

which are strikingly illustrative of the condition of the country. Every baron, within his barony, is directed, at the proper season, to search for and slay the wolves' whelps, and to pay two shillings a-head for them to any man who brings them: the tenants are commanded to assist the barons on all occasions when a wolf-hunt is to be held, under the penalty of "a wedder" for non-appearance; and such hunts are to take place four times in the year: no cruves, or machines for catching fish, are to be placed in waters where the tide ebbs and flows, for three years to come: where the merchants who trade to the continent cannot procure Scottish ships, they are permitted to freight their cargoes in foreign vessels: no lepers are to be permitted to dwell any where but in their own hospitals, at the gate of the town, or other places without the bounds of the burgh; strict enquiries are directed to be made by the officials of the bishops, in their visitations, with regard to all persons, whether lay or secular, who may be smitten with this loathsome disease, so that they may be denounced, and compelled to obey the statute; and no lepers are to be allowed to enter any burgh, except thrice in the week, on Mondays, Wednesdays, and Fridays, between the hours of ten and two, for the purpose of purchasing their food; if, however, a fair or market happens to be held on any of these days, they are to come in the morning, and not to mix indiscriminately with the multitude.

If any clerk, whether secular or religious, is desirous of passing beyond seas, it is made incumbent on

him first to come to his ordinary to show good cause for his expedition, and to make faith that he shall not be guilty of any kind of simony or "barratry,"—a word meaning the purchasing of benefices by money. All such defaulters or "barratores" are directed to be convicted, under the statute already made against those who carry money out of the realm; and not only all such as may be convicted of this crime in time to come, but all who are now without the realm, being guilty of it, are made liable to the penalties of the statute, and none are permitted either to send them money, or to give them assistance, to whatever rank or dignity in the church they may have attained.<sup>1</sup> It is enacted, that no man shall dare to interpret the statutes contrary to their real meaning, as understood by those who framed them; and that they who are litigants in any plea, attend at court simply accompanied by their councillors and "forespeakers," and such sober attendance as befits their estate, and not with a multitude of armed followers on foot or horseback.

In the same general council some strict regulations occur regarding the prices charged by various craftsmen, such as masons, smiths, tailors, weavers, and the like, who had been in the practice of insisting upon a higher price for their labour than they were by law entitled to. Wardens of each craft are directed to be yearly elected in every burgh, who, with the advice

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 16. Skene, De Verb. Signif. voce Barratry.

of other discreet and unsuspected men, are empowered to examine and estimate the materials and workmanship of every trade, and fix upon it a certain price, which, if exceeded by the artificer, makes him liable to forfeit the article thus overcharged. In lands without the burgh the duty of the warden is to be performed by the baron, and the sheriff is directed to see that he duly performs it. The council concludes by an act, imposing a penalty of forty shillings upon all persons who slay or take partridges, plovers, black cocks, gray hens, muir cocks, by any kind of instrument or contrivance between "lentryn and August."

It may be remarked, that the meeting of the three Estates in which these various enactments are passed, is not denominated a parliament, but a General Council, a term apparently implying a higher degree of solemnity, and conferring perhaps upon the statutes which are passed in it a more grave and unchallengeable authority than the word parliament. It is difficult, however, to understand the precise distinction, or to discover wherein this superior sanctity consists; for, in looking to its internal constitution, we find that the members who compose the general council are exactly the same as those which sit in the parliament; the bishops, abbots, priors, earls, barons, and free tenants who hold of the king in capite, and certain burgesses from every burgh in the kingdom, "some of whom were absent upon a legitimate excuse, and others contumaciously, who, on this account, are found

liable in a fine of ten pounds."<sup>1</sup> Within four months after the meeting of this last General Council, the king convoked another solemn assembly of the same description at Perth, on the 12th July 1428, in which it was determined that all successors of prelates, and all the heirs of earls, barons, and free tenants of the crown, should be bound before they are permitted to enter into possession of their temporalities or their estates, to take the same oath of allegiance to the queen, which they swear to the sovereign, a regulation by which the king, in the event of his death, prepared his subjects to regard the queen as regent, and endeavoured to guard against those convulsions which were too likely to arise during a minority.<sup>2</sup>

It is time, however, to turn from this history of our early legislation to the course of our narrative. Although gradually gaining ground, France was still grievously oppressed by the united attacks of England and Burgundy; and Charles the Seventh, esteeming it of consequence to secure the friendship and assistance of Scotland, followed up the betrothment between James's only daughter and the Dauphin, by an actual contract of marriage, for which purpose the Archbishop of Rheims, and Stuart Lord of Darnley, and Count of Dreux, again visited Scotland. Instead of a dower, which Scotland was at that time little able to offer, James was requested to send to France six thousand soldiers; and the royal bride

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 15. Skene, De Verb. Signif. voce Barratrie.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 17.

was, in return, to be provided in an income as ample as any hitherto settled upon the Queens of France. In addition to this, the county of Xaintonge and the lordship of Rochfort were to be made over to the Scottish King, all former alliances were to be renewed and ratified by the mutual oaths of the two monarchs, and the French monarch engaged to send transports for the passage of the Scottish soldiers to France when their assistance was most required. The extraordinary rise and splendid military successes of the Maid of Orleans, which occurred in the year immediately following this embassy, rendered it unnecessary in France to insist upon this article in the treaty; but the jealousy and apprehensions of England were roused by the prospect of so intimate an alliance, and the Cardinal Beaufort, the uncle of James's queen, who, at this time, was one of the leading directors in the government of England, made proposals for an interview upon the marches, between the Scottish monarch and himself, for the purpose of consulting upon some affairs intimately connected with the mutual weal and honour of the two realms. James, however, appears to have considered it beneath the dignity of an independent sovereign to leave his kingdom and engage in a personal conference with a subject, and the meeting never took place.<sup>1</sup> The two countries, however, fortunately continued on amicable terms with each other, and time was given to the Scottish monarch to pursue his schemes of improvement, and to evince his continued zeal for every thing

<sup>1</sup> Rymer, vol. x. p. 410. Rotuli Scotiæ, vol. ii. p. 264.

which affected the happiness of his subjects and the internal prosperity of his kingdom.

It appears, that at this period the poor tenants and labourers of the soil had been reduced to grievous distress by being dispossessed of their farms, and turned out of their cottages, whenever their landlord chose to grant a lease of the estate, or dispose of it to a new proprietor; and such was then the enslaved condition of a great proportion of the lower classes in Scotland, that the king, acting, as he was obliged to do, by the customary laws, which, so far as they affected the rights of the feudal lords, were watched over with the most jealous care, could not, of his own authority, ameliorate their condition. He made it a request, however, to the prelates and barons of his realm, in a parliament held at Perth on the 26th April, 1429, that they would not summarily and suddenly remove the labourers and husbandmen from any lands of which they possessed leases not then expired, for the space of a year after such transaction, unless where the baron to whom the estate belonged proposed to occupy the lands himself, and keep them for his own private use; a benevolent enactment, which perhaps may be regarded as the first step towards that most important privilege, which was twenty years afterwards conceded to the great body of the farmers and labourers, and which is known in Scottish law under the name of the real right of tack.<sup>1</sup>

A sumptuary law was passed at the same time, by

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 17, 35.

which it was ordered that no person under the rank of knight, or having less than two hundred marks of yearly income, should wear clothes made of silk, adorned with the richer kinds of furs, or embroidered with gold or pearls. The eldest sons or heirs of all knights were permitted to dress as sumptuously as their fathers; and the aldermen, bailies, and council of the towns, to wear furred gowns; whilst all others are enjoined to equip themselves in such grave and honest apparel as befits their station, that is to say, in “serpis, beltis, uches, and chenzies.” In these regulations, the apparel of the women was not forgotten. The increasing wealth and luxury of the commercial classes had introduced a corresponding, and, as it was then esteemed, an unseemly magnificence in the habiliments of the rich burghers’ wives, who imitated, and in all probability exaggerated, the dresses of the ladies of the court. It was commanded that neither commoners’ wives nor their servants should wear long trains, rich hoods or ruffs, purfled sleeves, or costly “curches” of lawn; and that all gentlemen’s wives take care that their array do not exceed the personal estate of their husband.<sup>1</sup>

All persons who were possessed of property affording a yearly rent of twenty pounds, or of movable goods to the value of a hundred pounds, are to be well horsed, and armed “from head to heel,” as befits their rank as gentlemen; whilst others of inferior wealth, extending only to ten pounds in rent, or

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii, pp. 17, 18.

fifty pounds in goods, were bound to provide themselves with a gorget, rerebrace, vantbrace, breastplate, greaves, and legsplints, and with gloves of plate, or iron gauntlets. The arms of the lower classes are very minutely detailed. Every yeoman, whose property amounts to twenty pounds in goods, was commanded to arm himself with a good doublet of fence, or a habergeon, an iron hat, or knapskull, a bow and sheaf of arrows, a sword, buckler, and dagger. The second rank of yeomen, who possess only ten pounds in property, were to provide for themselves a bow and sheaf of arrows, a sword, buckler, and dagger; whilst the lowest class of all, who have no skill in archery, were to have a good "suir" hat, a doublet of fence, with sword and buckler, an axe also, or at least a staff pointed with iron. Every citizen, or burghess, possessing fifty pounds in property, was commanded to arm himself in the same fashion as a gentleman; and the burghess yeoman of inferior rank, possessing property to the extent of twenty pounds, to provide a doublet and habergeon, with a sword and buckler, a bow and sheaf of arrows, and a knife, or dagger. It is finally made imperative on the barons within their barony, and the bailies within burgh, to carry these enactments into immediate execution, under certain penalties or fines, which, in the event of failure, are to be levied by the sheriff of the county.<sup>1</sup>

In the late rebellion of the Lord of the Isles, the want of a fleet had been severely felt, and these sta-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 18.



tutes regarding the land force of the country, were followed by other regulations of equal importance, concerning the establishment of a navy—a subject which we have seen occupying the last exertions of the dying Bruce.

All barons and lords possessing estates within six miles of the sea, in the western and northern portions of the kingdom, and opposite the isles, were commanded to contribute to the building and equipment of galleys for the public service, in the proportion of one oar to every four marks worth of land,<sup>1</sup> and to have such vessels ready to put to sea within a year after the date of this enactment. From this obligation, all such barons as held their lands by the service of finding vessels, are of course excepted, they being still bound to furnish them according to the terms of their charter. In the event of any merchant-ships having been wrecked upon the coast, the confiscation of their cargoes to the king, or their preservation for their owners, was made dependent upon the law respecting wrecks in the country to which such vessels belonged; it being just that they should receive from foreign governments the same protection which it is the practice of their government to extend to foreign vessels. It was enacted in the same parliament, that all advocates, or fore-speakers, who are employed in plead-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 19. What is here the precise value of an oar, cannot be discovered from any expression in the act.

ing causes in any temporal court, and also the parties litigant, if they happen to be present, shall swear, before they be heard, that the cause which they are about to plead is just and true, according to their belief; or, in the simple words of the act itself, "that they trow the cause is gude and lele that they shall plead."

In the same year, to the great joy of the monarch and the kingdom, his queen was delivered of twin sons, whose baptism was celebrated with much solemnity, one of them being named Alexander, probably after Alexander the Third, whose memory was very dear to the people, and the other James. At the font the king created both these infants knights, and conferred the same honour on the youthful heirs of the Earl of Douglas, the Chancellor, Lord Crichton, Lord Borthwick, Logan of Restalrig, and others of his nobility.<sup>1</sup> The first of these boys died very young, but the second, James, was destined to succeed his father in the throne.

The truce with England was now on the point of expiring, and the king, who was anxious to concentrate his whole efforts upon the pacification of the northern parts of his dominions, and whose unremitting attention was required at home to carry his new laws into execution, felt equally disposed with Henry the Sixth, to negotiate for a renewal of the armistice, and to discuss the possibility of concluding a permanent peace. For this purpose, a meet-

<sup>1</sup> Fordun a Goodal, vol. ii. p. 490.

ing took place between certain commissioners from both nations, who concluded a truce for five years, from the 1st of April 1431, in the provisions of which, an anxious desire is manifested on both sides to adopt every possible expedient for restraining the intolerable lawlessness of the border warfare. In the same truce, various rude accommodations to each other's commerce are agreed upon by the governments of the sister kingdoms; the merchants, pilgrims, and fishers of either country, when driven into strange ports by stress of weather, are forbidden to be seized; shipwrecked men are to be allowed to pass to their own homes; in cases of piracy, not only the principal aggressors, but all who have encouraged the adventure or received the plunder, are made liable for compensation, and amenable to punishment; and it was lastly agreed, that no aggressions by the subjects of either kingdom, should occasion a breach of the truce.<sup>1</sup>

Having concluded this measure, James found himself at leisure to take into consideration the condition of the Highlands, which, notwithstanding the severity of the examples already made, called loudly for his interference. Donald Balloch, a near relation of the Lord of the Isles, enraged at what he deemed the pusillanimous submission of his kinsman, having collected a fleet and an army in the Hebrides, ran his galleys into the neck of the sea which divides Morven from the little island of Lis-

<sup>1</sup> Rymer Fœdera, vol. x. p. 482. Macpherson's Annals of Commerce, vol. i. p. 646.

more, and, disembarking at Lochaber, broke down upon that district with all the ferocity of northern warfare, cutting to pieces a superior force commanded by Alexander, Earl of Mar, and Alan Stewart, Earl of Caithness, whom James had stationed there for the protection of the Highlands. The conflict took place at Inverlochy, and such was the fury of the attack, that the superior discipline and armour of the Lowland knights was utterly unavailing against the broadswords and battle-axes of the Islesmen. The Earl of Caithness, with sixteen of his personal retinue, and many other barons and knights, were left dead on the field, while the Earl of Mar, with great difficulty, succeeded in rescuing the remains of the royal army. From the result of this battle, as well as the severe loss experienced at Harlaw, it is evident that the Islesmen and the ketherans were every day becoming more formidable enemies, and that their arms and their discipline must have been of late years essentially improved. Donald Balloch, however, notwithstanding the dispersion of the royal army, appears to have considered it hazardous to attempt to follow up his success; and after having ravaged Lochaber, and carried off as much plunder as he could collect, re-embarked in his galleys, and retreated first to the Isles, and eventually to Ireland.<sup>1</sup>

About the same time, in the wild and remote country of Caithness, a desperate conflict took place be-

<sup>1</sup> Fordun a Hearne, vol. iv. p. 1289. Extracta ex Chronicis Scotiæ, p. 277.

tween Angus Dow Mackay and Angus Murray, two leaders of opposite septs or clans, which, from some domestic quarrel, had arrayed themselves in mortal opposition against each other. They met in a strath or valley upon the water of Naver, when such was the ferocity and exterminating spirit with which the battle was contested, that out of twelve hundred ketherans only nine are said to have remained alive;<sup>1</sup> an event which, considering the infinite mischiefs lately occasioned by their lawless and undisciplined manners, was perhaps considered a subject rather of congratulation than of regret to the kingdom. These excesses, however, for the meantime, had the effect of throwing the whole of the northern parts of the country into a state of tumult and rebellion; and the king, having collected an army, summoned his feudal barons to attend him, and determined to proceed against his enemies in person. With some of the most powerful of the nobility, this northern expedition seems to have been unpopular, and the potent Earl of Douglas, with Lord Kennedy, both of them nephews to the king, were committed to ward in the castles of Lochleven and Stirling, probably from some disgust expressed at the royal commands.<sup>2</sup> The rendezvous was appointed at Perth, where, previous to his northern expedition, a parliament was held on the fifteenth of October; and to defray the expenses of the undertaking, a land-tax, or "zelde," was raised upon the whole lands in the king-

<sup>1</sup> Fordun a Goodal, vol. ii. p. 491.

<sup>2</sup> Fordun a Hearne, vol. iv. p. 1288.

dom, ecclesiastical as well as temporal. Its amount was declared to be ten pennies in every pound from those lands where, upon a former occasion, the tax of two pennies had been levied, and twelve pennies in the pound out of all lands which had been excepted from the payment of this smaller contribution. At the same time, the king directed his justices to take proper measures for the punishment of those vassals who had disobeyed his summons, and absented themselves from the host; and, with the intention of passing into the Western Isles, and inflicting exemplary vengeance against the pirate chiefs who had joined Donald Balloch, he proceeded to Dunstaffinch castle. Here he found himself in a short time surrounded by crowds of suppliant island lords, who, dreading the determined character of James, were eager to make their submission, and to throw the whole blame of the rebellion upon Balloch, whose power they dared not resist. By their means three hundred of the most noted thieves and robbers were seized and led to immediate execution, and soon after Donald Balloch was himself betrayed by one of the petty kings of Ireland, who, having entered into a secret treaty with James, cut off his head, and sent it to the king.<sup>1</sup>

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 20. Buchanan, b. x. c. 33, 36. It is singular that James's expedition against his northern rebels in 1431 is not mentioned either by Fordun or Bower in his Continuation; yet that such an expedition took place the Acts of the Parliament held at Perth, 15th October 1431, afford undoubted evidence.

It was at this period that the pestilence again broke out in Scotland; but the visitation, although sufficiently dreadful, appears to have assumed a less fatal character than that which in 1348 carried off almost a third part of the population of the kingdom. The winter had been unusually severe and stormy, and the cold so intense, that not only the domestic cattle, but the hardier beasts of the chase, almost entirely perished. It is difficult, in the meagre annals of contemporary historians, to detect any thing like the distinguishing symptoms of this awful scourge. In contradistinction to the pestilences which, in 1348, 1361, and 1378, had committed such fatal ravages, Bower denominates this the “*pestilentia volatilis* ;”<sup>1</sup> and we know that, having first appeared at Edinburgh in the month of February 1430, it continued throughout the year 1432, at which time it was prevalent in Haddington ;<sup>2</sup> while in the year immediately preceding (1431), during the parliament which was held at Perth in October, the volatile character of the disease seems to be pointed out by the provision, that the collectors of the land-tax should be obliged to arrange their accounts on the Feast of the Purification of the Virgin, next to come, “at Perth, provided the pestilence be not there, and if it is there, at Saint Andrews.”<sup>3</sup> The inclemency of the season, the poverty of the lower classes, and the dreadful ravages occasioned by private war and by the ferocity

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 347, 365, 391, 490.

<sup>2</sup> Extracta ex Chronicis Scotiæ, p. 277.

<sup>3</sup> Acts of Parliament, vol. ii. p. 20.

of the northern clans, must have greatly increased the distresses occasioned by such a calamity ; and it appears from the accounts of our contemporary chroniclers, that, during the height of the ravages which the pestilence occasioned, the popular mind, under the influence of terror and ignorance, became agitated with frightful stories and wild and romantic superstitions. A total eclipse of the sun, which occurred on the 17th of June, 1432, increased these terrors, the obscuration beginning at three in the afternoon, and for half an hour causing a darkness as deep as midnight. It was long remembered in Scotland by the name of the Black Hour.<sup>1</sup>

The continuance of the successes of the French, and the repeated defeats which the English had experienced, now rendered it of great importance to the government of Henry the Sixth to make a serious effort for the establishment of a lasting peace with Scotland ; and for this purpose, Lord Scrope proceeded as envoy to the court of James, with proposals so decidedly advantageous, that it is difficult to account for their rejection. The English king, he declared, was ready to purchase so desirable a blessing as a peace by the delivery of Roxburgh and Berwick into the hands of the Scots, and the restitution of all that had anciently belonged to their kingdom. Anxious to obtain the advice of his parliament upon so momentous an offer, James appointed a general council of the whole states of the realm

<sup>1</sup> Fordun a Hearne, vol. iv. p. 1307.



to be held at Perth in October,<sup>1</sup> in which he laid before them the proposals of England.

The whole body of the temporal barons agreed in the expediency of entering upon an immediate negotiation, preparatory to a treaty of peace, and the majority of the prelates and higher churchmen appear to have concurred in this proposal ; but amongst the minor clergy there existed a party attached to the interests of France, which was headed by the Abbots of Scone and Inchcolm. They warmly contended, that considering the engagements with that country, and the treaty of marriage and alliance which the king had lately ratified, it was impossible to accept the proposals of England, consistently with his honour, and the regard due to a solemn agreement, which had been examined by the University of Paris, and had received the ratification of the Pope. These arguments were seconded by the Abbot of Melrose ; and with much violence opposed by Lawrence of Lindoris, who, as the great inquisitor of all heretical opinions, imagined that he detected, in the propositions of his brethren of the church, some tenets which were not strictly orthodox. This led to a warm reply, and the debate, instead of a temperate discussion of the political question which had been submitted to the parliament, degenerated into a theological controversy of useless length and

<sup>1</sup> Fordun a Hearn, vol. iv. p. 1308. I do not find in Rymer's *Fœdera*, in the Acts of the Parliament, or in the *Rotuli Scotiae*, any deed throwing light upon this transaction.

bitterness, which unfortunately led, in the first instance, to a delay of the principal business, and, ultimately, to a rejection of all proposals of peace.<sup>1</sup>

The succeeding year was barbarously signalled by the trial and condemnation of Paul Cwarar, a Bohemian, who was burnt for heresy at St Andrews on the 23d of July. He had been sent by the citizens of Prague, who had adopted the tenets of Wickliff, to open an intercourse with their brethren in Scotland. Of these earnest enquirers into the truth, there appears to have been a small sect, who, undaunted by the dreadful fate of Resby, continued secretly to attack the fundamental errors of the Catholic church, and to disseminate, in opposition to such delusions, the genuine declarations of the Bible. Cwarar was a physician, and came into Scotland with letters which spoke highly of his eminence in his art; but it was soon discovered, that he seized every opportunity of disseminating principles contrary to the established doctrines of the church, and the Inquisitor, Lawrence of Lindoris, arraigned him before his court, and entered into a laboured confutation of his opinions. He found him, however, not only a most courageous, but, according to the admission of his enemies, a singularly acute opponent. In theological controversy, in an intimate acquaintance with the sacred Scriptures, and in the power of prompt and apposite quotation, the Bohemian physician was unrivalled; but it was soon discovered that he had

<sup>1</sup> Fordun a Hearne, vol. iv. pp. 1309, 1310.

adopted all the opinions of the disciples of Wickliff, and of the heretics of Prague, and that his mission as a physician was merely a cloak to conceal his real character as a zealous and pious minister of the word of God.

That he had made many converts, there can be no doubt from the expressions used by Fordun; and the laboured exposition and denunciation of his reputed errors, which is given by the historian, contains evidence that his opinions were exactly those of Wickliff, which had been propagated twenty-six years before by James Resby. He taught, that the Bible ought to be freely communicated to the people; that, in a temporal kingdom, the spiritual power should be subservient to the civil; that magistrates had a right to arraign, on trial, and to punish delinquent ecclesiastics and prelates; that purgatory was a fable—the efficacy of pilgrimages an imposition—the power of the “keys”—the doctrine of transubstantiation—and the ceremonies of absolution, a delusion and invention of man. In the celebration of the Lord’s Supper, he and his followers departed entirely from the gorgeous and complicated solemnities which distinguish this rite in the usage of the Catholic church. They used no splendid vestments, attended to no canonical hours, or set form of words, but began the service at once by the Lord’s Prayer; after which, with extreme simplicity, they read the history of the institution of the Supper as contained in the New Testament, and then proceeded

to distribute the elements, using common bread and a common chalice.<sup>1</sup>

These practices, in which we can recognise not merely a dawning, but a far advancement in the knowledge of the truth, excited a deep alarm amongst the clergy, who unfortunately found a warm supporter in the king. James had been brought up in a cruel and selfish school, for both Henry the Fourth and his son were determined persecutors, and the price which they did not scruple to pay for the money and the influence of the clergy, was the groans and tortures of those who sealed their confession with their blood. A familiarity with religious persecution, and an early habit of confounding it with a zeal for the truth, became thus familiar to the mind of the youthful king, and the temptations to favour and encourage his clergy, as a check and counterpoise to the power of his nobles, was not easily resisted. When, accordingly, Lawrence of Lindoris, the Inquisitor of heresy, became ambitious to signalise the same controversial powers against Crawar, which he had already exerted in the confutation of Resby, he found no difficulties thrown in his way. The Bohemian reformer was seized, arraigned, confuted, and condemned; and as he boldly refused to renounce his opinions, he was led to the stake, and gave up his life for the truth with the utmost cheerfulness and resolution.<sup>2</sup> The great Council of Basle,

<sup>1</sup> Fordun a Goodal, vol. ii. p. 495.

<sup>2</sup> Ibid. vol. ii. pp. 442, 495.

which was held at this time, had taken especial cognisance of the errors of Wickliff; and as the Bishops of Glasgow and Moray, with the Abbot of Arbroath, and many of the Scottish nobles, attended at this solemn assembly of the church, it is probable that their increased devotion to the Catholic faith, and anxiety for the extermination of heretical opinions in their own country, proceeded from their late intercourse with this great theological convocation.<sup>1</sup>

In the midst of his labours for the pacification of his northern dominions, and his anxiety for the suppression of heresy, the king never forgot his great plan for the diminution of the exorbitant power of the nobles; and with this view he now disclosed a design of a very bold and determined character, but which, however expedient, was scarcely reconcilable to the principles of justice. The strong castle of Dunbar, and the extensive estate, or rather principality, of the Earl of March, since the days of David the First, had been a perpetual thorn in the side of the Scottish government; its situation having enabled each successive Earl to hold in his hands a power far too great for any subject. It was a common saying, that March held the keys of the kingdom at his girdle. The possession of the various castles which commanded the passes, permitted him to admit an enemy at pleasure into the heart of the kingdom, and almost rendered the prosperity of the nation dependent upon the fidelity of a single baron.

<sup>1</sup> Rotuli Scotiæ, vol. ii. pp. 276, 284.

These circumstances, accordingly, had produced the effects which might have been anticipated ; and the Earls of March had shown themselves for many generations the most ambitious, and the most intriguing, of the whole race of Scottish nobles ; as pre-eminent in their power as they were precarious in their loyalty.

The conduct of the father of the present earl had been productive of infinite distress and misery to Scotland. Disgusted at the affront offered to his daughter, by the Duke of Rothsay's breach of his betrothed promise, and by his subsequent marriage with the house of Douglas, he had fled to England in 1401, and for eight years had acted the part of an able and unrelenting renegade. He had ravaged Scotland in company with Hotspur ; he had been the great cause of the disastrous defeat at Homildon ; his high military talents were still more decidedly displayed upon the side of Henry the Fourth at Shrewsbury ; and his son, the earl against whom James now resolved to direct his vengeance, had defeated the Scots at West Nesbit. After the accession of Albany to the kingdom, the elder March, in 1408, returned to his native country ; and having been restored to his estates, which had been forfeited to the crown in consequence of his rebellion, he continued in the quiet possession of them till his death, which happened in 1420.

He was succeeded by his son, George Earl of March, a baron, who, with the single exception of having fought against the Scots at Nesbit, does not appear to have inherited any part of his father's versatility ; and who, although arrested by James at the time when

Duke Murdoch was imprisoned, shared that fate in common with many others of the nobility, who seem to have sealed their peace with the king by sitting upon the jury which condemned his unfortunate cousin. It was a remarkable feature, however, in the character of this monarch, that he retained his purposes with a steadiness and patience, that gave little alarm, while it enabled him quietly to watch his opportunity, and which was calculating upon the removal of obstacles, and smoothing the road for the execution of his designs, when no one suspected that such designs existed. In the parliament held at Perth, on the 15th of October, 1431, it had been declared by the three Estates,<sup>1</sup> that the governor of the realm, during the period of his government, had no power to alienate any lands, which, by the decease of a bastard, might have fallen to the crown; and that, on this ground, the donation of the lands of Yethame, which had been made by Albany, when governor, to Adam Ker, was of none effect, although it had been completed by feudal investiture. It is very probable that, at this or a subsequent period, other enactments may have been passed relative to the power possessed by the king to resume such estates, as, having once been forfeited for treason, had been restored by the governor. No record of such, however, remains; and we only know that James, having felt his way, and being probably sure of his own strength, determined on the resumption of the immense estates of March into the hands of the crown.

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 20.

A parliament was accordingly assembled at Perth, on the 10th of January, 1434, and its first proceeding was to select a committee of nine persons, including three of the clergy, three of the barons, and three of the burgesses, to hear and determine all causes and complaints which might be brought before them. The Abbots of Scone and of St Colm,<sup>1</sup> the Provost of the Collegiate Church of Methven, Sir Robert Stewart of Lorn, Sir Thomas Somerville of Somerville, and Sir Walter Haliburton of Dirlton, along with John Spens of Perth, Thomas Chambers of Aberdeen, and James Parkle of Linlithgow, were the judges chosen upon this occasion; but whether the important cause relating to the earldom of March came before them, or was pleaded in presence of the whole body of the parliament, is not easily ascertained. It is certain that the question regarding the forfeiture of the property, and its reversion to the crown, in consequence of the treason of the late Earl of March, was discussed with all due solemnity by the advocates or prolocutors of the king, and of the earl then in possession; after which this baron and his counsel being ordered to retire, the judges considered the reasons which had been urged on both sides, and made up their opinion upon the case. March and his prolocutors were then re-admitted, and the doomster declared it to be the decision of the parliament, after mature deliberation, that, in

<sup>1</sup> Walter Bower, the excellent Continuator of Fordun.



consequence of the forfeiture of Lord George of Dunbar, formerly Earl of March, all title alike of property and possession to the whole lands of the earldom of March and lordship of Dunbar, with whatever other lands the same baron held of the crown, belonged of right to the king, and might immediately be occupied.<sup>1</sup>

Against this measure, which in a moment reduced one of the most powerful subjects in the realm to the condition of a landless dependent upon the charity of the crown, it does not appear that the earl, or his friends, dared to offer any remonstrance or resistance. They probably knew it would be ineffectual, and might bring upon them still more fatal consequences; and James proceeded to complete his plan for the security of the kingdom, by taking possession of the forfeited estate, and delivering the keeping of the castle of Dunbar, which he had seized in the preceding year, to Sir Walter Haliburton of Dirlton. He then, to soften in some degree the severity of his conduct, conferred upon March the title of Earl of Buchan, and assigned to him, out of the revenues of that northern principality, an annual pension of four hundred marks. That noble person, however, full of resentment for the cruelty with which he had been treated, disdained to assume a title which he regarded as only a mark of his degradation, and almost immediately after the judgment bade adieu to his country, and, in company with his

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 23.

eldest son, retired to England.<sup>1</sup> Although this extraordinary proceeding appears not to have occasioned any open symptoms of dissatisfaction at the moment, it is impossible to conceive that it should not have roused the jealousy and alarmed the minds of the great body of the feudal nobility. It cannot perhaps be pronounced strictly unjust, yet there was a harshness, it may almost be said, a tyranny, in the manner in which such princely estates were torn from the family, after they had been possessed for twenty-six years, without challenge or remonstrance.

During the long usurpation of Albany, many of the nobles had either acquired, or been permitted to retain estates, upon tenures in every respect as unsound as that by which March possessed his earldom, and none knew whether they might not be the next victims. A dark suspicion that the life of the king was incompatible with their security and independence, began secretly to infuse itself into their minds; and from a proceeding which took place before the dissolution of the parliament, the monarch himself appears to have been aware of the probability of conspiracy, and to have contemplated the possibility of his being suddenly cut off, in the midst of his schemes for the consolidation of his power. He did not allow them to separate and return to their homes, before the whole lords of parliament, temporal and spiritual, as well as the commissaries of the burghs, had promised

<sup>1</sup> Rotuli Scotiæ, vol. ii. p. 293.

to give their bonds of adherence and fidelity to their sovereign lady the queen.<sup>1</sup>

About the same time, the king acquired a great accession of property and power by the death of Alexander Stewart, the famous Earl of Mar, and a natural son of the Earl of Buchan, James's uncle. The estates of this wealthy and potent person, who, from a rude and ferocious Highland freebooter, had become one of the ablest captains, and most experienced statesmen, in the nation,<sup>2</sup> reverted upon his death to the crown, upon the ground of his bastardy. The humiliation of the hated race of Albany was now complete. Murdoch and his sons, with the Earl of Lennox, had perished on the scaffold, and their whole estates had reverted to the crown; although the Earl of Buchan, who was slain at Verneuil, had left an only daughter, to whom the title belonged, by a stretch of power, bordering upon injustice, the title had been bestowed upon the disinherited March, and now the immense estates of the Earl of Mar, the natural son of Buchan, reverted to the crown. The power of the king became thus every day more formidable; but it was built upon the oppression of his feudal nobility, a set of men with whom it was considered a meanness to forget an injury, and whose revenge was generally deep and terrible—and so the result showed.

<sup>1</sup> Acts of Parliament, vol. ii. p. 23. The expression is, "dure literas suas retenenciæ et fidelitatis Domine nostre Regine."

<sup>2</sup> Fordun a Goodal, vol. ii. p. 500.

Entirely occupied with a vain and unsuccessful effort to retain their conquests in France, the English government evinced every anxiety to preserve inviolate the truce with Scotland; but the spirit of border hostility could not be long restrained, and Sir Robert Ogle, from some cause which is not easily discoverable, broke across the marches, at the head of a strong body of knights and men-at-arms; he was met, however, and totally routed, near Piperden, by the Earl of Angus, Hepburn of Hailes, and Sir Alexander Ramsay of Dalhousie, he himself being taken captive, forty slain, and nearly the whole of his party made prisoners.<sup>1</sup> James violently remonstrated against this unprovoked infraction of the truce, and, in his letters to the English regency, insisted upon immediate redress; but his complaints were overlooked or rejected, and the king was not of a temper to bear such an affront with tameness, or to forget it when an opportunity for retaliation occurred.

These indignant feelings were increased by an occurrence which followed soon after the conflict at Piperden. The Dauphin of France, who had been betrothed to Margaret, the daughter of the Scottish king, had now attained his thirteenth year, and the princess herself was ten years old. It was accordingly resolved to complete the marriage, and with this view, two French envoys having arrived in Scotland, the youthful bride was transmitted to the court of the king of France, accompanied by a splendid train of

<sup>1</sup> Fordun a Goodal, vol. ii. p. 501.

the nobility. The fleet which carried her to her future kingdom, where her lot was singularly wretched, was commanded by the Earl of Orkney, William Sinclair. The Bishop of Brechin, Sir Walter Ogilvy the treasurer, Sir Herbert Harris, Sir John Maxwell of Calderwood, Sir John Campbell of Loudon, Sir John Wischart, and many other noble barons, attended in her suite. They were accompanied by a hundred and forty youthful squires, and a guard of a thousand men-at-arms; and the fleet which conveyed them to France consisted of three large ships, and six barges.<sup>1</sup>

In defiance of the truce which then subsisted between the two kingdoms, the English government determined, if possible, to intercept the princess upon her passage to France, and for this purpose fitted out a large fleet, which anchored off the coast of Bretagne, in order to watch the motions of the Scots. It was impossible that so flagrant an insult should fail to rouse the highest indignation in the breast of the Scottish king. It convinced him how little was to be trusted to the honour of a government which disregarded a solemn truce the moment a favourable opportunity for conquest, or annoyance, presented itself, whilst it reminded him of the treachery by which he had himself been seized, and brought all the bitterness of his long captivity before him. The project, however, was unsuccessful. The English were drawn away from their watch by the ap-

<sup>1</sup> Fordun a Goodal, vol. ii. p. 485.

pearance of a company of Flemish merchantmen, laden with wine from Rochelle, which they pursued and captured; but the triumph was of short duration; for almost immediately after a Spanish fleet appeared in sight, and an engagement took place, in which the English were beaten, their Flemish prizes wrested from their hands, and they themselves compelled to take to flight. In the midst of these transactions, the little Scottish squadron, with the dauphiness and her suite, safely entered the port of Rochelle, and disembarked at Neville Priory, where she was received by the Archbishop of Rheims and the Bishop of Poitiers and Xaintonge, with a splendid attendance of the French nobility. The marriage was afterwards celebrated at Tours, with much magnificence, in presence of the King and Queen of France, the Queen of Sicily, and a noble circle of the first nobility of both kingdoms.<sup>1</sup> By the common practice of most feudal states, an expensive ceremony of this kind was considered a proper occasion for the imposition of a general tax throughout the kingdom; but James steadily refused to oppress the great body of his subjects by any measure of this nature, and contented himself with those gifts or largesses which the prelates and the chief nobility of the court were wont to contribute upon such joyful occurrences.<sup>2</sup>

The late infraction of the truce by Ogle, and the insidious attempt upon the part of the English govern-

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 485, 501.

<sup>2</sup> Ibid.

ment to intercept the dauphiness, his daughter, inflamed the resentment of the Scottish king, and rendered him not averse to the renewal of the war. It is probable, however, that there were other causes for this sudden resolution; and these are perhaps to be sought in the jealous and irritated feelings with which a portion of the nobility began to regard the government of James. To find excitement and employment for such dangerous spirits, the king assembled the whole force of his dominions; and with an army, formidable indeed in numbers, but weakened by intrigues and discontent amongst the principal leaders, he commenced the siege of Roxburgh.<sup>1</sup>

The subsequent course of events is involved in much obscurity, which the few original documents that remain do not in any satisfactory manner remove. After having spent fifteen days in the siege, during which time the warlike engines for the attack were broken and rendered useless, and the quarrels, arrows, and missiles, entirely exhausted, the castle was on the eve of being surrendered, when the queen suddenly arrived in the camp, and James, apparently in consequence of the secret information which she communicated, abruptly put a period to the siege, disbanded his army, and with a haste which implied some important cause of alarm, returned ingloriously into the interior of his dominions. Such, beyond

<sup>1</sup> Fordun a Goodal, vol. ii. p. 502. The king was engaged in the siege of Roxburgh 10th August, 1436. Rotuli Scotiæ, vol. ii. p. 295.

question, was the fact; and it undoubtedly leads us to believe, that James was suddenly informed of some treacherous designs against him, and suspected that the conspirators lurked within his own kingdom.<sup>1</sup>

This precipitate dismissal of his forces took place in August, and two months afterwards James held a General Council at Edinburgh, on the 22d of October, 1436, in whose proceedings we can discern nothing intimating any continued suspicion of a conspiracy. Some commercial regulations were passed, which, under the mistaken idea that they were encouragements, proved, in reality, restrictions upon commerce. Exporters of wool were in future to give security to bring home and deliver to the master of the mint three ounces of bullion for every sack of wool, nine ounces for a last of hides, and three ounces for such quantity of other goods as paid freight, equal to an ancient measure called a serplaith, whilst, in addition to the impolicy of restricting the merchants from importing such goods as they esteemed most likely to increase their profits, the delivery of the silver was regulated by weight or measure, and not by value. Other equally unwise restrictions were imposed. No English cloth was permitted to be purchased by the Scottish merchants,

<sup>1</sup> Bower (*Fordun a Goodal*, vol. ii. p. 502) says nothing of the arrival of the queen at Roxburgh; but the ancient MS., entitled *Extracta ex Chronicis Scotiæ*, p. 279, expressly states the fact:—  
“Per quindecim dies obsidioni vacabant, et nihil laudis actum est veniens regina abduxit regem; reliqui sunt secuti et sic cessavit.”



nor were English traders allowed to carry any articles of Scottish trade or manufacture out of the kingdom, unless such were specified particularly in their letters of safe conduct.<sup>1</sup>

Yet, in the midst of these parliamentary proceedings, more dark designs were in agitation amongst the nobility, and the seeds of discontent and rebellion, which the king imagined had been entirely eradicated after the retreat from Roxburgh, were secretly expanding themselves into a conspiracy, of which the history and ramifications are as obscure as the result was deplorable. Its chief actors, however, and the temper and objects by which they were regulated, may be ascertained on authentic evidence. The chief promoters of the plot were Sir Robert Graham, brother of Sir Patrick Graham of Kincardine, Walter Stewart Earl of Athole, a son of Robert the Second, and his grandson Sir Robert Stewart, who filled the office of chamberlain to the king, by whom he was much caressed and favoured. Graham's disposition was one, which, even in a civilized age, would have made him a dangerous enemy; but in those feudal times, when revenge was a virtue, and forgiveness a weakness, it became, under such nurture, peculiarly dark and ferocious. Unshaken courage, and a contempt of pain and danger, a persuasive power of bending others to his purposes, a dissimulation which enabled him to conceal his private am-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 23. M'Pherson's Annals of Commerce, vol. i. p. 650.

bition under a zeal for the public good, and a cruelty which knew neither hesitation nor remorse, were the moral elements which formed the character of this daring conspirator.

Upon the return of the king from his detention in England, and at the time that he inflicted his summary vengeance upon the house of Albany, Sir Robert Graham had been imprisoned, along with the other adherents of that powerful family, but it seems probable that he obtained his liberty, and for a while became reconciled to the government. Another transaction, however, was at hand, which, it is said, rekindled his feelings into a determined purpose of revenge. This was the seizure or resumption of the earldom of Strathern by the king. David Earl of Strathern, the brother of the Earl of Athole, was the eldest son of Robert the Second, by his second wife Euphemia Ross. He left an only daughter, who married Patrick Graham, son of Sir Patrick Graham of Kincardine, and, in right of his wife, Earl of Strathern, to whose children, as the transmission of these feudal dignities through females was the acknowledged law of Scotland, the title and estates undoubtedly belonged. James, however, fixed his eyes upon this powerful earldom. He contended that it was limited to heirs male; that upon the death of David Earl of Strathern it ought to have reverted to the crown; and that Albany the governor had no power to permit Patrick Graham or his son to assume so extensive a fief, which he resumed as his own. Although, however, he dispossessed Malise Graham,

the son of the Earl of Strathern, of his lands and dignity, James appears to have been anxious to remove the appearance of injustice from such conduct, and to conciliate the disinherited family. For this purpose he conferred the liferent of the earldom of Strathern upon Athole, and he created the new Earldom of Menteith in favour of Malise Graham.<sup>1</sup>

This attempt at conciliation, however, did not succeed; and indeed, notwithstanding the disguise which the king threw over it, it is easy to see that his conduct must have appeared both selfish and tyrannical. It was selfish, because, from the extreme age of Athole, James looked to the almost immediate possession of the rich earldom which he had torn from the Grahams; and tyrannical, because there appears no ground for the assertion that it was a male fief. Malise Graham was now a youth, and absent in England; but his uncle, Sir Robert Graham, remonstrated, as the natural guardian of his rights, and finding it in vain to sue for redress, he determined upon revenge. It was no difficult matter for a spirit like his to work upon the jealousies and discontented feelings of the nobles; and there were yet remaining many friends of Albany, who remembered the dreadful fate of that unhappy house, and who considered themselves bound by those strict ties of feudal vassalage then esteemed sacred, to revenge it the moment an opportunity presented itself.

Amongst these persons, Graham, who himself felt the influence of such feelings in the strongest possible

<sup>1</sup> Hailes, Sutherland Case, c. v. p. 57.

manner, found many ready associates ; but although the body of the higher nobility were sufficiently eager to enter into his designs for the abridgement of the royal prerogative, and the resumption of the power which they had lost, they appear at first to have shrunk from any thing beyond this.<sup>1</sup> It was determined, however, that Graham, who was an eloquent and powerful speaker, should detail their grievances in parliament, and that his remonstrance should be seconded by the rest of the nobles. The natural audacity of his character, however, made him exceed his commission. He spoke with open detestation of the tyrannical conduct of the government, pointed out in glowing and indignant language the ruin of the noblest families in the state, and concluded by an appeal to the barons who surrounded him, beseeching them to save the authority of the laws, were it even at the risk of laying a temporary restraint upon the person of the sovereign. The temerity of this speech confounded the barons who had promised to support him ; they trembled and hesitated, whilst James, starting from his throne, commanded them instantly to arrest the traitor, and was promptly obeyed. Graham meanwhile loudly expressed the bitterest contempt for the pusillanimity of his associates, but he was hurried to prison, soon after banished from court, and his estates confiscated to the crown.<sup>2</sup>

<sup>1</sup> Contemporary Account of "The dethe of the King of Scotis," first printed by Pinkerton, Hist. vol. i. p. 462.

<sup>2</sup> Ibid. p. 464.

James, if not already sensible of the dangerous character of Graham, must have now been fully aware of it; and how he should have suffered so bold and able a rebel to escape, is difficult to understand. It is evident, I think, that the connexion between Graham, the Earl of Athole, and Sir Robert Stewart, had not at this time proceeded to the formation of those atrocious designs which they afterwards carried into execution, for we cannot doubt that the king must have examined the whole affair with the utmost anxiety; and his banishment of Graham only, may convince us that in this instance he did not suspect him of plotting with others of his nobility.

Enraged at the ruin of his fortunes, this audacious man retreated to the Highlands, and within their gloomy recesses meditated a desperate revenge. But the mode in which he proceeded had something great about it, and showed that he was no hired or common assassin. He sent a letter to James, in which he renounced his allegiance; he defied him, as a tyrant who had ruined his family, and left him houseless and landless; and he warned him, that wherever he could find opportunity, he would slay him as his mortal enemy. These threats, coming from a vagabond traitor, James despised; but he made proclamation for his apprehension, and fixed a large sum of gold upon his head.<sup>1</sup>

In the meantime parliament met, and Graham, although immured in his Highland retreats, found

<sup>1</sup> Contemporary Account.

means to communicate with the discontented nobles, and to induce the Earl of Athole, and his grandson Sir Robert Stewart, to enter fully into his schemes for the destruction of the king. He represented to this baron, who, though now aged, inherited the proud ambition of his family, that Robert the Third was born out of wedlock, and that the crown belonged to him, as the lawful son of the second marriage of Robert the Second, or, if he chose to decline it, to Stewart, his grandson. The single life of a tyrant, who had destroyed his house, and whose power was every day becoming more formidable, was, he contended, all that stood between him and the throne, for James's son was yet a boy in his sixth year, and might be easily disposed of; and such was the unpopularity of the government, that the whole body of the nobility would readily welcome a change. It is said, also, that Graham worked upon Athole's ambition by the predictions of a Highland seer, who had prophesied that this earl should be crowned in that same year; a story much in the superstitious character of the times, and not unlikely to be true, as the conspiracy was undoubtedly brought to its height within the Highlands. If Graham was thus able to seduce the age and experience of Athole, it is not surprising that the prospect of a crown was too captivating to the youthful ambition of Sir Robert Stewart, his grandson, to be easily resisted; and as he was chamberlain to the king, enjoyed his most intimate confidence, and was constantly employed in offices about his person, his accession to the plot may be regarded as the principal cause of its success.

Graham's inferior assistants were principally some obscure dependents on the house of Albany, Christopher and Thomas Chambers,<sup>1</sup> with Sir John Hall and his brother; but his influence in the Highlands had collected a body of three hundred ketherans, without whose co-operation it is not probable that he could have effected his purpose.

All things were now nearly ready, whilst the king, naturally of a fearless and confident temper, and occupied with his schemes for the amelioration of the commerce of the kingdom, and the better execution of the laws, appeared to have forgotten the insolence of Graham, and to have been persuaded that the discontents amongst his nobility had passed away. Christmas approaching, it was determined that the court should keep the festival at Perth, in the monastery of the Dominicans, or Black Friars, a noble edifice, which gave ample room for the accommodation of the royal retinue. This resolution gave an unlooked-for facility to the traitors, for it brought their victim to the borders of the Highlands. It was accordingly resolved by Graham, that the murder should be committed at this holy season, and, after his preparations had been made, he awaited patiently for the arrival of the king.

It was impossible, however, that a plot which embraced so many agents should be kept completely secret; and a Highland woman, who in those days of

<sup>1</sup> Contemporary Account, p. 466. In the *Rotuli Scotiae*, vol. ii. p. 159, we find John del Chambre in the employment of Albany in 1401.

superstition laid claim to prophetic skill, becoming acquainted with the design, resolved to betray it to the king. Accordingly, as the monarch and his nobles were on their road to cross the Frith of Forth, then called the Scottish Sea, she presented herself before the royal cavalcade, and addressing James, solemnly warned him, "that if he crossed that water he should never return again alive."<sup>1</sup> He was struck with her wild appearance, and the earnestness of her manner, stopt for a moment, and commanded a knight who rode beside him to enquire what she meant. Whether from stupidity or treachery is not certain, the commission was hurriedly executed, and she had only time to say that her information came from one Hubert; when the same knight observing, that she was either mad or intoxicated, the king gave orders to proceed, and, having crossed the Frith, rode on to Perth. James, as was expected, took up his residence in the Dominican monastery, and the court is said to have been unusually brilliant and joyous. Day after day passed in every species of feudal delight and revelry; and the conspirators had matured their plan, and fixed the very hour for the murder, whilst the unhappy prince dreamt of nothing but pleasure.

It was on the night between the 20th and the 21st of February that Graham resolved to carry his purpose into effect. After it was dark, he had procured Sir Robert Stewart, whose office of chamberlain facilitated his treachery, and rendered him above all

<sup>1</sup> Contemporary Account. Pinkerton, vol. i. p. 465.



suspicion, to place wooden boards across the moat which surrounded the monastery, over which the conspirators might pass without disturbing the warder, and to destroy the locks and remove the bolts of the doors by which the royal bedchamber communicated with the outer room, and this apartment with the passage. On this fatal evening the revels of the court were kept up to a late hour. The common sports and diversions of the time, the game of tables, the reading romances, the harp and the song, occupied the night; and the prince himself appears to have been in unusually gay and cheerful spirits. He even jested, if we may believe the contemporary manuscript, about a prophecy which had declared that a king should that year be slain; and when engaged in playing at chess with a young knight, whom in his sport he was accustomed to call the King of Love, warned him to look well to his safety, as they were the only two kings in the land.<sup>1</sup> In the midst of this playful conversation, it is said that Christopher Chambers, one of the conspirators, being seized with remorse, repeatedly approached the royal presence, intending to warn James of his danger; but either his heart failed him, or he was prevented by the crowd of knights and ladies who filled the presence chamber, and he renounced his purpose. It was now long past midnight, and the traitors, Athole and Stewart, who knew by this time that Graham and the other conspirators must be near at hand, heard James express his wishes for the conclusion of the revels with se-

<sup>1</sup> Contemporary Account, p. 466.

cret satisfaction ; when, at this moment, a last effort was made to save the unhappy prince, which had almost succeeded. The faithful Highland woman who had followed the court to Perth, again presented herself at the door of the chamber, and so earnestly implored to see the king, that the usher informed him of her wishes. It was a moment on which his fate seemed to hang, but his evil genius presided ; he bade her call again and tell her errand on the morrow, and she left the monastery, after solemnly observing that they would never meet again.<sup>1</sup>

Soon after this the king called for the parting cup, and the company dispersed. The Earl of Athole, and Sir Robert Stewart the chamberlain, were the last to leave the apartment, and James, who was now undressed, stood in his night-gown before the fire talking gaily with the queen and her ladies of the bedchamber, when he was alarmed by a confused clang of arms, and a glare of torches in the outer court. A suspicion of treason, and a dread that it was the traitor Graham, instantly darted into his mind, and the queen and the women flew to secure the door of the apartment, but to their dismay found the locks destroyed and the bolts removed. James thus became certain that his destruction was resolved on ; but his presence of mind did not forsake him, and commanding the women to obstruct all entrance as long as they were able, he rushed to the windows, but found them so firmly secured by iron bars, that all escape was impossible. The steps of

<sup>1</sup> Contemporary Account, p. 467. " The said woman of Yreland that cleped herself a dyvenourese."

armed men now came nearer and nearer, and in utter despair he seized the tongs of the fire-place in the apartment, and by main force wrenching up one of the boards of the floor, let himself down into a small vault situated below ; he then replaced the board, and thus completely concealed himself from observation. From this incommodious retreat there was a communication with the outer court by means of a drain or square hole used for cleansing the apartment, and of width enough to have permitted the king to escape ; but it had unfortunately been built up only three days before this by James's own direction, as the tennis court was near it, and the balls had frequently run in and been lost in the aperture.<sup>1</sup> Meanwhile, Graham and his accomplices rushed towards the king's bedchamber, and having slain Walter Straiton, a page, whom they met in the passage, began to force open the door amidst the shrieks of the queen and the women, who feebly attempted to barricade it. One of the ladies, named Catherine Douglas, with heroic resolution thrust her arm into the staple from which the bolt had been treacherously removed ; but it was instantly snapt and broken by the brutal violence of the conspirators, who, with furious looks, and naked weapons stained with blood, burst into the chamber, and in their first attack had the cowardice to wound some of the queen's women, as they fled screaming into the corners of the apartment. The queen alone did not move, but, wrought up to a pitch of horror and frenzy which paralyzed

<sup>1</sup> Contemporary Account, p. 468.

every member, stood rooted to the floor, her hair hanging loosely around her shoulders, and with nothing on but her kirtle and mantle.<sup>1</sup> Yet in this helpless state one of the villains, in the most brutal manner, attacked and wounded her, and she would assuredly have been slain had the deed not been prevented by a son of Graham's, who peremptorily commanded him to leave the women and join the search for the king, whom the conspirators now perceived had escaped them. Every part of the chamber was now diligently examined, every place of probable concealment opened up without success; and after a tedious search, they dispersed through the outer rooms and corridors, and from thence extended their scrutiny to the remoter parts of the building.

A considerable time had now elapsed since the first alarm, and although Graham had secured the gates and occupied the outer courts of the monastery by his Highlanders, yet the citizens, and the nobles who were quartered in the town, already heard the noise of the tumult, and were hastening to the spot. It seemed exceeding likely, therefore, that the king would still be saved, for his place of concealment had totally escaped the attention of the conspirators, and every moment brought his rescue nearer. But he was ruined by his own impatience. Hearing no stir, and imagining that they who sought his life had left the place not to return, James called to the women to bring the sheets from the bed, and draw him up again into the apartment; but in

<sup>1</sup> Contemporary Account, p. 468.

their attempt to effect this, Elizabeth Douglas, one of the queen's women, fell down. The noise recalled the conspirators, and at this moment Thomas Chambers, one of Graham's accomplices, who was familiar with James, and knew the monastery well, suddenly remembered the small closet beneath the bed-chamber, and conceiving, if he had not escaped, the king must be there concealed, quickly returned to the apartment. In a moment he discovered the spot where the floor was broken, raised up the plank, and looking in, by the light of his torch perceived the king, and the unfortunate lady who had fallen into the vault; upon which he shouted to his fellows, with savage merriment, to come back, for the bride was found for whom they had sought and carolled all night.<sup>1</sup> The dreadful scene was now soon completed; yet James, strong in his agony, although almost naked, and without a weapon, made a desperate defence. He seized Sir John Hall, who had leapt down, by the throat, and with main strength threw him under his feet; another of the murderers, Hall's brother, who next descended, met with the same fate; and such was the convulsive violence with which they had been handled, that at their execution, a month after, the marks of the king's grasp were seen upon their persons. But the villains being armed with large knives, James's hands and arms were dreadfully lacerated in the struggle. Sir Robert Graham

<sup>1</sup> Contemporary Account, p. 469. "Saying to his felows, Sirs, the spows is foundon, wherfor we ben comne, and al this nycht haf carold here.

now entered the chamber, and springing down with his drawn sword, threw himself upon his victim, who earnestly implored his mercy, and begged his life, should it be at the price of half his kingdom. "Thou cruel tyrant," said Graham, "never hadst thou compassion upon thine own noble kindred, therefore expect none now."—"At least," said James, "let me have a confessor for the good of my soul."—"None," cried Graham, "none shalt thou have but this sword!" upon which he wounded him mortally in the body, and the unhappy prince instantly fell down, and, bleeding and exhausted, continued faintly to implore his life. The scene was so piteous, that it is said at this moment to have shook the nerves, and moved the compassion, of the murderer, who was about to come up, leaving the king still breathing, when his companions above threatened him with instant death if he did not finish the work. He then obeyed, and, assisted by the two Halls, completed the murder by repeated wounds.<sup>1</sup>

In this atrocious manner was James the First cut off in the prime of life, and whilst pursuing his schemes for the consolidation of his own power, and the establishment of the government upon a just and equitable basis, with a vigour and impetuosity which proved his ruin. The shocking deed being thus consummated, the traitors anxiously sought for the queen; but by this time she had escaped, and, warned by the increasing tumult in the town, and the alarm in the court, they fled in great haste from the monas-

<sup>1</sup> Contemporary Account, p. 470.

tery, and were descried crossing the outer moat, and making off in the direction of the Highlands. Sir David Dunbar, brother to the Earl of March, overtook and slew one of their number, after being himself grievously wounded ;<sup>1</sup> but he who fell was of inferior note, and the principal conspirators made good their retreat to the Highlands.

On entering the chamber where the murder had been committed, a miserable spectacle presented itself,—the king's naked body bathed in blood, and pierced with sixteen wounds. The lamentable sight, by the pity and execration which it universally inspired, stimulated the activity of pursuit, and whetted the appetite for revenge ; and the queen, disdaining to abandon herself to the helplessness of womanly grief, used such unwearied efforts to trace and apprehend the murderers, that in less than a month they were all taken and executed. Little, however, is known as to the exact mode of their apprehension. The principal conspirator, Graham, and some of his accomplices, appear to have escaped into the wilds of Mar ; but they were traced to their concealments, and seized by two Highland chieftains, John Stewart Gorm, and Robert Duncanson, the ancestor of the ancient family of Robertson of Strowan.<sup>2</sup>

<sup>1</sup> Contemporary Account, p. 471. Fordun a Goodal, vol. ii. p. 503.

<sup>2</sup> Chamberl. Accounts, sub anno 1438. “ Et per solucionem factam Johanni Stewart Gorme pro arrestacione Roberti Grahaam traditoris, et suorum complicum, ut patet per literas regis moderni, de precept. sub signeto, et dicti Johannis Stewart de recept. concess. super comptum 56 lib. 13 s. 4 d. Computum Dni Ade fanconar Camerarii Comitatus de Mar.” See Appendix, H.

The shocking tortures which preceded their death are infinitely too disgusting to be detailed, and are, it is hoped, chiefly to be ascribed to the ferocity of the times. It must be remembered, that at this period the common death of every traitor was accomplished by torture; and in the present instance, the atrocity of the murder was thought to call for a refinement and complication in the punishment. Sir Robert Stewart and Thomas Chambers were first taken and brought to Edinburgh, where, after a full confession of their guilt, which unfortunately does not remain, they were beheaded on a high scaffold raised in the market-place, and their heads fixed upon the gates of Perth. Athole, who had been seized by the Earl of Angus, was the next sufferer. After being exhibited to the populace, tied to a pillar in the city, and crowned with a paper diadem, upon which was thrice written the name of traitor, his head was struck off, adorned with an iron crown, and fixed upon the top of a spear. He denied to the last that he was a party to the conspiracy, although he pleaded guilty to the knowledge and concealment of it, affirming, that he exerted every effort to dissuade his grandson against such atrocious designs, and believed that he had succeeded. As he was an old man, on the verge of seventy, his fate was not beheld without pity.

Very different were the feelings excited by the execution of the arch-traitor Graham, whose courage and characteristic audacity supported him to the last. He pleaded to his judges, that having renounced his



allegiance under his hand and seal, and publicly challenged and arraigned the king as his mortal enemy, he was no longer his subject, but his feudal equal, and that it was competent and lawful for him to slay him wherever they met, without being amenable to any court whatever ; seeing, said he, he did no wrong nor sin, but only slew God's creature his enemy.<sup>1</sup> He knew well, he said, that his death was resolved on, but that the time would come when they would gratefully pray for the soul of him who had delivered them from a merciless tyrant, whose avarice was so unbounded, that it ruined friends as well as enemies, and preyed alike on the poor and the rich. The firmness with which he endured his complicated sufferings, was equal to the boldness of his defence. Nailed alive and naked to a tree, dragged through the city, followed by the executioners, who tore him with pincers, whilst his son was tortured and beheaded before his face, he bore all with amazing fortitude ; and when his sufferings became utterly insupportable, warned his tormentors, that if his anguish should drive him to blasphemy, the guilt would rest on their heads who had thus destroyed his soul.<sup>2</sup> Graham was at last beheaded ; and this dreadful scene of feudal vengeance, which it is impossible to read in the original account without sentiments of the utmost loathing and horror, concluded with the execution of Thomas Hall, one who had apparently belonged to the household of the Duke of Albany, and who to

<sup>1</sup> Contemporary Account, p. 473.

<sup>2</sup> Ibid, p. 474.

the last vindicated the share he had taken in the king's death.

There was nothing little in the character of James the First ; his virtues and his faults were alike on a great scale ; and his reign, although it embraced only a period of thirteen years, reckoning from his return to his assassination, stands forward brightly and prominently in the history of the country. Perhaps the most important changes which he introduced, were the publication of the acts of parliament, in the spoken language of the land ; the introduction of the principle of representation by the election of the commissaries for shires ; the institution of the court entitled the " Session ;" and the regularity with which he assembled the parliament. Before his time it had been the practice for the laws, the resolutions, and the judgments of the parliament to be embodied in the Latin language ; a custom which evidently was calculated to retard improvement, and perpetuate the dominion of barbarism and feudal oppression. Before his time the great body of the judges, to whom the administration of the laws was intrusted, the barons within their regalities, the bailies, the sheriffs, mayors, sergeants, and other inferior officers, were incapable of reading or understanding the statutes ; and the importance of the change from this state of darkness and uncertainty, to that which presented them with the law speaking in their own tongue, cannot be too highly estimated. It is of itself enough to stamp originality upon the character of the king, and to

cause us to regard his reign as an era in the legislative history of the country.

Nor was the frequency in the assembling his parliaments of less consequence. Of these convocations of the legislature, no less than thirteen occurred during his brief reign ; a very striking contrast to their infrequency under the government of his predecessors. His great principle seems to have been, to govern the country through the medium of the parliament ; to introduce into this august assembly a complete representation of the body of the smaller landed proprietors, and of the commercial classes ; and to insist on the frequent attendance of the great temporal and spiritual lords, not, as they were formerly wont, in the character of rivals of the sovereign, surrounded by a little court, and backed by numerous bands of armed vassals, but in their accredited station, as forming the principal and essential portion of the council of the nation, bound to obey their summons to parliament upon the same principle which obliged them to give suit and service in the feudal court of their liege lord the king.

Another striking feature in James's reign, was his institution of the "Session," his constant anxiety for the administration of justice amongst the middle ranks and the commons, and the frequent and anxious legislative enactments for the severe and speedy punishment of offenders. His determination, that "he would make the bracken-bush keep the cow,"—that proverb already alluded to, and still gratefully remem-

bered in Scotland,<sup>1</sup>—was carried into execution by an indefatigable activity, and a firmness so inexorable as sometimes to assume the appearance of cruelty ; but in estimating his true character upon this point, it is necessary to keep clearly before our eyes the circumstances in which he found the country, and the dreadful misrule and oppression to which the weaker individuals in the state were subjected from the tyranny of the higher orders. It is impossible, however, to deny that the king was sometimes cruel and unjust, and that when Graham accused him of tyranny and oppression, he had perhaps more to say in his vindication than many of our historians are willing to admit. The explanation, and, in some little measure, the excuse for this, is to be found in the natural feelings of determined and undisguised hostility with which he undoubtedly regarded the family of Albany, and their remotest connexions. James considered the government of the father and the son in its true light—as one long usurpation ; for although the first few years of Albany's administration as governor had been sanctioned by royal approval and the voice of the parliament, yet it is not to be forgotten, that the detention of the youthful king in England extended through the long and sickening period of nineteen years, during the greater part of which time the return of this prince to his throne and to his people was thwarted, as we have seen, by every possible intrigue upon the part of Albany. This base con-

<sup>1</sup> Fordun a Goodal, vol. ii. p. 511.

duct was viewed by James with more unforgiving resentment from its being crowned with success ; for the aged usurper by a quiet death escaped the meditated vengeance, and transmitted the supreme authority in the state to his son, ransomed from captivity for this very end, whilst his lawful prince beheld himself still detained in England. When he did return, therefore, it was not to be wondered at that his resentment was wrought to a high pitch ; and deep and bloody as was the retribution which he exacted, it was neither unnatural, nor, according to the feelings of those times, unjustifiable.

But making every allowance for the extraordinary wrongs he had suffered, the determination which he appears to have formed, of considering every single act of Albany's administration, however just it may have been in itself, as liable to be challenged and cut down, necessarily led, when attempted to be acted upon, to a stretch of power which bordered upon tyranny. The dilapidation, indeed, of the crown lands, and the plunder of the royal revenues which had taken place under the government of Albany and his son, afforded James a just and sufficient ground for resuming a great part of what had originally belonged to him ; but as far as we are able to trace his schemes for the re-establishment of the royal authority, and the diminution of the overgrown power of the feudal aristocracy, there does appear about them a stern rigour, and a love of power, little removed from absolute oppression. It is not, therefore, a subject of wonder, that this spirit, which was solely direct-

ed against his nobles, incurred their bitterest hatred, and ultimately led to his ruin.

If we except his misguided desire to distinguish himself as a persecutor of the Wickliffites, James's love for the church, as the best instrument he could employ in disseminating the blessings of education, and of general improvement throughout the country, was a wise and polite passion. He found his clergy a superior and enlightened class of men, and he employed their power, their wealth, and their abilities, as a counterpoise to his nobility; yet he was not, like David the First, a munificent founder of new religious houses; indeed, his income was so limited as to make this impossible. His efforts were directed to the preservation of the discipline and learning of the church; to the revival of the custom of holding general councils or chapters, which had been discontinued during his detention in England, but of which three appear to have been assembled during his brief reign; to a personal inspection of the various monasteries and religious establishments, during his progresses through the kingdom, and an affectionate reproof, if he found they had degenerated from the strictness of their rule, or the sanctity of their department.<sup>1</sup>

It is well known that the personal accomplishments of this prince were of a high character. After his return, indeed, his incessant occupation in the cares of government left him little leisure for the cultivation

<sup>1</sup> Innes's MS. Chronology, quoted by Chalmers in his Poetic Remains of the Scottish kings, pp. 8, 16. Fordun a Goodal, vol. ii. p. 508.

of literature or of the fine arts, but his long detention in England gave him ample opportunities of mental cultivation, of which he appears to have anxiously availed himself. He was a reformer of the language and of the poetry of his country ; he sang beautifully, and not only accompanied himself upon the harp and the organ, but composed various airs and pieces of sacred music, in which there was to be recognised the same original and inventive genius which distinguished this remarkable man in every thing to which he applied his mind. A more particular consideration, however, of this interesting portion of his character, belongs to a succeeding part of this history.

In his person, James was of the middle size, of a make rather powerful and athletic than elegant, and which fitted him to excel in all martial feats and exercises. Of these he was extremely fond ; and we have the testimony of a contemporary, that in drawing the bow, in the use of the lance, in horsemanship, wrestling and running, in throwing the hammer, and “ putting the stane,” few of his courtiers could compete with him.<sup>1</sup> His great strength, indeed, was shown in the dreadful and almost successful resistance which he made to his murderers. He died in the forty-fourth year of his age, and was buried in the church of the Carthusians at Perth, which he had himself founded. He left by his Queen Joanna, an only son, James, his successor, then a boy in his seventh year, and five daughters. To two of these, Margaret, who

<sup>1</sup> Fordun a Goodal, vol. ii. p. 504.

became Queen of France, and Eleanor, who married Sigismund, Duke of Austria, their father transmitted his love of literature.<sup>1</sup>

James's remaining daughters were Isabella, married to Francis, Duke of Bretagne; Mary, who took to her husband the Count de Boncquan, son to the Lord of Campvere; and lastly, Jane, wedded to the Earl of Angus, and subsequently to the Earl of Morton.

<sup>1</sup> The story of the Dauphiness and Alain Chartier is well known. Finding this famous poet asleep in the saloon of the palace, she stooped down and kissed him—observing to her ladies, who were somewhat astonished at the proceeding, that she did not kiss the man, but the mouth which had uttered so many fine things—a singular, and, as they perhaps thought, too minute a distinction. *Ménagiana*, vol. ii. p. 130.

Eleanor, although equally fond of literature, confined herself to a more decorous mode of exhibiting her predilection, by translating the romance of Ponthus et Sidoyne into German, for the amusement of her husband.

END OF THE REIGN OF JAMES THE FIRST.