

HISTORY
OF
SCOTLAND.

CHAP. I.

JAMES THE SECOND.

CONTEMPORARY PRINCES.

King of England.

Henry VI.

King of France.

Charles VII.

Popes.

Eugene IV.
Nicholas V.
Calixtus III.
Pius II.

THE assassination of James the First, and the succeeding minority of his son, a boy of only six years of age, was, if not a triumph to the majority of the Scottish nobility, at least an event eminently favourable to their power and pretensions. His murderers, it is true, whether from the sudden execration which involuntarily bursts out against a deed of so dark and sanguinary a character, or from the personal revenge of the queen-mother, were punished with speedy and immitigable severity. Yet, when the first sentiments of horror and amazement were abated, and the Scottish aristocracy began to regard the consequences likely to arise from the sudden destruction which had overtaken the king in the midst of his schemes for the abridgement of their own exorbitant power, it is

impossible that they should not have contemplated the event of his death with secret satisfaction. The sentiments so boldly avowed by Grahame in the midst of his tortures, that the day was near at hand when they would bless his memory for having rid them of a tyrant, must have forcibly recurred to their minds; and when they regarded the fate of the Earl of March, so summarily and cruelly stript of his immense possessions, and contemplated the magnitude of James's plans, and the stern firmness with which, in so short a reign, he had carried them into effect, we can readily believe that the recovery of the privileges which they had lost, and the erection of some strong and permanent barriers, which should be a defence for their rights against all future encroachments of the crown, would be the great objects to which, under the minority of his successor, they would direct their attention.

It happened also, unfortunately for Scotland, that such a scheme for the resumption of individual power by the feudal nobility, in other words, for the return of anarchy and disorder throughout the country, was but too likely to prove successful. The improvements introduced by James the First; the judicial machinery for the more perfect and speedy administration of justice; the laws for the protection of the lower orders against the insolence of the great; the provisions for the admission of the representatives of the commercial classes into parliament, and for the abridgement of the military strength of the great feudal lords—were rather in the state of prospective changes, than of measures whose salutary effects had

been tried by time, and to which the nation had become attached by long usage. These improvements had been all carried into effect within the short space of fourteen years ; they still bore upon them the hateful gloss of novelty and innovation ; and, no longer supported by the firmness and the wisdom of the monarch with whom they originated, they could present but a feeble resistance to the attacks and to the ridicule of the numerous and powerful classes whose privileges they so materially abridged, and with whose ambition and aggrandizement their continuance was completely incompatible. The prospect of recovering, during a long minority, the estates and the feudal perquisites which had been resumed or cut down by James the First ; the near view of successful venality which constantly accompanied the possession of the great offices under an infant sovereign ; and the facility, in the execution of such schemes, which every feudal government offered to any faction who were powerful or fortunate enough to possess themselves of the person of the king, rendered the period upon which we now enter one of great excitement amongst the Scottish nobles. The greater chiefs amongst them adopted every means to increase their personal strength and importance, recruiting the ranks of their armed vassals and followers, and placing persons of tried fidelity in their castles and strongholds ; the lesser barons attached themselves to the more powerful by those leagues or bands which bound them by the strictest ties to work the will of their lord ; and both classes set themselves attentively to watch the

course of events, and to take immediate advantage of those sudden changes and emergencies which were so likely to arise in a country thrown into the utmost dismay and confusion by the murder of the sovereign.

But although such appear to have been the low and interested feelings of the greater proportion of the nobility, we are not to suppose that the support of the crown, and the cause of order and good government, were utterly abandoned. They still retained many friends in the dignified clergy, as well as among those learned and able churchmen from whose ranks the legal officers of the crown, and the diplomatic agents who transacted all foreign missions and alliances, were generally selected; and they could undoubtedly reckon upon the attachment of the mercantile and commercial classes, now gradually rising into importance, and upon the affectionate support of the great body of the lower orders, in so far as they were left untrammelled by the fetters of their feudal servitude.

Whilst such were the sentiments which animated the various bodies in the state upon the murder of the king, it may easily be supposed that terror was the first feeling which arose in the bosom of the queen-mother. Utterly uncertain as to the ramifications of the conspiracy, and trembling lest the same vengeance which had fallen upon the father should pursue the son, she instantly fled with the young prince to Edinburgh; nor did she esteem herself secure till she had retreated with her charge within the castle. The command of this fortress, rendered now a place of

infinitely higher importance than usual, by its affording a retreat to the queen and the prince, was at this time in the hands of William Crichton, Baron of Crichton, and master of the household to the late king, a person of great craft and ambition, and who, although still in the ranks of the lower nobility, was destined to act a very principal part in the future history of the times.¹

After the first panic had subsided, a parliament assembled at Edinburgh within less than a month after the murder of the king; and measures appear to have been adopted for the government of the country during the minority. The first care, however, was the coronation of the young prince; and for this purpose the principal nobles and barons of the kingdom, with the dignified clergy, and a great multitude of the free tenants of the crown, conducted him in procession

¹ R. Magn. Sig. B. III. No. 161. His first appearance is in Rymer, vol. x. p. 309, amongst the nobility who met James the First at Durham, on his return from his long detention in England. See also Crawf. Off. of State, p. 25, for his title of Magister Hospitii, as proved by a charter then in the possession of Sir Peter Fraser of Dores, Bart. See also MS. Chamberlain Rolls, July 4th, 1438. "Et pro quinque barellis de Hamburgh salmonum salsorum, liberatis per computantem et liberatis Domino Willielmo de Crechtoun, custodi Castri de Edinburgh, fatenti receptum super computum, ad expensas domini nostri regis moderni, de quibus dictus dominus respondebit ix. lib." Again, MS. Chamberlain Rolls, July 5, 1438. "Per liberacionem factam Domino Willielmo de Crechtoun, Vicecomiti et custodi Castri de Edinburgh, ut patet per literam suam sub signeto ostensam super computum iiii^{xx} librarum de quibus asserit quinquaginta libras receptas ad expensas coronacionis domini nostri regis moderni."

from the castle of Edinburgh to the abbey of Holyrood, where he was crowned and anointed with much applause and solemnity.¹

Under any other circumstances than those in which James succeeded, the long-established custom of conducting the ceremony of the coronation at the abbey of Scone, would not have been departed from; but its proximity to the scene of the murder rendered it dangerous and suspected; and, as delay was equally hazardous, the queen was obliged to purchase security and speed at the expense of somewhat of that solemnity which would otherwise have accompanied the pageant. Two important measures followed the coronation: The first, the nomination of the queen-mother to undertake the custody of the king till he had attained his majority, and to become, at the same time, the guardian of the princesses, his sisters, with an annual allowance of four thousand merks;² the second, the appointment of Archibald, fifth Earl of Douglas and Duke of Touraine, to be lieutenant-general of the kingdom.³ This baron, undoubtedly the most powerful subject in Scotland, and whose

¹ “Cum maximo applausu et apparatu ad laudem Dei et læticiam totius populi.” Acts of Parl. of Scotland, vol. ii. p. 31.

² Acts of the Parliament of Scotland, vol. ii. p. 54.

³ Sir Thomas Boyd of Kilmarnock, in his Account in Exchequer, of the rent of Duchale in Ward, takes credit for the following payment:—“Et per solucionem factam Domino Comiti de Douglas, locum tenenti domini regis, in partem feodi sui de anno, 1438, dicto domino locum tenenti fatenti receptum super computum sexaginta librarum.” MS. Chamberlain Rolls, sub anno 1438.

revenue, from his estates at home and in France, was probably nearly equal to that of his sovereign, was the son of Archibald, fourth Earl of Douglas, who was slain at the battle of Verneuil, and of Margaret, daughter to King Robert the Third, so that he was nephew of the late king. His power, however, proved to be of short duration, for he scarcely lived a year after his nomination to this high office.

It is unfortunate that no perfect record has been preserved of the proceedings of the first parliament of James the Second. From a mutilated fragment which remains, it is certain that it was composed, as usual, of the clergy, barons, and commissaries of the burghs ; and that all alienations of lands, as well as of moveable property, which happened to be in the possession of the late king at his death, and which had been made without consent of the three estates, were solemnly revoked, whilst an inventory of the goods and treasure in the royal coffers was directed to be taken, and an injunction given, that no alienation of the king's lands or property should be permitted to be made to any person whatever, without the consent of the three estates, until he had reached his full age of twenty-one years.¹ We may conjecture, on pretty strong grounds, that the subjects to which the general council next turned their attention, were the establishment of a peace with England, and the renewal of amicable relations with the court of France, and the commercial states of Holland.

¹ Acts of the Parliament of Scotland, vol. ii. p. 31.

With regard to the peace with England, various circumstances concurred in the condition of that country to facilitate the negotiation. Under the minority of Henry the Sixth, the war with France, and the struggle to maintain unimpaired the conquests of the fifth Henry, required a concentration of the national strength and resources, which would have been greatly weakened by any invasion upon the part of Scotland; and the Cardinal of Winchester, who was at this time possessed of the principal power in the government, was uncle to the Queen of Scotland. Commissioners were accordingly dispatched by the Scottish parliament,¹ who, after a meeting with the English envoys, found little difficulty in concluding a nine years' truce between the two kingdoms, which was appointed to commence on the 1st of May, 1438, and to terminate on the 1st of May, 1447.² Its provisions contain some important and interesting enactments regarding the commercial intercourse between the two countries, deformed indeed by those unwise restrictions, which were universal at this time throughout Europe, yet evincing an ardent anxiety for the prosperity of the country. In addition to the common stipulations against seizing vessels driven into port, and preventing shipwrecked mariners

¹ Rymer *Fœdera*, vol. x. pp. 680, 684.

² Chamberlain MS. Rolls, computum Johannis de Fyfe Receptoris firmarum de Schines, &c. "Et allocatur pro expensis Dominorum de Gordoun, et de Montegeri ac aliorum ambassatorum regni factis in Anglia pro treugis inter regna ineundis. iiii^{xx} iij^{lib} vi^s viii^d."

from returning home, it was agreed, that if any vessel belonging to either country, were carried by an enemy into a port of the other kingdom, no sale of the vessel or cargo should be permitted, without the consent of the original owners ; that no vessel, driven into any port, should be liable to arrest for any debt of the king, or of any other person ; but that all creditors should have safe conducts, in order to sue for and recover their debts, with lawful damages and interest ; that, in cases of shipwreck, the property should be preserved and delivered to the owners ; that when goods were landed for the purpose of repairing the ship, they might be reshipped in the same, or in any other vessel, without payment of duties ; and that vessels of either kingdom, putting into ports of the other in distress for provisions, might sell goods for that purpose, without being chargeable with customs for the rest of the cargo. It was finally provided, that no wool or woofels should be carried from one kingdom to the other, either by land or by water ; and that, in all cases of depredation, not only the chief offenders, but also the receivers and encouragers, and even the communities of the towns in which the plundered goods were received, should be liable for compensation to the sufferers, who might sue for redress before the conservators of the truce, or the wardens of the marches. The principal of these conservators for England were, the king's uncle, the Duke of Gloucester, and his kinsman, the Duke of Norfolk, with the Earls of Salisbury, Northumberland, and Westmoreland ; and for Scotland, Archi-

bald, Earl of Douglas and Duke of Touraine, with the Earls of Angus, Crawford, and Avendale, and the Lords Gordon, Maxwell, Montgomery, and Crichton.¹ Care was taken to send an intimation of the truce to the Scottish merchants who were resident in Holland and in Zealand ; and with regard to France, although there can be little doubt, from the ancient alliance with Scotland, and the marriage of the sister of the king to the dauphin, that the feelings of the country were strongly attached to the cause of Charles the Seventh, and that the total expulsion of the English would have been an event joyfully welcomed in Scotland ; yet the reverses experienced in the battles of Crevant and Verneuil, effectually cooled the ardour of that kingdom for foreign war, and appear to have compelled the nation to a temporary and unwilling neutrality.

We have seen that Antony, Bishop of Urbino, the papal legate, was in Scotland at the time of the murder of the late king, and that a general council of the clergy, which had been called at Perth, for the purpose of receiving his credentials, was abruptly broken off by this event. The destruction of all contemporary records has unfortunately left the proceedings of this council in complete obscurity ; and we only know, that towards the conclusion of the year 1438, Sir Andrew Meldrum, a knight of St John of Jerusalem, with his chaplain and suite, was

¹ Rymer Fœdera, vol. x. p. 695. Rotuli Scotiæ, vol. ii. pp. 306, 310. Macpherson's Annals of Commerce, vol. i. p. 654.

dispatched through England into Scotland, on a mission connected with the "good of religion," and that a papal nuncio, Alfonso de Cancifrubeis, proceeded, about the same time, to the Scottish court.¹ It is not improbable that the church, which was at the present moment in deep alarm at the disorders occasioned by the Hussites in Bohemia, and at the growth of heresy in England, felt anxious to engage on its side the council and ministers of the infant monarch of Scotland, and to interest them in putting down, with a strong hand, those heterodox opinions, which, it is certain, during the last reign, had made a considerable progress in this country.

An extraordinary event now claims our attention, which is involved in much obscurity, but drew after it very important results. The queen-mother soon found that the castle of Edinburgh, an asylum which she had so willingly sought for her son, the king, was rendered, by the extraordinary vigilance and jealousy of Crichton the governor, unnecessarily difficult of access to herself and her friends. It was, in truth, no longer the queen, but this ambitious baron, who was the keeper of the royal person. Under the pretence of superintending the expenses of the household, he seized² and dilapidated the royal revenues, surrounded the king by his own creatures, and permitted neither the queen-mother, the lieutenant-

¹ Rotuli Scotiae, vol. ii. p. 311.

² Chamberlain MS. Rolls, computum Thomæ Cranstoun. Receptoris redituum regis ex parte australi aquæ de Forth. July 18, 1438.

general of the kingdom, nor Sir Alexander Livingston of Callendar, a baron who had been in considerable favour with the late king, to have any share in the government. Finding it impossible, by any remonstrances, to obtain her wishes, the queen had recourse to stratagem. At the conclusion of a visit of a few days, which she had been permitted to pay to her son, it was dexterously managed that the prince should be concealed in a large wardrobe chest, which was carried along with some luggage out of the castle. In this he was conveyed to Leith, and from thence transported by water to Stirling castle, the jointure-house of his mother, which was at this time under the command of Livingston of Callendar. Whether Douglas, the lieutenant-general of the kingdom, the Bishop of Glasgow, who was chancellor, or any of the other officers of state, were privy to this successful enterprise, there are unfortunately no documents to determine; but it seems difficult to believe that the queen should have undertaken it, and carried it through, without some powerful assistants; and it is still more extraordinary that no proceedings appear to have been adopted against Crichton, for his unjustifiable seclusion of the youthful monarch from his mother, an act which, as it appears in the history of the times, must have almost amounted to treason.

The records of a parliament, which was held at Edinburgh on the 27th of November, 1438, by the Earl of Douglas, therein styled the lieutenant-general of the realm; and of a second meeting of the three estates, which assembled at Stirling, on the 13th of

March, in the same year, are so brief and mutilated, that little clear light can be elicited either as to the different factions which unquestionably tore and divided the state, or regarding the provisions which were adopted by the wisdom of parliament for the healing of such disorders.

There is indeed a general provision for the remedy of the manifold abuses, and open plunder and robbery then prevalent in the country. The sheriff, within whose county the thieves had taken refuge, is commanded to see strict restoration made, and to denounce as rebels to the king's lieutenant, all who refuse to obey him, under the penalty of being himself removed from his office, and punished as the principal offender. But where there is strong reason to believe that the lieutenant and the greater barons were themselves the robbers, and that the sheriffs were their immediate vassals and dependents, it may easily be believed, that unless in instances where they were desirous of cutting off some unfortunate spoiler, who had incurred their resentment, the act was most imperfectly executed, if not universally evaded.¹

Having liberated her son, the king, from the duration in which he had been kept by Crichton, the queen-mother appears for some time to have reposed unlimited confidence in the fidelity of Sir Alexander Livingston, whilst the Earl of Douglas, the most powerful man in the state, refused to connect himself with any faction; and, although nominally the

¹ Acts of the Parliament of Scotland, vol. ii. p. 32.

lieutenant-general of the kingdom, took little interest in the scene of trouble and intrigue with which the youthful monarch was surrounded. It does not even appear that he presided in a parliament which was assembled at Stirling, probably a very short time after the successful issue of the enterprise of the queen. In this meeting of the three estates, the dreadful condition of the kingdom, and the treasonable conduct of Sir William Crichton, were, as far as we can judge from the mutilated records which have been preserved, the principal subjects for consideration. It was resolved, that there should be two sessions held yearly within the realm, in which the lord-lieutenant and the king's chosen council should sit, the first to begin on the day after the exaltation of Holy Cross; and the second on the first Monday in Lent thereafter following. At the same time, an enactment was passed, with an evident reference to Crichton, by which it was ordained, that where any rebels had taken refuge within their castles or fortalices, and held the same against lawful authority, or wherever there was any "violent presumption of rebellion and destruction of the country," it was the duty of the lieutenant to raise the lieges, to besiege such places, and arrest the offenders, of whatever rank they might be.¹

The Earl of Douglas, however, either too indolent to engage in an employment which would have required the utmost resolution, or too proud to embroil himself with what he considered the private feuds

¹ Acts of the Parliament of Scotland, vol. ii. p. 32.

between Crichton and Livingston, steadily refused to carry the act into execution ; and Livingston, having raised his vassals, laid siege to the castle of Edinburgh in person. The events immediately succeeding, are involved in much obscurity ; so that, in the absence of original authorities, and the errors and contradictions of historians, it is difficult to discover their true causes, or to give any intelligible account of the sudden revolutions which took place. Amid these difficulties, I adopt the narrative which approaches nearest to those fragments of authentic evidence that have survived the common wreck.

When he perceived that he was beleaguered by the forces of Livingston, Crichton, who did not consider himself strong enough to contend singly against the united strength of the queen and the Baron of Callendar, secretly proposed a coalition to the Earl of Douglas, but his advances were received by that powerful chief with infinite scorn. The pride of the haughty potentate could ill brook any suggestion of a division of power with one whom he considered so far beneath him ; and it is said, that in a fit of bitter irony, he declared how much satisfaction it would give him if his refusal should cause two such unprincipled disturbers of the public peace mutually to destroy each other. These rivals, however, although either of them would willingly have risen upon the ruin of the other, were far too crafty to fulfil the wishes of the Earl of Douglas ; and his proud answer, which was soon carried to their ears, seems to have produced in their minds a disposition towards an agreement of their

differences. It was evident, that singly they could have little hope of resisting the lieutenant-general of the kingdom, but Livingston possessed the confidence of the queen-mother, and the custody of the king, her son; and with this weight thrown into the scale, it was not unlikely that a coalition of their factions might enable them to make head against his authority. The result of such mutual feelings was a truce between the rival lords, which ended in a complete reconciliation, and in the delivery of the castle into the hands of Sir William Livingston. The young king, whom he had carried along with him to Edinburgh, was presented by Crichton with the keys of the castle, and supped there on the night when the agreement was concluded: on the morrow, the new friends divided between them the power which had thus fallen into their hands. Cameron, Bishop of Glasgow, who was a partisan of the house of Douglas, and filled the place of chancellor, was deprived of a situation, in which there is strong reason to believe he had behaved with much rapacity.¹ The vacant office was bestowed upon Crichton, whilst to Livingston was committed the guardianship of the king's person, and the chief management in the government.² With regard to Douglas, it is not easy to ascertain what measures were resolved upon; and it is probable that this great noble, confident in his

¹ Acts of Parliament of Scotland, vol. ii. p. 32.

² May 3d, 1439, Cameron is Chancellor. Mag. Sig. iii. 123. June 10, 1439, Crichton is Chancellor. Ibid. ii. 141.

own power, and in the high trust committed to him by the parliament, would have immediately proceeded against the confederate lords, as traitors to the state. But at this important crisis he was suddenly attacked by a malignant fever, and died at Restalrig, on the 26th of June, 1439,¹ leaving an immense and dangerous inheritance of power and pride to his son, a youth of only seventeen years of age.

The coalition might, therefore, for the present, be regarded as completely triumphant; and Livingston and Crichton, possessed of the king's person, and enjoying that unlimited command over the queen-mother, against which an unprotected woman could offer no resistance, were at liberty to reward their friends, to requite their enemies, and to administer the affairs of the government with a power, which, for a while, seemed little short of absolute. The consequences of this state of things were such as might have been anticipated. The administration of the government became venal and disorderly. During the infancy of the king, and the non-appointment of a lieutenant-general, or governor of the realm, in the place of the Duke of Touraine, the nation knew not where to look for that firm controlling authority, which should punish the guilty, and protect the honest and industrious. Those tyrannical and

¹ Gray's MS. Advocates' Library, rr. i. 17. "Obitus Domini Archibaldi Ducis Turonensis Comititis de Douglas ac Domini Galwidie, apud Restalrig, 26 die mensis Junii, anno 1439, qui jacet apud Douglas." See, for a beautiful engraving of his monument, Blore's Monumental Remains, Part I., No. IV., a work which, it is to be regretted, did not meet with the encouragement it justly merited.

unprincipled barons, with which Scotland at this period abounded in common with the other countries of Europe, began to stir and be busy in the anticipation of a rich harvest of plunder; to entertain and increase their troops of retainers; and, by the numbers and strength of the bodies of armed vassals which they could bring into the field, to render it an object to Livingston and Crichton, and the lords of their party, to attach them to their service as the bulwarks of their successful usurpation.

Meanwhile, in the midst of this general confusion, the right of private war, and the prevalence of deadly feud, those two curses of the feudal system, flourished in increased strength and virulence. Sir Alan Stewart of Dernely, who had held the high office of Constable of the Scottish army in France,¹ was treacherously slain at Polmais thorn, between Falkirk and Linlithgow, by Sir Thomas Boyd of Kilmarnock, for "auld feud which was betwixt them," in revenge of which, Sir Alexander Stewart collected his vassals, and, "in plain battle," to use the expressive words of an old historian, "manfully set upon Sir Thomas Boyd, who was cruelly slain, with many brave men on both sides." The ground where the conflict took place, was at Craignaucht Hill, a romantic spot, near Neilston, in Renfrewshire; and with such determined bravery was it contested, that, it is said, the parties, by mutual consent, retired sundry times to rest and recover breath, after which they recommenced the combat to the sound of the trumpet, till the victory at last declared for the Stewarts. These deadly slaughters and contests

¹ Andrew Stewart's Hist. of the Stewarts, p. 166.

amongst the higher ranks, produced their usual abundant increase of robbery, plunder, burning, and murder, amongst the large body of the friends and vassals who were in the remotest degree connected with the parties ; so that, whilst Livingston and Crichton possessed the supreme power, and, with a few of their favourites, flourished upon the outlawries and forfeitures, and kept a firm hold over the person of the youthful monarch, whom they immured along with his mother, the queen, in Stirling castle, the state of the country became so truly deplorable as to call aloud for redress.

It was at this dark period, that the queen-mother, who was in the prime of life, and still a beautiful woman, finding that she was little else than a prisoner in the hands of Livingston, determined to procure protection for herself by marriage. Whether it was an alliance of love or of ambition, is not apparent ; but it is certain that Margaret, unknown to the faction by whom she was so strictly guarded, espoused Sir James Stewart, third son of John Stewart, Lord Lorn,¹ and commonly known by the name of the Black Knight of Lorn. This powerful baron was in strict alliance with the House of Douglas.² As husband of the queen-mother, to whom, in the first instance, the parliament appear to have committed the custody of the king's person, he might plausibly insist upon a principal share in the education of the youthful prince, as well as in the administration of the go-

¹ Duncan Stewart's *Hist. and Geneal. Account of the Royal Family of Scotland*, p. 171.

² Lesley's *History*, p. 14. Bannatyne edition.

vernment; and a strict coalition between the party of the queen-mother and the Earl of Douglas, might, if managed with prudence and address, have put a speedy termination to the unprincipled tyranny of Livingston.

But this able and crafty baron, who ruled all things around the court at his pleasure, had earlier and more perfect information of these intrigues than the queen and her husband imagined; and whilst they, confiding in his pretended approval of their marriage, imprudently remained within his power, Sir James was suddenly arrested, with his brother, Sir William Stewart, and cast into a dungeon in Stirling castle, with every circumstance of cruelty and ignominy. An ancient manuscript affirms, that Livingston put "thaim in pittis and bollit thaim;"¹ an expression of which the meaning is obscure; but to whatever atrocity these words allude, it was soon shown that the ambition and audacity of the governor of Stirling was not to be contented with the imprisonment of the Black Knight of Lorn. Almost immediately after this act of violence, the apartments of the queen herself, who then resided in the castle, were violently invaded by Livingston; and although the servants of her court, headed by Napier,² one of her household, made a violent resistance, in which

¹ Auchinleck Chronicle, privately printed by Mr Thomson, Dep. Cl. Reg. of Scotland, p. 34, almost the solitary authentic record of this obscure reign.

² Royal Charter by James II., 7th March, 1449-50, to Alexander Napier of the lands of Philde, Mag. Sig. iv. 4.

this gentleman was wounded, his royal mistress was torn from her chamber, and committed to an apartment, where she was placed under a guard, watched with the strictest care, and cut off from all communication with her husband or his party. It is impossible to believe that Livingston would have dared to adopt these treasonable measures, which afterwards cost him his head, unless he had been supported by a powerful faction, and by an armed force which, for the time, was sufficient to overcome all resistance. The extraordinary scene which followed, can only be explained upon this supposition. A general convention of the nobility was held at Stirling, almost immediately after the imprisonment of the queen. It was attended by the Bishops of Glasgow, Murray, Ross, and Dunblane, upon the part of the clergy, and for the nobility, by the Earl of Douglas; Alexander Seton, Lord of Gordon; Sir William Crichton, chancellor; and Walter, Lord of Dirleton; at the same time, that there might at least be an appearance of the presence of the third estate, James of Parcle, commissary of Linlithgow, William Cranston, burgess and commissary of Edinburgh, and Andrew Reid, burgess and commissary of Inverness, were present as representatives of the burghs, and sanctioned, by their seals, the transaction which took place. In this convention, the queen-mother, with advice and consent of this faction, which usurped to themselves the name of the three estates, resigned into the keeping of Sir Alexander Livingston of Callendar, the person of the king, her dearest son, until he had reached his majority; she, at

the same time, surrendered in loan to the same baron her castle of Stirling, as the residence of the youthful monarch ; and for the due maintenance of his household and dignity, conveyed to him her annual allowance of four thousand merks, granted by the parliament upon the death of the king her husband. The same deed which records this unexpected and extraordinary revolution, declares that the queen had remitted to Sir Alexander Livingston and his accomplices, all rancour of mind, which she had erroneously conceived against them, for the imprisonment of her person, being convinced that their conduct had been actuated by none other motives than those of truth, loyalty, and a zealous anxiety for the safety of their sovereign lord the king. It provides also, that the lords and barons, who are to compose the retinue of the queen, shall be approved of by Livingston ; and that the princess shall have access to her son at all times, with the cautious proviso, that such interview must take place in the presence of unsuspected persons ; and it concludes by a stipulation, that in the event of the king's death, the castle shall be re-delivered to the queen, and that the Lord of Livingston and his friends shall not be annoyed or brought " nearer the death " for any part which they may have acted in these important transactions.¹

It would be ridiculous to imagine, that this pardon and sudden confidence, bestowed with so much apparent cordiality, could be any thing else than hollow and

¹ Acts of the Parliament of Scotland, vol. ii. p. 54. The act is dated Sept. 4, 1439.

compulsory. That the queen should have received into her intimate councils the traitors who, not a month before, had violently seized and imprisoned her husband, invaded her royal chamber, staining it with blood, and reduced her to a state of captivity, is too absurd to be accounted for even by the mutability of female caprice. The whole transaction exhibits an extraordinary picture of the country, convincing us of the despotic power which, in a few weeks, might be lodged in the hands of a successful and unprincipled faction—of the pitiable weakness of the party of the queen, and the corruption and venality of the great officers of the crown. It was evident to the queen-mother, that Livingston and Crichton divided between them the supreme power; and, in terror for the life of her husband, and dreading her own perpetual imprisonment, she consented to purchase security and freedom at the price of the liberty and independence of the king, her son, then a boy in his ninth year. He was accordingly delivered up to Livingston, who kept him in a sort of honourable captivity at Stirling. A coalition, however, which was at first purely selfish, and depended for its continuance upon the strict division of authority between two ambitious rivals, could not be of any long continuance; and soon after, the chancellor, jealous of the superior power of Livingston, determined to make him sensible on how precarious a basis it was founded. He seized the opportunity of Livingston's absence at Perth, to ride with a strong body of his vassals under cover of night to the royal park of Stirling, in which

the king was accustomed to take the pastime of the chase. Crichton, favoured by the darkness, concealed his followers in the wood, and at sunrise, had the satisfaction to see the royal cavalcade approach the spot where he lay in ambush. In an instant the youthful monarch was surrounded by a multitude which rendered resistance hopeless ; and the chancellor, kneeling, and with an action rather of affectionate submission than of command, taking hold of his bridle rein, besought him to leave that fortress, where he was more a prisoner than a king, and to permit himself to be rescued by his faithful subjects, and restored to his free rights as a sovereign. Saying this, Crichton conducted his willing victim, amid the applauses and loyal protestations of his vassals, to Linlithgow, where he was met by an armed escort, who accompanied him to the castle of Edinburgh.¹

To the king himself, this transaction brought merely a change of masters ; but to Livingston, its success was pregnant, not only with mortification, but with danger. Although he would have been glad to have availed himself of the power, he distrusted the youth and versatility of the Earl of Douglas. To the queen-mother he had given cause of mortal offence, and there was no other individual in the country whose authority, if united to his own, was weighty enough to counteract the exorbitant power of the chancellor. He had recourse, therefore, to dissimulation ; and coming to Edinburgh, accompanied by a

¹ January, 1439. Lesley's Hist. p. 15.

slender train, he dispatched a flattering message to Crichton, deplored the misunderstanding which had taken place, and expressed his willingness to submit all differences to the judgment of their respective friends, and to have the question regarding the custody of the royal person determined in the same manner. It happened that there were then present in Edinburgh two prelates, whose character for probity and wisdom peculiarly fitted them for the task of reconciling the rival lords. These were Leighton, Bishop of Aberdeen, and Winchester, Bishop of Moray, by whose mediation Crichton and Livingston, unarmed, and slenderly attended, repaired to the church of St Giles, where a solemn reconciliation took place; the charge of the youthful monarch being once more intrusted to Livingston,¹ whilst the chancellor was rewarded by an increase of his individual authority in the management of the state, and the advancement of his personal friends to offices of trust and emolument.²

In the midst of these selfish and petty contests for power, the people were afflicted by almost every scourge which could be let loose upon a devoted country; by intestine feuds, by a severe famine, and by a wide-spread and deadly pestilence. The fierce inhabitants of the Western Isles, under the command of Lauchlan Macleod, and Murdoch Gibson, two leaders notorious for their spoliations and murders,

¹ Auchinleck Chronicle, p. 1.

² Buchanan erroneously supposes that the custody of the king's person remained with the chancellor Crichton. B. xi. c. 13.

broke in upon the continent, and, not content with the devastation of the coast, pushed forward into the heart of the Lennox, where they slew Colquhoun of Luss in open battle, and reduced the whole district to the state of a blackened and depopulated desert.¹ Soon after this, the famine became so grievous, that multitudes of the poorer classes died of absolute want. It is stated in an ancient contemporary chronicle, that the boll of wheat was then generally sold at forty shillings, and the boll of oatmeal at thirty. We know from the authority of Stow, that the scarcity was also very severely felt in England, where wheat rose from its ordinary price of five shillings and fourpence the quarter, to one pound; and soon after, in the course of the year 1440, to one pound four shillings. The consequences of unwholesome food were soon seen, in a dreadful sickness, of the nature of a dysentery, which broke out amongst the people, and carried away great numbers, so that when the pestilence soon after arrived in Scotland, and its ravages were added to the already widely spread calamity, the unhappy country seemed rapidly advancing to a state of depopulation. This awful scourge, which first showed itself at Dumfries, was emphatically denominated, "the pestilence without mercy," for none were seized with it who did not certainly die within twenty-four hours after the attack.²

To these prolific causes of national misery, there

¹ Auchinleck Chronicle, p. 34.

² Ibid. p. 34. "Thar tuke it nain that ever recoverit, bot thai deit within twenty-four houris." Fleetwood Chron. Preciosum, p. 83.

was added another in the overgrown power of the house of Douglas, and the evils which were encouraged by the lawless demeanour of its youthful chief. Upon the death of Archibald, Duke of Touraine and fifth Earl of Douglas, we have seen that the immense estates of this family devolved upon his son William, a youth who was then only in his seventeenth year ; a period of life, even under the most common circumstances, peculiarly liable to be corrupted by power and adulation. To Douglas, however, the accession brought a complication of trials, which it would have required the maturity of age and of wisdom to have resisted. As Duke of Touraine, he was a peer of France, and possessed one of the richest principalities in that kingdom. In his own country, he inherited estates, or rather provinces, in Galloway, Annandale, Wigton, and other counties, which were covered by warlike vassals, and protected by numerous castles and fortalices ; and in ancestry, he could look to a long line of brave progenitors, springing, on the father's side, out of the heroic stock of the Good Sir James, and connected, in the maternal line, with the royal family of Scotland. The effects of all this upon the character of the youthful earl, were not long of making their appearance. He treated every person about him with an unbounded arrogance of demeanour ; he affected a magnificence which outshone the splendour of the sovereign, being attended wherever he went with a body guard of a thousand knights ; when summoned by the governor in the name of the king, he disdained to attend the council-general,

where he was bound to give suit and service as a vassal of the throne ; and in the reception he gave to the messages which were addressed to him, carried himself more as a supreme and independent prince, than a subject who received the commands of his master. Soon after the death of his father, he dispatched Malcolm Fleming of Biggar, along with Alan Lauder of the Bass, as his ambassadors to carry his oath of allegiance to the French monarch, and receive his investiture in the dukedom of Touraine. The envoys appear to have been warmly welcomed by Charles the Seventh ; and, flattered by the reception which was given them, as well as by his immediate accession to his foreign principality, Douglas increased his train of followers, enlisted into his service multitudes of idle, fierce, and unprincipled wretches, who wore his arms, professing themselves his vassals only to obtain a license for their tyranny, whilst within his own vast territories he openly insulted the authority of the government, and trampled upon the restraints of the laws.

Aug. 2,
1440.

A parliament in the meantime was assembled at Stirling, for the purpose of taking into consideration the disordered state of the country, and some of those remedies were again proposed, which had already been attended with such frequent failure, not so much from any defect in principle, as from the imperfect manner in which they were carried into execution. It was declared that holy church should be maintained in freedom, and the persons and pro-

perty of ecclesiastics universally protected ; according to ancient usage, the justiciars on the southern and northern sides of the Frith of Forth, were commanded to hold their courts, or justice ayres, twice in the year, whilst the same duty was to be faithfully performed by the lords of regalities, within their respective jurisdiction, and by the judges and officers of the sovereign upon the royal lands. On the occurrence of any rebellion, slaughter, or robbery, it is ordained that the king shall instantly ride in person to the spot, and, summoning before him the sheriff of the county, see that immediate justice is done upon the offenders, for the more speedy execution of which, the barons are directed to assist with their persons, vassals, and property.¹ It was, in all probability, at this parliament, that those grievous complaints were presented concerning the abuses which then prevailed throughout the country, which are so feelingly and eloquently described by an amusing, though somewhat apocryphal historian, as originating in the overgrown power of the house of Douglas. “ Many and innumerable complaints were given in, whereof the like were never seen before. There were so many widows, bairns, and infants, seeking redress for their husbands, kindred, and friends, that were cruelly slain by wicked bloody murderers, sicklike many for herschip, theft and reif, that there was no man but he would have ruth and pity to hear the same. Shortly, murder, theft, and slaughter, were come in such dalliance among

¹ Acts of Parl. of Scotland, vol. ii. pp. 32, 33.

the people, and the king's acts had fallen into such contempt, that no man wist where to seek refuge, unless he had sworn himself a servant to some common murderer or bloody tyrant, to maintain him contrary to the invasion of others, or else had given largely of his gear to save his life, and afford him peace and rest."¹

There can be little doubt that this dreadful state of things was to be ascribed, as much to the misgovernment of Livingston, and the lawless dominion of Crichton, as to the evil example and encouragement of licentiousness and tyranny which was afforded by the Earl of Douglas. On the one hand, that proud and youthful potentate, whilst he kept at a distance from court, and haughtily declined all interference with government, excused himself by alleging that the custody of the sovereign, and the management of the state, were in the hands of two ambitious and unprincipled tyrants, who had treasonably possessed themselves of the king's person, and sanctioned by their example the very outrages of which they complained. On the other, Livingston and the chancellor, with equal asperity, and more of the appearance of justice—for, however unwarrantably, they represented the supreme authority—complained that Douglas refused obedience to the summons of his sovereign, that he affected a state and magnificence which was unbecoming and dangerous in a subject, and traversed the country with an army of followers,

¹ Pitscottie's Hist of Scotland, p. 24.

whose excesses created the utmost misery and distress in whatever district he chose to fix his residence. Both series of complaints were true; and Livingston and Crichton soon became convinced, that, to secure their own authority, they must crush the rising power of the Earl of Douglas. For this purpose they determined to set spies upon his conduct, and either to discover or create some occasion to work his ruin, whilst, unfortunately for himself, the character of Douglas gave them every chance of success. He was still a youth, ambitious, violent, and courageous even to rashness; his rivals united to a coolness and wariness, which had been acquired in a long course of successful intrigues, an energy of purpose, and a cruelty of heart, which left no hope for a fallen enemy. In a contest between such unequal enemies, the triumph of the chancellor and Livingston might have been easily anticipated; but, unfortunately, a deep obscurity hangs over the history of their proceedings. In this failure of authentic evidence, a conjecture may be hazarded, that these crafty statesmen, by means of the paid flatterers with whom they surrounded the young earl, prevailed upon him to express doubts as to the legitimacy of the title of James the Second to the throne, and to advocate the pretensions of the children of Euphemia Ross, the second queen of Robert the Second. Nor, considering Douglas's own descent, was it at all unlikely that he should listen to such suggestions.¹ By his mother, Euphemia Graham,

¹ Douglas' Peerage, vol. 1. p. 428. By his father, the Earl of Douglas was a near kinsman of the king, for Douglas's father was

the daughter of Patrick, Earl of Strathern, he was descended from Robert the Second, and his second queen, Euphemia Countess of Ross, whose children, notwithstanding an act of the legislature which declared the contrary, were disposed to consider their title to the crown preferable to any other. It is well known, on the other hand, that the Earl of Carrick, the son of Robert the Second, by his first marriage with Elizabeth Mure, was born to that monarch previous to his marriage with his mother, and that he succeeded to the crown by the title of Robert the Third, in consequence of that legal principle which permits the subsequent marriage of the parties to confer legitimacy upon the issue born out of wedlock. Under these circumstances, it is not difficult to imagine that the Earl of Douglas may have been induced to consider his mother's brother, Malise, Earl of Strathern, as possessed of a more indubitable title to the crown than the present sovereign, and that a conspiracy to employ his immense and overgrown power in reinstating him in his rights, may have been a project which was broached amongst his adherents, and carried to the ready ears of his enemies.¹ This theory proceeds upon the idea that Douglas was inclined to support the issue of Euphe-

cousin-german to James the Second, his mother being a daughter to Robert the Third.

¹ The reader will perhaps remember that the injustice of James the First to this noble youth, in depriving him of the earldom of Strathern, and the determined purpose of vengeance which instantly arose in the bosom of his uncle, Robert Graham, were the causes which led directly to the murder of that monarch.

nia Ross, the queen of Robert the Second, in opposition to those of his first wife, who died before his accession to the throne; whilst, on the other hand, if the earl considered the title of James the First as unquestionable, he, as the grandson of James's eldest sister, Margaret, daughter of Robert the Third, might have persuaded himself that, upon the failure of James the Second without issue, he had a specious claim to the crown. When we take into consideration the fact of Douglas and his brother being tried for high treason, and remember that when the young king interceded for them, Crichton reprimanded him for a desire to gratify his pity at the expense of the security of his throne, it is difficult to resist the inference, that in one or other of these ways the youthful baron had plotted against the crown.¹

Having obtained sufficient evidence of the guilt of Douglas to constitute against him and his near adherents a charge of treason, the next object of these wary statesmen was to obtain possession of his person. For this purpose the chancellor, Crichton, addressed a letter to him, in which he flattered his youthful vanity, and regretted, in his own name and that of the governor, Livingston, that any misunderstanding should have arisen which deprived the government of his services. He expressed, in the strongest terms, their anxiety that this should be removed, and concluded by inviting him to court, where he might have personal intercourse with his royal kinsman, where he would be received with the

¹ Balfour's Annals, vol. i. p. 170.

distinction and consideration befitting his high rank, and might contribute his advice and assistance in the management of the public affairs, and the suppression of those manifold abuses which then destroyed the peace of the country. By this artful conduct, Crichton succeeded in disarming the resentment, without awakening the suspicions, of his opponent; and Douglas, in the openness of his disposition, fell into the snare which had been laid for him. Accompanied by his only brother, David, his intimate friend and counsellor Sir Malcolm Fleming, and a slender train of attendants, he proceeded towards Edinburgh, at that moment the royal residence, and on his road thither was magnificently entertained by the chancellor at his castle of Crichton.¹ From thence he continued his journey to the capital; but before he entered the town, it was observed by some of the gentlemen who rode in his train, that there appeared to be rather too many private messages passing between the chancellor and the governor; and some of his oldest councillors, taking occasion to remind him of an advice of his father, that in any circumstances of suspected danger, the earl and his brother ought never to proceed together, entreated him that he would either turn back, or at least send forward his brother and remain himself where he then was. Confident, however, in his own opinion, and lulled into security by the magnificent hospitality of Crichton, Douglas rebuked his friends for their suspicions, and, entering the city, rode fearlessly to the castle, where

¹ *Auctarium Scotichronici*, apud Fordun, vol. ii. p. 518. Same vol. p. 490. Ferrerius, p. 362.

he was met at the gates by Livingston with every expression of devotion, and conducted to the presence of his youthful sovereign, by whom he was treated with marked distinction.

The vengeance destined to fall upon the Douglasses does not appear to have been immediate. It was necessary to secure the castle against any sudden attack; to find pretences for separating the earl from his accustomed attendants; and to make preparations for the pageant of a trial. During this interval, he was admitted to an intimate familiarity with the king; and James, who had just completed his tenth year, with the warm and sudden affection of that age, is said to have become fondly attached to him; but all was now ready, and the catastrophe at last was deplorably rapid and sanguinary. Whilst Douglas and his brother sat at dinner with the chancellor and Livingston, after a sumptuous entertainment the courses were removed, and the two youths found themselves accused, in words of rude and sudden violence, as traitors to the state.¹ Aware, when too late, that they were betrayed, they started from table, and attempted to escape from the apartment, but the door was beset by armed men, who, on a signal from Livingston, rushed into the chamber, and seized and pioned their victims, regardless of their indignation and reproaches. It is said that the youthful monarch clung around Crichton, and pleaded earnestly, and even to tears, for his friends; yet the chancellor not only refused to listen, but sharply commanded him

¹ Lesley's *Hist. of Scotland*, p. 16. I cannot follow the example of a great writer in retaining the fable of the bull's head, which is contradicted by contemporary history. Appendix, A.

to cease his intercession for traitors who had menaced his throne. A hurried form of trial was now run through, at which the youthful king was compelled to preside in person; and, condemnation having been pronounced, the earl and his brother were hurried to execution, and beheaded in the back court of the castle. What were the precise charges which were brought against them, cannot now be discovered. That they involved some expressions which reflected upon the right of the sovereign, and perhaps embraced a design for the restoration of the children of the second marriage of Robert the Second, from which union Douglas was himself descended, has been already stated as the most probable hypothesis in the absence of all authentic evidence.¹ It is certain, that three days after the execution, Malcolm Fleming of Cumbernauld, their confidential friend and adviser, was brought to trial on a charge of treason, and beheaded on the same ground which was still wet with the blood of his chief.²

¹ All the conspiracies against the royal family of Scotland, from the time of Robert Bruce to the execution of the Douglasses, may be accounted for by two great objects: the first, which characterises the conspiracy of David de Brechin against Robert the First, and that of the Earl of Douglas on the accession of Robert the Second, was the restoration of the right of the Baliols in preference to that of the Bruces; in other words, the reinstating the descendants of the eldest daughter of David, Earl of Huntingdon, brother to King William the Lion, in their rights, in contradistinction to the children of the second daughter, whom they regarded as having intruded into them. But in addition to this, a second object arose out of the first and second marriages of Robert the Second, which furnished another handle to discontent and conspiracy. To illustrate this, however, would exceed the limits of a note. See Appendix, B.

² Auchinleck Chronicle, p. 35. In the charter-chest of the earl-

It might have been expected that the whole power of the house of Douglas would have been instantly directed against Livingston and the chancellor, to avenge an execution, which, although sanctioned by the formality of a trial, was, from its secrecy and cruelty, little better than a state murder. Judging also from the common course adopted by the government after an execution for treason, we naturally look for the confiscation of the estates, and the division of the family property amongst the adherents of the governor and the chancellor ; but here we are again met by an inexplicable and mysterious circumstance. James, Earl of Avendale, the grand-uncle of the murdered earl, to whom by law the greater part of his immense estates reverted, entered immediately into possession of them, and assumed the title of the Earl of Douglas, without the slightest question or difficulty. That he was a man of fierce and determined character, had been early shown in his slaughter of Sir David Fleming of Cumbernauld, the father of the unfortunate baron who now shared the fate of the Douglasses ;¹ and yet, in an age when revenge was esteemed a sacred obligation, and under circumstances of cruelty and provocation which might have roused remoter blood, we find him not only singularly supine, but, after a short period, united in the strictest bonds of intimacy with those who had destroyed the head of his house. The conjecture, therefore, of an acute

dom of Wigton at Cumbernauld, is preserved the "Instrument of Falsing the Doom of the late Malcolm Fleming of Biggar." See Appendix, C.

¹ See this History, vol. iii. p. 156.

historian, that the trial and execution of the Earl of Douglas was, perhaps, undertaken with the connivance or assistance of the next heir to the earldom, does not seem altogether improbable, whilst it is difficult to admit the easy solution of the problem which is brought forward by other enquirers, who discover that the uncommon obesity of the new successor to this dignity must have extinguished in him all ideas of revenge. The death of the Earl of Douglas had the effect of abridging the overgrown power of the family. His French property and dukedom of Touraine, being a male fief, returned to the crown of France, whilst his large unentailed estates in the counties of Galloway and Wigton, along with the rich domains of Balvenie and Ormond, reverted to his only sister, Margaret, the most beautiful woman of her time, and generally known by the appellation of the Fair Maid of Galloway. The subsequent history of this youthful heiress affords another proof that the crime of Douglas, her brother, was not his overgrown power, but his treasonable designs against the government; for within three years after his death, William, Earl of Douglas, who had succeeded to his father, James the Gross, was permitted to marry his cousin of Galloway, and thus once more to unite in his person the immense estates of the family. Euphemia also, the Duchess of Touraine, and the mother of the murdered earl, soon after the death of her son, acquired a powerful protector, by marrying Sir James Hamilton of Cadzow, afterwards Lord Hamilton.¹

¹ Andr. Stewart, Hist. of H. of Stuart, p. 464.

In the midst of these extraordinary proceedings, which for a time strengthened the authority of Livingston and the chancellor, the foreign relations of the kingdom were fortunately of the most friendly and pacific character. The intercourse with England, during the continuance of the truce, appears to have been maintained without interruption, not only between the subjects of either realm, who resorted from one country to the other for the purposes of commerce, travel, or pleasure, but by various mutual missions and embassies, undertaken apparently with the single design of confirming the good dispositions which subsisted between the two countries. With France the communication was still more cordial and constant; whilst a marriage between the princess Isabella, the sister of the king, and Francis de Montfort, eldest son to the Duke of Bretagne, cemented and increased the friendship between the two kingdoms. An anecdote, preserved by the historian of Brittany, acquaints us with the character of the princess, and the opinions of John, surnamed the Good and Wise, as to the qualifications of a wife. On requiring from his ambassadors, immediately after their return from Scotland, their opinion regarding the lady, he received for answer, that she was beautiful, elegantly formed, and in the bloom and vigour of health; but remarkably silent, not so much, as it appeared to them, from discretion, as from extreme simplicity. "Dear friends," said John the Good and Wise, "return speedily and bring her to me. She is the very woman I have been long in search of. By St Nicholas, a wife seems, to my mind, sufficiently acute,

if she can tell the difference between her husband's shirt and his shirt ruffle."¹

The general commercial prosperity of the Netherlands, with which Scotland had for many centuries carried on a flourishing and lucrative trade, had been deeply injured at this time by a war with England, and by intestine commotions amongst themselves; but with Scotland their commercial relations do not appear to have experienced any material interruption; and, although the precise object of his mission is not discoverable, Thomas, Bishop of Orkney, in 1441, repaired to Flanders, in all probability for the purpose of confirming the amicable correspondence between the two countries, and congratulating them on the cessation of foreign war and domestic dissension.² Whilst such were the favourable dispositions entertained by England, France, and the Netherlands, it appears, from the public records, that the court of Rome was especially anxious at this time to maintain a close and intimate correspondence with Scotland; and there is strong reason for suspecting, that the growth of Lollardism, and the progress of those heretical opinions for which Resby had suffered in 1408, and against which the parliament of James the First directed their censures in 1424, were the causes which led to the frequent missions from the Holy See. In 1437, brother Andrew Meldrum, a knight of St John of Jerusalem, paid a

¹ See Lobineam *Histoire de Bretagne*, pp. 619, 621, for a beautiful portrait of this princess, taken from an original in the cathedral church of Vannes.

² *Rotuli Scotiæ*, vol. ii. p. 319.

visit to the Scottish court, on a mission connected with the good of religion. In the following year, Alfonso de Crucifubreis, the papal nuncio, obtained a passport, for the purpose of proceeding through England into Scotland; and, in 1439, William Croyser, a native of that country, but apparently resident at Rome, invested also with the character of nuncio of the apostolic see, and in company with two priests of the names of Turnbull and Lithgow, repaired to Scotland, where he appears to have remained, engaged in ecclesiastical negotiations, for a considerable period. It is unfortunate that there are no public muniments which tend to explain or to illustrate the specific object of the mission.¹

But although threatened with no dangers from abroad, the accumulated evils which in all feudal kingdoms have attended the minority of the sovereign, continued to afflict the country at home. On the death of his father, James the Gross, the ability, the pride, and the power of the house of Douglas, revived with appalling strength and vigour in William, the eighth Earl of Douglas, his son and successor, inferior in talents and ambition to none who had borne the name before him. By his mother, Lady Beatrix Sinclair, he was descended from a sister of King Robert the Third;² by his father, from the Lady Christian Bruce, sister of Robert the First.³ His extensive estates gave him the command of a more powerful army of

¹ *Rotuli Scotiae*, vol. ii. p. 302–315. *Ibid.* pp. 311, 317.

² *Douglas's Peerage*, vol. ii. p. 338.

³ *Ibid.*, vol. i. p. 220.

military vassals than any other baron in the kingdom, whilst the situation of these estates made him almost an absolute monarch upon the borders, which, upon any disgust or offence offered him by the government, he could open to the invasion of England, or fortify against the arm and authority of the law. He was supported also by many warlike and potent lords in his own family, and by connexion with some of the most ancient and influential houses in Scotland. His mother, a daughter of the house of Sinclair, Earl of Orkney, gave him the alliance of this northern baron; his brothers were the Earls of Moray and Ormond; by his married sisters, he was in strict friendship with the Hays of Errol, the Flemings, and the Lord of Dalkeith.

The possession of this great influence only stimulated an ambitious man like Douglas to grasp at still higher authority; and two paramount objects presented themselves to his mind, to the prosecution of which he devoted himself with the utmost solicitude, and which afford a strong light to guide us through a portion of the history of the country, hitherto involved in much obscurity. The first of these was to marry the Fair Maid of Galloway, his own cousin, and thus once more unite in his person the whole power of the House of Douglas. The second, by means of this overwhelming influence, to obtain the supreme management of the state, as governor of the kingdom, and to act over again the history of the usurpation of Albany and the captivity of James the First. It must not be forgotten also, that the beautiful heiress

of Galloway was descended, by the father's side, from the eldest sister of James the First, and, by the mother, from David, Earl of Strathern, eldest son of Robert the Second, by his second marriage. It is not therefore impossible, that, in the event of the death of James the Second, some vague idea of asserting a claim to the crown may have suggested itself to the imagination of this ambitious baron. Upon Livingston and the chancellor, on the other hand, the plans of Douglas could not fail to have an important influence. The possession of such overgrown power in the hands of a single subject, necessarily rendered his friendship or his enmity a matter of extreme importance to these crafty statesmen, whose union was that of fear and necessity, not of friendship. Both were well aware that upon the loss of their power, there would be a brief interval between their disgrace and their destruction. Crichton knew that he was liable to a charge of treason for the forcible seizure of the king's person at Stirling; Livingston, that his imprisonment of the queen, and his usurpation of the supreme power, made him equally guilty with the chancellor; and both, that they had to answer for a long catalogue of crimes, confiscations, and illegal imprisonments, which, when the day of reckoning at last arrived, must exclude them from all hope of mercy. To secure the exclusive friendship of Douglas, and to employ his resources in the mutual destruction of each other, was the great object which governed their policy. In the meantime, the youthful monarch, who had not yet completed

his thirteenth year, beheld his kingdom transformed into a stage, on which his nobles contended for the chief power, whilst his subjects were cruelly oppressed, and he himself handed about, a passive puppet, from the failing grasp of one declining faction, into the more iron tutelage of a more successful party in the state. It is scarcely possible to conceive a more miserable picture of a nation, either as it regards the happiness of the king or of the people.

It is not therefore surprising, that, soon after this, the state of the country, abandoned by those who possessed the highest offices of the government only to convert them into instruments of their individual ambition, called imperatively for some immediate interference and redress. Sir Robert Erskine, who claimed the earldom of Mar, and apparently on just grounds, finding himself opposed in his right by the intrigues of the chancellor, took the law into his own hands, and laying siege to the castle of Kildrummie, carried it by storm, upon which the king, or rather his ministers, seized the castle of Alloa, the property of Erskine. This same baron, as Sheriff of the Lennox, was Governor of Dumbarton, one of the strongest fortresses in the kingdom ; but during his absence in the north, Galbraith of Culcreuch, a partisan of the Earl of Douglas, with the connivance of his master, and the secret encouragement of Crichton, ascended the rock with a few followers, and forcing an entrance by Wallace's tower, slew Robert Sempill the captain, and overpowering the garrison, made

themselves masters of the place.¹ In the north, Sir William Ruthven, who was Sheriff of Perth, attempting, in the execution of his office, to conduct a culprit to the gallows, was invaded by John Gorme Stewart of Athole, at the head of a strong party of armed Highlanders, who had determined to rescue their countryman from the ignominious vengeance of the law. Stewart had once before been serviceable to government, in employing the wild catherans whom he commanded, to seize the traitor Graham, who, after the murder of James the First, had buried himself in the fastnesses of Athole ; but, under the capriciousness of a feudal government, the arm which one day assisted the execution of the law, might the next be lifted up in open defiance of its authority ; and Stewart, no doubt, argued that his securing one traitor entitled him, when it suited his own convenience, to let loose another. Ruthven, however, a brave and determined baron, at the head of his own vassals, resented this interference ; and, after a sanguinary conflict upon the North Inch of Perth, both he and his fierce opponent were left dead upon the field.²

In the midst of these outrageous proceedings, the Earl of Douglas, in prosecution of his scheme for his marriage with the Fair Maid of Galloway, entered into a strict coalition with Livingston, the king's governor. Livingston's grandson, Sir James Hamilton of Cadzow, had married Euphemia, Dowager Du-

¹ Auchinleck Chronicle, p. 35. Probably the tower in which Wallace was confined after his capture by Menteith.

² Auchinleck Chronicle, p. 35.

chess of Touraine, the mother of Douglas's first wife; and it is by no means improbable, that the friends of the Fair Maiden of Galloway, who was to bring with her so noble a dowery, consented to her marriage with the Earl of Douglas, upon a promise of this great noble to unite his influence with the governor, and put down the arrogant domination of the chancellor. The events at least which immediately occurred, demonstrate a coalition of this sort. The Earl of Douglas, arriving suddenly at Stirling castle with a modest train, instead of the army of followers by which he was commonly attended, besought and gained admittance into the royal presence, with the humble purpose, as he declared, of excusing himself from any concern in those scenes of violence which had been lately acted at Perth and Dumbar-ton. The king, as it was reported, not only received his apology with a gracious ear, but was so much pre-possessed by his winning address, and his declarations of devoted loyalty, that he made him a member of his privy council, and appears soon after to have conferred upon him the office of lieutenant-general of the kingdom,¹ which had been enjoyed by his ancestor, the first Duke of Touraine. The consequence of this sudden elevation of Douglas, was the immediate flight of the chancellor, Crichton, to the castle of Edinburgh, where he proceeded to strengthen the fortifications, to lay in provisions, and to recruit his

¹ Auchinleck Chronicle, p. 36. Lesley's Hist. p. 17. Balfour's Annals, vol. i. p. 172. The appointment of Douglas to be lieutenant-general is not founded on certain historical evidence, but inferred from his subsequent conduct.

garrison, as if he contemplated a regular siege. To imagine that this elevation of Douglas was the work of the king, a boy who had not yet completed his thirteenth year, would be ridiculous. It was evidently the procedure of the governor, who held an exclusive power over the king's person ; and it indicated, for the moment, a coalition of parties, which might well make Crichton tremble.

In the meantime, Livingston, pleading his advanced age, transferred to his eldest son, Sir James, the weighty charge of the sovereign's person, and his government of Stirling castle, whilst Douglas, in the active exercise of his new office of lieutenant-general, which entitled him to summon in the king's name, and obtain delivery of any fortress in the kingdom, assembled a large military force; and proceeding, along with the members of the royal household and privy council, to the castle of Barnton, in Mid-Lothian, the property of the chancellor, Crichton, he demanded its delivery in the king's behalf, and exhibited the order which entitled him to make the requisition. To this haughty demand, the governor of the fortress, Sir Andrew Crichton, sent at first a peremptory refusal ; but, after a short interval, the preparations for a siege, and the sight of the king's banner, displayed with great military pomp and solemnity, overcame his resolution, and induced him to capitulate. Encouraged by this success, Douglas levelled the castle with the ground, and summoned the chancellor Crichton, and his adherents, to attend a parliament which was about to be

held at Stirling, to answer before his peers upon a charge of high treason. The reply made to this by the proud baron, was of a strictly feudal nature, and consisted in a raid or predatory expedition, in which the whole military vassals of the house of Crichton broke out with fire and sword upon the lands of the Earl of Douglas, and of his adherent, Sir John Forrester of Corstorphine, and inflicted that sudden and summary vengeance, which gratified the feelings of their chief, and satisfied their own lust for plunder and devastation.¹ Whilst the chancellor thus let loose his vassals upon those who meditated his ruin, his estates were confiscated in the parliament which met at Stirling, his friends and adherents, who disdained or dreaded to appear and plead to the charges brought against them, were outlawed, and declared rebels to the king's authority; and he himself, shut up in the castle of Edinburgh, concentrated his powers of resistance, and pondered over the likeliest method of averting his total destruction.

Douglas, in the meantime, received, through the influence of the Livingstons, the rich reward to which he had so ardently looked forward. A divorce was obtained from his first countess, a dispensation arrived from Rome, permitting the marriage between himself and his cousin; and although still a girl, who had not completed her twelfth year, the Fair Maid of Galloway² was united to the Earl of Douglas, and

¹ Auchinleck Chronicle, pp. 36, 37.

² In the dispensation obtained afterwards for her marriage with her brother-in-law, it appears, that, at the time of her first marriage,

the immense estates which had fallen asunder upon the execution of William, were once more concentrated in the person of the lieutenant-general of the kingdom. In this manner did Livingston, for the purpose of gratifying his ancient feud with the chancellor, lend his influence to the accumulation of a power, in the hands of a proud and unprincipled subject, which was utterly incompatible with the welfare of the state or the safety of the sovereign.

But although the monarch was thus abandoned by those who ought to have defended his rights, and the happiness of the state shamelessly sacrificed to the gratification of individual revenge, there were still a few honest and upright men to be found, who foresaw the danger, and interposed their authority to prevent it, and of these the principal, equally distinguished by his talents, his integrity, and his high birth, was Kennedy, Bishop of St Andrews, a sister's son of James the First, and by this near connexion with the king, entitled to stand forward as his defender against the ambitious faction who maintained possession of his person. Kennedy's rank, as head of the Scottish church, invested him with an authority, to which, amid the general corruption and licentiousness of the other officers in the state, the people looked with reverence and affection. His mind, which was of the highest order of intellect, had been cultivated

she was "infra nobiles annos." Andrew Stewart's Hist. p. 444. The existence of a first countess of Earl William, is shown by the "Great Seal, vii. No. 214, under 13th Oct. 1472; and 248, under 22d Jan. 1472-3."

by a learned and excellent education, enlightened by foreign travel, and exalted by a spirit of unaffected piety. During a residence of four years at Rome, he had risen into esteem with the honester part of the Romish clergy; and, aware of the abuses which had been introduced, during the minority of the sovereign, into the government of the church—of the venality of the presentations—the dilapidation of the ecclesiastical lands—the appointment of the licentious dependents of the feudal barons who had usurped the supreme power—Kennedy, with a resolution which nothing could intimidate, devoted his attention to the reformation of the manners of the clergy, the dissemination of knowledge, and the detection of all abuses connected with the ecclesiastical government. Upon the subsequent disgrace of Crichton, this eminent person was advanced to the important office of chancellor; and in his double capacity, as supreme head of the church, and chancellor of the kingdom, there were few subjects which did not, in one way or other, come within the reach of his conscientious and enquiring spirit.

Upon even a superficial examination of the state of the country, it required little discernment to discover, that out of the union of the two parties of the Livingstons and the Douglasses, had already sprung an infinite multitude of grievances, which weighed heavily upon the people, and that, if not speedily counteracted, the further growth of this coalition might endanger the security of the crown, and threaten the life of the sovereign. The penetrating spirit of Ken-

nedy soon detected an alarming confirmation of these suspicions in the assiduity evinced by Douglas, to draw within the coalition between himself and Livingston, all the proudest and most powerful of the feudal families, as well as in the preference which he manifested for those to whom the severity of the government of James the First had already given cause of offence and dissatisfaction, and who, with the unforgiving spirit of feudal times, transferred to the person of his son their meditated vengeance against the father. Of this there was a striking example in a league or association which Douglas at this time entered into with Alexander, the second Earl of Crawford, who had married Mariot de Dunbar, the sister of that unfortunate Earl of March whom we have seen stripped of his ancient and extensive inheritance by James the First, under circumstances of such severity, and at best of such equivocal justice, as could never be forgotten by the remotest connexions of the sufferer.¹ When Kennedy observed such associations, indicating in Douglas a determined and crafty purpose of concentrating around him, not only the most formidable power, but the most bitter enemies of the ruling dynasty, he at once threw the whole weight of his authority and experience into the scale of the chancellor, and united cordially with Crichton in an endeavour to counteract and defeat the purposes of Douglas. But he was instantly awakened to the dan-

¹ Douglas's Peerage, vol. i. p. 376. History of Scotland, vol. iii. p. 290.

gers of such a proceeding, by the ferocity with which his interference was resented. At the instigation of the lord-lieutenant, the Earl of Crawford, along with Alexander Ogilvy, Livingston, Governor of Stirling castle, Lord Hamilton, and Robert Reach, a wild Highland chief, assembled an overwhelming military force, and, with every circumstance of savage and indiscriminate cruelty, laid waste the lands belonging to the bishop, both in Fife and Angus; leading captive his vassals, destroying his granges and villages with fire, and giving up to wide and indiscriminate havoc, the only estates, perhaps, in the kingdom, which, under the quiet and enlightened rule of this prelate, had been reduced under a system of agricultural improvement. Kennedy, in deep indignation, instantly summoned the Earl of Crawford to repair the ravages which had been committed; and finding that the proud baron disdained to obey the order, he proceeded, with that religious pomp and solemnity which was fitted to inspire awe and terror even in the ferocious bosoms of his adversaries, to excommunicate the earl and his adherents, suspending them from the services and the sacraments of religion, and denouncing, with mitre, staff, book, and candle, against all who presumed to harbour or support them, the extremest curses of the church.¹ It may give

¹ Auchinleck Chronicle, p. 39. Robert Reach, or Swarthy Robert, was the ancestor of the Robertsons of Strowan. He had apprehended the Earl of Athole, one of the murderers of James the First. He is sometimes styled Robert Duncanson. See Hist. vol. iii. p. 312.

us some idea of the danger and the hopelessness of the patriotic task in which the Bishop of St Andrews now consented to labour—that of correcting the manifold abuses of the government—when we remember for a moment that three of the principal parties engaged, themselves, or by their vassals, in these acts of spoliation, were the lieutenant-general of the kingdom, the governor of the royal person, and one of the most confidential members of the king's privy-council.¹

Douglas, in his character of king's lieutenant, now assembled the vassals of the crown, and at the head of an army laid siege to Edinburgh castle, which Crichton, who had anticipated his movements, was prepared to hold out against him to the last extremity. The investment of the fortress, however, continued only for nine weeks; at the expiration of which period, the chancellor, who, since his coalition with the Bishop of St Andrews and the house of Angus, was discovered by his adversaries to have a stronger party than they were at first willing to believe, surrendered the castle to the king, and entered into a treaty with Livingston and Douglas, by which he was not only ensured of indemnity to himself and his adherents, but restored to no inconsiderable portion of his former power and influence.² There can be little doubt that the reconciliation of this powerful statesman with

¹ MS. indenture in the possession of Mr Maule of Panmure, between the king's council, and daily about him, on one part, and Walter Ogilvy of Beaufort, on the other.

² Auchinleck Chronicle, p. 37.

the faction of Douglas, was neither cordial nor sincere : it was the evident result of fear and interest, the two great motives which influence the conduct of such men in such times ; but the friendship and support of so pure and patriotic a character as Kennedy, is certainly calculated to prepossess us with a favourable opinion as to the comparative integrity of the chancellor, when compared with the selfish ambition, and lawless conduct of his opponents.

In the midst of these miserable scenes of war and commotion, the queen-mother, who, since her marriage with the Black Knight of Lorn, had gradually fallen into neglect and obscurity, died at the castle of Dunbar. Her fate might have afforded to any moralist a fine lesson upon the instability of human grandeur. A daughter of the noble and talented house of Somerset, she was courted by James the First, during his captivity, with romantic ardour, in the shades of Windsor, and in the bloom of beauty became the queen of this great monarch. After fourteen years of happiness and glory, she was doomed herself to witness the dreadful assassination of her royal consort ; and having narrowly escaped the ferocity which would have involved her in a similar calamity, she enjoyed, after the capture of her husband's murderers, a brief interval of vengeance and of power. Since that period, the tumult of feudal war, and the struggles of aristocratic ambition, closed thickly around her ; and losing her influence with the guardianship of the youthful monarch, the solitary tie which invested her with distinction, she sunk at once into

the wife of a private baron, by whom she appears to have been early neglected, and at last utterly forsaken. The latest events in her history are involved in an obscurity which itself pronounces a melancholy commentary on the depth of the neglect into which she had fallen, and we find her dying in the castle of Dunbar, then in the possession of a noted freebooter and outlaw, Patrick Hepburn of Hailes. Whether this baron had violently seized the queen, or whether she had willingly sought a retreat in the fortress, does not appear; but the castle, soon after her death, was delivered up to the king by Hepburn, who, as a partisan of the house of Douglas, was pardoned his excesses, and restored to favour.¹

It was a melancholy consequence of the insecurity of persons and of property in those dark times of feudal anarchy, that a widow became the mark, or the victim, of every daring adventurer, and by repeated nuptials, was compelled to defend herself against the immediate attacks of licentiousness and ambition. Upon the death of their mother the queen, the two princesses, her daughters, Jane and

¹ Auchinleck Chronicle, p. 38. Douglas's Peerage, vol. i. p. 224.

Hepburn was ancestor of the Earl of Bothwell, husband of Mary Queen of Scots. Three manuscript letters of James the Second are preserved at Durham, amongst a collection of original papers belonging to the monastery of Coldingham.—Raines's Hist. of North Durham, Appendix, p. 22. One of them, dated 28th April, 1446, mentions the "maist tressonable takyn of our castell of Dunbar, bernyng her schippis, slaughtyr, pressonyng, oppression of our peple, and destruction of our land, and mony other detestabill enormyties and offence done be Patrick of hepburn, sone till Adam hepburn of hailes, Knycht."

Eleanor, were sent to the Court of France, on a visit to their sister the dauphiness, anxious, in all probability, to escape from a country which was at that moment divided by contending factions, and where their exalted rank only exposed them to more certain danger. On their arrival in France, however, they found the court plunged into distress by the death of the dauphiness, who seems to have become the victim of a conspiracy which, by circulating suspicions against her reputation, and estranging the affections of her husband, succeeded at last in bringing her to an early grave. There is the strongest evidence of her innocence in the deep regret with which her death was regarded by Charles the Seventh, and his anxiety that the dauphin should espouse her sister Jane, a marriage for which he in vain solicited a papal dispensation. Her husband, afterwards Lewis the Eleventh, was noted for his craft and his malignity; and there is little doubt, that even before the slanderous attack upon her character by Jamet de Tillay, the neglect and cruelty of the dauphin had nearly broken a heart of extreme tenderness and susceptibility; enfeebled by an over-devotion to poetry and romance, and seeking a refuge from scenes of domestic suffering and unrequited affection in the pleasures of literary composition, and the patronage of men of genius.¹

¹ Berry, *Hist. de Charles VII. Duclos III. 20.* Paradin *Alliances Genealogiques des Rois et Princes de Gaule*, p. 111. “Marguerite, fille de Jacques, Roy d’Escosse, premier de ce nom, fut premiere femme de ce Louis, lui estant encores dauphin, et décéda, n’ayant