

In the meantime, amid a constant series of petty feuds and tumults, which, originating in private ambition, and individual hostility, are undeserving the notice of the historian, one, from the magnitude of the scale on which it was acted, as well as from the illustrations which it affords us of the extraordinary manners of the times, requires a more particular recital. The religious house of Arbroath had appointed Alexander Lindsay, eldest son of the Earl of Crawford, their chief justiciar, a man of the most ferocious habits, but of great ambition and undaunted courage, who, from his fierce aspect, and the extreme length and bushiness of his beard, was afterwards commonly known by the appellation of the "Tiger, or Earl Beardy." The prudent monks, however, soon discovered that the Tiger was too expensive a protector, and having deposed him from his office, they conferred it upon Ogilvy of Innerquharity, an unpardonable offence in the eyes of the Master of Crawford, who instantly collected an army of his vassals, for the double purpose of inflicting vengeance upon the intruder, and violently repossessing himself of the dignity from which he had been ejected. There can be little doubt that the Ogilvies must have sunk under this threatened attack, but accident gave them a powerful ally in Sir Alex-

eu aucuns enfans, l'an 1445, à Chalons, en Champagne, auquel lieu fut inhume son corps en la grande eglise la, ou demeura jusqu'au regne de Roy Louis, qui le fait lors apporter en l'Abbaie de Saint Laon de Thouars, en Poitou, ou il gît." See same work, p. 307.

ander Seton of Gordon, afterwards Earl of Huntly, who, as he returned from court, happened to lodge for the night at the castle of Ogilvy, at the very moment when this baron was mustering his forces against the meditated assault of Crawford. Seton, although in no way personally interested in the quarrel, found himself, it is said, compelled to assist the Ogilvies, by a rude but ancient custom, which bound the guest to take common part with his host in all dangers which might occur so long as the food eaten under his roof remained in his stomach,¹ With the small train of attendants and friends who accompanied him, he instantly joined the forces of Innerquharity, and proceeding to the town of Arbroath, found the opposite party drawn up in great strength on the outside of the gates. The families thus opposed in mortal defiance to each other, could number amongst their adherents many of the bravest and most opulent gentlemen in the country; and the two armies thus composed exhibited a splendid appearance of armed knights, barbed horses, and embroidered banners. As the two lines, however, approached each other, and spears were placing in the rest, the Earl of Crawford, who had received information of the intended combat, being anxious to avert it, suddenly appeared on the field, and galloping up between the two armies, was accidentally slain by a soldier, who was enraged at his interference, and ignorant of his rank. The event naturally

¹ Lesley De Rebus Gestis Scotorum, p. 286. History of Scotland by the same author, p. 18.

increased the bitterness of hostility, and the Crawfords, who were assisted by a large party of the vassals of Douglas, infuriated at the loss of their chief, attacked the Ogilvies with a desperation which soon broke their ranks, and reduced them to irreclaimable disorder. Such, however, was the gallantry of their resistance, that they were almost entirely cut to pieces; and five hundred men, including many noble barons in Forfar and Angus, were left dead upon the field.¹ Seton himself had nearly paid with his life the penalty of his adherence to a barbarous custom; and John Forbes of Pitsligo, one of his followers, was slain; nor was the loss which the Ogilvies sustained in the field their worst misfortune; for Lindsay, with his characteristic ferocity, and protected by the authority of Douglas, let loose his army upon their estates, and the flames of their castles, the slaughter of their vassals, the plunder of their property, and the captivity of their wives and children, instructed the remotest adherents of the justiciar of Arbroath, how terrible was the vengeance which they had provoked. What must have been the state of the government, and how miserable the consequences of those feudal manners and customs, which have been admired by superficial enquirers, where the pacific attempt of a few monks to exercise their undoubted privilege in choosing their own protector, could involve a whole province in bloodshed, and kindle the flames of civil war in the heart

¹ Auchinleck Chronicle, p. 38.

of the country. It does honour to the administration of Kennedy, that, although distracted by such domestic feuds, he found leisure to attend to the foreign commercial relations of the country, and that a violent dissension which had broken out betwixt the Scots and the Bremeners, who had seized a ship freighted from Edinburgh, and threatened further hostilities, was amicably adjusted by envoys dispatched for the express purpose to Flanders.¹

The consequences of the death of the Earl of Crawford, require particular attention. That ambitious noble had been one of the firmest allies of Douglas; and the lieutenant-general, who was well aware that superior power, and an extensive command of armed vassals, were the sole supports of an authority which he had very grossly abused, immediately entered into a league with the new Earl of Crawford, and Alexander, Earl of Ross and Lord of the Isles, in whose mind the imprisonment and degrading feudal penance inflicted upon him by James the First, had awakened feelings of hatred, and desires of revenge, the deeper and more determined only from their being long repressed. The alliance between these three nobles was on the very face of it an act of treason, as it bore to be a league offensive and defensive against all men, not excepting the sovereign; and it was well known that Crawford, from his near connexion with the forfeited house of March, inherited a dislike and jealousy of the royal family, which, fostered and increased

¹ See Appendix, D.

by his native ferocity and desire of plunder, had silently grown up into a determined resolution to achieve the destruction of the race. The coalition seems to have acquired additional strength, during the succeeding year, by the accession of the Livingstons; so that, with the exception of Crichton and Kennedy, there was scarcely to be found a baron of any power or consequence, who was not compelled by the fear of punishment, or induced by the hopes of plunder, to support the governor of the kingdom in his illegal attempt to sink the authority of the sovereign, and concentrate in his own person the sole and undivided administration of the state.¹

Against his success in this ambitious and treasonable project, Douglas soon found that his most formidable opponent was the young king himself, who had reached the age of seventeen years, and who, although under every disadvantage of a confined and illiberal education, began to evince a sagacity of judgment, and a determination of character, which gave the fairest promise of excellence. Cautiously abstaining from offering any violent disgust to the governor, he yet attached silently but firmly to his service, the upright and able Kennedy, and the experienced and powerful Crichton, who appears about this time to have been raised to the dignity of a lord in parliament, and soon after reinstated in the important office of chancellor. Aware, even at this early age, of the intellectual superiority of the clergy, he exerted himself to

¹ Balfour's Annals of Scotland, vol. i. p. 173.

secure the services of the most distinguished of this order; by constant and friendly negotiations with England, he availed himself of the favourable dispositions of Henry the Sixth towards a sovereign with whom he was allied by blood; and with the courts of France and of Rome, he appears to have been on terms of the utmost confidence and amity. To ascribe the entire merit of these wise and politic measures to the young monarch, would be absurd; but allowing that they originated with the party of Crichton and of Kennedy, with whom he had connected himself, the praise of the selection of such advisers, and the confidence with which they were treated, belongs exclusively to James. This confidence was soon after evinced upon a very important occasion, when the king granted a commission to the chancellor, Crichton, his secretary, Railston, Bishop of Dunkeld, and Nicholas de Otterburn, Official of Lothian, to repair to France for the purpose of renewing the league which for many centuries had subsisted between the two countries, and with a commission to choose him a bride amongst the princesses of that royal court. The first part of their duty was soon after happily accomplished; but as the family of the King of France afforded at that moment no equal match for their young sovereign, the Scottish ambassadors, by the advice of Charles the Seventh, proceeded to the court of the Duke of Gueldres, and made their proposals to Mary, sole daughter and heiress of this wealthy potentate, and nearly related to the French king. In the succeeding year, accordingly, the

princess was solemnly affianced as the intended consort of the King of Scotland.¹

In the midst of these measures, James was especially careful to afford no open cause of suspicion or disgust to the faction of the Livingstons, or to the still more powerful party of the Douglasses and Crawford. His policy was to disunite them in the first instance, and afterwards to destroy them in detail; and, in furtherance of this project, he appears to have called home from the continent Sir James Stewart, the husband of his late mother, the queen dowager, and Robert Fleming, the son of Sir Malcolm Fleming, who, by the command, or with the connivance of the Livingstons, had been executed in Edinburgh castle along with the Earl of Douglas and his brother. All this, to a deep observer, must have indicated a preparation for the fall of the Livingstons; but, as the king was careful to retain them in his service, and to use their assistance in his negotiations, they appear to have been deceived into a false security, and to have neglected all means of defence, and all opportunity of escape, till it was too late. Douglas, however, was not so easily seduced; but suspecting the designs of the monarch, which were quietly maturing amid the peace and tranquillity with which he was surrounded, determined to divide his strength and defeat his purposes, by involving him in a war with England. Nor was

¹ MS. *Traitez entre les Rois de France et les Rois d'Escoffe.* Advocates' Library, Edinburgh.

this a matter of much difficulty, as the truce which subsisted between the two countries was on the point of expiring, and the Borderers had already recommenced their accustomed hostilities. Three parties at present divided England; that of the good Duke of Gloucester, who seems to have been animated by a sincere love for his sovereign, Henry the Sixth, and an enlightened desire to promote the prosperity of the nation by the maintenance of pacific relations with Scotland; that of the queen and the Duke of Suffolk, the determined enemies of Gloucester, and chiefly solicitous for the concentration of the whole power of the state into their own hands; and, lastly, that of the Duke of York, afterwards Edward the Fourth, who, having already formed a design upon the crown, made it his chief business to widen the breach between the two factions of Gloucester and the queen, and to pave the way for his own advancement, by increasing the miseries which the nation suffered under the domination of the house of Lancaster. To this able and ambitious prince, the decay of the English power in France, and the resumption of hostilities upon the Borders, were subjects rather of congratulation than of regret; and when, in this manner, both countries contained, in the persons of Douglas and of the Duke of York, two powerful nobles, equally solicitous for war, it is only matter of surprise that hostilities should not have broken out at a more early period.

On their occurrence, the aggression seems to have first proceeded from the English, who, under the com-

mand of the Earls of Northumberland and Salisbury, wardens of the east and west marches, broke violently, and in two divisions of great force, into Scotland, and left the towns of Dunbar and Dumfries in flames. This, according to the usual course of Border warfare, led to an immediate invasion of Cumberland by James Douglas of Balveny, brother of the Earl of Douglas, in which Alnwick was burnt and plundered, and the whole of that province cruelly wasted and depopulated; whilst, as the spirit of revenge, and the passionate desire of retaliation, spread over a wider surface, the whole armed population of the country flowed in at the call of the wardens, and a force of six thousand English, under the command of the younger Percy, along with Sir John Harrington and Sir John Pennington, crossed the Solway, and encamped upon the banks of the river Sark, where they were soon after totally defeated by the Scots, under the command of Hugh, Earl of Ormond, another brother of the Earl of Douglas. Along with Ormond were Sir John Wallace of Craigie, the Sheriff of Ayr, the Laird of Johnston, and the Master of Somerville, who commanded a force considerably inferior to that which they encountered, being about four thousand strong. They succeeded, however, in completely dispersing the English, of whom fifteen hundred men were left dead upon the field, five hundred drowned in the Sark, and the leaders, Percy, Harrington, and Pennington, taken prisoners; by whose ransom, as well as the plunder of the English camp, the Scottish leaders

were much enriched.¹ The Scots lost only twenty-six soldiers ; but Wallace of Craigie, a leader of great courage and experience, whose conduct had mainly contributed to the victory, soon after died of his wounds.

It would appear, however, that both countries were willing to consider this infringement of the peace rather as an insulated and accidental disturbance of the Borders, than a fixed determination to renew the war. It led to no more serious hostilities ; and whilst, in England, the loss of the French dominions, the rebellion of Ireland, and the intrigues of the Yorkists, spread the utmost dissatisfaction and alarm throughout the country, the King of Scotland, whose character seemed gradually to gain in intelligence and vigour, looked anxiously forward to the arrival of his intended consort, and summoned his parliament at Stirling on the 4th of April, 1449. Unfortunately, with a single and unimportant exception, no record of the transactions of this meeting of the estates has reached our times.² We know, however, that the practice of appointing a committee of parliament, composed of the representatives of the bishops, the barons, and the commissaries of the burghs, was continued ; and it may be conjectured, that their remaining deliberations principally regarded the ap-

¹ Auchinleck Chronicle, p. 40. The account of this battle, which Pinkerton, in the total silence of English and Scottish historians, has extracted from the French writers Chartier and Monstrelet, is completely fabulous.

² Acts of the Parliament of Scotland, vol. ii. p. 60.

proaching marriage of the king. Preparations for this joyful event now engrossed the court; and it was determined that the ceremony should be conducted with all due magnificence and solemnity.

On the 18th of June, the fleet which bore the bride anchored in the Forth. It consisted of thirteen large vessels, and had on board a brilliant freight of French and Burgundian chivalry. The Archduke of Austria, the Duke of Brittany,¹ and the Lord of Campvere, all of them brothers-in-law to the King of Scotland, along with the Dukes of Savoy and of Burgundy, with a splendid suite of knights and barons, accompanied the princess and her ladies, whilst a body-guard of three hundred men-at-arms, nobly mounted and clothed, both man and horse, in complete steel, attended her from the shore to the palace of Holyrood, where she was received by her youthful consort.² The princess, a lady of great beauty, and, as it was afterwards proved, of masculine talent and understanding, rode, according to the manners of the times, behind the Lord Campvere, encircled by the nobles of France, Burgundy, and Scotland, and welcomed by the acclamations of an immense

¹ Paradin *Alliances Genealogiques de Rois de France*, p. 571. Francis the First, seventh Duke of Brittany, "fort bon et loyal François, et l'un des fléaux des Anglois, mesmes au recouvrement de Normandie." He died in 1450. He married Isabella, daughter of James the First, sister of James the Second of Scotland, sister to the Dauphiness of France. They had two daughters, Margaret, married to Francis the tenth Duke of Brittany, and Mary, married to the Viscount of Rohan.

² Auchinleck Chronicle, p. 41.

concourse of spectators. The portion of the bride amounted to sixty thousand crowns, which was stipulated to be paid within two years by the maternal uncle of the princess, Philip the Good, Duke of Burgundy, one of the wealthiest and most powerful sovereigns in Europe, who now attended her to Scotland. James, on the other hand, settled upon the queen, in the event of his previous decease, a dowry of ten thousand crowns, which was secured upon lands in Strathern, Athole, Methven, and Linlithgow; and he bound himself, in the event of a male heir being born to the Duke of Gueldres, to renounce all claims to which his marriage with the princess might otherwise have entitled him. At the same period, in consideration of the amicable and advantageous commercial intercourse which, from remote ages, had been maintained between the Scottish merchants and the people of Brabant, Flanders, Holland, Zealand, and other territories, all of which were now subject to the Duke of Burgundy, a treaty of perpetual friendship and alliance was concluded between these united states and the kingdom of Scotland, in which their respective sovereigns engaged to compel all aggressors upon their mutual subjects, whether the attack and spoliation was conducted by land or sea, to make the amplest satisfaction and restitution to the injured parties.¹ From the moment of the arrival of the Princess of Gueldres till the solemnization of her marriage and coronation, the time was

¹ MS. Bib. Harl. 4637. vol. iii. p. 183.

occupied by feasting, masks, revelry, and tournaments; amongst which last amusements there occurred a noted combat at outrance, in which three Burgundian champions, famous amongst their contemporaries for an unrivalled skill in their weapons, challenged the bravest of the Scottish knights to an encounter with the lance, battle-axe, sword, and dagger. The challenge of the foreign knights, two of whom belonged to the ancient and noble family of Lalain, whilst the third was the Sieur de Meriadet, Lord of Longueville, was instantly accepted by James Douglas, brother of the earl, another baron of the same name, brother of Douglas of Lochleven, and Sir John Ross of Halket. The lists were erected at Stirling, where the combatants having entered, splendidly appavelled, first proceeded to arm themselves in their pavilions. They were then knighted by the king; and, at the sound of the trumpet, engaged in a desperate encounter, in which spears were soon shivered and cast aside to make way for the close combat. At length, one of the Douglasses being felled to the ground by the stroke of a battle-axe, the monarch, anxious to avoid the further effusion of blood, or to stain his nuptial entertainment by the death of such brave knights, threw down his gauntlet, and terminated the contest.¹ It may give us some idea of the immense power possessed at this period by the Earl of Douglas, when we mention, that on this chivalrous occasion, the military suite by

¹ Auchinleck Chronicle, p. 40. De Coucy, p. 567. His Memoirs are published at the end of the History of Jean Chartier.

which he was surrounded, and at the head of which he conducted the Scottish champions to the lists, consisted of a force amounting to five thousand men.

Soon after this the royal marriage was solemnized in the abbey of Holyrood, and the king, guided by the advice and experience of Crichton and Kennedy, resumed his designs for the reestablishment of his own authority, and the destruction of those unprincipled barons who had risen, during his minority, upon its ruins. Against Douglas, however, on account of his exorbitant power, it was as yet impossible to proceed, although an example of his insolent and savage cruelty occurred about this time, in the murder of Colvil of Oxenham and a considerable body of his retainers,¹ which deeply incensed the young monarch. Dissembling his resentment till a more convenient opportunity, the king directed his whole strength against the faction of the Livingstons, and having received secret information of a great convocation which they held at the bridge of Inchbelly, which passes over the Kelvin near Kirkintulloch, he was fortunate enough to surround them by the royal forces, and arrest the leading men of the family, before they could adopt any measures either for resistance or escape. James Livingston, eldest son of the aged and noted Sir Alexander Livingston of Callendar; Robyn of Callendar, Captain of Dumbar-ton; David Livingston of Greenyards; John Livingston, Captain of Doune castle; Robert Livingston

¹ Auchinleck Chronicle, p. 41.

of Lithgow, and, not long after, Sir Alexander himself, were all seized and thrown into prison, while such expedition was used, that within forty days not only their whole property was put under arrest, but every officer who acted under their authority, was extruded violently from his situation, and every castle or fortalice which was held by themselves or their vassals, seized and occupied by the sovereign.¹ The manner in which this bold and sweeping measure was carried into execution, is involved in an obscurity very similar to that which, in a former reign, attended the arrest of the family and faction of Albany by James the First. In both instances the great outlines of the transaction alone remain, and all the minute but not less important causes which led to the weakening the resistance of the victims of royal vengeance, to the strengthening the hands of the executive, and to the surprise and discomfiture of a formidable faction, which had for twelve years controlled and set at defiance the utmost energies of the government, are lost in the silence of contemporary history and the destruction of original records. All that is certainly known, seems to indicate an extraordinary increase in the resources, courage, and ability of the king, and a proportionable diminution in the strength, or a remarkable indifference and lukewarmness in the zeal, of the great families by whom he had been so long retained in a state of ignominious durance.

¹ Auchinleck Chronicle, p. 42.

Immediately after this unexpected display of his power, which excited great astonishment in the country, the king dispatched the Bishop of Brechin and the Abbot of Melrose, his treasurer and confessor, along with the Lords Montgomery and Gray, as his ambassadors, for the purpose of concluding a truce with England ;¹ and a meeting having taken place with the commissioners of the English monarch in the cathedral church at Durham, on the 25th of November, a cessation of hostilities for an indefinite period was solemnly agreed on, in which the most ample provisions were included for the encouragement of the commerce of both kingdoms, and which, upon six months' previous warning being given, might be lawfully infringed by the English or the Scottish monarch. A confirmation of the treaty with France, and a ratification of the league with the Duke of Brittany, immediately succeeded to the negotiations in England ;² and James, having thus wisely secured himself against any disturbance from abroad, summoned his parliament to meet at Edinburgh on the 19th January, and proceeded, with a determined purpose and exemplary severity, to call down the vengeance of the laws upon the manifold offences of the house of Livingston.

Their principal crime, in itself an act of open treason, had been the violent invasion of the queen, and the imprisonment of her person, on the 3d of August, 1439 ; and with a manifest reference to this subject,

¹ Rymer, vol xi. p. 242.

² Mag. Sig. iv. fol. 1.

it was declared, "That if any man should assist, counsel, or maintain those that are arraigned by the sovereign in the present parliament, on account of crimes committed against the king or his late dearest mother, they should be liable to the punishment inflicted on the principal offenders." Sir Alexander Livingston of Callendar, the head of the family, and now a very old man, James Dundas of Dundas, his cousin-german, and Robert Bruce, brother to Bruce of Clackmannan, were forfeited and committed to strict confinement in Dumbarton castle. The vengeance of the law next fell upon Alexander Livingston, a younger son of the Lord of Callendar, along with Robert Livingston, comptroller, who were hanged, and afterwards beheaded, on the Castle-hill at Edinburgh; upon which Archibald Dundas, whose brother had been shut up in Dumbarton, threw himself into the castle of Dundas, which was at that time strongly garrisoned and full of provisions, declaring that he would die upon the walls, or compel the king to admit himself and his adherents to a full and free pardon. Why the father, the eldest son James, and James Dundas, who were all of them personally engaged in the atrocious attack committed on the person of the queen,¹ were permitted to escape with imprisonment,

¹ Mag. Sig. iv. 4. Charter by James II. to Alexander Naper, "Compotorum suorum Rotulatori, pro suo fideli servicio quondam carissimo Matri Regine impenso et in remuneracionem et recompensationem lesionis sui corporis, ac gravaminum et dampnorum sibi illatorum tempore proditoriae tradicionis et incarcerationis dicte

whilst a mortal punishment was reserved for apparently inferior delinquents, it is impossible to discover.¹

Another difficulty occurs in the perfectly passive manner in which the Earl of Douglas appears to have regarded the downfall of those with whom he had been long connected in the strictest ties of mutual support and successful ambition. There can be little doubt that the king, who, by this time, had surrounded himself by the ablest and wisest men in the country, whom he chiefly selected from the ranks of the clergy, was well aware of the treasonable league between Douglas, Ross, and Crawford, and already meditated the destruction of this haughty potentate, whose power was incompatible with the security and welfare of the government; and it is extraordinary that the example of the sudden destruction of his companions in intrigue and insubordination, should not have alarmed the earl for his own security. The most probable account seems to be, that, aware of the increasing strength and energy of the party of the sovereign, he found it

Reginæ, per Alex. de Levingston, militem, et Jac. de Levingston, filium suum, ac suos complices, nequiter perpetrati." See also a royal charter to the Earl of Douglas of half of the lands of Dundas, and Echling of Dumany and Queensferry, forfeited by James of Dundas: "*propter proditoriam tradicionem in personam regiam per eundem Jac. commissam.*"

¹ Pinkerton, vol. i. p. 203, misled by Boece and Lindsay, has committed an essential error in placing the destruction of the Livingstons in 1446, and ascribing it to the Earl of Douglas.

expedient to act as an ally rather than an enemy, and in good time to desert, and even to share in the spoils of those, whom he considered it desperate to defend. It is certain, at least, that immediately subsequent to the forfeiture of the Livingstons, the Earl of Douglas repeatedly experienced the favour and generosity of the sovereign. When Dundas castle, after a resolute defence of three months, surrendered to the royal army, the wealth of the garrison, the cannon, provisions, and military stores, were divided between the king, the Earl of Douglas, and Sir William and Sir George Crichton. On the forfeiture of Dundas's lands, a great part of his estate was settled on Douglas; his lordship of Galloway was erected into a special regality, with the power of holding justice and chamberlain ayres, to be held blanch of the sovereign by the tenure of a red rose; he obtained also the lands of Blairmaks in Lanarkshire, forfeited by James of Dundas, and of Coulter and Ogleface, which had been the property of the Livingstons.¹

In the same parliament which inflicted so signal a vengeance upon this powerful family, the condition of the country, and the remedy of those numerous abuses which had grown up during the minority of the monarch, engaged the serious attention of the legislature; and to some of the resolutions which were passed, as they throw a strong light on the times, it will be necessary to direct our attention.

¹ Mag. Sig. iv. No. 109, 110. Ibid. No. 59.

After the usual declaration of the solemn intention of the sovereign to maintain the freedom of "Haly Kirk," and to employ the arm of the civil power to carry the ecclesiastical sentence into execution against any persons who had fallen under the censures of the church, the parliament provides, that general peace be proclaimed and maintained throughout the realm, and that all persons shall be permitted to travel in security, whether it be for mercantile or other purposes, in every part of the country, without the necessity of "having assurance one of the other," it being understood that the "king's peace shall be sufficient surety to every man," the sovereign professing that he shall employ such officers as can well punish all disturbers of the public peace. In the event of any person being, notwithstanding this enactment, in mortal fear of another, a daily and hourly occurrence in these times of feudal riot and disorder, he is commanded to go to the sheriff, or nearest magistrate, and swear that he dreads him; after which the officer is to take pledges for the keeping of the peace, according to the ancient statutes upon this subject. Those who fill the office of judges are to be just men, who understand the law, and whose character is a warrant that they will administer justice equally to the small as well as to the great; and it is appointed that the justice shall make his progress through the country twice in the year, according to the old law.¹

¹ Acts of the Parliament of Scotland, vol. ii. p. 35.

The attention of the parliament appears to have been next directed to that grave subject, of which the recent history of the country had afforded so many illustrations, rebellion against the king's person and authority, upon which it was first provided, that the crime shall be punished according to the judgment of the three estates, who are to take into consideration "the quality and the quantity of the rebellion." In the next place, when any man openly and "not-ourly" raises rebellion against the sovereign, or makes war upon the lieges, or gives encouragement or protection to those guilty of such offences, the parliament declares it to be the duty of the sovereign, with assistance of the whole strength of the country, to proceed in person against the offender, and inflict upon him speedy and condign punishment; whilst all persons who may in any way by their advice, consort, or assistance, afford countenance to such as are convicted of rebellion, shall be punishable with equal severity as the principal delinquents.

The next enactment of this parliament is highly interesting, as constituting an important era in the history of the liberty of the subject; and I need make no apology for giving it in all its ancient simplicity:—"It is declared to be ordained for the safety and favour of the poor people who labour the ground, that they, and all others who have taken or shall take lands in any time to come from lords, according to a lease which is to run for a certain term of years, shall remain on the lands protected by their lease till the expiry of the same, paying all

along the same yearly rent, and this notwithstanding the lands should pass by sale, or by alienation, into different hands from those by whom they were first given in lease to the tenant." Under the reign of James the First, we have already pointed out the request which was made by that monarch to the great feudal lords, that they would not summarily and rigorously remove their tenantry from the lands which they possessed on lease, as the earliest step towards the attainment of the important privilege which is contained in the above statute, an act which, in its future consequences on the security of property, the liberty of the great body of the people, and the improvement of the country, is sufficient to confer the highest praise for liberal and enlightened policy upon its author.¹

For the prevention of those invasions of property, which were at this period so frequent throughout the country, the sheriff is peremptorily enjoined to make immediate enquiry, and compel the offenders to instant restoration; an act easily engrossed in the statute-book, but almost impossible to be carried into execution, so long as the sheriff himself was under the fear and authority of one or other of the great feudal lords, or might perhaps be himself a principal offender. We find it accordingly very anxiously provided, that these officers, along with the justices, chamberlains, coroners, and other magistrates, shall be prevented from collecting around them,

¹ Acts of the Parliament of Scotland, vol. ii. pp. 35, 36.

in their progresses through the country, that excessive and numerous train of attendants, which have hitherto grievously oppressed the people, and that they content themselves with that moderate number of followers, which is appointed by the ancient laws upon this subject.

The statute which immediately follows, is one of those which, from the strength and simplicity of its language, gives us a singular and primitive picture of the times. It relates to that description of persons, who, disdaining all regular labour, have ever been, in the eyes of the civil magistrate, a perverse and hateful generation, “sornars, outlyars, masterful beggars, fools, bards, and runners about.” For the putting away of all such vexatious and rude persons, who travel through the country with their horses, hounds, and other property, all sheriffs, barons, aldermen, and bailies, either without or within burgh, are strictly directed to make enquiry into this matter at every court which they hold; and, in the event of any such individuals being discovered, their horses, hounds, and other property, are to be immediately confiscated to the crown, and they themselves put in prison till such time as the king “have his will of them.” And it is also commanded by the parliament, that the same officers, when they hold their courts, shall make enquiry whether there be any persons that follow the profession of “Fools,” or such like runners about, who do not belong to the class of bards; and if such be discovered, they are to be put in prison or in irons for such trespass, as long as they have any

goods or substance of their own to live upon. If they have nothing to live upon, it is directed that "their ears are to be nailed to the Tron, or to any other tree, and then cut off, and they themselves banished the country, to which, if they return again, they are upon their first apprehension to be hanged."¹

With regard to the examination of the acts of parliament, and of general councils, which had been assembled in the time of the present king and of his late father, the three estates appointed a committee of twelve persons, four chosen from the bishops, four from the lords, four from the commissaries of burghs, to whom was committed the task of selecting all such acts as they esteemed wise, and calculated to promote the present advantage of the realm, which were to be revised and presented for approval at the next parliament to be assembled at Perth; and as to the prevention of that grievous calamity, a dearth of provisions in the land, the sheriffs, bailies, and all other officers, both without and within the burghs, are strictly enjoined to discover, arrest, and punish all such persons within their own jurisdiction, who are in the practice of buying victual or corn, and hoarding it up till the occurrence of a dearth; whilst the provisions which they have thus hoarded are directed to be escheated to the king. In addition to these enactments, whilst free permission is granted to all the subjects of the realm to buy and sell victual at their pleasure, either on the north half or south

¹ Acts of the Parliament of Scotland, vol. ii. p. 36.

half of the Frith of Forth, yet a strict prohibition is directed against any person having old stacks of corn in his farm-yard later than Christmas ; and it is enjoined in equally positive terms, that neither burgesses nor other persons who buy victual for the purpose of selling it again, shall be allowed, within or without burgh, to lay up a great store of corn, which they keep out of the market till the ripening of the next harvest ; but that, at this late season of the year, they are only to have so much grain in their possession, as is requisite for the support of themselves and their families.¹

The succeeding statute, upon the punishment of treason, is evidently directed against the repetition of the practices of Livingston, Douglas, and Crichton, which disgraced the minority of this sovereign. It provides that, in the event of any person committing treason against the king's majesty, by rising against him in open war, or laying violent hands upon his person, whether the sovereign be young or old—by giving countenance and reception to those convicted of treason—supplying with military stores and armed men the castles of convicted traitors—holding out such castles against the king's forces, or assailing any fortress in which the king's person may happen to be at the time—he shall be immediately arrested, and openly punished as a traitor. When those who have been guilty of theft or robbery are men of such power and authority, that the justiciar is not in safety

¹ Acts of the Parliament of Scotland, vol. ii. p. 36.

to hold his court, or to put down, by the arm of the law, such "great and masterful theft," he is directed instantly to communicate with the king, who, with the assistance of his privy council, shall, with all due speed, provide a remedy; and, in order that such bold and daring offenders be not placed upon their guard as to the legal processes which are in preparation against them, it is ordained that the justice-clerk shall not reveal his action to any person whatever, or alter it in any way from the form in which it was given him, except it be for the king's advantage, or change any names, one for the other, or put out any of the rolls without orders from the king or his council, and this under the penalty of the loss of his office, his honour, and his estate, at the will of the sovereign.¹ How lamentable a picture does it present of the condition of the country when such expressions could be employed; where an acknowledged infringement of the law is permitted, "if it be for the king's advantage!" and in which the right of the subject to be informed of the offence of which he is accused, previous to his trial, appears to be thus unceremoniously sacrificed.

Upon the important subject of the money of the realm, reference is made, in this parliament, to a former act, which is unfortunately lost, by which twenty-four persons were chosen from the three estates to appoint proper regulations as to the importation of bullion by the merchants, the new coinage and its issue, and the circulation of the money which is now

¹ Acts of the Parliament of Scotland, vol. ii. p. 37.

current. Strict search is also directed to be made at all seaports, as well as upon the Borders and marches, for the apprehension of those carrying money out of the kingdom ; and all false strikers of gold and silver, all forgers of false groats and pennies, are to be seized wherever they can be found, and brought to the king, to be punished as the law directs. In the same parliament, the monarch, with that affectionate respect for the clergy, which could not fail to be experienced by a prince who had successfully employed their support and advice to escape from the tyranny of his nobles, granted to them some special and important privileges. In a charter, which is dated on the 24th January, 1449, he declares that, “ for the salvation of his own soul, and that of Queen Mary his consort, with consent of his three estates, and in terms of a schedule then presented to him, he confers upon all bishops of cathedral churches in Scotland, the privilege of making their testaments, of levying the fruits of vacant sees, and converting them to their use, the vicars-general of the cathedrals rendering a true account of the same.”¹

At the time that the king held this parliament, he appears to have entertained the most amicable disposition towards England, wisely considering, that it would require a long interval of peace and tranquility to reform the condition of his own kingdom, and to rectify the abuses, to the removal of which he was only now beginning to direct his undivided attention. He was well aware that the English government,

¹ Mag. Sig. iv. 5. Jan. 24, 1449.

entirely occupied in a vain effort to retain the provinces which had been conquered in France, and divided and weakened by the selfish and unpopular administration of the queen and her favourite, Suffolk, could have little disposition to engage in a war with Scotland; and he considered the protest of that government, upon the old and exploded claim of homage, as a piece of diplomatic etiquette, which it would be absurd to make a serious ground of offence. He accordingly dispatched John Methven, a doctor of decretals, as his ambassador to the Court of England: he appointed the Bishops of Dunkeld and Brechin, with the Earls of Douglas, Angus, and Crawford, to meet with the commissioners of Henry the Sixth, for the due regulation of the truces, and settlement of the marches: whilst he encouraged, by every method in his power, the commercial and friendly intercourse between the two countries.¹

At the same time, without absolutely attempting to deprive the Earl of Douglas of the high office of lieutenant-general of the kingdom, a measure which would, at this moment, have probably excited an extreme commotion, he silently withdrew from him his countenance and employment, surrounding himself by the ablest and most energetic counsellors, whom he promoted to the chief offices in the state, rewarding liberally the chancellor, Crichton, “for his faithful services, rendered to the king’s father and to the king himself;” and weakening the power

¹ Rotuli Scotiæ, vol. ii. p. 342.

and the usurped authority of the earl and his party, rather by the formidable counterpoise which he raised against it, than by any act of determined hostility or open aggression.¹ The consequences of this line of policy were, in a high degree, favourable to the king. The power and unjust usurpation of Douglas over the measures of government, decreased almost imperceptibly, yet by sure degrees, as the character of the sovereign increased in firmness and energy, and the authority of the ministers and officers by whom he managed the government became more steadily and justly exerted; the terror and awe with which the people had regarded the capricious and tyrannic sway of this imperious noble, began to fade and be dispelled; and the despot himself, aware that his dominion was upon the wane, and conscious that any open insurrection would be premature, and perhaps fatal, determined to leave the country for a season, and repair to Rome on a visit to the pope, making some stay, in his way thither, at the Courts of England and France. His train consisted of six knights, with their own suites and attendants, and fourteen gentlemen of the best families in the country, with their servants, accompanied by a body of eighty horse, or men-at-arms.²

Although the only motives assigned for this expedition, were those arising out of superstition and the love of travel, it seems by no means improbable that Douglas had other and more important objects in

¹ Mag. Sig. iv. 34. June 12, 1450.

² Rotuli Scotiæ, ii. p. 343.

view. In right of his wife, he possessed a claim to the wealthy Duchy of Touraine; which, although then a male fief, might be altered to heirs-general by the King of France, at the request of so potent a baron. In England also, he could not possibly be ignorant of the intrigues of the Yorkists against the government of Henry the Sixth; and he may have had hopes of strengthening his own power, or diminishing that of his sovereign, by an alliance with a faction whose views were expressly opposed to the pacific policy of the present government of Scotland. In addition to this, although absent in person, and with the apparent intention of remaining some years abroad, he left powerful friends at home, whose motions he directed, and by whose assistance he entertained the hope of once more possessing himself of the supreme power in the state. Upon James Douglas, his brother, Lord of Balveny, he conferred the office of procurator or administrator of his estates during his absence; and there seems the strongest probability, that he secretly renewed that treasonable correspondence with the Earls of Ross and Crawford, which has been already mentioned as embracing an offensive and defensive alliance against all men, not excepting the person of the sovereign.

In the meantime, he and his numerous suite set sail for Flanders, from which they proceeded to Paris. He was here joined by his brother, James Douglas, at this time a student at the university, and intending to enter the church, but afterwards Earl of Douglas.¹

¹ Buchanan, b. xi. c. 32. Lesley, p. 22.

From the Court of France, where he was received with high distinction, Douglas proceeded to that of the supreme pontiff, during the brilliant season of the jubilee, where his visit appears to have astonished the polite and learned Italians, as much by its foreign novelty as by its barbaric pomp and splendour. His return, however, was hastened by disturbances at home, arising out of the insolence and tyranny of his brother, Douglas of Balveny, to whom he had delegated his authority, and against the abuses of whose government such perpetual complaints were carried to the king, that, according to the provisions of the late act of parliament upon the subject, he found it necessary to conduct in person an armed expedition into the lands of the delinquent. The object of this enterprise was to expel from their strongholds that congregation of powerful and audacious barons, who were retained in the service of this feudal prince, and, under the terror and dignity of his name, invaded the property of the people, and defied the control of the laws.¹ James, however, did not betake himself to this determined measure, until he had in vain attempted to appease the disturbances, and inflict punishment upon the offenders by the arm of the civil power; but having been driven to this last necessity, he made himself master of Lochmaben castle, exterminated from their feudal nests the armed retainers, who were compelled to restore their plunder, and pay a fine for their delinquency, and razed Douglas castle, which had long been the centre of insubordination, to the

¹ Sir J. Balfour's Annals, vol. i. p. 179.

ground. He then returned to court, and, under the idea that they had suffered a sufficient imprisonment, liberated from Dumbarton castle Sir Alexander Livingston and Dundas of Dundas, who had remained in ward since the memorable forfeiture of the Livingstons in the preceding year. Dundas appears immediately to have repaired to Rome,¹ with the design, in all probability, of secretly communicating with Douglas, whilst that formidable potentate, dreading the full concentration of the regal vengeance, which had already partially burst upon him, set out forthwith on his return to Scotland.

In the meantime, his friends and confederates were not idle at home. In 1445, a league, as we have already seen, had been secretly entered into between Douglas and the Earls of Ross and Crawford, and the confederacy now resorted to hostile measures. Ross, who died in 1449, had transmitted to his eldest son, John, his treason along with his title, and the new earl, who was connected by marriage with the Livingstons, broke out into open rebellion, and seized the royal castles of Inverness, Urquhart, and Ruthven in Badenoch. This last place he immediately demolished; Urquhart was committed to Sir James Livingston, who, on the first news of Ross's rebellion, had escaped from the king's court to the Highlands, whilst Inverness castle was supplied with military stores, and strongly garrisoned.² Although a rebellion which threatened to involve the whole of the northern part

¹ Rotuli Scotiæ, vol. ii. p. 344.

² Auchinleck Chronicle, p. 44.

of Scotland in war and tumult, must have been intimately known, and even directly instigated by Douglas, it would appear that the king was at this moment ignorant of a circumstance which must have produced, had it been discovered, an irreparable breach between them. Douglas's absence from Scotland, and the secrecy with which the treasonable correspondence had been conducted, may for a while have blinded the eyes of the monarch; and on his return from Rome, having expressed his deep regret for the excesses committed by his vassals during his absence, and his resolution to employ his power rather as an assistance than an obstacle in the management of the government, he was again received into favour, and nominated, along with the Bishops of Dunkeld and Brechin, and the Earls of Angus and Crawford, as a commissioner to treat of the prolongation of the truce with England.¹

The earl, however, showed himself little worthy of this renewed confidence upon the part of the king. He put his seal, indeed, into the hands of the other commissioners, for the purpose of giving a sanction to the articles of truce, but he remained himself in Scotland; and although the evidence is not of that direct nature which makes his guilt unquestionable, there seems the strongest presumption, that, in concert with the Earls of Ross and Crawford, supported by the faction of the Livingstons and Hamiltons, and in conjunction with the party of the

¹ Rymer, xi. p. 283. Rotuli Scotiæ, ii. 345.

Yorkists in England, he entered into a conspiracy for the overturning of the government. It is well known, that at this moment the Duke of York, afterwards Edward the Fourth, was busy in exciting a spirit of dissension in England, and anxious to adopt every means in his power to weaken the government of Henry the Sixth, and deprive it alike of its popularity at home, and its security against foreign aggression. Douglas accordingly dispatched his brother, Sir James, who repaired to London, and continued there for a considerable time, caressed by the faction which was inimical to the existing government, whilst the earl soon after obtained a protection for himself, his three brothers, twenty-six gentlemen, and sixty-seven attendants, who proposed to visit the Court of England, and proceed afterwards to the continent.¹ It is remarkable that the persons whose names are included in these letters of safe conduct, are the same who afterwards joined the house of Douglas in their open revolt, and there seems to be no doubt, from this circumstance, that although the conspiracy did not now burst forth in its full strength, it was rapidly gaining ground, and advancing to maturity.

It was impossible, however, to conduct their treasonable designs upon so great a scale, without exposing themselves to the imminent risk of detection; and some suspicions having been excited at this moment, or some secret information transmitted to the ministers of the king, so much of the intrigue at least ap-

¹ Rymer, vol. xi. p. 284.

pears to have been discovered, as rendered it necessary for parliament to interfere, and deprive the Earl of Douglas of his office of lieutenant-general of the kingdom.¹ It will be recollected that the sovereign was now in his twenty-first year; that, attaching to his service the most enlightened of his clergy, and making use of the energetic talents of Crichton, his chancellor, he had already left nothing to Douglas but the name of his great office; and although it is by no means improbable, that his suspicion of the treasonable designs of the earl accelerated this last step, of entirely displacing him from the high dignity which he had so much abused, yet it appears to have been carried into execution without any open rupture; and in order to leave nothing unattempted to conciliate this still formidable noble, he was invested almost immediately after with the office of Warden of the west and middle marches of Scotland. At the same time, an entail was executed, by which the Earldoms of Douglas and Wigton were settled upon him and his descendants for ever; whom failing, to his brothers James, Archibald, Hugh, and John de Douglas in succession.²

It was at this crisis of the struggle between the legitimate prerogative of the Scottish sovereign and his ministers, and the overgrown authority of the house of Douglas, that the Duke of York and his party in England artfully availed themselves of the popular discontents, occasioned by the loss of the French provinces, to dispossess the Duke of Somers-

¹ Boece, b. xviii. p. 372.

² Mag. Sig. iv. 222. July 7, 1451.

set and the queen from the chief management of the state, and to acquire the principal control over the administration of the government. In consequence of this revolution, a decided change is apparent in the conduct of England towards the sister country, from the principles of a wise and pacific policy to those of an unsettled, ambitious, and sometimes decidedly hostile character, the first appearance of which is discernible in the negotiations regarding the truce which took place at Durham on the 4th of August, 1451, where the amicable correspondence between the two countries was interrupted by a protest regarding the absurd and antiquated claim of homage. Fortunately, however, this did not prevent the treaty of truce from being brought to a conclusion.¹

In the meantime, Douglas returned to his principality in Annandale, and in the exercise of his authority of warden, commenced anew that series of oppressive and tyrannical measures, which had already brought upon him the just indignation of the government. Harris of Terregles, a gentleman of ancient family, having attempted to defend himself by arms from the violence of his partisans, and to recover from them the property of which he had been plundered, was taken prisoner, and dragged before the earl, who, in contempt of an express mandate of the king, solemnly delivered by a herald, ordered him to be instantly hanged. Soon after this, another audacious transaction occurred, in the murder of Sir John San-

¹ Rymer, vol. xi. pp. 291, 302.

dilands of Calder, a kinsman of the king, by Sir Patrick Thornton, a dependent of the house of Douglas, along with whom were slain two knights, Sir James and Sir Allan Stewart, both of whom enjoyed the near friendship and intimacy of the sovereign.¹

It appears to have been about this time, that, either from the circumstance of its having been more openly renewed, or less carefully concealed, the treasonable league between Douglas and the Earls of Ross and Crawford was discovered by James, who justly trembled at the formidable and extensive power which he found thus arrayed against the government. On the side of England, however, he was secure, owing to the recent renewal of the truce; upon the friendship of France he could calculate with equal certainty; but as it was impossible at once to destroy a conspiracy which was backed by a force equal to almost one half of the armed population of Scotland, the king was compelled to temporize, and await a season when his own power should be more confirmed, and that of Douglas weakened by the jealousies and dissensions which, after some time, might be naturally expected to break out in a confederacy, which embraced so many men of fierce, capricious, and selfish habits. Douglas, however, who had already taken every means to irritate and insult the monarch to the highest degree, by the murder of Herries and Sandilands, seemed determined not to imitate the calmness and moderation

¹ Auchinleck Chronicle, p. 45. Sir J. Balfour's Annals, vol. i. p. 180.

of the government ; and, whilst the king's chief minister, the Chancellor Crichton, was proceeding with his retinue through the southern suburb of Edinburgh, with the intention of embarking on board a vessel in the Forth, the party was suddenly attacked by an armed band of ruffians hired for the purpose by the earl. Contrary, indeed, to the hopes of this lawless baron, the old chancellor defended himself with much bravery ; and, after being wounded, escaped to Crichton castle, where, with a spirit which forgot the sense of pain in the desire of revenge, he instantly collected his vassals, and making an unexpected attack upon Douglas, expelled him and his adherents from the city.¹

It affords a melancholy picture of the times, that this outrageous attack, committed upon the person of the chancellor and chief minister in the kingdom, was suffered to pass as an event of which the law did not dare to take cognizance, and that he who had openly defied the royal authority, and trampled upon the regulations so recently passed in the parliament, was not long after employed in some political negotiations with England, in which there seems the strongest reason to believe he acted a part decidedly inimical to the existing government. The explanation of this must be looked for in the fact, that although partially aware of his treason, and determined to leave nothing unattempted to undermine and destroy his power, James was conscious that

¹ Hawthornden, Hist. p. 81.

Douglas was still too strong for him, and dreaded to drive him into a rebellion which might have threatened the security of his throne. It was easy for him, on the other hand, silently to defeat or neutralize the treachery of Douglas, by conjoining with him, in the diplomatic or judicial situations in which he was employed, those tried and steady counsellors upon whom he could implicitly rely ; and, in the meantime, he determined to employ the interval in concentrating that power by means of which he trusted to overwhelm him. An extraordinary outrage of the earl, however, accelerated the royal vengeance.

In the execution of the negotiation intrusted to him, Douglas had continued his traitorous correspondence with the party of the Yorkists in England, who still possessed a great influence in the state, although sometimes controlled and overruled by the opposite faction of Somerset and the queen. It seems to have been in consequence of such malign influence, that a letter was directed at this time by Henry the Sixth to the Scottish government, refusing to deliver up certain French ambassadors, who, on their voyage to Scotland, had been captured by the English ;¹ and this step, which was a virtual declaration of hostility, was intended to be followed by a rising in Scotland, to be conducted by Douglas. On his return, therefore, to that country, the earl repaired to his own estates ; and, in furtherance of his league with the Earls of Ross and Crawford, summoned the whole body of

¹ Rymer *Fœdera*, xi. 306.

his vassals to assemble their armed retainers, and join in the treasonable association. One of these, however, a gentleman of great spirit and independence, named Maclellan, Tutor of Bomby, a sister's son to Sir Patrick Gray, captain of the king's guard, refused to obey an order which he rightly stigmatized as an act of open treason, and was in consequence seized by the earl, and cast into prison. The speedy and mortal punishment with which Douglas was accustomed to visit such an offence, rendered the arrest of Maclellan a subject of immediate alarm at court; and as he was beloved by the young king, and the near kinsman of one of his most confidential servants, James dispatched an order under the royal seal, commanding the immediate release of the prisoner; which, to prevent all mistake, he sent by the hands of Sir Patrick Gray. This baron accordingly rode post to Douglas castle, and was received by its haughty lord with affected courtesy and humility. Well aware, however, of Gray's near relationship to his prisoner, he instantly suspected the object of his errand, and, being determined to defeat it, gave private orders for the immediate execution of Maclellan. He then returned to Gray, and requested him to remain and share his hospitality. "You found me," said he, "just about to sit down to dinner; if it pleases you, we shall first conclude our repast, and then peruse the letter with which I am honoured by my sovereign." Having concluded the meal, Douglas rose from table, broke the royal seal, and glancing over the contents of the paper, assumed a look of much concern.

“Sorry am I,” said he, “that it is not in my power to give obedience to the commands of my dread and liege sovereign, much as I am beholden to him for so gracious and familiar a letter to one whom he has been pleased of late to regard with somewhat altered favour; but such redress as I can afford thou shalt have speedily.” Douglas then took Gray by the hand, and led him to the castle green, where the bleeding trunk of his poor friend lay beside the block upon which he had been recently beheaded. “Yonder, Sir Patrick,” said he, “lies your sister’s son—unfortunately he wants the head—but you are welcome to do with his body what you please.” It may well be imagined how deep was the impression made by this cold and savage witticism upon the mind of Gray; but he was in the den of the tyrant, and a single incautious word might have stretched him beside his murdered kinsman. Dissembling therefore his grief and indignation, he only replied, that since he had taken the head, the body was of little avail, and calling for his horse, mounted him, with a heavy heart, and rode across the drawbridge, to which the earl accompanied him. Once more, however, without the walls, and secure of his life, he reined up, and shaking his mailed glove, defied Douglas as a coward, and a disgrace to knighthood, whom, if he lived, he would requite according to his merits, and lay as low as the poor gentleman he had destroyed. Yet even this ebullition of natural indignation had nearly cost him dear; for the earl, braved in his own castle, gave orders for an instant pursuit, and the chase was con-

tinued almost to Edinburgh, Gray only escaping by the uncommon fleetness of his horse.¹

An action like this was fitted to rouse to the highest pitch the indignation of the sovereign, and the reprehension of every lover of freedom and good order. It manifested an utter contempt for the royal authority, a defiance of the laws, and a cruel exultation in the exercise of power, which, at a moment when an attempt had been made by the statutes lately passed in parliament, to put down the insolence of aristocratic tyranny, and to establish the authority of a regular government, was of the most dangerous example. It was evident to the sovereign that some instantaneous step must be taken to reduce the overgrown power which threatened to plunge the country into a civil war, and that the period was arrived when it was to be shown whether he or the Earl of Douglas was henceforth to rule in Scotland. But James, who by this time had become aware of the league with Ross and Crawford, and of the overwhelming force which Douglas was ready to bring into the field, wisely hesitated before he adopted that course to which his determined temper naturally inclined him; with the advice of Crichton and his most prudent counsellors, he determined rather to enter into a personal negotiation with Douglas, and to attempt to convince him of the folly of his ambition, in defying the legitimate authority of the crown, and affecting the state and jurisdiction of an independent prince. He had hopes that, in this manner, he might prevail

¹ Balfour's Annals, vol. i. p. 180. Pitscottie, pp. 62, 63, 64.

upon the earl to plead guilty to the offences which he had committed ; to accept the pardon which was ready to be tendered to him, upon his indemnifying, to the full extent of his ability, the relations of those he had so cruelly injured ; and to take that legitimate and upright share in the administration of the government, to which he was entitled by his high rank, his great estates, and his important official situation.

In furtherance of this design, and suppressing his natural indignation at his late conduct, by considerations of political expediency, James dispatched Sir William Lauder of Hatton, who had attended Douglas in his pilgrimage to Rome, with a message to him, expressive of the desire of the king to enter into a personal conference, promising absolute security for his person, and declaring, that upon an expression of regret for his misdemeanours, the offended majesty of the laws was willing to be appeased, and the pardon of the sovereign ready to be extended in his favour.¹ It is impossible, in the imperfect historical evidence which remains to us of these dark and mysterious transactions, to discover whether this conduct and these promises of the king were perfectly sincere or otherwise.

It is asserted, in a contemporary chronicle, that the nobles who were then about the person of the monarch, meaning the privy counsellors and officers of his household, put their names and seals to a letter of safe conduct, which bore the royal signature, and to which the privy seal was attached. It is added, by the

¹ Rymer *Fœdera*, xi. p. 277. Auchinleck Chronicle, p. 46.

same writer, that many of the nobles had solemnly transmitted a written obligation to the earl, by which they bound themselves, even if the king should show an inclination to break his promise, that they, to the utmost of their power, would compel him to observe it ; and there seems no reason to doubt the accuracy of this account.¹ But, in the lax morality of the times, the most solemn obligations were often little regarded ; and there were many crafty casuists around the king, who might have persuaded him, that with a traitor, who, by repeated acts of open and outrageous rebellion, had thrown himself without the pale of the protection of the laws, no faith ought to be kept ; that to seize such an offender, and to subject him to the just punishment of his crimes, every method was fair, and even fraud became praiseworthy ; and that, having once obtained possession of his person, it would be illegal to permit him to be released, till he had been declared innocent of the crimes of which he was accused by the verdict of a jury. That this was probably the full extent to which James had carried his intentions in entrapping Douglas, is to be inferred from the circumstances in which he was placed, and the partial light of contemporary records. That he meditated the dreadful and unjustifiable vengeance in which the interview concluded, cannot be supposed by any one who considers for a moment the character of the king, the statesmen by whose advice he

¹ MS. Chronicle in the Library of the University of Edinburgh, A.C. c. 26.

was directed, or the particular and dangerous crisis in which the meeting took place.

But to whatever extent the sovereign had carried his design, Douglas, believing himself secure under the royal protection and the oaths of the nobility, came with a small retinue to Stirling, in company with Sir William Lauder of Hatton;¹ and having first taken up his residence in the town, soon after passed to the castle, where he was received by the king with much apparent cordiality, and invited to return on the morrow to dine at the royal table. He accordingly obeyed; and on the following day, not only dined, but supped with the king; whilst nothing appeared to have disturbed in the slightest degree the harmony of the intercourse. After supper, however, which, we learn from the contemporary chronicle was at seven in the evening, the monarch, apparently anxious to have some private conversation with the earl, took him aside from the crowd of courtiers by whom they were surrounded, into an inner chamber, where there were none present but the captain of his body-guard, Sir Patrick Gray, whom he had lately so cruelly injured, along with Sir William Crichton, the Lord Gray, Sir Simon Glendonane, and a few more of his most intimate counsellors.² James, then walking apart with Douglas, with as much calmness and command of temper as he could assume, began to remonstrate upon his late violent and treasonable proceedings. In doing so, it was impossible he should not speak of the illegal

¹ Auchinleck Chronicle, p. 46.

² Ibid. p. 47.

execution of Herries, the waylaying of Sandilands, and the late atrocious murder of the Tutor of Bomby. The sovereign next informed him, that he had certain intelligence of the treasonable league which he had formed with the Earls of Ross and Crawford : he explained to him that his very admission that such a confederacy existed, made him obnoxious to the punishment of a rebel, and threw him out of the protection of the laws ; and he conjured him, as he loved his country, and valued his own safety and welfare, to break the band which bound him to such traitors, and return, as it became a dutiful subject, to his allegiance.¹ But Douglas, unaccustomed to such remonstrances, and perhaps heated by the recent entertainment, listened with impatience, and replied with haughty insolence. He even broke into reproaches ; upbraided James with his being deprived of his office of lieutenant-governor of the kingdom ; and after a torrent of passionate abuse against the counsellors who had insinuated themselves into the royal confidence, declared that he little regarded the name of treason, with which his proceedings had been branded ; that as for his confederacy with Ross and Crawford, he had it not in his power to dissolve it, and, if he had, he would be sorry to break with his best friends to gratify the boyish caprices of his sovereign. Hitherto the king had listened with patience, which was the more remarkable, as he was naturally fiery and impetuous in his temper ; but this rude defiance, uttered to his

¹ MS. Chronicle in the University Library, Edinburgh. Hawthornden's Hist. pp. 85, 86.

face by one whom he regarded as an open enemy, who had treated his royal mandate with contempt, under whose nails, to use a strong expression of the times, the blood of his best friends was scarce dry, entirely overcame his self-command. He broke at once, from a state of quiescence, into an ungovernable fury, drew his dagger, and exclaiming, "False traitor, if thou wilt not break the band, this shall!" he stabbed him first in the throat, and instantly after in the lower part of the body. Upon this, Sir Patrick Gray, with a readiness and good-will which was whetted by revenge, at one blow felled him with his poleaxe; and the rest of the nobles who stood near the king, rushing in upon the dying man, meanly gratified their resentment by repeated strokes with their knives and daggers; so that he expired in a moment, without uttering a word, and covered with twenty-six wounds. The window was then thrown open, and the mangled trunk cast into an open court adjoining the royal apartments.¹

For a murder so atrocious, committed by the hand of the sovereign, and upon the person of a subject for whose safety he had solemnly pledged his royal word, no justification can be pleaded. It offered to the country, at a time when, above all others, it was most important to afford a specimen of respect for the laws, and reverence for the authority of parliament, an example the most pernicious that can be conceived, exhibiting the sovereign in the

¹ Gray's MS. Advocates' Library. Auchinleck Chronicle, p. 47. MS. Chronicle in the University Library, Edinburgh.

disgraceful attitude of trampling upon the rules which it was his duty to respect, and committing with his own hand the crimes for which he had arraigned his subjects. But if James must be condemned, it is impossible to feel any commiseration for Douglas, whose career, from first to last, had been that of a selfish, ambitious, and cruel tyrant, who, at the moment when he was cut off, was all but a convicted traitor, and whose death, if we except the mode by which it was brought about, was to be regarded as a public benefit. These considerations, however, were solely entertained by the friends of peace and good order. By the immediate relatives, and the wide circle of the retainers and vassals of the earl, his assassination was regarded with feelings of bitter and unmingled indignation.

Immediately after the death of his powerful enemy, the king, at the head of an armed force, proceeded to Perth in pursuit of the Earl of Crawford, another party, as we have seen, in the league which had cost his associate so dear. In his absence, the faction of Douglas, led by Sir James Douglas, the brother of the murdered chief, who succeeded to the earldom, along with Hugh, Earl of Ormond, Lord Hamilton, and six hundred barons and gentlemen, followers and supporters of the family, invaded the town of Stirling, and in the first ebullition of their fury and contempt, according to an ancient custom of defiance, blew out upon the king twenty-four horns at once.¹ They then

¹ Auchinleck Chronicle, p. 47. MS. Chronicle in the University Library, Edinburgh.

took the letter of assurance, subscribed by the names and guaranteed by the seals of the Scottish nobles, and, exhibiting it at the Cross, proceeded to nail it, with many "slanderous words," to a board, which they tied to the tail of a sorry horse, and thus dragged it, amid the hooting and execration of their followers, through the streets. The scene of feudal defiance was concluded by their setting fire to the town, and carrying off a great booty.¹

In the meantime the king proceeded to enrich and reward his servants, by the forfeiture of the lands of those who had shared in the treason of Douglas. He promoted to the office of lieutenant-general of the kingdom the Earl of Huntley, committing to his assured loyalty and experience in war the task of putting down the rebellion of Crawford and Ross, and empowering him to promise to all who came forward to join the royal standard an ample indemnity for past offences, as well as to those who continued firm in their original loyalty the most substantial marks of the favour of the crown. Huntley, in the execution of his new office, instantly raised a large force in the northern counties, and having displayed the royal banner, encountered the Earl of Crawford, surnamed "The Tiger," on a level moor beside the town of Brechin, and gave him a total defeat. The action was fought with determined bravery on both sides, and, although Huntley far outnumbered his opponents, for a long time proved doubtful; but during the warmest part of the struggle, Colossie of

¹ Auchinleck Chronicle, p. 47.

Bonnymoon, who commanded the left wing of the Angus billmen, went over to the enemy, in consequence of some disgust he had conceived the night before in a conference with Crawford, and the effect of his sudden desertion was fatal to his party. His troops, dismayed at this unexpected calamity, and regardless of the furious and almost insane efforts which he made to restore the day, took to flight in all directions. John Lindesay of Brechin, brother to the Tiger, Dundas of Dundas, with sixty other lords and gentlemen who bore coat-armour, were slain upon the field. On the other side, the loss did not exceed five barons and a small number of yeomen, but amongst the slain, Huntley had to mourn his two brothers, Sir William and Sir Henry Seton.¹ During the confusion and flight of Crawford's army, a yeoman of the opposite side, riding eagerly in pursuit, became involved in the crowd, and, fearful of discovery, allowed himself to be hurried along to Finhaven Castle, to which the discomfited baron retreated. Here, amid the tumult and riot consequent upon a defeat, he is said to have overheard with horror the torrent of abuse and blasphemy which burst from the lips of the bearded savage, who, calling for a cup of wine on alighting from his horse, and cursing in the bitterness of his heart the traitor who had betrayed him, declared that he would willingly take seven years' roasting in hell to have the honour of such a victory as had that day fallen to Huntley.²

¹ Auchinleck Chronicle, p. 48. Sir James Balfour's Annals, p. 181. Lesley's Hist. p. 23.

² Hawthornden's Hist. p. 91.

In the meantime, although the king was thus victorious in the north, the civil war, which was kindled in almost every part of Scotland by the murder of Douglas, raged with pitiless and unabated fury. The Earl of Angus, although bearing the name of Douglas, had refused to join in the late rebellion, in consequence of which his castle of Dalkeith, a place of great strength, was instantly beleaguered by the enemy, who ravaged and burnt the adjacent town, and bound themselves by a great oath not to leave the siege till they had razed it to the ground. The bravery, however, of Patrick Cockburn, the governor, and the good conduct of the garrison, soon compelled them to forego their resolution, and to divert the fury which had been concentrated against Dalkeith upon the villages and granges of the adjacent country. The roads and highways became utterly insecure, the labours of agriculture were intermitted, the pursuits of trade and commerce destroyed or feebly followed, from the terror occasioned by the troops of armed banditti who overspread the country, and nothing but insolent riot and needy boldness was prosperous in the land. In the north, whilst Huntley was engaged with Crawford, the Earl of Moray, brother of the late Earl of Douglas, invaded and cruelly wasted his estates in Strathbogie. Huntley, on the other hand, victorious at Brechin, fell, with a vengeance whetted by private as well as public wrongs, upon the fertile county of Moray, and completely razed to the ground that half of the city of Elgin which belonged to his enemy; whilst Crawford, infuriated

but little weakened by his loss at Brechin, attacked in detail, and “harried” the estates of all those to whose refusal to join his banner he ascribed his defeat, expelling them from their towers and fortalices, giving the empty habitations to the flames, and carrying themselves and their families into captivity.

In addition to the miseries of open war were added the dangers of domestic treason. James, the ninth Earl of Douglas, through the agency of his mother Lady Beatrix, who at this time repaired to England, continued that secret correspondence with the party of the Yorkists, which appears to have been begun by the late earl.¹ Soon after this, in the extremity of his resentment against the murderer of his brother, he agreed to meet the Bishop of Carlisle, with the Earl of Salisbury and Henry Percy, as commissioners from the English government, then entirely under the management of the Yorkists, and not only to enter into a treaty of mutual alliance and support, but to swear homage to the monarch of England, as his lawful sovereign.² Such a miserable state of things calling loudly for redress, the king summoned the three estates to assemble at Edinburgh, on the 12th of June, 1452. During the night, however, previous to the meeting, a placard, signed with the names of James, Earl of Douglas, his three brothers, and Lord Hamilton, their near connexion, was fixed to the door of the house of parliament, renouncing their allegiance to James of Scotland, as a perjured prince and mer-

¹ Lesley's Hist. pp. 23, 24.

² Rymer, vol. xi. p. 310.

ciless murderer, who had trampled on the laws, broken his word and oath, and violated the most sacred bond of hospitality ; declaring, that henceforth they held no lands from him, and never would give obedience to any citation or mandate which bore the name and style which he had disgraced and dishonoured.¹ It may be imagined that a defiance of this gross nature was little calculated to soften or dilute the bitterness of feudal resentment, and from the mutilated and imperfect records which remain to us of the proceedings of this parliament, the leaders and followers of the house of Douglas appear to have been treated with deserved severity.

It was first of all declared in a solemn deed, which met with the unanimous approval of the parliament, that the late Earl of Douglas having, at the time of his death, avowed himself an enemy to the king, and acknowledged a treasonable league as then existing between him and the Earls of Crawford and Ross, was in a state of open rebellion, and that, in such circumstances, it was lawful for the king to put him summarily to death.² Sir James Crichton, the eldest son of the lord chancellor, was created Earl of Moray, in the place of Archibald Douglas, late Earl of Moray, who was forfeited. Others of the loyal barons, who had come forward at this dangerous crisis in support of the crown, were rewarded with lands and dignities. Lord Hay, Constable of Scotland, and head of an ancient house, whose bravery and at-

¹ Auchinleck Chronicle, p. 48.

² Acts of the Parliament of Scotland, vol. ii. p. 73.

tachment to the crown had been transmitted through a long line of ancestry, was created Earl of Errol. Sir George Crichton of Cairnes was rewarded with the earldom of Caithness, and the Barons of Derneley, Hepburn of Hailes, Boyd, Fleming, Borthwick, Lyle, and Cathcart, were invested with the dignity of lords of parliament. Lands, partly belonging to the crown, partly consisting of estates which had been forfeited by the Douglasses and their adherents, were bestowed upon Lord Campbell, and his son, Sir Colin Campbell, Sir David Hume, Sir Alexander Home, Sir James Keir, and others ; but as the appropriation of these estates was an act of the secret council, carried through without the sanction and during the sitting of parliament, it was believed to be unconstitutional, and liable to legal challenge.¹ In the meantime, however, these events, combined with the increasing energy and ability of the sovereign, and the joyful occurrence of the birth of a prince, afterwards James the Third,² had the effect of weakening in a material degree the once formidable power of Douglas. The loss of its chief, the defeat of Crawford, the forfeiture of Moray, the sight of those strong and powerful vassals, who, either from the love of their prince, or the hope of the rewards which were profusely distributed, flocked daily to court with their troops of armed retainers, all combined to render the allies of this rebellious house not a little doubtful of the ultimate success of the struggle in which they were engaged ;

¹ Auchinleck Chronicle, p. 49.

² Born, June 1, 1452.

and when, immediately after the conclusion of the parliament, the royal summonses were issued for the assembling of an army on the moor of Pentland, near Edinburgh, the monarch in a short time found himself at the head of a force of thirty thousand men, excellently armed and equipped, and animated by one sentiment of loyalty and affection.¹

With this army, the king proceeded in person against the Earl of Douglas, directing his march through the districts of Peebles-shire, Selkirk forest, Dumfries, and Galloway, in which quarters lay the principal estates of this great rebel, who did not dare to make any resistance against the invasion. To prevent the destruction of the crops, which, as it was now the middle of autumn, were almost fully ripe, was impossible; and an ancient chronicle complains that the royal army "destroyit the country right fellounly, baith in cornes, meadows, and victuals," whilst many barons and gentlemen, who held lands under the Douglasses, but dreading the vengeance of the sovereign, had joined the expedition, endured the mortification of seeing their own estates utterly ravaged and laid waste, by the very friends whose power they had increased, and whose protection they anticipated.² Notwithstanding these misfortunes, which it is probable the sovereign, by the utmost exertion of his prerogative, could not prevent, the army continued united and attached to the royal cause, so that, on its appearance before the castle of Douglas, that haughty chief, who had lately so contumeliously

¹ Auchinleck Chronicle, p. 49.

² Ibid.

renounced his allegiance, and who still maintained a secret correspondence with England, found himself compelled to lay down his arms, and to implore, with expressions of deep humility and contrition, that he might be once more restored to favour. The consequence of this was a negotiation, in which James, conscious, perhaps, of the provocation which he had given, and anxious to restore tranquillity to his dominions, consented to extend his pardon to the Earl of Douglas and his adherents, upon certain conditions, which are enumerated in a written bond, or "appointment," as it is denominated, the original of which is still preserved.

In this interesting document, James, Earl of Douglas, in the first place, engages to abstain from every attempt to possess himself of the lands of the earldom of Wigton, or of the lordship of Stewarton, which had been forfeited by the last earl, and since that time destined by the sovereign as a gift to his consort the queen, unless with the express consent of that princess, certified by her letter and seal. He next promises in his own name, and in that of his brother, as well as the Lord Hamilton, fully and for ever to forgive all manner of rancour of heart, feud, malice, and envy, which they had entertained in time past, or might conceive in time to come, against any of the king's liege subjects, and more especially against all those who were art and part in the slaughter of the late William, Earl of Douglas; and he solemnly stipulates, for himself and his friends, to obey the wishes of his sovereign, by taking such persons once more heartily

into his friendship. The next provision does honour to the humanity of the king, and evinces an enlightened anxiety for the welfare of the lower classes of his people. By it, the earl obliges himself, that the whole body of his tenants and rentallers, wherever they may be settled upon his estates, shall remain unmolested in their farms, and protected by their tacks or leases till “Whitsunday come a year;” except those tenants that occupied the granges and farm “steadings” which were in the hands of the late earl at the time of his decease, for his own proper use. Even these, however, are not to be immediately dispossessed, but are to be permitted to remain upon their farms till the ensuing Whitsunday, so that the corns be duly gathered in, and neither the proprietor nor the cultivator endamaged by the sudden desertion of the ground. Douglas next engaged to dissolve and revoke all illegal bands or confederations into which he had already entered, and to make no more treasonable agreements in all time to come: he promised to make no claim against the king for any rents which he might have levied, or which the queen might have distrained in Douglasdale or Galloway, previous to this agreement: he bound himself, in the execution of his office of warden, to maintain and defend the Borders, and keep the truce between the kingdoms to the best of his skill and power, and to pay to his sovereign lord, the king, all honour and worship, “he having such surety as was reasonable for safety of his life.” Lastly, he solemnly engaged to restore all goods which had been seized from persons who

enjoyed letters of protection, and to make compensation for all injuries which they had sustained ; and to this agreement he not only put his own hand and seal, but, for the greater solemnity, interposed his bodily oath, with his hand upon the holy gospels.¹

That the king was actuated by a sound policy, in his desire to convert the Earl of Douglas from a discontented and dangerous opponent of the government into a loyal and peaceable subject, cannot be doubted. But although the principle was good, the practical measures for the accomplishment of the end in view, were injudicious. Instead of effectually abridging the power of Douglas, leaving him just so much as should prevent him from being driven to despair, and yet diminishing it so completely as to render all future opposition to the royal authority perfectly vain, James, either following his own opinion, or misled by the advice of Crichton and Kennedy, who at this time acted as his chief counsellors, not only promised to put him into possession of the earldom of Wigton and the lands of Stewarton, but engaged in a negotiation with the court of Rome, the object of which was to prevail upon the pope to grant a dispensation for the marriage of the earl with the Countess Margaret, the youthful widow of his deceased brother. The dispensation having accordingly been procured, the marriage took place, although the unnatural and apparently incestuous alliance was forced upon the heiress of Galloway, contrary to her

¹ MS. Collections, called Sir Lewis Stewart's Collections. Advocates' Library, Edin. a. 4, 7, p. 19. It is dated 28th August, 1452. See Appendix E.

most earnest tears and entreaties.¹ It is difficult to understand, from the imperfect records of those times which remain to us, how such sagacious politicians as Crichton and Kennedy should have given their countenance to a measure so pregnant with mischief, which, by once more uniting in the person of the Earl of Douglas the immense entailed and unentailed estates of the family, and, should he have children, by reviving the disputed claims between the descendants of Euphemia Ross and Elizabeth More, might induce that ambitious noble to re-enact his brother's treason.² There is reason to believe, indeed, that perhaps at the very moment when Douglas was thus experiencing the distinguished but misdirected favour of his sovereign, and undoubtedly within a very short period thereafter, he had engaged in a secret correspondence with Malise, Earl of Men-teath, then a prisoner in Pontefract castle, and the English ministers, the object of which was to overturn the existing government, and to put an end to the dynasty then on the throne, by means of a civil insurrection, which was to be seconded by the arms and the money of the Yorkists, whilst the confidence with which he was treated enabled him to mature his designs in the very sunshine of the royal favour.³

In the meantime, the king, apparently unsuspecting of any such intentions, undertook an expedition to

¹ Andrew Stuart's Hist. p. 444.

² Duncan Stewart's Hist. and Geneal. Account of the Royal Family of Scotland, p. 57.

³ Rotuli Scotiæ, vol. ii. p. 368. 17th June, 1453.

the north, accompanied by his privy council and a select body of troops, consisting, in all probability, of that personal guard, which, in imitation of the French monarchs, appears for the first time during this reign in Scotland. The Earl of Huntley, by his zeal and activity in the execution of his office of lieutenant-general, had succeeded in restoring the northern counties to a state of comparative quiet and security ; and in his progress through Angus a singular scene took place. The Earl of Crawford, lately notorious for his violent and rebellious career, and the dread of Scotland under his appellation of the Tiger, suddenly presented himself before the royal procession, clothed in beggarly apparel, his feet and his head bare, exposed to the inclemency of the season, and followed by a few miserable looking servants in the same torn and ragged weeds. In this dejected state, he threw himself on his knees before the king, and, with many tears, implored his forgiveness for his repeated treasons. Huntley, with whom he had already made his peace, along with Crichton and Kennedy, by whose advice this pageant of feudal contrition had been prepared, now earnestly interceded in his behalf; and the king, moved by the penitence, not only of the principal offender, but of the miserable troop by whom he was accompanied, extended his hand to Crawford, and assuring him that he was far more anxious to gain the hearts and the friendship of his nobles, than desirous of their lands, which, by repeated treasons, had been forfeited to the crown, bade him and his companions be of good cheer, as he was ready freely

to forgive them all that had past, and to trust that their future loyalty would atone for their former rebellion. The fierce chief was accordingly restored to his honours and estates; and the king appears to have had no reason to repent his clemency, for Crawford, at the head of a strong body of the barons and gentlemen of Angus, accompanied the monarch in his future progress.¹ On his return, he entertained him with great magnificence at his castle or palace of Finhaven; and, from this time till the period of his death, he remained a faithful supporter of the government. It was unfortunate, indeed, that a burning fever, which cut him off six months after his restoration to the royal favour, left him only this brief interval of loyalty to atone for a life of rebellion.²

It is pleasing to be compelled for a few moments to intermit the narrative of domestic war and civil confusion, by the occurrence of events which indicate a desire at least to soften the ferocity of feudal manners, by the introduction of schools of learning. In the month of January 1450, Pope Nicholas, at the request of William Turnbull, Bishop of St Andrews, granted his rescript for the foundation of a university at Glasgow; and in the month of June, in the subsequent year, the papal bull was proclaimed at the Cross with great solemnity. Yet at first the infant university was sparingly endowed; and such was the iniquity of the times, and the unfavourable disposition

¹ Balfour's Annals, vol. i. p. 182. Lesley's Hist. p. 27. Boece, p. 375.

² Auchinleck MS. p. 51.

towards learning, that, so late as the year 1521, we are informed by Mair, in his History of Scotland, it was attended by a very small number of students.¹ The transactions which occupy the years immediately succeeding the death of the Earl of Crawford, are involved in an obscurity which is the more to be lamented, as the consequences which resulted from such events were highly important, and ultimately led to the total destruction of the House of Douglas. The only contemporary chronicle which remains is unfortunately too brief to afford us any satisfactory insight into the great springs of a rebellion which shook the security of the throne, and the light which is reflected on those dark and troubled times by the few original records which remain, is of so feeble and uncertain a nature, that it operates rather as a distraction than an assistance to the historian. In such circumstances, abstaining from theory and conjecture, the greater outlines are all that it is possible to trace; yet even these present us with a scene of deep and varied interest.

During the year 1454, the Earl of Douglas entered deeply into a treasonable correspondence with the powerful party of the Yorkists in England, who, at this time, having succeeded in completely undermining the influence of the Duke of Somerset, had obtained the supreme management of the state.² The great prin-

¹ Major, *De Gestis Scotorum*, p. 19. Auchinleck Chronicle, p. 45.

² Rymer, vol. xi. p. 349. Acts of the Parliament of Scotland, vol. ii. p. 75, 76. *Processus Forisfacture Jacobi Douglas, olim Comitis de Douglas*. Carte's *Hist. of England*, vol. ii. p. 745.

ciples which regulated the foreign policy of the party of York, were enmity to France, and, consequently, to Scotland, the ancient and faithful ally of that kingdom, and this naturally led to a secret negotiation with the Earl of Douglas. His ambition, his power, his former rebellion, his injuries and grievances, were all intimately known at the English court, and it was not difficult for a skilful intriguer like the Duke of York, by artfully addressing to him such arguments as were best adapted to his design, to inflame his mind with the prospect of supreme authority, and rouse his passions with the hope of revenge. Douglas, however, had miscalculated the strength of the king, which was far greater than he supposed, and he had reckoned too certainly on the support of some powerful fellow-conspirators, who, bound to him, not by the ties of affection, but of interest, fell away the moment they obtained a clear view of the desperate nature of the enterprise in which he was engaged. In the end of the year 1454, Lord Crichton, late chancellor of the kingdom, and a statesman of veteran experience, died at the castle of Dunbar. If we except his early struggles with his rival Livingston, for the custody of the person of the infant king, his life, compared with that of most of his fellow-nobles, was one of upright and consistent loyalty; and since his coalition with Kennedy, he had so endeared himself to his sovereign, that the most intimate of the royal counsellors dreaded to impart to him an event which they knew would be so deeply affecting.¹

¹ Auchinleck Chronicle, p. 52.