily imagined, the contrast between this cruel butchery, and the more polished and less fatal battles of chivalry, was striking and revolting. At last a single combatant of the clan Kay alone remained, whilst eleven of their opponents, including the bold armourer, were still able to wield their weapons; upon which the king threw down his gage, and the victory was awarded to the clan Quhele. The leaders in this savage affair, are said to have been Shaw, the son of Farquhard, who headed the clan Kay, and Cristijohnson, who led the victors;¹ but these names, which have been preserved by our contemporary chroniclers, are in all probability corrupted from the original Celtic appellatives. After this voluntary immolation of their bravest warriors, the Highlanders for a long time remained quiet within their mountains; and the Earl of Moray and Sir James Lindsay, by whom the expedient for stanching the feuds is said to have been chiefly encouraged, congratulated themselves on the success of their project. Soon after this, the ma-

² Winton, vol. ii. pp. 373, 374, 518. Fordun a Goodal, vol. ii. p. 420. Extracta ex Chronicis Scotiæ, MS. p. 241.

nagement of the northern parts of the kingdom¹ was committed to the care of David, Earl of Carrick, the king's eldest son, who, although still only a youth in his seventeenth year, and with the faults incident to a proud and impatient temper, evinced an early talent for government, which, under proper cultivation, might have proved a blessing to the country.

For some years after this, the current of events is of that quiet character which offers little that is prominent or interesting. The weakness of the government of Richard the Second, the frenzy of the French King, the pacific disposition of the Scottish monarch, and the character of the Earl of Fife, his chief minister, which, although ambitious and intriguing, was unwarlike, all contributed to secure to Scotland the blessing of peace. The truce with England was renewed from year to year, and the intercourse between the two countries warmly encouraged; the nobility, the merchants, the students of Scotland, received safe conducts, and travelled into England for the purposes of pleasure, business, or study, or to visit the shrines of the most popular saints; and the rivalry between the two nations was no longer called forth in mortal combats, but in those less fatal contests, by which the restless spirits of those times, in the absence of real war, kept up their military experience by an imitation of it in tilts and

¹ Chamberlain Accounts, vol. ii. p. 349. "Et Dno. Comiti de Carrick de donacione regis pro expensis suis factis in partibus borealibus per tempus compositi: ut patet per literas regis concessas super has, testante clerico probacionis, 40 li."

tournaments. An enthusiastic passion for chivalry now reigned pre-eminent in both countries, and, unless we make allowance for the extraordinary influence of this singular system, no just estimate can be formed of the manners of the times. Knights who were sage in council, and high in civil and military office, would leave the business of the state, and interrupt the greatest transactions, to set off upon a tour of adventures, having the king's royal letters, permitting them to "perform points of arms, and manifest their prowess to the world." Wortley, an English knight of great reputation, arrived in Scotland, and, after a courteous reception at court, published his cartel of defiance, which was taken up by Sir James Douglas of Strathbrock, and the trial of arms appointed to be held in presence of the king at Stirling; but after the lists had been prepared, some unexpected occurrence appears to have prevented the duel from taking place.¹ Sir David Lindsay of Glenesk, who was then reputed one of the best soldiers in Scotland, soon after the accession of Robert the Third sent his cartel to the Lord Wells, an English knight of the court of Richard the Second, which having been accepted, the duel was appointed to take place in London in presence of the king. So important did Lindsay consider the affair, that he freighted a vessel belonging to Dundee² to bring him from London a new suit of armour; and when the day arrived, at

¹ Chamberlain Accounts, vol. ii. p. 366. Fordun a Goodal, vol. ii. p. 421.

² Rotuli Scotiæ, vol. ii. p. 104.

the head of a splendid retinue he entered the lists, which were crowded by the assembled nobles and beauties of the court. In the very first course the English knight was borne out of his saddle; and Lindsay, although rudely struck, kept his seat so firmly, that a cry rose amongst the crowd, who insisted he was tied to his steed, upon which he vaulted to the ground, and, although encumbered by his armour, without touching the stirrup, again sprung into the saddle. Both the knights, after the first course, commenced a desperate foot combat with their daggers, which concluded in the total discomfiture of Lord Wells. Lindsay, who was a man of great personal strength, having struck his dagger firmly into one of the lower joints of his armour, lifted him into the air, and gave him so heavy a fall, that he lay at his mercy. He then, instead of putting him to death, a privilege which the savage laws of these combats at outrance conferred upon the victor, courteously raised him from the ground, and, leading him below the ladies' gallery, delivered him as her prisoner to the Queen of England.¹

Upon another occasion, in one of those tournaments, or plays of arms, an accomplished baron, named Piers Courtney, who bore upon his surcoat a falcon, with the distich,—“I bear a falcon fairest in flycht, whoso prikketh at her his death is dicht, in graith,” was

¹ Winton, vol. ii. pp. 355, 356. Fordun a Goodal, vol. ii. p. 422. Lindsay, in gratitude for his victory, founded an altar in the parish church of Dundee. Extracta ex Chronicis Scotiæ, MS. fol. 243.

surprised to find in the lists an exact imitation of himself in the shape of a Scottish knight, with the exception, that instead of a falcon, his surcoat bore a jay, with an inscription ludicrously rhyming to the defiance of Courtney,—“ I bear a pyet peikand at ane pees, quhasa pykkis at her I sall pyk at his nees, in faith.” The challenge could not be mistaken, and the knights ran two courses against each other, in each of which the helmet of the Scot, from being loosely strapped, gave way, and foiled the attaint of Courtney, who, having lost two of his teeth by his adversary’s spear, loudly complained of the occurrence, and insisted that the laws of arms made it imperative on both knights to be exactly on equal terms. “ I am content,” said the Scot, “ to run six courses more on such an agreement, and let him who breaks it forfeit two hundred pounds.” The challenge was accepted; upon which he took off his helmet, and, throwing back his thick hair, showed that he was blind of an eye, which he had lost by a wound in the battle of Otterburn. The agreement made it imperative on Courtney to pay the money, or to submit to lose an eye; and it may readily be imagined that Sir Piers, a very handsome man, preferred the first to the last alternative.¹

The title of Duke, a dignity originally Norman, had been brought from France into England, and we now find it for the first time introduced into Scotland in a parliament held by Robert the Third at Perth,

¹ Fordun a Goodal, vol. ii. p. 422.

on the 28th of April, 1398.¹ At this meeting of the Estates, the king, with great pomp and religious solemnity, created his eldest son David Earl of Carrick, Duke of Rothsay, and at the same time bestowed the dignity of Duke of Albany upon the Earl of Fife, to whom, since his accession, he had blindly intrusted almost the whole management of public affairs.² The age of the heir apparent rendered this ambitious interference of Albany at once suspicious and unnecessary. He was now past his twentieth year; and his character, although exhibiting in an immoderate degree the love of gaiety and pleasure natural to his time of life, was yet marked by a vigour and ambition, which plainly indicated that he would not long submit to the superiority or control of his uncle Albany. From his earliest years he had been the darling of his father, and, even as a boy, his household and establishment appear to have been kept up with an indulgence and munificence which was perhaps imprudent; yet the advice and affectionate restraints imposed by his mother the queen, and the control of William de Drummond, the governor to whose charge his education seems to have been committed, might

¹ Fordun a Goodal, vol. ii. p. 422.

² Chamberlain Accounts, p. 421, vol. ii. Et libat: Clerico libacionis, domus Dni nostri Regis, ad expensas ipsius domus "factas apud Sconam, et apud Perth tempore quo tentum fait Scaccarium, quo eciam tempore tentum fuit consilium Reg: ibidem super multis punctis et articulis necessariis pro negotiis regni, et reipublicæ, L.119, 6s. 4d." The account goes on to notice the creation of the Earl of Carrick as Duke of Rothsay, of Fife as Duke of Albany, and of David Lindsay as Earl of Crawford.

have done much for the formation of his character, had he not been deprived of both at an early age. It is a singular circumstance also, that the king, although he possessed not resolution enough to shake off his imprudent dependence upon Albany, evidently dreaded his ambition, and had many misgivings for the safety of his favourite son, and the dangers by which he was surrounded. This is clearly seen in the repeated bands or covenants for the support and defence of himself and his son and heir the Earl of Carrick, which were entered into between this monarch and his nobles, from the time the prince had reached his thirteenth year.¹

These bands, although in themselves not unknown to the feudal constitution, yet are new in so far as they were agreements, not as usual between subject and subject, but between the king and those great vassals whom we might have supposed to have been sufficiently bound to support the crown and the heir apparent by the ordinary oaths of homage and fidelity. It is in this light that these frequent feudal covenants, by which any vassal of the crown, for a salary, to be settled upon him and his heirs, becomes bound to give his "service and support" to the sovereign and his eldest son the Earl of Carrick, are to be regarded as forming a new, and, as far as the authority of the crown was concerned, an alarming feature in the feudal constitution of the country, importing an increase in the power and independence of the aristocracy, and an evident and pro-

¹ Chamberlain Accounts, vol. ii. p. 197.

portional decrease in the strength of the crown. There seems, in short, throughout the whole reign of David the Second and his successor, to have been a gradual dislocation of the parts of the feudal government, which left the nobles, far more than they had ever yet been, in the condition of so many independent princes, whose support the king could no longer compel or calculate upon as a right, but was reduced to purchase by pensions or bribes of money. In this way, there was scarce a baron of any power or consequence whom Robert had not attempted to bind to his service, and that of his son. The Duke of Albany, Lord Walter Stewart of Brechin, his brother, Lord Murdoch Stewart, eldest son of Albany, and afterwards regent of the kingdom; Sir John Montgomery of Eglesham, Sir William de Lindsay, Sir William Stewart of Jedburgh, and Sir John de Remorgny, were all parties to agreements of this nature, in which the king by a charter grants to them, and in many instances to their children, for the whole period of their lives, certain large sums in annuity, under the condition of their defending the king and the Earl of Carrick, in time of peace as well as war.¹ We shall soon have an opportunity of observing how feeble were such agreements to ensure to the crown the support and loyal attachment of the subjects, where they happened to counteract any selfish schemes of ambition and individual aggrandisement.

In the meantime, the character of that prince, for

¹ Chamberlain Accounts, vol. ii. pp. 281, 332, 310, 197, 206, 207, 370, 495, 219.

whose welfare and security these alliances were undertaken, had begun to exhibit an increasing impatience of control, and an eager desire of power. Elegant in his person, with a sweet and handsome countenance, excelling in all knightly accomplishments, courteous and easy in his manners, and a devoted admirer of beauty, Rothsay was the idol of the populace, whilst a fondness for poetry, and a considerable acquaintance with the literature of the age, gave a superior refinement to his character, which, as it was little appreciated by a fierce nobility, probably induced him in his turn to treat their savage ignorance with contempt. He had already, at a very early age, been familiarized to the management of public business, and had been engaged in the settlement of the disturbed northern districts, and employed as a commissioner for composing the differences on the borders.¹ His mother, the queen, a woman of great sense and spirit, united her influence to that of her son, and a strong party was formed for the purpose of reducing the power of Albany, and compelling him to retire from the chief management of affairs, and resign his power into the hands of the prince.

It was represented to the king, and with perfect truth, that the kingdom was in a frightful state of anarchy and disorder; that the administration of the laws was suspended; those who loved peace, and were friends to good order, not knowing where to look for support; whilst, amid the general confusion,

¹ Chamberlain Accounts, vol. ii. p. 349. Winton, vol. ii. pp. 376, 377.

murder, robbery, and every species of crime, prevailed to an alarming and dreadful excess. All this had taken place, it was affirmed, in consequence of the misplaced trust which had been put into the hands of Albany, who prostituted his office of governor to his own selfish and ambitious designs, and purchased the support of the nobles by offering them an immunity for their offences. "If," said the friends of the prince, "if it is absolutely necessary, from the increasing infirmities of the king, that he should delegate his authority to a governor or lieutenant, let his power be transferred to him to whom it is justly due, the heir apparent to the throne, so that the country be no longer torn and endangered by the ambition of two contending factions, and shocked by the indecent and undignified spectacle of perpetual disputes in the royal household." These representations, and the increasing strength of the party of the prince, convinced Albany that it would be prudent for the present to give way to the secret wishes of the king and the open ambition of Rothsay, and to resign that office of governor, which he could no longer retain with safety.

A parliament was accordingly held at Perth on the 27th of January, 1398, of which the proceedings are very interesting and important; and it is fortunate that a record has been lately discovered,¹ which contains a full account of this meeting of the three

¹ This valuable manuscript Record of the Parliament 1398, was politely communicated to me by Mr Thomson, Deputy Clerk Register, to whom we owe its discovery. It will be printed in the

Estates. It is declared, in the first place, that the “misgovernance of the realm, and the defaults in the due administration of the laws, are to be imputed to the king and his ministers ;¹ and if, therefore, the king chooses to excuse his own mismanagement, he is bound to be answerable for his officers, whom he must at his convenience summon and accuse before his council, whose decision is to be given after they have made their defence, seeing no man ought to be condemned before he is called and openly accused.”

After this preamble, in which it is singular at this early period to recognise the principle of the king’s responsibility through his ministers so clearly announced, it is declared, that since the king, for sickness of his person, is not able to labour in the government of the realm, nor to restrain “tresspassours,” the council have judged it most expedient that the Duke of Rothsay should be the king’s lieutenant generally throughout the land for the term of three years, having full power in all things, equally as if he were himself the king, under the condition that he is to be obliged by his oath, to administer the office according to the directions of the Council General ; or, in absence of the parliament, with the advice of a council of experienced and faithful men, of whom the principal are to be the Duke of Albany, and

first volume of the Acts of the Parliaments of Scotland. It appears not to be an original record, but a contemporaneous translation from the Latin original, now lost.

¹ Skene, in his statutes of Robert the Third, p. 59, has suppressed the words, “sulde be imputyt to the Kyng.” His words are, “sulde be imput to the Kings officers.”

Walter Stewart, Lord of Brechin, the Bishops of St Andrews, Glasgow, and Aberdeen, and the Earls of Douglas, Ross, Moray, and Crawford. To these were added, the Lord of Dalkeith, the Constable Sir Thomas Hay, the Marshal Sir William Keith, Sir Thomas Erskine, Sir Patrick Graham, Sir John Levingston, Sir William Stewart, Sir John of Remorgny, Adam Forster, along with the Abbot of Holyrood, the Archdean of Lothian, and Mr Walter Forster. It was next directed that the different members of this council should be solemnly sworn to give to the young regent "lele counsail, for the common profit of the realm, nocht havande therto fede na frends chyp;" and that the duke himself be sworn to fulfil every thing which the king in his governing was sworn to do to Holy kirk and the people. These duties of the king are next very clearly and summarily explained, to consist in the upright administration of the laws, the maintenance of the old manners and customs for the people, the restraining and punishing of all manslaughterers, reifars, brennars, and generally all strong and masterful misdoers, and more especially in the seizing and putting down of all cursed or excommunicated men and heretics.

Such being the full powers committed to the regent, provision was next made against an abuse very common in those times: The king, it was declared, shall be obliged not to "let or hinder the prince in the execution of his office by any counter orders, as has hitherto happened; and if such should be given, the lieutenant shall not be bound either to return an an-

swer, or to obey them. It was next directed by the parliament, that whatever measures are adopted, or orders issued, in the execution of this office, shall be committed to writing, the day and place being added when and where they were resolved on, with the names of the councillors by whose advice they were adopted, so that each councillor may be ready to answer for his own deed, and, if necessary, submit to the punishment, which, in the event of its being illegal, shall be adjudged by the council-general. It was determined in the same parliament, that the prince, in the discharge of his duties as lieutenant, shall have the same salary allowed him as that which was given to the Duke of Albany, his predecessor, in the office of Regent, at the last council-general held at Stirling. With regard to the relations with foreign powers, it was resolved that an embassy, or, as it is singularly called, "a great message," should be dispatched to France, and that commissioners should be appointed to treat at Edinburgh of the peace with England, and to determine whether the truce of twenty-eight years should be accepted or not.

On the subject of finance, it was decreed that a general contribution of eleven thousand pounds should be raised for the common necessities of the kingdom, of which the clergy are to contribute their share, under protestation that it do not prejudice them in time to come; and the said contribution is directed to be levied upon all goods, cattle, and lands, as well demesne as other lands, excepting white sheep, riding horses, and oxen for labour. With regard to the

burghesses who were resident beyond the Forth, it is stated that they shall contribute to this tax, as well as those more opulent burghers who dwelt in the south, upon protestation that their ancient laws and free customs should be preserved ; that they should be required to pay only the same duties upon wool, hides, and skins, as in the time of King Robert last deceased, and be free from all tax upon salmon. The statutes which were passed in the council held at Perth, in April last, regarding the payment of duties upon English and Scots cloth, salt, flesh, grease, and butter, as well as horse and cattle, exported to England, are appointed to be continued in force ; and the provisions of the same parliament go on to declare, that, considering the “ great and horrible destructions, herschips, burning, and slaughter, which are so commonly committed through all the kingdom, it was ordained, by consent of the three Estates, that every sheriff shall make proclamation, that no man riding or going through the country shall be accompanied with more attendants than they are able to pay for ; and that, under penalty of the loss of life and goods, no man dare in future to disturb the country by such slaughters, burnings, raids, and destructions, as had been common under the late governor.” The act proceeds to declare, that, “ after such proclamation has been made by the sheriff, he shall use all diligence to discover and arrest all such offenders, and shall bind them over to appear and stand their tryal at the next Justice ayr ; if unable to find bail, they are immediately to be put to the

knowledge of an assize, and if found guilty, instantly executed."

With regard to those higher and more daring offenders, whom the power of the sheriff, or his inferior officers, was altogether unable to arrest, (and there can be little doubt that the greater portion of the nobles were to be included in this class,) it was provided, that this officer "shall publicly gar cry the names of them that may not be arrested, enjoining them within fifteen days to come and find bail to appear and stand their tryal, under the penalty that all who do not obey this summons shall be put to the king's horn, and their goods and estate confiscated." The only other provision which remains to be noticed, regards a complaint of the queen-mother, stating, that her pension of two thousand six hundred merks had been refused by the Duke of Albany, the chamberlain, and an order by the king that it be immediately paid; a manifest proof of the jealousy which existed between this ambitious noble and the royal family.¹

Whilst such was the course of events in Scotland, and the ambition of Rothsay, in supplanting his uncle Albany, was crowned with a success for which he was to pay very dear, an extraordinary revolution had taken place in England, which seated Henry of Lancaster upon the throne, under the title of Henry the Fourth, and doomed Richard the Second to a perpetual prison. It was a revolution which, in its commencement, had perhaps no higher object than to restrain

¹ Acts of the Parliament of Scotland, vol. i. sub anno 1398.

within the limits of law the extravagant pretensions of the king, but which was hurried on to a consummation, by a rashness and folly upon his part, which alienated the whole body of his people, and opened up to Henry of Lancaster an avenue to the crown, which it was difficult for human ambition to resist. The spectacle, however, of a king deposed by his nobles, and a crown forcibly appropriated by a subject who possessed no legitimate title, in exclusion of the rightful heirs, was new and appalling, and created in Scotland a feeling of indignant surprise, which is very apparent in the accounts of our contemporary historians. Nor was this at all extraordinary. The feudal nobility considered the crown as a fee descendible to heirs, and regarded the rights of the king to the throne as something very similar to their own right to their estates; so that the principle, that a kingdom might be taken by conquest, on the allegation that the conduct of the king was tyrannical, was one which, if it gave Henry of Lancaster a lawful title to the throne, might afford to a powerful neighbour just as good a right to seize upon their property. It was extraordinary for us to hear, says Winton, with much simplicity, that a great and powerful king, who was neither pagan nor heretick, should yet be deposed like an old abbot, who is superseded for dilapidation of his benefice;¹ and it is quite evident, from the singular terms of the address which Henry used at his coronation, and the awkward attempt which

¹ Winton, vol. ii. p. 386.

he made to mix up the principle of the king having vacated the throne by setting himself above the laws, with a vague hereditary claim upon his own side, that the same ideas were present to his mind, and occasioned him no inconsiderable uneasiness and perplexity.¹

It is well known, that he was scarce seated on the throne, when a conspiracy for the restoration of the deposed monarch was discovered, which was soon after followed by the news that Richard had died in Pontefract Castle, and by the removal of a body declared to be that of the late King from Pomfret to St Paul's, where, as it lay in state in its royal shroud, Henry himself, and the whole of the nobility, officiated in the service for the dead. A report, however, almost immediately arose, that this was not the body of the king, who, it was affirmed, was still alive, but that of Maudelain, his private chaplain, lately executed as one of the conspirators, and to whom the king bore a striking resemblance.² After the funeral service, it is certain that Henry did not permit the body to be deposited in the tomb which Richard had prepared for himself, and his first wife, at Westminster, but had it conveyed to the church of the preaching friars at Kings Langley, where it was interred with the utmost secrecy and dispatch.³

¹ Fordun a Goodal, vol. ii. p. 427.

² Metrical Hist. of the Deposition of Richard the Second. *Archæologia*, vol. xx. p. 220.

³ Otterburne, p. 229. Walsingham, p. 363. Gough's *Sepulchral Monuments*, vol. i. p. 168.

Not long after this an extraordinary story arose in Scotland. King Richard, it was affirmed, having actually escaped from Pontefract, had found means to convey himself, in the disguise of a poor traveller, to the Western, or out Isles of Scotland, where he was accidentally discovered by a lady who had known him in Ireland, and who was sister-in-law to Donald, Lord of the Isles. Clothed in this mean habit, the unhappy monarch sat down in the kitchen of the castle belonging to this island-prince, fearful, even in this remote region, of being discovered and delivered up to Henry. He was treated, however, with great kindness, and given in charge to Lord Montgomery, who carried him to the court of Robert the Third, where he was received with honour. It was soon discovered, that whatever was the history of his escape, either misfortune for the time had unsettled his intellect, or that, for the purpose of safety, he assumed the guise of madness, for, although recognised by those to whom his features were familiar, he himself denied that he was the king; and Winton describes him as half mad, or wild. It is certain, however, that during the continuance of the reign of Robert the Third, and, after his death, throughout the regency of Albany, a period of nineteen years, this mysterious person was treated with the consideration befitting the rank of a king, although detained in a sort of honourable captivity; and it was constantly asserted in England and France, and believed by many of those best able to obtain accurate information, that King Richard was

alive, and kept in Scotland. So much, indeed, was this the case, that, as we shall immediately see, the reign of Henry the Fourth, and of his successor, was disturbed by repeated conspiracies, which were invariably connected with that country, and which had for their object the restoration of the unfortunate monarch to his hereditary throne. It is certain also, that in contemporary records of unquestionable authenticity, he is spoken of as Richard the Second, King of England; that he lived and died in the palace of Stirling; and that he was buried with the name, state, and honours, of that unfortunate monarch.¹

A cloud now began to gather over Scotland, which threatened to interrupt the quiet current of public prosperity, and once more to plunge the country into war. It was thought proper that the Duke of Rothsay, the heir apparent to the throne, should no longer continue unmarried; and the Earl of March, one of the most powerful nobles in the kingdom, proposed his daughter, with the promise of a large dowry, as a suitable match for the young prince. The offer was accepted, but, before the preliminaries were arranged, March found his designs traversed and defeated by the intrigues and ambition of a family now more powerful than his own. Archibald, Earl of Douglas, loudly complained, that the marriage of the heir to the crown was too grave a matter to be determined without the advice of the three Estates, and, with the secret design of procuring the prince's hand

¹ See Appendix, at the end of this volume.

for his own daughter, engaged in his interest the Duke of Albany, who still possessed a great influence over the character of the king. What were Rothsay's own wishes upon the occasion, is not easily ascertained. It is not improbable, that his gay and dissipated habits, which unfortunately seem not to have been restrained by his late elevation, would have induced him to decline the proposals of both the earls; but he was overruled; the splendid dowry paid down by Douglas, which far exceeded the promises of March, was perhaps the most powerful argument in the estimation of the prince and the king, and it was determined that the daughter of Douglas should be preferred to Elizabeth of Dunbar.

In the meantime, the intrigue reached the ears of March, who was not of a temper to suffer tamely so disgraceful a slight; and little able or caring to conceal his indignation, he instantly sought the royal presence, and upbraided the king for his breach of agreement, demanding redress, and the restoration of the sum which he had paid down. Receiving an evasive reply, his passion broke out into the most violent language, and he left the monarch with a threat, that he would either see his daughter righted, or take a revenge which would convulse the kingdom. The first part of the alternative, however, was impossible. It was soon discovered, that Rothsay, with great speed and secrecy, had rode to Bothwell, where his marriage with Elizabeth Douglas had been concluded with an indecent precipitation; and the moment that this intelligence reached him, March committed the charge

of his castle of Dunbar to Maitland, his nephew, repaired to the English court, and entered into a correspondence with the new king.

His flight was the signal for the Douglasses to wrest his castle out of the hands of the weak and irresolute youth to whom it had been intrusted, and to seize upon his noble estates; so that, to the insult and injustice with which he had already been treated, was added an injury which left him without house or lands, and compelled him to throw himself into the arms of England.¹

On ascending the throne, the Duke of Lancaster, known henceforth by the title of Henry the Fourth, was naturally anxious to consolidate his power, and would willingly have remained at peace; but the expiration of the truce which had been concluded with his predecessor, seems to have been hailed with mutual satisfaction by the fierce and warlike borderers; and, careless of the pestilence which raged in England, the Scots broke across the marches in great force, and stormed the castle of Wark, during the absence of Sir Thomas Gray, the governor,² who, hurrying back to defend his charge, found it razed to the foundation. These inroads were speedily revenged by Sir Robert Umfraville, who defeated the Scottish borderers in a skirmish at Fullhopelaw, which was contested with extreme obstinacy. Sir Robert Rutherford with his five sons, Sir William Stewart,

¹ *Rotuli Scotiae*, vol. ii. p. 153. *Rymer, Fœdera*, vol. viii. p. 153.

² *Walsingham*, p. 362.

and John Turnbull, a famous leader, commonly called "Out wyth Swerd," were made prisoners;¹ and, the ancient enmity and rivalry between the two nations being again excited, the borderers on both sides issued from their woods and marshes, and commenced their usual system of cruel and unsparing ravage.

For a while these mutual excesses were overlooked, or referred to the decision of the march-wardens; but Henry was well aware, that the secret feelings both of the king and of Albany were against him—he knew they were in strict alliance with France, which threatened him with invasion; and the story of the escape of the real or pretended Richard, whom Henry of course branded as an impostor, while the Scots did not scruple to entertain him as king, was likely to rouse his keenest indignation. He accordingly received the Earl of March with distinguished favour; and this baron, whose remonstrances regarding the restoration of his castle and estates had been answered with scorn, having renounced his allegiance to his lawful sovereign, and agreed to become henceforward the faithful subject of the King of England,² that monarch publicly declared his intention of instantly invading the country, and prepared, at the head of an army, to chastise the temerity of his vassal in the assumed character of Lord Superior of Scotland. In so ludicrous a light did the revival of this exploded claim appear, that, with

¹ Rymer, *Fœdera*, vol. viii. p. 162. "This expressive appellation" appears in Rymer, "*Joannus Tournebull Out wyth Swerd.*"

² Rymer, *Fœdera*, vol. viii. p. 153.

the exception of a miserable pasquinade, it met with no notice whatever. March, in the meantime, in conjunction with Hotspur and Lord Thomas Talbot, at the head of two thousand men, entered Scotland through the lands which he could no longer call his own, and wasting the country as far as the village of Popil, twice assaulted the castle of Hailes, but found himself repulsed by the bravery of the garrison; after which, they burnt and plundered the villages of Traprain and Methill, and encamped at Linton, where they collected their booty, kindled their fires, and, as it was a keen and cold evening in November, proposed to pass the night. So carelessly had they set their watches, however, that Archibald Douglas, the earl's eldest son, by a rapid march from Edinburgh, had reached the hill of Pencrag before the English received any notice of his approach; upon which they took to flight in the utmost confusion, pursued by the Scots, who made many prisoners in the wood of Coldbrand's path, and continued the chase to the very walls of Berwick, where they took the banner of Lord Talbot.¹

Soon after this, Henry determined to make good his threats; and, at the head of an army far superior in number to any force which the Scots could oppose to him, proceeded to Newcastle, and from thence summoned Robert of Scotland to appear before him as his liegeman and vassal.² To this ridiculous demand no answer was returned, and the king advanced into

¹ Fordun a Goodal, vol. ii. p. 429.

² Rymer, Fœdera, vol. viii. pp. 157, 158.

Scotland, directing his march towards the capital. Rothsay, the governor, now commanded the castle of Edinburgh, and, incensed at the insolence of Henry, sent him his cartel, publicly defying him as his adversary of England; accusing him of having invaded, for the sole love of plunder, a country to which he had no title whatever, and offering to decide the quarrel, and spare the effusion of Christian blood which must follow a protracted war, by a combat of one hundred, two hundred, or three hundred nobles on each side.¹ This proposal Henry evaded, and proceeded without a check to Leith, from which he directed a monitory letter to the king, which, like his former summons, was treated with silent scorn.

The continuance of the expedition is totally deficient in historical interest, and is remarkable only from the circumstance, that it was the last invasion which an English monarch ever conducted into Scotland. It possessed also another distinction highly honourable to its leader, in the unusual lenity which attended the march of the army, and the absence of that plunder, burning, and indiscriminate devastation, which had accompanied the last great invasion of Richard, and, indeed, almost every former enterprise of the English. After having advanced to Leith, where he met his fleet, and reprovisioned his army, Henry proceeded to lay siege to the castle of Edinburgh, which was bravely defended by the Duke of Rothsay. Albany, in the meantime, ha-

¹ Rymer, *Fœdera*, vol. viii. p. 158.

ving collected a numerous army, pushed on, by rapid marches, towards the capital, with the apparent design of raising the siege, and relieving the heir to the throne from the imminent danger to which he was exposed. On reaching Calder-moor, however, he pitched his tents, and showed no inclination to proceed, whilst public rumour loudly accused him of an intention to betray the prince into the hands of the enemy, and clear for himself a passage to the throne. Yet, although the prior and subsequent conduct of Albany gave a very plausible colour to such reproaches, it is not impossible that the Duke might have avoided a battle without any such base intentions. The season of the year was far advanced, and the numerous host of the English king was already suffering grievously, both from sickness and want of provisions. Rothsay, on the contrary, and his garrison, were well provisioned, in high spirits, and ready to defend a fortress of great natural strength to the last extremity. The event showed the wisdom of these calculations; for Henry, after a short experience of the strength of the castle, withdrew his army from the siege, and receiving, about the same time, intelligence of the rebellion of the Welsh, commenced his retreat into England.

It was conducted with the same discipline and moderation which had marked his advance. Wherever a castle or fortalice requested protection, it was instantly granted, and a pennon, with the arms of England, was hung over the battlements, which was sacredly respected by the soldiers. Henry's

reply to two canons of Holyrood, who besought him to spare their monastery, was in the same spirit of benevolence and courtesy. "Never," said he, "while I live, shall I cause distress to any religious house whatever,—and God forbid that the monastery of Holyrood, the asylum of my father when an exile, should suffer aught from his son! I am myself a Cumin, and by this side half a Scot; and I came here with my army, not to ravage the land, but to answer the defiance of certain amongst you who have branded me as a traitor, to see whether they dare to make good the opprobrious epithets with which I am loaded in their letters to the French king, which were intercepted by my people, and are now in my possession. I sought him" (he here probably meant the Duke of Albany) "in his own land, anxious to give him an opportunity of establishing his innocence, or proving my guilt; but he has not dared to meet me."¹

That these were not the original motives which led to an expedition so pompous in its preliminaries, and so inglorious in its results, Henry himself has told us, in the revival of the claim of homage, the summons to Robert as his vassal, and his resolution to punish his contumacy, and to compel him to sue for pardon; but when he discovered that any attempt to effect this would be utterly futile, and the rumours of the rebellion of Glendower made him anxious to return, it was not impolitic to change his

¹ Fordun a Goodal, vol. ii. p. 430.

tone of superiority into more courteous and moderate language, and to represent himself as coming to Scotland, not as a king to recover his dominions, but simply as a knight to avenge his injured honour. He afterwards asserted, that, had it not been for the false and flattering promises of Sir Adam Forster, made to him when he was in Scotland, he should not have so readily quitted that country; but the subject to which the king alluded is involved in great obscurity.¹ It may, perhaps, have related to the delivery into his hands of the mysterious captive who is supposed to have been Richard the Second.

The condition of the country now called for the attention of the great national council; and, on the 21st of February, 1401, a parliament was held at Scone,² in which many wise and salutary laws were passed. To some of these, as they throw a strong and clear light upon the civil condition of the country, it will be necessary to direct our attention; nor will the reader perhaps regret, that the stirring narrative of war is thus sometimes broken by the quiet pictures of peace. The parliament was composed of the bishops, abbots, and priors, with the dukes, earls, and barons, and the freeholders and burgesses, who held of the king in chief. Its enactments appear to have related to various subjects connected with feudal possession; such as the brief of inquest, the duty of

¹ Parliamentary Hist. of England, vol. ii. p. 72.

² Statutes of King Robert the Third, p. 51.

the chancellor in directing a precept of seisin upon a retour, the prevention of distress to vassals from all improper recognition of their lands made by their overlords, the regulation of the laws regarding the succession to a younger brother dying without heirs of his body, and the prevention of a common practice, by which, without consent of the vassal, a new superior was illegally imposed upon him. Owing to the precarious condition of feudal property, which, in the confusions incident to public and private war, was constantly changing its master, and to the tyranny of the aristocracy of Scotland, it is not surprising that numberless abuses should have prevailed, and that, to use the expressive language of the record itself, "divers and sindrie our soverane lords lieges should be many wayes unjustlie trubled and wexed in their lands and heritage be inquisitions taken favorably, and be ignorant persons." To remedy such malversation, it was enacted, that no sheriff or other judge should cause any brief of inquest to be served, except in his own open court, and that the inquest should be composed of the most sufficient and worthy persons resident within his jurisdiction, whom he was to summon upon a premonition of fifteen days. When an inquest had made a retour, by which the reader is to understand the jury giving their verdict or judgment, the chancellor was prohibited from directing a precept of seisin, or a command to deliver the lands into the hands of the vassal, unless it appeared clearly stated in the retour that the last heir was dead,

and the lands in the hands of the king or the overlord.

It was enacted, at the same time, that all barons and freeholders who held of the king, should provide themselves with a seal bearing their arms, and that the retour should have appended to it the seals of the sheriff, and of the majority of the persons who sat upon the inquest. It appears to have been customary in those unquiet times, when "strongest might made strongest right," for the great feudal barons, upon the most weak and frivolous pretences, to resume their vassals' lands, and to dispose of them to some more favoured or more powerful tenant. This great abuse, which destroyed all the security of property, and thus interrupted the agricultural and commercial improvement of the country, called for immediate redress; and a statute was passed, by which all such "gratuitous recognitions or resump-tions of lands which had been made by any overlord, are declared of none effect, unless due and lawful cause be assigned for such having taken place." It was provided also, that no vassal should lose possession of his lands in consequence of such recognition, until after the lapse of a year, provided he used diligence to repledge his lands within forty days thereafter.¹ The mode in which this ceremony is to be performed, is briefly but clearly pointed out; the vassal being commanded to pass to the principal residence of his overlord, and, before witnesses, to de-

¹ Statutes of King Robert the Third, pp. 52, 55.

clare his readiness to perform all feudal services to which he is bound by law, and to request the restoration of his lands upon his finding proper security for the performance of his duties as vassal; and in order to the prevention of all concealed and illegal resumptiions, it is made imperative on the overlord to give due intimation of them in the parish church, using the common language of the realm, whilst the vassal is commanded to make the same proclamation of any offer to repledge, in the same public manner. In the event of a younger brother dying without heirs of his body, it is declared that his "conquest lands,"—that is, those acquired not by descent, but by purchase, or other title,—should belong to the immediate elder brother, according to the old law upon the subject; and it is made illegal for any vassal holding lands of the king, to have a new superior imposed upon him by any grant whatever, unless he himself consent to this alteration.

In those times of violence and contempt of all constituted authority, it is interesting to observe the feeble attempts of the legislature to introduce these restraints of the law. In the event of a baron having a claim of debt against any unfortunate individual, it seems to have been a common practice for the creditor, on becoming impatient, to have proceeded to his house or lands, and there to have helped himself to an equivalent, or, in the language of the statute-book, "to have taken his poynd." And in such cases, where a feudal lord, with his vassals at his heel, met with any very attractive property, in the form of

horses or cattle, or rich household furniture, it may easily be believed that he would stand on little ceremony as to the exact amount of the debt, but appropriate what pleased him without much compunction. This practice is declared illegal, " unless the seizure was made within his own dominions, and for his own proper debt : " An exception, proving the extreme feebleness of the government ; and, in truth, when we consider the immense estates possessed at this period by the great vassals of the crown, amounting almost to a total annulment of the law.¹ In somewhat of the same spirit of toleration, a law is made against any one attempting, by his own power and authority, to expel a vassal from his lands, on the plea that he is not the rightful heir ; and it is declared, that, whether he be possessed of the land lawfully or unlawfully, he shall be restored to his possession, and retain the same until he lose it by the regular course of law ; whilst no penalty is inflicted on him who thus dares, in the open defiance of all peace and good government, to take the execution of the law into his own hands.

It is next declared unlawful to set free upon bail certain persons accused of great or heinous crimes ; and the offenders thus excepted are described to be those taken for manslaughter, breakers of prison, common and notorious thieves, persons apprehended for fire-raising or felony, falsifiers of the king's money, or of his seal ; such as have been excommunica-

¹ Statutes of King Robert the Third, p. 54.

ted, and seized by command of the bishop ; those accused of treason, and bailies who are in arrears, and make not just accounts to their masters.¹ Any excommunicated person who complains that he has been unjustly dealt with, is empowered within forty days to appeal from his judge to the conservator of the clergy, who, being advised by his counsel, shall reform the sentence ; and, if the party still conceives himself to be aggrieved, it is made lawful for him to carry his appeal, in the last instance, to the General Assembly of the Church. With regard to the trial of cases by “singular combat,” a wise attempt seems to have been made in this parliament to limit the circumstances under which this savage and extraordinary mode of judgment was adopted ; and it is declared, that there must be four requisites in every crime before it is to be so tried. It must infer a capital punishment—it must have been secretly perpetrated—the person appealed must be pointed out by public and probable suspicion as its author—and it must be of such a nature as to render a proof by written evidence or by witnesses impossible. It was appointed that the king’s lieutenant, and others the king’s judges, should be bound and obliged to hear the complaints of all churchmen, widows, pupils, and orphans, regarding whatever injuries may have been committed against them ; and that justice should be done to them speedily, and without taking from them any pledges or securities. Strict regulation was made,

¹ Statutes of King Robert the Third, p. 54.

that all widows, who, after the death of their husbands, had been violently and iniquitously expelled from their dower lands, should be restored to their possession, with the accumulated rents due since their husbands' death ; and it was specially provided, that interest or usury should not run against the debts of a minor until he is of perfect age, but that the debt should be paid with the interest which was owing by his predecessor, previous to his decease.¹

Some of the more minute regulations of the same parliament are curious : A fine of a hundred shillings is imposed on all who catch salmon within the forbidden time ; a penalty of six shillings and eightpence on all who slay hares in time of snow ; and it is strictly enjoined, as a statute to be observed through the whole realm, that there should be no muir-burning, or burning of heath, except in the month of March ; and that a penalty of forty shillings should be imposed upon any one who dared to contravene this regulation, which should be given to the lord of the land where the burning had taken place.² With regard to a subject of great importance, " the assize of weights and measuris," it is to be regretted that the abridgement of the proceedings of this parliament, left by Skene, which is all that remains to us, is in many respects confused and unintelligible. The original record itself is unfortunately lost. The chapter upon weights and measures commences with the de-

¹ Statutes of King Robert the Third, p. 56.

² Ibid. pp. 53, 54.

claration, that King David's common elne, or ell, has been found to contain thirty-seven measured inches, each inch being equal to three grains of bear placed lengthways, without the tail or beard. The stone, by which wool and other commodities are weighed, is to contain fifteen pounds ; but a stone of wax, only eight pounds, the pound itself being made to contain fifteen ounces, and to weigh twenty-five shillings. It is observed in the next section of this chapter, that the pound of silver in the days of King Robert Bruce, the first of that name, contained twenty-six shillings and four pennies, in consequence of the deterioration of the money of this king from the standard money in the days of David the First, in whose time the ounce of silver was coined into twenty pennies. The same quantity of silver under Robert the First was coined into twenty-one pennies ; " but now," adds the record, " in our days, such has been the deterioration of the money of the realm, that the ounce of silver actually contains thirty-two pennies."

It was enacted, that the boll should contain twelve gallons, and should be nine inches in depth, including the thickness of the tree on both the sides. In the roundness or circumference above, it is to be made to contain threescore and twelve inches in the middle of the " ower-tree ;" whilst in the inferior roundness, or circumference below, it is to contain threescore eleven inches. The gallon is fixed to contain twelve pounds of water, four pounds of sea water, four of clear-running water, and four of stagnant water. Its depth was to be six inches and a half, its breadth eight inches and

a half, including the thickness of the wood on both sides ; its circumference at the top twenty-seven inches and a half, and at the bottom twenty-three inches.¹ Such are all the regulations with regard to this important subject which appear in this chapter, and they are certainly to be regarded as valuable and venerable relics of the customs of our ancestors ; but the perusal of a single page of the Chamberlain Accounts, will convince us how little way they go towards making up a perfect table of weights and measures, and how difficult it is to institute any thing like a fair comparison between the actual wealth and comfort of those remote ages, and the prosperity and opulence of our own times.

The parliament next turned its attention to the providing of checks upon the conduct and administration of judges,—a startling announcement, certainly, to any one whose opinions are formed out of modern notions and modern experience, but in all probability no unnecessary subject for parliamentary interference during these dark and troubled times. It was enacted, that every sheriff should have a clerk appointed, not by the sheriff, but by the king, to whom alone this officer is to be responsible ; and that such clerk should be one of the king's retinue and household, and shall advise with the king in all the affairs which are intrusted to him.² The sheriffs are themselves bound to appear yearly, in person or by deputy, in the king's Court of Exchequer, under the penalty

¹ Statutes of King Robert the Third, p. 56.

² Ibid. p. 57.

of ten pounds, and removal from office ; their fees, or salaries, are made payable out of the escheats in their own courts, and are not due until an account has been given by them in the Exchequer ; and it is specially ordained, that no sheriff shall pass from the king's court to execute his various duties in his sheriffdom, without having along with him for his information the " Acts of Parliament, and certain instructions in writ, to be given him by the king's Privy Council." It was enacted, that Justiciars should be appointed upon the south side and north side of the water of Forth ; it is made imperative upon these high judges to hold their courts twice in the year in each sheriffdom within their jurisdiction ; and if any Justiciar omits to hold his court without being able to allege any reasonable impediment, he is to lose a proportion of his salary, and to answer to the king for such neglect of duty.

The process of all cases brought before the Justiciar is appointed to be reduced into writing by the clerk ; and a change was introduced from the old practice with regard to the circumstances under which any person summoned before the Justiciar should be judged and punished as contumacious for not appearing. Of old, the fourth court, that is, the court held on the fourth day, was peremptory in all cases except such as concerned fee and heritage ; but it was now appointed that the second court, or the court held on the second day, and on the last day, should be peremptory ; and any person who, being lawfully summoned, neglected to appear on either of these days, was

to be denounced a rebel and put to the horn, as was the custom in "auld times and courts."¹ The office of the coroner was to arrest persons thus summoned; and it is declared lawful for such officers to make such arrests at any time within the year, either before or after the proclamation of the Justice Ayre. All lords of regality—by which the reader is to understand such feudal barons as possess authority to hold their own courts within a certain division of property, all sheriffs, and all barons, who have the power of holding criminal courts—are strictly enjoined to follow the same order of proceeding as that which has been laid down for the observance of the Justiciars. These supreme judges are also commanded, in their annual courts, to enquire rigidly into the conduct of the sheriffs and other inferior officers; to scrutinize the manner in which they have discharged the duties committed to them; and, if they find them guilty of malversation, to remove them from their offices until the meeting of the next parliament. Any sheriff or inferior officer thus removed, must find security for his appearance before the parliament, who, according to their best judgment, are to determine the punishment due for his offence, whether a perpetual removal from his office, or only a temporary suspension; and, in the meanwhile, the person so offending is ordained to lose his salary for that year, and another to be substituted by the Justiciar in his place.

With regard to such malefactors as are found to

¹ Statutes of King Robert the Third, p. 57.

be common destroyers of the land, wasting the king's lieges with plundering expeditions, burning, and consuming the country in their ruinous passage from one part to another, the sheriffs are commanded to do all diligence to arrest them, and to bind them over to appear at the next court of the Justiciar on a certain day, under a penalty of twenty pounds for each offender, to be paid in case of contumacy, or non-appearance, by those persons who are his sureties ; and it is strictly enjoined that no person, in riding through the country, should be attended by more persons than those for whom he makes full payment, under the penalty of loss of life and property. In all time coming, no one is to be permitted with impunity to commit any slaughter, burning, theft, or " herschip ;" and if the offender guilty of such crimes be not able to find security for his appearance to stand his trial before the Justiciar, the sheriff is enjoined instantly to try him by an assize, and, if the crime be proved against him, take order for his execution. In the case of thieves and malefactors who escape from one sheriffdom to another, the sheriff, within whose jurisdiction the crime has been committed, is bound to direct his letters to the sheriff in whose county the delinquent has taken refuge. It is made imperative on such officer, with the barons, freeholders, and others the king's lieges, to assist in the arrest of such fugitives, in order to their being brought to justice ; and this in every case, as well against their own vassals and retinue as against others ; whilst any baron or other person who

disobeys this order, and refuses such assistance, is to pay ten pounds to the king, upon the offence being proved against him before a jury.

It is made lawful for any tenant or farmer, who possesses lands under a lease of a certain endurance, to sell or dispose of the lease to whom he pleases, any time before its expiry. Any vassal or tenant who is found guilty of concealing the charter by which he holds his lands, when summoned by his overlord to exhibit it, is to lose all benefit he might claim upon it; and in the case of a vassal having lost such charter, or of his never having had any charter, a jury is to be impannelled, in the first event, for the purpose of investigating by witnesses whether the manner of holding corresponds with the tenor of the charter which has been lost; and, in the second case, to establish by what precise manner of holding the vassal is in future to be bound to his overlord, which determination of the assize is in future to stand for his charter. If any person, in consequence of the sentence of a jury, takes seisin or possession of land which is then in the hands of another, who affirms it to be his property, it is lawful for this last to retain possession, and to break the seisin, by instituting a process for its reduction within fifteen days if the lands be heritage, and forty days if they be conquest. If any pork or bacon, which is corrupted from any cause, or salmon spoilt and foul from being kept too long, shall be brought to market, it is directed to be seized by the bailies, and sent immediately to the "lipper folk,"—a species of barbarous economy which

says little for the humanity of the age ; the bailies, at the same time, are to take care that the money paid for it be restored, and “ gif there are no lipper folk,” the obnoxious provisions are to be destroyed.¹

Such is an outline of the principal provisions of this parliament, which I have detailed at some length, as they are the only relics of our legislative history which we shall meet with, until the reign of the first James ; a period when the light reflected upon the history of the country, from the parliamentary proceedings, becomes full and clear. Important as these provisions are, and evincing no inconsiderable wisdom for so remote a period, it must be recollected, that in such days of violence and feudal tyranny, it was an easier thing to pass acts of parliament than to carry them into execution. In all probability, there was not an inferior baron, who, sitting in his own court, surrounded by his mail-clad vassals, did not feel himself strong enough to resist the feeble voice of the law ; and, as for the greater nobles, to whom such high offices as Justiciar, Chancellor, or Chamberlain, were committed, it is certain, that instead of the guardians of the laws, and protectors of the rights of the people, they were themselves often their worst oppressors, and, from their immense power and vassalage, were able in every instance to defy the mandates of the crown, and to resist all legitimate authority.

Of this prevalence of successful guilt in the higher

¹ Statutes of King Robert the Third, p. 60.

classes, the history of the country during the year in which this parliament assembled, afforded a dreadful example, in the murder of the Duke of Rothsay, the heir-apparent to the throne, by his uncle the Duke of Albany. Rothsay's marriage, which in all probability was the result of political convenience more than of inclination, does not appear to have improved his character. At an age when better things were to be expected, his life continued turbulent and licentious ; the spirit of mad unbridled frolic in which he indulged, the troops of gay and dissipated companions with whom he associated, gave just cause of offence to his friends, and filled the bosom of his fond and weak father with extreme anxiety and alarm. Even after his assuming the temporary government of the country, his conduct was wild and unprincipled ; he employed the power intrusted to him against, rather than in support of, the laws and their ministers, plundered the collectors of the revenue,¹ threatened and overruled the officers to whose management the public money was intrusted, and exhibited an ambitious impatience for uncontrolled dominion.

Yet amid all his recklessness, there was a high honour and a generous and courageous openness about Rothsay, which were every now and then breaking out, and giving a promise of reformation. He hated baseness and treachery, whilst he despised, and delighted to expose, that selfish cunning which he had

¹ Chamberlain Accounts, vol. ii. pp. 512, 520, 476.

detected in the character of his uncle, whose ambition, however carefully concealed, could not escape him. Albany, on the other hand, was an enemy whom it was the extremity of folly and rashness to provoke. He was deep, cold, and unprincipled; his objects were pursued with a wonderful pertinacity of purpose, and a complete command of temper, which gave him a great superiority over the wild and impetuous nobility by whom he was surrounded; and when once in his power, his victims had nothing to hope for from his pity. Rothsay he hated, and there is reason to believe had long determined on his destruction, as the one great obstacle which stood in the path of his ambition, and as the fearless detector of his deep-laid intrigues; but he was for a while controlled and overawed by the influence of the queen, and of her two principal friends and advisers, Trail, Bishop of St Andrews, and Archibald the Grim, Earl of Douglas. Their united wisdom and authority had the happiest effects in restraining the wildness of the prince, soothing the irritated feelings of the king, whose age and infirmity had thrown him into complete retirement, and counteracting the ambition of Albany, who possessed far too great an influence over the mind of the monarch. But soon after this the queen died; the Bishop of St Andrews and the Earl of Douglas did not long survive her, and, to use the strong expression of Fordun, it was now said commonly through the land,¹ that the glory and the

¹ Fordun a Goodal, vol. ii. p. 431. Extracta ex Chronicis Scotiae, MS. p. 248.

honesty of Scotland were buried with these three noble persons. All began to look with anxiety for what was to follow ; nor were they long kept in suspense. The Duke of Rothsay, freed from the gentle and persuasive control of maternal love, broke into some of his accustomed excesses ; and the king, by the advice of Albany, found it necessary to subject him to a control, which little agreed with his impetuous temper.

It happened, that amongst the prince's companions was a Sir John de Ramorgny, who, by a judicious accommodation of himself to his capricious humours, by flattering his vanity and ministering to his pleasures, had gained the intimacy of Rothsay. Ramorgny appears to have been one of those men in whom extraordinary, and apparently contradictory qualities were found united. From his education, which was of the most learned kind, he seems to have been intended for the church ; but the profligacy of his youth, and the bold and audacious spirit which he exhibited, unfitted him for the sacred office, and he became a soldier and a statesman. His great talents for business being soon discovered by Albany, he was repeatedly employed in diplomatic negotiations both at home and abroad ; and this intercourse with foreign countries, joined to a cultivation of those elegant accomplishments, to which most of the feudal nobility of Scotland were still strangers, rendered his manners and his society exceedingly attractive to the young prince. But these polished and delightful qualities were superinduced upon a character of consum-

mate villainy, as unprincipled in every respect as that of Albany, but fiercer, more audacious, and, if possible, more unforgiving.

Such was the person whom Rothsay in an evil moment admitted to his confidence and friendship, and to whom, upon being subjected to the restraints imposed upon him by Albany and his father, he loudly and vehemently complained. Ramorgny, with all his acuteness, had in one respect mistaken the character of the prince, and, deceived by the violence of his resentment, he darkly hinted at a scheme for ridding himself of his difficulties, by the assassination of his uncle. To his astonishment, the proposal was met by an expression of unfeigned abhorrence; and whilst Rothsay disdained to betray his profligate associate, he upbraided him in terms too bitter and contemptuous to be forgiven. From that moment Ramorgny was transformed into his worst enemy, and throwing himself into the arms of Albany, became possessed of his confidence, and turned it with fatal revenge against Rothsay.¹ It was especially unfortunate for this young prince, that his caprice and fondness for pleasure, failings which generally find their punishment in mere tedium and disappointment, had raised against him two bitter enemies, who sided with Albany and Ramorgny, and, stimulated by a sense of private injury, readily lent themselves to any machinations against him. These were, Archibald Earl of Douglas, the brother of

¹ Extracta ex Chronicis Scotiæ, MS. p. 248.

Rothsay's wife, Elizabeth Douglas, and Sir William Lindsay of Rossy, whose sister he had loved and forsaken. Ramorgny well knew that Douglas hated the prince for the coldness and inconstancy which he showed to his wife, and that Lindsay had never forgiven the slight put upon his sister; and with all the art and dissimulation in which he was so great a master, he and Albany contrived, out of these dark elements, to compose a plot which would have required a far more able person than Rothsay to have discovered and defeated.

They began by representing to the king, whose age and infirmities now confined him to a distant retirement, and who knew nothing but through the representations of Albany, that the wild and impetuous conduct of his son required a more firm and decided exertion of restraint, than any which had yet been employed against him. The bearers of this unwelcome news to the king were Ramorgny and Lindsay; and such was the success of their representations upon the credulity of the monarch, that they returned to Albany with an order under the royal signet, to arrest the prince, and place him in temporary confinement. Secured by this command, the conspirators now drew their meshes more closely round their victim; and the bold and unsuspecting character of the prince gave them every advantage. It was the custom in those times, for the castle and palace of any deceased prelate to be occupied by the king, until the election of his successor; and although the triennial period of the prince's government was now

expired, he was probably jealous of the resumption of his power by Albany, and determined to seize the castle of St Andrews, belonging to Trail the bishop, lately deceased, before he should be anticipated by any order of his uncle, or of the king. The design was evidently illegal; and Albany, who had received intimation of it, determined to make it the occasion of carrying his purpose into execution. He accordingly laid his plan for intercepting the prince; and Rothsay, as he rode towards St Andrews, accompanied by a small retinue, for the purpose of taking possession of the castle, was arrested near Stratyrum, by Ramorgny and Lindsay, and subjected to a strict confinement, until the duke and the Earl of Douglas should determine upon his fate.

This needed little time, for it had been long resolved on; and when once masters of his person, the catastrophe was as rapid as it was horrible. In a tempestuous day, Albany and Douglas, with a strong party of soldiers, appeared at the castle, and dismissed the few servants who waited on him. They then compelled him to mount a sorry horse, threw a coarse cloak over his splendid dress, and hurrying on, rudely and without ceremony, to Falkland, thrust him into a dungeon. The unhappy prince now saw that his death was determined, but he little anticipated its cruel nature. For fifteen days he was suffered to remain without food, under the charge of two ruffians named Wright and Selkirk,¹ whose task it was

¹ John Wright and John Selkirk are the names, as given by Fordun a Goodal, vol. ii. p. 431. In the Chamberlain Accounts,

to watch the agony of their victim till it ended in death. It is said that, for a while, the wretched prisoner was preserved in a remarkable manner, by the kindness of a poor woman, who, in passing through the garden of Falkland, was attracted by his groans to the grated window of his dungeon, which was level with the ground, and became acquainted with his story. It was her custom to steal thither at night, and bring him food by dropping small cakes through the grating, whilst her own milk, conducted through a pipe to his mouth, was the only way he could be supplied with drink. But Wright and Selkirk, suspecting, from his appearance, that he had some secret supply, watched and detected the charitable visitant, and the prince was abandoned to his fate. When nature at last sunk, his body was found in a state too dreadful to be described, which showed that, in the extremities of hunger, he had gnawed and torn his own flesh. It was then carried to the monastery of Lindores, and there privately buried, while a report was circulated that the prince had been taken ill and died of a dysentery.²

The public voice, however, loudly and vehemently accused his uncle of the murder; the cruel nature of

vol. ii. p. 666, sub anno 1405, is the following entry, which perhaps relates to this infamous person. “*Johanni Wright uniheredum quondam Ricardi Ranulphi, per infeodacionem antiquam regis Roberti primi percipienti per annum hereditarie quinque libras de firmis dicti burgi (Aberdeen.)*”

² Fordun a Goodal, vol. ii. p. 431. Chamberlain Accounts, vol. ii. p. 511.

his death threw a veil over the folly and licentiousness of his life ; men began to remember and to dwell upon his better qualities, and Albany found himself daily becoming more and more the object of scorn and detestation. It was necessary for him to adopt some means to clear himself of such imputations, and the skill with which the conspiracy had been planned was now apparent. He produced the king's letter commanding the prince to be arrested ; he affirmed that every thing which had been done was in consequence of the orders he had received, defying any one to prove that the slightest violence had been used, and he appealed to and demanded the judgment of the parliament. This great council was accordingly assembled in the monastery of Holyrood, on the 16th of May, 1402, and a solemn farce took place, in which Albany and Douglas were examined as to the causes of the prince's death. Unfortunately, no original record of the examination, or of the proceedings of the parliament, has been preserved. The accused, of course, told the story in the manner most favourable to themselves, and none dared to contradict them, so that it only remained for the parliament to declare themselves satisfied, and to acquit them of all suspicion of a crime which they had no possibility of investigating. Even this, however, was not deemed sufficient, and a public remission was drawn up, under the king's seal, declaring their innocence, in terms which are perfectly conclusive as to their guilt.

¹ This deed was discovered by Mr Astle, and communicated by

The explanation of these extraordinary proceedings is to be found in the exorbitant power of Douglas and Albany, and the weakness and infirmity of the unhappy monarch, who bitterly lamented the fate of his son, and probably well knew its authors, but dreaded to throw the kingdom into those convulsions which must have preceded their being brought to justice. Albany, therefore, resumed his situation of governor; and the fate of Rothsay was soon forgotten in preparations for continuing the war with England.

The truce, as was usual, had been little respected by the borderers of either country, the Earl of Douglas being accused of burning Bamborough castle, and that baron reproaching Northumberland for the ravages committed in Scotland. The eastern marches especially were exposed to constant ravages by the Earls of March and the Percies; nor was it to be expected that so powerful a baron as March would bear to see his vast possessions in the hands of the house of Douglas, without attempting either to recover them himself, or by havoc and burning to make them useless to his enemy. These bitter feelings led to constant and destructive invasions, and the Scottish border barons,—the Haliburtons, the Hepburns, Cockburns, and Lauders,—found it necessary to assemble their whole power, and intrust the leading of it by turns to the most warlike amongst them, a scheme which rendered every one anxious to him to Lord Hailes, who printed it in his *Remarks on the History of Scotland*.

eclipse his predecessor by some military exploit, or successful point of arms, termed, in the chivalrous language of the times, chevanches. On one of these occasions, the conduct of the little army fell to Sir Patrick Hepburn of Hales, his father, a venerable soldier of eighty years, being too infirm to take his turn in command. Hepburn broke into England and laid waste the country; but his adventurous spirit led him too far on, and Percy and March had time to assemble their power, and to intercept the Scots at Nesbit Moor, in the Merse, where a desperate conflict took place. The Scots were only four hundred strong, but they were admirably armed and mounted, and had amongst them the flower of the chivalry of the Lothians; the battle was for a long time bloody and doubtful, till the Master of Dunbar, joining his father and Northumberland, with two hundred men from the garrison at Berwick, decided the fortune of the day.¹ Hepburn was slain, and his bravest knights either shared his fate or were taken prisoners. The spot where the conflict took place, is still known by the name of Slaughter hill.² So important did Henry consider this success, probably from the rank of the captives, that, in a letter to his privy council, he informs them of the defeat of the Scots, compliments Northumberland and his son on their activity, and commands them to issue their orders for the array of the different counties, as their

¹ Fordun a Goodal, vol. ii. p. 433.

² Hume's Douglas and Angus, vol. i. p. 218.

indefatigable enemies, in great strength, had already ravaged the country round Carlisle, and were meditating a second invasion.

Nor was this inaccurate intelligence ; for the desire of revenging the loss sustained at Nesbit Moor, and the circumstance of the King of England being occupied in the suppression of the Welsh rebellion under Glendower, encouraged the Earl of Douglas to collect his whole strength ; and Albany, the governor, having sent his eldest son, Murdoch, to join him with a strong body of archers and spearmen, their united force was found to amount to ten thousand men. The Earls of Murray and Angus, Fergus Macdowall, with his fierce and half-armed Galwegians, the heads of the noble houses of Erskine, Grahame, Montgomery, Seton, Sinclair, Lesly, the Stewarts of Angus, Lorn, and Durisdeer, and many other knights and esquires, embracing the greater part of the chivalry of Scotland, assembled under the command of the Earl of Douglas ; and, confident in their strength, and eager for revenge, pushed on, without meeting an enemy, to the gates of Newcastle. But although Henry was himself personally engaged in his Welsh war, he had left the veteran Earl of Northumberland, and his son Hotspur, in charge of the borders ; and the Scottish Earl of March, who had renounced his fealty to his sovereign, and become the liege subject of England, joined the Percies, with his son, Gawin of Dunbar.

Douglas, it may be remembered, had risen upon the ruins of March, and possessed his castle and

estates ; so that the renegade earl brought with him, not only an experience in Scottish war, and an intimate knowledge of the border country, but that bitter spirit of enmity which made him a most formidable enemy. It was probably by his advice that the Scots were allowed to advance without opposition through the heart of Northumberland ; for the greater distance they were from home, and the longer time allowed to the English to collect their force, it was evidently the more easy to cut off their retreat, and to fight them at an advantage.

The result showed the correctness of this opinion. The Scottish army, loaded with plunder, confident in their own strength, and secure in the apparent panic of the enemy, retreated slowly and carelessly, and had encamped near Wooler, when they were met by the intelligence that Hotspur, with a strong army, had occupied the pass in their front, and was advancing to attack them. Douglas immediately drew up his army in a deep square, upon a neighbouring eminence, called Homildon Hill ; an excellent position, had his sole object been to repel the attacks of the English cavalry and men-at-arms, but in other respects the worst that could have been chosen, for the bulk of Percy's force consisted of archers, and there were many eminences round Homildon by which it was completely commanded, the distance being within arrow-flight. Had the Scottish knights and squires, and the rest of their light-armed cavalry, who must have composed a body of at least a thousand men, taken possession of the rising ground

in advance, they might have charged the English archers before they came within bowshot, and the subsequent battle would have been reduced to a close-hand encounter, in which the Scots, from the strong ground which they occupied, must have fought to great advantage ; but as it was occupied by Douglas, who crowded his whole army into one dense column, the position became the most fatal that could possibly have been selected.

The English army now rapidly advanced, and on coming in sight of the Scots, at once occupied the opposite eminence, which, to their surprise, they were permitted to do, without a single Scottish knight or horseman leaving their ranks ; but at this crisis, the characteristic impetuosity of Hotspur, who, at the head of the men-at-arms, proposed instantly to charge the Scots, had nearly thrown away the advantage. March, however, instantly seized his reins and stopt him. His eye had detected, at the first glance, the danger of Douglas's position ; he knew from experience the strength of the long-bow of England, and by his orders, the precedence was given to the archers, who, slowly advancing down the hill, poured their volleys as thick as hail upon the Scots, whilst, to use the words of an ancient manuscript chronicle, they were so closely wedged together, that a breath of air could scarcely penetrate their files, making it impossible for them to wield their weapons. The effects of this were dreadful, for the cloth-yard shafts of England pierced with ease the light armour of the Scottish men-at-arms, few of whom were de-

fended by more than a steel-cap and a thin jack, or breast-plate, whilst many wore nothing more than the leather acton, or quilted coat, which afforded a feeble defence against such deadly missiles. Even the better-tempered armour of the knights was found utterly unequal to resistance, when, owing to the gradual advance of their phalanx, the archers took a lower and nearer aim, whilst the Scottish bowmen drew a wavering and uncertain bow, and did little execution.¹ Numbers of the bravest barons and gentlemen were mortally wounded, and fell down on the spot where they were first drawn up, without the possibility of reaching the enemy; the horses, goaded and maddened by the increasing showers of arrows, reared and plunged, and became altogether unmanageable; whilst the dense masses of the spearmen and naked Galwegians presented the appearance of a huge hedgehog, (I use the expression of a contemporary historian,) bristled over with a thousand shafts, whose feathers were red with blood. This state of things could not long continue. "My friends," exclaimed Sir John Swinton, "why stand we here to be slain like deer, and marked down by the enemy? Where is our wonted courage? Are we to be still, and have our hands nailed to our lances? Follow me, and let us at least sell our lives as dearly as we can."²

Saying this he couched his spear, and prepared to gallop down the hill; but his career was for a moment

¹ Walsingham, p. 366. Otterburne, p. 237. Fordun and Winton do not even mention the Scottish archers.

² Fordun a Goodal, vol. ii. p. 434. Winton, vol. ii. p. 401.

interrupted by a singular event. Sir Adam de Gordon, with whom Swinton had long been at deadly feud, threw himself from his horse, and kneeling at his feet, solemnly begged his forgiveness, and the honour of being knighted by so brave a leader. Swinton instantly consented, and after giving him the accolade, tenderly embraced him. The two warriors then remounted, and at the head of their followers, forming a body of a hundred horse, made a desperate attack upon the English, which, had it been followed by a simultaneous charge of the great body of the Scots, might still have retrieved the fortune of the day. But such was now the dreadful confusion of the Scottish lines, that Swinton and Gordon were slain, and their men struck down and dispersed, before the Earl of Douglas could advance to support them ; and when he did so, the English archers, keeping their ranks, fell back upon the cavalry, pouring in volley after volley, as they slowly retreated, and completing the discomfiture of the Scots by an appalling carnage. If we may believe Walsingham, the armour worn by the Earl of Douglas on this fatal day, was of the most exquisite workmanship and temper, and cost the artisan who made it three years' labour ; yet he was wounded in five places, and made prisoner along with Lord Murdoch Stewart, and the Earls of Murray and Angus. In a short time the Scottish army was utterly routed ; and the archers, to whom the whole honour of the day belonged, rushing in with their knives and short swords, made prisoners of almost every person of rank or station.