

MEMOIRS

CONCERNING

The Ancient Alliance

BETWEEN THE

FRENCH AND SCOTS,

AND

The Privileges of the Scots in France.

FAITHFULLY TRANSLATED

FROM THE

Original Records of the Kingdom of France.

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EDINBURGH:

PRINTED BY W. CHEYNE. 1751.

Glasgow:

REPRINTED FOR J. WYLIE & CO.

By Robert Chapman.

1819.

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MEMOIRS
CONCERNING
THE ANCIENT ALLIANCE
BETWEEN THE
FRENCH AND SCOTS,
AND THE
PRIVILEGES
OF
THE SCOTS IN FRANCE.

AS the privileges of the Scots in France are a consequence of the union and alliance which subsisted so many ages between the two crowns, it is necessary, in the first place, to treat what regards that alliance, in order to come afterwards to the privileges granted by the Kings of France to the Scots.

CHAP. I.

THE ALLIANCE OF FRANCE AND SCOTLAND.

It is the general opinion of all the Scottish historians, that the alliance of the French and Scots is

as ancient as Charlemagne. * Some French historians have related the same fact; and so undoubted did it appear in France under Henry II. that in the † contract of marriage between Francis the Dauphin his son, and Mary Queen of Scotland, it is expressly said, that the friendship of the two kingdoms had subsisted eight hundred years; which carries it up to the reign of Charlemagne. And the ancient author of Chronicon Normaniæ, ‡ speaking of Charles the Bald in the year 848, seems to insinuate this alliance in these terms: “*Rex Sctorum ad Carolum, pacis et amicitiae gratia, legatos cum muneribus mittit, &c.*” [The King of Scotland to Charles, for peace and friendship’s sake, sendeth ambassadors with presents, &c.]

David Chamber, one of the lords of council and session at Edinburgh, in his history dedicated to Henry III. King of France, in 1579, produces a series of treaties of alliance between the Kings of France and Scotland, which he pretends to have taken from ancient Scottish historians no longer to be found.

Such are the treaties of alliance between Philip I. King of France, and || Malcolm III. King of Scotland; between Lewis VII. and § Malcolm IV. and between the same Lewis VII. and ¶ William King of Scotland; between Philip II. and ** Alexander II.; between St. Lewis and †† Alexander III.

But whatever be in those first alliances, of which

* Jo. Fordun. lib. 3, cap. 48. Boeth. l. 10. p. 185, &c. Jo. Major. l. 2. c. 13. Paul. Æmil.—† Printed by Leonard.—‡ Chron. Norman. edit. Duchesne, p. 525.—|| David Chamber hist. f. 129.—§ Ib. f. 140.—¶ Ib. f. 141.—** Ib. f. 149.—†† Ib. f. 153.

we can vouch neither certain documents, nor authentic copies, it is unquestionable, that, to begin from Philip the Fair, there runs an uninterrupted train of alliances between the Kings of France and of Scotland, down to Henry IV. and James VI. Even in the year 1326, the treaty of Charles the Fair and Robert I. shows that there had been "a friendship or alliance of long standing between our predecessors Kings of France, and our kingdom, on one part, and the Kings of Scotland, and the said kingdom of Scotland, on the other." These are King Charles's own words in the treaty, which clearly supposes that the alliance between France and Scotland is far more ancient than his time, though we have not now extant any authentic copy of such treaties prior to that of Philip the Fair and John Baliol, in 1295.

Here follows the series of those treaties of which any copies remain, and of which the originals were actually amongst the charters of France in Henry II.'s time, according to an inventory made of them, together with the treaties of France and England, by Mr. Du. Tillet, clerk of parliament, and printed in folio, 1588.

Treaty of alliance between Philip the Fair, * King of France, and John Baliol, King of Scotland, concluded at Paris, the 23d of October, 1295.

Treaty of alliance between Charles IV. surnamed the Fair, King of France, and Robert I. King of Scotland, concluded in 1326.

Charles, by the Grace of God, King of France

* Rymer *foedera Angliæ*, tom. II. p. 680, &c.

and Navarre, to all who shall see and hear these presents, greeting. As amongst other things whereby kings reign, and kingdoms are governed, a meet and necessary thing it is, that princes should ally themselves together by bond of friendship and good-will, in order, the grievances of those who desire to grieve them, more forcibly to restrain; and the tranquillity of them, and of their subjects, more peaceably to secure; we, having this in regard, are willing to renew by treaty the friendship and good-will, which have long subsisted between our predecessors Kings of France and our kingdom, on one part, and the Kings of Scotland and the said kingdom of Scotland on the other, with the noble Prince Robert, by the grace of God, King of Scotland, our special friend, against the King of England, whose predecessors have often laboured to aggrieve the said kingdoms of France and Scotland in many and sundry ways.

And this we do by these envoys, namely, Thomas Ranulph, Earl of Moray, Lord of Walls, Annand, and Man, Mr. James Dun, Archdeacon of St. Andrews, doctor of laws, Adam Moray, doctor in canon law, and Walter Tyntham, canon of Glasgow, all vested with special power in form following: "Universis præsentibus literis inspecturis, Robertus Dei gratia rex Scotorum, salutem. Noverit universitas, quod nos facimus, constituimus, et per præsentibus ordinamus, dilectos et fideles nostros Thomam Ranulphi comitem Moraviæ, dominum Vallis, Annandi et Manni, nepotem nostrum carissimum, Robertum de Keth marischallum Scotiæ, magistros Jacobum Dun archidiaconum

Sancti Andreae, legum professorem, Adamum de Moravia decretorum doctorem, et Walterum de Tintham canonicum ecclesiae Glascoensis, procuratores nostros et nuncios speciales, ad tractandum cum serenissimo principe domino Carolo, Dei gratia Franciae et Navarræ regi illustri, super quibusdam confœderationibus inter ipsum, hæredes suos, proceres et regnicolas regni sui, ex parte una, et nos, hæredes nostros, proceres et regnicolas regni nostri, ex altera, ineundis; dantes iisdem, et dicto comiti, cum quatuor, tribus, duobus, aut uno eorumdem, plenariam, generalem et liberam potestatem, ac speciale mandatum, cum eodem serenissimo principe, seu quibuscumque ejus potestatem ad hæc habentibus, cujuscumque status, conditionis aut dignitatis, existant, tractandi, paciscendi, firmandi, et wallandi, nomine nostro et regni nostri, quascumque confœderationes, obligationes, et facta, quibus inter eundem regem illustrem, hæredes suos, et proceres et regnicolas regni nostri, perpetuæ confœderationis et amicitiae secunda firmitas poterit concordari; ratum et gratum habentes et habituri pro nobis et hæredibus nostris, proceribus et regnicolis nostris regni, quicquid iidem, aut dictus comes, cum quatuor, tribus, duobus, aut uno eorumdem, cum eodem domino rege, vel ejus potestatem habentibus, faciendum duxerint vel duxerit in præmissis. In cujus rei testimonium, præsentibus literis sigillum nostrum præcipimus apponi. Datum apud Dunde vigesimo die Aprilis, anno gratiæ millesimo trecentesimo vicesimo quinto; et anno regni nostri vicesimo." [To all who shall behold these presents, Robert, by the grace of

God, King of Scots, greeting. Be it known to all men, that we make, constitute, and by these pre-

sents appoint, our trusty and well-beloved Thomas Ranulph, Earl of Moray, Lord of Walls, Annand, and Man, our most dear nephew, Robert of Keith, Marischal of Scotland, Masters James Dun, Arch-

deacon of St. Andrews, professor of laws, Adam of Moray, doctor in canon law, and Walter of Tynham, canon of the church of Glasgow, our

procurators and special envoys, to treat with the most serene Prince Charles, by the grace of God,

of France and Navarre illustrious King, concern-

ing any alliances or engagements whatsoever to be made between himself, his heirs, his nobles, and

his people, on one part, and us, our heirs, our nobles, and our people, on the other; granting to

the same, and to the said Earl, together with any four, three, two, or one of the same, full, general,

and free power, and special warrant, to treat, sti-

pulate, confirm, and corroborate with the same most serene Prince, or any persons vested with his

power for this purpose, of what station, condition, or dignity soever, in our name, and in name of our

kingdom, any alliances, obligations, and deeds, whereby the perpetual alliance and friendship be-

tween the same illustrious King, his heirs, and his nobles, and the inhabitants of our kingdom,

may be firmly and securely cemented; holding and to hold valid and valuable, for ourselves and

our heirs, our peers, and our people, whatsoever the same, or the said Earl, with any four, three,

two, or one of the same, shall judge meet to be done in the premises, with the same king or his

plenipotentiaries. In testimony whereof, we command our seal to be appended to these presents. Given at Dundee, on the twentieth day of April, in the year of grace one thousand three hundred and twenty-five, and in the twentieth year of our reign.]

We have made alliance in manner following, to wit, that we, our heirs, our successors Kings of France, our kingdom, and our whole community, are bound and obliged to the said King of Scotland, his heirs, his successors Kings of Scotland, his kingdom, and his whole community, in good faith, as loyal allies, whenever they shall have occasion for aid or advice, in time of peace or war, against the King of England and his subjects: that we shall aid and advise them, whereinsoever we honestly can as loyal allies; and if we, our heirs, our successors Kings of France, our kingdom, or our community, shall make peace or truce with the King of England, his heirs Kings of England, or his subjects, that the King of Scotland, his heirs, his successors Kings of Scotland, his kingdom, and his community, shall be excepted; so that such peace or truce shall be null, whensoever war is waged between the aforesaid Kings of Scotland and of England: and, if the King of Scotland, his heirs, his successors Kings of Scotland, his kingdom, and his community, shall make peace or truce with the King of England and his subjects, that we, our heirs, our successors Kings of France, our kingdom, and our whole community, shall be excepted; so that such peace or truce shall be null, whensoever war is waged be-

tween us and the said King of England: and the said King of Scotland, his heirs and successors Kings of Scotland, shall be bound and obliged to us, our heirs, our successor Kings, and our kingdom, to make war upon the kingdom of England with all their force, whensoever war is waged between us and the King of England; the truces already made and pending, in what manner soever served and faithfully performed. We promise, in good faith, to the said procurators, in name procuratorial of the said King of Scotland, both for him, ourselves, our heirs, and our successor Kings, our kingdom, and our whole community, in terms of the abovesaid, inviolably obliging, all and every one of the said articles firmly to observe, faithfully to perform, and fully to accomplish. All this we promise in good faith, as it concerns us, our heirs, our successor Kings, and our kingdom; and all this hath our beloved and trusty counsellor, Guy-chender, sworn in our presence, and on our soul upon the holy gospels, at our command; and this oath, on the soul of the King of Scotland, for him, his heirs, his successors, and his kingdom, hath the Earl of Moray, nephew to the King of Scotland, taken according to special commission, whereof the form is this: "Universis Christi fidelibus, ad quorum novitiam præsentēs literæ pervenerint, Robertus Dei gratia rex Scotorum, salutem in Domino sempiternam. Noveritis nos, per præsentēs literas, dedisse plenariam potestatem et speciale mandatum Thomæ Ranulphi comiti

Moraviæ, et domino Vallis, Annandi et Manni, nepoti nostro carissimo, ad jurandum in animam nostram super quibuscunque confœderationibus, obligationibus, seu pactis, inter serenissimum principem dominum Carolum Dei gratia regem Franciæ et Navarræ illustrem, hæredes suos, proceres et regnicolas regni sui, ex parte una, et nos, hæredes nostros, proceres et regnicolas regni nostri, ex altera, firmius ineundis; et quicquid dictus comes, jurando in animam nostram, in dicto negotio, firmaverit, nos ratum et firmum perpetuo habituri promittimus bona fide. In cujus rei testimonium, præsentibus literis sigillum nostrum præcipimus apponi. Datum apud Donde vicesimo die Aprilis, anno gratiæ millesimo trecentesimo vicesimo quinto, et anno regni vicesimo." [To all the faithful in Christ, unto whose knowledge these presents shall come, Robert, by the grace of God, King of Scots, sendeth eternal health in the Lord. Be it known to you, that we, by these presents, have given full power and special mandate to Thomas Ranulph, Earl of Moray, and Lord of Walls, Annand, and Man, our most dear nephew, to swear upon our soul to the more firmly establishing any alliances, obligations, or conventions, whatsoever, between the most serene Prince Charles, by the grace of God, of France and Navarre illustrious King, his heirs, his nobles, and his people, on one part, and us, our heirs, our nobles, and our people, on the other; and whatsoever the said Earl, by swearing upon our soul, shall in the said negotiation establish, we promise, in good faith, to hold ratified and confirmed for ever. In

testimony whereof, we command our seal to be appended to these presents. Given at Dundee on the twentieth day of April, in the year of grace one thousand three hundred twenty-five, and in the twentieth year of our reign.]

And, to the end that this thing may be firm and stable in all time coming, we have caused our seal to be affixed to these presents. Given at Courbeny, in the year of grace one thousand three hundred and twenty-six, in the month of April.

Renewal of the alliance of France and Scotland, between Charles, Dauphin of France, (King John his father being prisoner in England,) and David II. King of Scotland, at Paris, June 29, 1359. *

Renewal of the said alliance between the Kings Charles V. of France, and Robert II. of Scotland, at Vincennes, June 3, 1371. †

Renewal of the said alliance between Charles VI. King of France, and Robert III. King of Scotland, March 3, 1390. ‡

Renewal of the said alliance between the said Charles VI. King of France, and Robert Duke of Albany, Regent of Scotland during the captivity of King James I. in 1407.

Renewal of the said alliance between Charles VII. King of France, and Murdoch Duke of Albany, Regent of Scotland, in 1423. §

Renewal of the said alliance between Charles VII. King of France, and James I. King of Scotland, in 1428. ||

* Du Tillet's collection of treaties, p. 80.—† p. 98.—‡ p. 116.—§ p. 137.—|| p. 135.

Renewal of the said alliance between the same Charles VII. King of France, and James II. King of Scotland, in 1448. *

Renewal of the said alliance between Charles VIII. King of France, and James IV. King of Scotland, in 1491. †

Renewal of the said alliance between Lewis XII. King of France, and the same James IV. King of Scotland, in 1512. ‡

Renewal of the said alliance between Francis I. King of France, and James V. King of Scotland, in 1515. §

Renewal of the said alliance between Francis I. King of France and Mary Queen of Scotland, in 1543. ||

This same alliance was again renewed between Henry II. King of France, and Mary Queen of Scotland, and between the succeeding Kings.

To strengthen these alliances by stricter ties, the royal families of France and Scotland have been several times united by marriage.

The contracts are extant of the following.

Contract of marriage between Edward Baliol, son and heir to John King of Scotland, and Joan daughter to Charles de Valois, brother of King Philip the Fair, in 1235. ¶

Contract of marriage between Lewis Dauphin of France, afterwards Lewis XI. and Margaret daughter to James I. King of Scotland, in 1436. **

* P. 140.—† p. 149.—‡ Collection of the treaties of France and Scotland.—§ Du Tillet's collection, p. 164.—|| Collection of treaties between France and Scotland.—¶ Rymer, *æd.* Angl. tom. 2, p. 697, and 698.—** Du Tillet's col. p. 137.

Contract of marriage between James V. King of Scotland, and Magdalen daughter to King Francis I. in 1536.

Contract * of marriage between Francis Dauphin, afterwards Francis II. King of France, and Mary Queen heiress of Scotland, in 1558. †

CHAP. II.

SERVICES DONE TO FRANCE BY THE SCOTS.

ONE of the principal effects of this ancient alliance was the mutual succour which the two nations engaged to give each other against the English their common enemy; and it was in consequence of this engagement that the Scots rendered so great services to France, especially in the fourteenth century, whither by sending the flower of their bravest men into France, to succour its inhabitants against the English, almost masters of the kingdom, or by attacking England with all their force, on the side of Scotland, as oft as the English passed the sea to attack France.

In 1346, after the fatal battle of Crecy, (or Cressi,) in order to check the victorious English, to prevent their pushing their conquests in France, and to make a diversion there, David II. King of Scotland, attacked England, and ravaged all the north of it, where, losing a bloody battle, he was defeated and taken, and, after ten years captivity, obliged to find a ransom. †

* Printed by Leonard.—† Mem. Scot. tom. 1, p. 37.
—† Froissard.

This did not hinder the kings his successors from continuing to attack England, in order to stop the irruptions of the English into France. But it was chiefly at the time when the French monarchy, within a hairbreadth of its overthrow, when the English, through the weakness of King Charles VI. and the help of the Burgundians, were masters of almost the whole kingdom, and when their Henry VI. was crowned at Paris King of France; it was, I say, chiefly in this extremity, that the Scots sent, time after time, of their first nobility, with the flower of the troops of Scotland, to support the just right of the Dauphin of France, sole lawful heir of the crown, but then proscribed and abandoned by the greater part of his French subjects, and by almost all the other allies of the crown.

For, in 1420, Robert Duke of Albany, Regent of Scotland, sent to the Dauphin's assistance John Earl of Buchan, his son, with Archibald Douglas Earl of Wigtoun, John Stewart of Darnly, and other nobility, at the head of a considerable body of troops, by whose aid the English were defeated at Beauge, in a bloody battle, where the Earl of Clarence, brother to the King of England, the Earl of Kent, and a great number of the English nobility were killed, and many others made prisoners. *

In the year 1422, the Earl of Douglas, at the head of a new reinforcement of five thousand Scots, arrived in France to the aid of the Dauphin, ac-

* Hist. D'Alait. chart. p. 49. David Cham. 177. Tillet's Treaties of France and England, p. 126.

knowned King, since the death of his father, by the name of Charles VII. and after most of his troops had been cut off in the battle of Devreuil. *

In 1424, they came again fresh troops from Scotland to the succour of Charles VII. under the command of Robert Petilloch, (or perhaps Patulloch,) a great captain in those days. †

In 1428, the same King Charles VII. pressed on all sides by the English and other enemies of the French monarchy, sent, to seek new aid of King James I. of Scotland, the Archbishop of Rheims, with John Stewart of Aubigny, and to ask in marriage the Princess Margaret, King James's eldest daughter, for his son Lewis, Dauphin of France. All was granted him; the ancient alliances were renewed, and the Lord of Aubigny repassed into France with fresh troops. But the Princess being yet too young, as well as the Dauphin, she went to France only in 1436, well attended by nobility and reinforcements.

In fine, King Lewis XII. in his letters-patents ‡ of the privileges of the Scots in France, extols the service which the Scots did in the expulsion of the English, in these terms. "Lastly, and in the lifetime of our late most dear lord and cousin King Charles VII. (whom God absolve,) several princes of the said kingdom of Scotland, with a great number of people of the said nation, came over to help to cast and expel forth of this kingdom, the English, who held and occupied most part of the realm, and

* Al. chart. hist. of Charles VII. p. 85. David Cham. p. 177.
 † Da. Cham. p. 178.—‡ See these letters in the sequel.

so valorously exposed their persons against the said English, that these were driven out, and the said realm restored to his obedience, &c." And, after the reduction of France to the obedience of its lawful sovereign, the Scots continued to send succours into France, and to attack England, in order to make a diversion, as often as the kings of France should require it; besides that, there were some of the best families of Scotland destined solely to the service of France. Thus we see the lords of Aubigny, Stewart, John, Robert, Bernard, (called also Berald,) and others of that family, in the service of France, under Charles VIII. Lewis XII. and in the following reigns; especially in the wars of Italy, where they distinguished themselves at the battle of Fornova, and in the kingdom of Naples.

In 1507, by the relation of Claud Seysil, Archbishop of Turin, a contemporary author, King James IV. on occasion of the wars of King Lewis XII. in Italy, sent to him, and offered to come in person to serve him with ten or twenty thousand fighting men.* And the same King James, in 1513, having learned that France was attacked by the Emperor and the King of England conjunctly, in order to make a diversion, (as the same King Lewis XII. observes, †) attacked on his side England with all his force, though King Henry VIII. was his brother-in-law, and obliged him to send back part of his troops into England; whereupon fol-

* Seysil. hist. of Lewis XII. p. 142.—† In his let. pat. as after.

lowed the fatal battle of Flowden between the English and Scots, in which King James lost his life, with the flower of the Scots, solely in the quarrel of France.

Lastly, in 1548, the preference which the Scots made of the alliance of France to that of England, for the marriage of the young Queen Mary, heiress of Scotland, involved that kingdom in a war of about twenty years with England, which was followed by an infinity of mischiefs, and ended at last in the ruin of the Roman catholic religion in Scotland.

CHAP. III.

REWARDS OF SERVICES GRANTED BY THE KINGS OF FRANCE TO THE SCOTS.

IT was by reason of the ancient alliances between the two kingdoms, and as it were in compensation of the services done to France, and of the losses in consequence sustained by the Scots, that the kings of France behaved to the Scots as if they had been their own native subjects. 1. To particular persons, by promoting or admitting them to all manner of dignities, honours, and offices, military, civil, and ecclesiastical. 2. By committing to the Scots the guard of their own royal persons with singular prerogatives. 3. By granting to all Scots, in general, letters of naturalization, and regarding them as real denizens of their kingdom. 4. By granting particular exemptions of duties to all the Scottish merchants in France.

Section First.

DIGNITIES, OFFICES, HONOURS, AND LANDS, CONFERRED
UPON THE SCOTS IN FRANCE.

In 1422, John Stewart, Earl of Buchan, was made Constable of France, after the battle of Beauge, by King Charles VII. and lost his life in his service at the battle of Verneuil. *

In 1423, Archibald Earl of Douglas was created Duke of Tourain by the same king, and sacrificed his life in the same battle. †

In 1424, the same king gratified John Stewart of Darnly, Constable of the Scots in France, with the lordship of Aubigny, ‡ which continued down to our days, in his descendants dukes of Lennox, until the very extinction of the family. Charles VII. gave him also the county of Dreux, and made him a Marshal of France. § His descendants lords of Aubigny, John and Bernard, (known by the name of Berald,) merited like honours by their services, and the lords of that family were in a manner hereditary captains of the Scots guards. ||

In 1428, Charles VII. gave to James I. King of Scotland, the county of Xaintonge and Rochfort in peerage. ¶

About the same time the same king made the Laird of Monypenny his chamberlain, and gave him the lordship of Concessant.

* Al. Chart. hist. of Charles VII. p. 53.—† p. 59. Du Till. coll. p. 135.—‡ Ibid.—§ p. 137.—|| Hist. of Charles VIII. edit. Godfrey, p. 384, 385.—¶ Du Till. coll. p. 137.

In 1495, the Lord of Aubigny was made Governor of Calabria by King Charles VIII. *

In 1524, John Stewart Duke of Albany, had a seat in the parliament of Paris, by command of Francis I. before the dukes and peers. † He was appointed Viceroy of Naples, General of the galleys of France, and Governor of the Bourbonese, of Auvergne, and of other provinces. ‡

About the same time, Robert Stewart of Aubigny, was made a Marshal of France.

In 1548, King Henry I. gave the duchy of Chatelherault to James Hamilton Earl of Arran, Regent of Scotland, and presented him with the collar of his order, which that king sent also to the Earls of Huntly, Argyll, and Angus. §

With regard to offices, the Scots have exercised some of the most considerable in France. || Mr. Servien, a famous advocate under Henry III. in his pleading before the parliament of Paris, relates that Mr. Turnbull, a Scotsman, was a judge in the same parliament, and afterwards first president of the parliament of Rouen: Adam Blackwood was a judge on the bench of Poitiers, and others in courts of justice.

The Scots have also possessed in France some of the first dignities of the church. Andrew Foreman was Archbishop of Bourges, David Bethune, Bishop of Mirepoix, David Panter, (or perhaps Panton,) and after him James Bethune Bishop of

* Daniel's hist. of France, Lond. edit. 2d p. 134.—† Baluze hist. de la tour d' Auvergne, vol. ii. p. 688.—‡ Same hist. vol. i. p. 353, 354, &c.—§ Tit. du duché de Chat. p. 1, 3. 2d. edit. p. 10.—|| Serv. plead. printed in 1586, p. 21.

Glasgow, were successively Abbots of L'Absie, besides a great number of priors, canons, curates, and other beneficed persons in France. And it is remarkable, that, in the year 1586, the cure of St. Côme at Paris, conferred by the university upon John Hamilton, having been disputed him by a French ecclesiastic, who protested against Hamilton as being a Scotsman, Hamilton's cause was pleaded, in the parliament of Paris, by Mr. Servien advocate in parliament, who proved that the Scots enjoyed the right of denizens, and in consequence, by decree of the court, the provisional possession of the cure was adjudged to Hamilton. *

And, in the university of Paris, the Scots made formerly so considerable a figure, that one of the four nations, of whom the faculty of arts is composed, which is now called the German nation, was formerly styled "*natio Germanorum et Scotorum*;" and besides a great number of doctors and professors in all the faculties, we find still, upon the records of the university, that there have been thirty rectors of the university all Scotsmen, in times when the office of rector was much more considerable, both in church and state, than it is at present.

Section Second.

OF THE SCOTS GUARDS.

Nothing shows better the consideration which the kings of France had for the Scots, and the entire confidence they placed in their fidelity, than

* Servi plead. 1586.

the choice they made of them for the guard of their sacred persons.

With regard to the establishment of the Scots guards, Scottish writers refer its beginning to the reign of St. Lewis; others to King Charles V. But it is allowed that it was King Charles VII. who gave them the form in which they have since preserved themselves. King Lewis XII. in his letters-patents* of naturalization to the Scots, speaks of this establishment in the following manner: after having set forth, in terms the most honourable to the nation, the service which the Scots did to King Charles VII. in the expulsion of the English out of France, and in the reduction of the kingdom to his obedience, he adds, "Since which reduction, and for the service the Scots rendered to Charles VII. upon that occasion, for the great loyalty and virtue which he found in them, he selected two hundred of them for the guard of his person, of whom he made an hundred men at arms, and an hundred lifeguards. And the said hundred men at arms are the hundred lances of our ancient ordinances; and the lifeguard-men are those of our guard, who still are near and about our person."

With respect to the fidelity of the Scots in that honourable post, take here the testimony bore them by Claud Seysil, Master of Requests to the same Lewis XII. and afterwards Archbishop of Turin, in his history of that prince where speaking of Scotland, he says, "The French have so ancient a friendship and alliance with the Scots, that, of four

* Which see after.

hundred men appropriated for the king's lifeguard, there are an hundred of the said nation who are the nearest to his person, and in the night keep the keys of the apartment where he sleeps. There are, moreover, an hundred complete lances, and two hundred yeomen of the said nation, beside several that are dispersed through the companies; and for so long a time as they have served in France, never hath there been one of them found that hath committed or done any fault against the kings or their state; and they can make use of them as of their own subjects."

The ancient rights and prerogatives of the Scottish lifeguards were very honourable. Here follows the description which those same Scots guards give of the functions and prerogatives of their company, and especially of the 24 first guards; to whom the first Gendarme of France being added, they make up the number of 25, commonly called "Gardes de Manche," sleeve-guards, who were all Scots by nation.

Two of them assisting at mass, sermon, vespers, and ordinary meals; on high holidays at the ceremony of the royal touch, and the erection of knights of the king's order, at the reception of extraordinary ambassadors, and public entries of cities, there must be six of their number next to the king's person, three on each side of his majesty; and the body of the king must be carried by these only, wheresoever ceremony requires, and his effigy must be attended by them. They have the keeping of the keys of the king's lodging at night, the keeping of the choir of the church, the keeping of

the boats when the king passes the rivers, the honour of bearing the white silk fringe in their arms, which is the coronal colour in France; the keys of all the cities where the king makes his entry given to their captain in waiting or out of waiting. He has the privilege in waiting, or out of waiting, at ceremonies, such as coronations, marriages, funerals of the kings, baptisms and marriages of their children, to take duty upon him; the coronation-robe belongs to him; and this company by the death or change of a captain, never changes its rank, as do the three others.

This company was heretofore wholly composed of Scotsmen. But as, in the reign of Henry II. several French, or others than Scots, had been admitted there, as well as among the Scots Gendarmes, that prince, at the solicitation of the deputies of the states of Scotland, gave a breviat, of which the original is extant, signed by the king's own hand, bearing date June 28, 1558, whereby his majesty promises that he shall not allow any person to enter there, who is not a gentleman of the said nation of Scotland, and sprung from a good family, &c. *

This regulation did not hinder afterwards others than Scots from being sometimes admitted, as appears by the remonstrances made upon that subject, from time to time, by the queen-mother, and her son James VI. and by the privy council of Scotland, in the roll of the year 1599, given in by the captain of the Scots guards to the chamber of accounts. Three fourths of the yeomen, as well of the body as of the sleeve, were still, however, Scots.

* Mem. Scot. tom. 1, p. 78.

It was but afterwards, and by degrees, that this company became filled with French, to the exclusion of Scotsmen: so that at last there remained no more than the name, and the answer, when called, *I am HERE.*

Section Third.

LETTERS OF NATURALIZATION FOR ALL SCOTSMEN GRANTED OR CONFIRMED BY THE KINGS OF FRANCE.

The first letters known of naturalization to the Scots, were granted by King Lewis XII. at the instance of Andrew Foreman, Bishop of Moray in Scotland, and Archbishop of Bourges. They were given at Amiens in the month of September, 1513. A copy will be found in the sequel.

In 1547, Henry II. granted letters of naturalization to the Scots guards in particular, given at Fontainebleau in the month of November, 1548, at the exchequer-chamber, on the 12th of February.

The same King Henry II. granted new letters-patents of naturalization for all Scotsmen, at the instance of James Bethune, Archbishop of Glasgow, and other deputies of the states of Scotland, for the marriage of Queen Mary and the Dauphin. The letters are given at Villiers-couterets, in June, 1558, registered, with some modifications, in the parliament of Paris July the 11th, at the exchequer-chamber the 13th of July, and in the grand council the 19th of the said month of July. The copy here afterwards inserted, was made from an authentic duplicate signed by the hand of Mr Du Tillet,

clerk of parliament. The charter is also printed in the Scots acts of parliament.

King Henry IV. confirmed, at the instance of the same James Bethune, Archbishop of Glasgow, ambassador from Scotland, the right of naturalization to all Scots, by his letters-patents, given at Fontainebleau in the month of March, 1599, registered in the parliament of Paris, with some modifications, the 31st of July, in the said year. The copy, to be found in the sequel, is done from a copy collated before notaries.

In 1612, the same privileges were confirmed to the Scots by King Lewis XIII. in his letters-patents, given at Paris in the month of October, 1612, registered in parliament, with some modifications, December 15th, and in the treasury-books the 20th of the said month.

The copy we shall afterwards give is taken from a copy collated before notaries.

It appears also by an act of Lewis XIV.'s council of state, that his majesty had confirmed the ancient privileges of the Scots since his accession to the crown, and, in consequence, he discharged them of the taxes imposed upon foreigners.

This act was issued, at Fontainebleau, the 19th of September, 1646. A copy of it will be found in the sequel.

Section Fourth:

LETTERS-PATENTS CONTAINING THE PRIVILEGES OF THE SCOTTISH MERCHANTS TRADING IN FRANCE, GRANTED OR CONFIRMED BY THE KINGS OF FRANCE, AND OF WHICH THE COPIES ARE IN THE SEQUEL.

1. Letters-patents of King Francis I. containing the privileges of the Scottish merchants, given at Amboise in the month of May, 1518.
2. Letters-patents of King Henry II. to confirm the same privileges, given at Paris the 3d of February, 1554.

Confirmation of the privileges by King Henry IV. in his letters-patents given at Fontainebleau in the month of March, 1599. This copy is done from a copy collated with the original in parchment.

Letters of general naturalization for the whole Scottish nation in France, by King Lewis XII. in 1513.

LEWIS, by the grace of God, King of France, Be it known to all present and to come, that as, in all time and antiquity, between the kings of France and Scotland, and the princes and subjects of the two kingdoms, a most strict friendship, confederacy, and perpetual alliance, have subsisted and by these are both the kings bound to succour each other, towards and against all, and so against their ancient enemies the English, which they have done several times; and, latterly, during the life of our late most dear lord and cousin King Charles VII. (whom God absolve,) several princes of the

said kingdom of Scotland, with a great number of the said nation, came over to help to cast and expel forth of the kingdom the English, who held and occupied great part thereof; which friends exposed their persons so valourously against the English, that they were driven out, and the said kingdom reduced unto his obedience; since which that occasion, the great loyalty and virtue he found in them, he selected two hundred of them for the guard of his person, of whom he made an hundred men at arms, and an hundred lifeguard-men; and the said hundred men at arms are the hundred lances of our ancient ordinances; and the lifeguard-men are those of our guard, who still are near and about our person. And forasmuch as our beloved and trusty counsellor the Archbishop of Bourges, Bishop of Moray, now ambassador with us, from our most dear and most beloved brother, cousin, and ally, the King of Scotland still reigning, and our beloved and trusty counsellor and chamberlain, Sir Robert Stewart Lord of Aubigny, Captain of our Scottish guard, and of the hundred lances of our said ancient ordinances of the said nation, have remonstrated to us how much it hath been always desired, that the Scots, when called to our said kingdom of France, and our subjects who might go to live in that of Scotland, or might decrease there, on the account of trade or otherwise, should be enabled to testate and dispose of their effects to their respective heirs, and so indeed hath this been hitherto observed in the said kingdom of Scotland: as to our subjects, however, those of

the said nation of Scotland are obliged, as well such as are in our service of our said guard, as men at arms, and others whatsoever of that nation who are on this side, to take out particular letters of naturalization, and leave to testate and dispose of their effects, which they must have verified in our exchequer-chamber at Paris, by our commissioners of the treasury of France, and other our officers, with great pain and labour, otherwise their wives, children, or heirs, would be frustrated of their effects, and we make gifts of them as of foreign property, to their great grievance, prejudice, and damage: requiring us, by the said ambassadors and the Sieur d'Aubigny, that having this in regard, as well as the perpetual fellowship, confederacy, and alliance, between us and the said king of Scotland, our kingdoms and subjects, which hath been lately confirmed and sworn, our pleasure may be to grant general letters to all those of the said nation, and thereby to declare, that we hold, deem, and repute them in all things as true and original natives of our said kingdom, and fully impowered to testate and dispose of their effects; as also that, in case of their dying intestate, their children and other heirs may succeed them, and be enabled to hold all estates, offices, benefices, as any others in our said kingdom, and hereupon to impart unto them our grace.

Whereby we, the abovesaid things considered, and the good and indissoluble fellowship, confederacy and perpetual alliance which hath always subsisted, and doth still subsist between us and the said kings of Scotland, our respective kingdoms

and subjects, inviolably to be kept and observed, having regard to the signal services which the said kings of Scotland have heretofore done to our said predecessors, in the expulsion of our said enemies, to the great loyalty and fidelity which hath been always and invariably found in them, and those of their said nation, towards us, and particularly to the most signal, laudable and commendable service which our said good brother, cousin and ally, the present king of Scotland, is actually doing us, as it is notorious, that, in pursuance of our said friendship, fellowship, confederacy and alliance, he hath voluntarily declared for us against the king of England his brother-in-law, who is at present in our said kingdom; and, moreover, hath sent us succours and arms by sea, of great numbers of ships and men of war, which is so timely a service, as well requires that his subjects be for ever recommended and favoured in our said kingdom. For these, and other just and reasonable causes thereunto us moving, we have resolved to declare and ordain, and, by the tenor of these presents, do will, declare, ordain, and please, from our own knowledge, proper motion, special grace, full power and royal authority, that henceforth, perpetually, and for ever, all those of the said kingdom of Scotland, who shall reside, or come to reside, and shall hereafter decease in our said kingdoms, countries and seignories, of what station soever they be, or supposing they should be neither residents nor inhabitants in our said kingdom, countries and seignories, they shall be capable of acquiring therein all estates, seignories and possessions which they

may lawfully acquire; and of them, together with those which they may have already acquired, to testate and dispose, by testament and order of latter-will, living donation, or otherwise, at their will and pleasure; and that their wives and children, if they have any, or other their heirs, in what place soever they be residing, whether in our kingdom, or elsewhere, may, by testament or otherwise, take and inherit their estates and successions, as if they were natives of our said kingdom: and to those of the said nation, disposed to the church, shall be open all benefices and dignities secular or regular, with which they may be justly and canonically invested, by titles, collations, or provisions, (not derogating from the holy decrees of Basle, the pragmatic sanction, and the privileges of the Gallian church,) and they shall, in like manner, be able to dispose of their said property, as said is; and that in all things those of the said nation be treated, favoured, held, deemed, and reputed, for ever, as true originals of our said kingdom: and to this end we have enabled, and do enable them, we have dispensed, and do dispense our grace, by these said presents, and that without their being obliged, for the abovesaid things, either now or hereafter, to take out particular letters of naturalization, and leave to testate, other than these presents, nor therefore to pay us any finances, which finances we have given and discharged, and do give and discharge them of our said grace, by these said presents signed under our hand, to whatever value they do or may amount: provided always that the said king of Scotland, and his suc-

cessors, shall grant and allow such and like privileges to our subjects in their said kingdom. And that this they may enjoy in form and manner as above, we do therefore give command, by these same presents, to our beloved and trusty the members of our courts of parliament at Paris, bailiffs, seneschals, and provosts of our kingdom, and to all our other justiciaries and officers, and to their substitutes, present and to come, to each and every one of them, that our present graces, privileges, ordinances, edicts, declarations and vouchsafement, they cause, suffer, and allow, those of the said nation of Scotland, plenary and peaceably, as aforesaid, to enjoy and use; ceasing, or causing to cease all lets and hinderances that may be made, given or offered to the contrary whatsoever. For such is our pleasure. Notwithstanding that the said finances of the said letters of naturalization are not here declared, let no discharge be levied by the cashier of our treasury, any ordinances, restrictions, commands or prohibitions whatsoever to the contrary notwithstanding. And whereas there may be occasion for these presents in divers and several places, it is our will, that, upon sight thereof, under the seal royal, credit be given as to this present original; whereunto, that it may be a deed sure and stable for ever, we have caused our seal to be affixed, saving in all else our right, and that of others in all. Given at Amiens, in the month September, of the year one thousand five hundred and thirteen, and of our reign the thirteenth. Signed LEWIS. And upon the fold, by the king, the Cardinal de Prie, the Bishop of Paris, Mr. Pierre de

la Vernade master of the ordinary requests * of the household, and by others present. Signed Gedoyn, and sealed with a great seal of green wax, pendant to a string of red and green silk.

Letters-patents of King Henry II. containing the privileges of the Scots in France, in the year 1558.

HENRY, by the grace of God, King of France, unto all present and to come, greeting.

Whereas, since the marriage heretofore proposed between our most dear and most beloved son the King Dauphin, and our most dear and most beloved daughter the Queen of Scotland Dauphiness, his consort, contracted, concluded, and confirmed, the deputies of the states of the said kingdom have, for and in the name of the said states, taken to our said son the oath of fidelity, as to their true and natural lord, which he is; in virtue whereof, being subjects of both kingdoms, (which have hitherto, and of a long time, cultivated a social communication, lived in mutual friendship and intelligence, favoured and assisted each other) by the union of the houses of France and Scotland, so closely connected that we esteem them as one and the same, and desire, for this cause, the better to establish, entertain, and invigorate this friendship between our said subjects, and those of the said kingdom of Scotland, and to give the said inhabitants of the latter kingdom the more opportunity of visiting their king and queen, when they

* Answering nearly to the English court of Greencloth.

shall be on this side, of residing near them, attending and serving them, as to good and faithful subjects belongs, to indulge and favour them with the graces and privileges which our own proper subjects enjoy: be it known that we, these things considered, and for several other great and reasonable causes thereunto us moving, have to all the inhabitants of the said kingdom of Scotland, subjects of our said son the King Dauphin, and of our said daughter his consort, permitted, granted, and vouchsafed, and do, by these presents, permit, grant, and vouchsafe, that they may at their ease, as oft as to them shall seem good, come, inhabit, and abide in this our kingdom, and therein accept, hold, and possess all and every the benefices, dignities, and offices ecclesiastical, with which they may be justly and canonically invested by due title, not derogating from the holy decrees, concordates, privileges, franchises, and liberties of the Gallican church, and thereof to take and seize possession and enjoyment, and to reap and receive the fruits, profits, and revenues, unto what sum soever they do or may amount: and, moreover, to acquire in this kingdom, country, lands, and seignories in our allegiance, all and every of the estates, moveable and immoveable, which they shall see meet, to have and to hold them, together with such as may devolve, redound, and belong to them, whether by succession, donation, or otherwise, and to order and dispose of them by testament, settlement of latter will, living donation, or in what other manner soever. And that their heirs, or others to whom they shall have disposed of them,

may be able to succeed to them, to take and seize possession and enjoyment of their said estates, just as they would and might do if they were originally natives of our said kingdom and country, without our solicitor-general, or other our officers having power henceforth to claim the estates as acquired to us by right of escheat, or the subjects of the said kingdom of Scotland, being in the enjoyment of those estates, brought to any molestation or trouble. And to all, as above, we have capacitated and dispensed, and do, by these presents, capacitate and dispense them, whether they have habituated in our said kingdom, country, lands, and seignories of our obedience, or in the said kingdom of Scotland, without their being bound on account thereof to pay unto us, or our successors, any finance or indemnity whatever; wherefrom, unto what sum, value, and estimation soever it doth or may amount, we have, in consideration of the above, acquitted and discharged, and do hereby acquit and discharge them, and thereof, in favour of our said daughter, have made, and do make a gift, by these presents under our hand; upon condition, that if, by reason of the said benefices, any law-suit should be raised, they shall cause none of our subjects to be brought or convened, except before such of our judges unto whom the cognisance shall belong. We do therefore give in command, by these same presents, unto our beloved and trusty the persons holding our courts of parliament, great council and exchequer at Paris, and to all those our bailiffs, seneschals, provosts, and other our justiciaries, or

their deputies, present and to come, and to every one whom it may concern, that our present grace, leave, licence, and permission, and all contained in these said presents, they make, suffer, and allow the said subjects and inhabitants of the said kingdom of Scotland, plenarily and peaceably to enjoy and use; ceasing and causing to cease all lets and hindrances to the contrary whatsoever. For such is our pleasure. Notwithstanding that the value of the said finance is here neither specified nor declared, that such gifts we have been wont to make only for the half or third of the regulations by us or our predecessors made in the order and distribution of our finances, and even that of the month of December last, wherein it is said, that all gifts, benefits, and rewards shall be paid by the treasurer of our exchequer; from which we have, by our full power and royal authority, derogated, and do derogate, and in the derogatories, by these presents, do abide, what other ordinances, restrictions, commands, and prohibitions soever to the contrary notwithstanding. And, forasmuch as there may be occasion for these presents in divers and several places, we will, that, upon sight thereof made under the seal royal, or duly collated by one of our beloved and trusty notaries and secretaries, credit be given as the present original; whereunto, that it may be a deed firm and stable forever, we have caused our seal to be put and annexed; saving in all else our right, and that of others in all. Given at Villiers-courterets in the month of June of the year of grace one thousand

five hundred fifty-eight, and of our reign the twelfth.

Extract of the registers of the parliament of Paris.

The court having seen the king's letters-patents, in form of charter, given at Villiers-couterets in the month of June last past, subscribed by the hand of the said lord, and on the fold by the king de l'Aubespine; for the which, and the causes therein contained, the said lord vouchsafes, permits, and grants unto all the inhabitants of the said kingdom of Scotland, subjects of the King, Dauphin of France, son to the said lord the king, and of the Queen of Scotland, Dauphiness his consort, that they may with full liberty inhabit, come, reside, and remain in this kingdom, and therein hold and possess benefices and offices ecclesiastical, and there acquire whatever estates, moveable and immoveable, they shall see meet, as if they were originally natives of this kingdom, as is more fully set forth, in the said letters of the decree of the said court, communicated to the king's solicitor-general; his conclusions thereupon, and every thing considered, the said court hath ordained, and doth ordain, that the said letters-patents shall be read, published, recorded in the registers of this court, in order for the patentees to enjoy the effect hereof, so long as the kingdom shall be in the obedience, confederacy, and friendship of the king; provided always that the subjects of this kingdom shall be capable, as such, of enjoying like rights, privileges, goods, lands, and possessions, and of holding benefices and dignities

in the kingdom of Scotland. Done in parliament the eleventh day of July, in the year one thousand five hundred and fifty-eight. "Lecta, similiter publicata et registrata in camera compulorum domini nostri regis, audito procuratore generali prout in registro, 13^{to} Julii anno suprascripto." Signed Le Maitre.

Read, published, and recorded in the register of the king's great council, the solicitor-general of the said lord, requiring it under the modifications contained in the register, and with the proviso, that the draught be renewed by those who shall be willing to avail themselves of the grant contained in these presents. Done at Paris, in council, the nineteenth of July, one thousand five hundred and fifty-eight. Signed Faure.

In consequence of these letters-patents, and this act of registration, the three estates of Scotland in parliament, assembled, in the month of November 1558, passed an act for naturalizing and granting the same privileges to all the French in Scotland; and a copy of those letters-patents was registered in the acts of the parliament of Scotland.

Letters-patents of King Henry IV. bearing confirmation of the privileges of the Scots in France, in the year 1599.

HENRY, by the grace of God, King of France and Navarre, unto all present and to come, greeting.

Whereas, since it hath pleased God to call us unto the succession of this crown, we have had

nothing more at heart than to maintain the alliances and correspondences which we found that the kings our predecessors had made with the princes and potentates of Christendom for the public weal of our kingdom: we have taken especial care of the ancient confederacy and alliance long since contracted and religiously observed between our predecessor Kings, and the Kings of Scotland, for the mutual aid and assistance which they have got from each other upon occasions that have offered for the good of their respective states, people and subjects; and being that we have, moreover, a particular inclination to love our most dear and most beloved good brother and cousin James the VI. of the name reigning over the said country of Scotland, in consideration whereof, desiring, after the example of our other kings our predecessors, to make appear to our said good brother and cousin the said King of Scotland, that the continuance of his friendship is unto us dear and desirable, and to indulge those of the said nation with every instance of good-will, by imparting to them the graces and privileges whereof they have rendered themselves worthy, through the affection and fidelity which they have borne this crown: be it known, that, for the considerations abovesaid, and of our special grace, full power and royal authority, we have said, declared, and commanded, and do, by these presents, say, declare, and command, it is our will and pleasure, that the subjects of our said good brother and cousin the King of Scotland, who do inhabit, or shall hereafter reside in this our kingdom, be capacitated to accept, hold, and possess

all and every the benefices, dignities, and ecclesiastical offices with which they may be justly and canonically invested by sufficient title, nothing derogating from the decrees and concordates, privileges, franchises, and liberties of the Gallican church, thereof to take and seize the possession and enjoyment, and to reap and receive the said fruits and revenues, to what sums soever they do or may amount. And, moreover, to acquire for the future, in our said kingdom, countries, lands, and seignories of our said obedience, all and every the estates, moveable and immoveable, that they shall see meet, to hold and possess them, together with those that may fall, redound, or belong to them, whether by succession, donation, or otherwise, and to order and dispose of them by testament, destination, latter-will, living conveyance, or in what manner soever; and that their heirs, or others, to whom they shall fall *ab intestat*, or otherwise, whether they be residing in our said kingdom, or whether they be in the said kingdom of Scotland, when the said succession or donation shall fall, may succeed to them, take and seize possession and enjoyment of their said estates, just as they would or might do, were they original natives of our said kingdom and country; provided always, that they who shall testate, or decease intestate, be denizens; without our solicitor-general, or other our officers, having any power to claim their said estates as our acquiescence by right of escheat, or the said subjects of the said kingdom of Scotland, meeting in the enjoyment of such estates with any sort of molestation; without also the acts

and judgments heretofore passed contrary to the tenor of the said presents, being able for the future to hinder the effect hereof, or there being any occasion for the subjects of the country of Scotland to obtain any other dispensation or declaration than these presents; and, as above, we have enabled and dispensed, and do, by these presents, enable and dispense them, without their being obliged, on account thereof, to pay us, or our successors, any finances or indemnity, from which, unto what sum, value, or estimation soever it doth or may amount, we have, in consideration of the above, acquitted and discharged, and do acquit and discharge them, by these presents, signed with our own hand; upon condition, that if, by reason of the said benefices with which the said Scots may be provided, there arise any suit or contention, they shall not cause any of our subjects to be brought or convened, but before such of our judges unto whom the cognizance shall belong. We do therefore give in command, to our beloved and faithful the persons holding our court of parliament, great council, and chamber of accompts at Paris, treasurers general of France, and all our bailiffs, seneschals, provosts, and other our justiciaries and officers, or their deputies, present and to come, and unto every one of them as it shall respectively concern him, that our present grace, leave, licence, and permission, and all in these said presents contained, they cause, suffer, and allow the said subjects and inhabitants of the said kingdom of Scotland to enjoy and use, plenarily and peaceably, ceasing and causing to cease all hinderances and

molestations to the contrary whatsoever. For such is our pleasure. Notwithstanding that the value of the said finance is not there specified and declared, that such gifts have been wont to be made us, or our predecessors, issued upon the order and distribution of our finances; from which we have, of our full power and royal authority, derogated, and do derogate, and from the derogatories therein contained, and the ordinances, restrictions, commands, and prohibitions to the contrary whatsoever. And, forasmuch as these presents may be wanted in divers and several places, it is our will, that, upon sight hereof under our seal royal, or duly collated, credit be given as to the present original; unto which, that it may be a deed firm and stable for ever, we have caused our seal to be affixed: saving in all else our right, and that of others in all. Given at Fontainebleau in the month of March, and year of grace one thousand five hundred and ninety-nine, and of our reign the tenth. Signed HENRY. And upon the fold, By the king from Neufville, on one side *visa*, and sealed in a lace of red and green silk, with the great seal in green wax, registered in presence of the king's solicitor-general; provided always that the Scots, who are not denizons, shall have no power to succeed those who shall reside in this kingdom; and the said Scots, residing in this kingdom, shall not be deprived of the said letters upon quitting the said residence. At Paris, in parliament, the last day of July, one thousand five hundred and ninety-nine. Signed Du Tillet. A collated extract from the registers and royal

ordinances registered in parliament. Signed Voisin, with a paraph.

Extract of the records of parliament.

This day the court having seen the letters given at Fontainebleau in the month of March last, signed HENRY, and upon the fold, from Neufville, and sealed with the great seal in green wax, in a lace of red and green silk, whereby, for the causes there contained, the said lord wills, that the subjects of the King of Scotland, who inhabit and reside, or shall hereafter inhabit and reside in this kingdom, have power to accept, hold, and possess all and every the benefices, dignities, and offices ecclesiastical with which they may be lawfully invested, not derogating from the holy decrees, privileges, and liberties of the Gallican church; and, moreover, in this said kingdom, to acquire all and every the estates, moveable and immoveable, to hold and possess them, together with those that may fall and pertain to them whether by succession, donation, or otherwise; and to order and dispose of them by testament, settlement, and latter-will, and otherwise, in what manner soever; and that their relations, and others to whom they shall have disposed of them, and to whom they shall fall *ab intestat*, or otherwise, whether they be resident in this kingdom, or in the said country of Scotland, when the said donation or succession shall fall, may be able to succeed to them, take and seize the enjoyment of their said estates, just as though they were originally natives of the said kingdom; provided that

the testators, or those who shall decease intestate, be denizons, as is more at large contained in the said letters and conclusions of the king's solieitor-general. The matter being taken into deliberation, the said court hath decreed and ordained, that the said letters shall be here registered in presence of the king's solicitor-general, without the Scots who are not denizons having any power to succeed to those who shall reside in this kingdom. And the said Scots residing in this kingdom shall not be deprived of the benefit of the said letters upon quitting the said residence. Done in parliament the last day of July, in the year one thousand five hundred and ninety-nine. Signed Voisin, with a paraph.

Letters-patents of Lewis XIII. to confirm the privileges of the Scots in France, in the year 1612.

LEWIS, by the grace of God, King of France and Navarre, unto all present and to come, greeting. Our predecessor kings, even the late King Henry the Great, our most honoured lord and father, (whom God absolve) by his letters-patents of the year one thousand five hundred and ninety-nine, verified in our court of parliament at Paris, willed and commanded, for several weighty considerations therein contained, that those of the Scottish nation, who should inhabit and reside hereafter in this our kingdom, should have power to accept, hold, and possess all and every the benefices, dignities, and offices ecclesiastical, with which they might be justly invested, to take the posses-

sion, fruits and revenues of them, to acquire in the said kingdom, country, and lands, and seignories of our obedience, all estates, moveable and immoveable, to have and to hold them, together with those that might fall to them by testament, donation, or otherwise, just as they might do, were they original natives of our said kingdom, upon such conditions, and in such sort as is more at length set forth and specified by the said letters and verification thereof. In consequence whereof, our most dear and well beloved William Morison, a Scotsman, son to John Morison and Elizabeth Gray, also Scots, his father and mother, resident, during their life, in the city of Glasgow, having afterwards retired from the said country, and dwelt thirty years in our cities of Rouen and Dieppe, hath caused most humble petition and request to be made unto us, that he may be enabled to enjoy the tenor of the said letters, under the benefit and grace of which he hath quitted the said country, in order to live and die in this our kingdom: **BE IT KNOWN**, that, willing to preserve and maintain the subjects of the kingdom of Scotland, in the franchises, privileges, and liberties to them conceded by our said predecessors, and, after their example, favourably to treat them, unto this same William Morison, for these and other causes thereunto us moving, in consequence of the said first letters, the copy whereof, extracted by the recorder of our said court of parliament at Paris, is here annexed under the great seal of our chancery, we have permitted and granted, of our special grace, full power and royal authority, we do permit and

grant, it is our will and pleasure, that, conformably to the said letters and verifications thereof, he may resort and reside in this our kingdom, country, lands, and seignories of our obedience, there to acquire all and every such estates, moveable and immoveable, as he shall see meet, to hold and possess them, together with those that may fall, redound, and pertain to him, whether by succession, donation, or otherwise; and to order and dispose of them by testament and destination of latter-will, living donation, or in what manner soever: and that his heirs, or others to whom they shall fall *ab intestat*, or otherwise, whether they be resident in our said kingdom, or whether they be in the said country of Scotland, when the said succession or donation shall fall, may be able to succeed to him, to take and seize possession and enjoyment of the said estates, just so as they would or could do, if they were original natives of our said kingdom and country, provided they shall be denizons; and that without our solicitor-general, or other our officers, having power henceforth to claim their said estates to us acquired by right of escheat; nor likewise shall any thing, done to the contrary of the tenor of these presents, have power for the future to hinder the effect hereof, or shall there be any need for him to obtain any dispensation or declaration, other than these presents; and to all, as above, we have enabled and dispensed, and do, by these said presents, enable and dispense him, without his being obliged, on account thereof, to pay unto us, or our successors, any finance or indemnity; from which, unto whatever value or estimation it

doth or may amount, we have, in consideration thereof, as above, acquitted and discharged, and do, by these presents, acquit and discharge him: we do therefore give in command, to our beloved and trusty counsellors the persons holding our courts of parliament, commissioners of our accompts at Paris and Rouen, treasurers general of France, at Paris and Rouen, or their deputies, or to each of them in their right, themselves first hereto required, and to all other our bailiffs, seneschals, provosts, and other our justiciaries and officers, or their deputies, present and to come, and to each of them whom it shall respectively concern, to cause these presents to be registered, and the tenor thereof to be enjoyed and used plenarily and peaceably by the said William Morison and his successors; ceasing and cause to cease all molestation and hinderances to the contrary whatsoever. *For such is our pleasure.* And to the end that it may be a thing firm and stable for ever, we have caused our seal to be put to these said presents, saving in all else our right, and that of others. Given at Paris, in the month of October, the year of grace one thousand six hundred and twelve, and of our reign the third. Signed LEWIS. And counter-signed by the King, the Queen-regent his mother present: and this our copy, signed Potier, in paraph; on the side, contents signed Poulsepain, in paraph, and below *visa*; and sealed with the great seal of green wax in fillet of red and green silk.

Extract of the registers of the parliament of Paris.

Registered in presence of the king's solicitor-general, towards the patentee's enjoying the effect and tenor hereof, with proviso that the said patentee shall be bound to obtain and procure, for the said lord paramount, a brief from our holy father the Pope, within six months next coming, whereby his holiness shall grant, that, upon the falling of any vacancy by death, resignation, or otherwise, of the benefices with which he may be invested in this kingdom and country, being in the nomination and presentation of the said lord paramount, there shall be no investiture thereunto by his said holiness, without the nomination, request or consent of the said lord the king; and, that on account of the said benefices, he shall not cause any of the king's subjects to be brought or convened before the court of Rome, so if, by reason thereof, any law-suit commence, he shall prosecute them in this said kingdom, before the judges to whom the cognizance shall belong: and, moreover, with proviso that the patentee shall not be capable of being invested with any bishopric, archbishopric, or abbey of chief order, nor other vicarages, in form of the said benefices with which he may be invested in this kingdom as a natural subject of France. At Paris, in parliament, the fifteenth day of December, one thousand six hundred and twelve. Signed Du Tillet; a seal and paraph. And, upon the said fold is also wrote, recorded in the register of the treasury, the king's solicitor-general thereunto

consenting, in order for the patentee to enjoy the effect and tenor hereof, upon the terms and conditions set forth by the act of court. Done at Paris, the twentieth of December, one thousand six hundred and twelve. Signed L'Annier in paraph.

Act of King Lewis XIV.'s council of state, in favour of the Scots in France.

Whereas it hath been represented to the King in his council, the Queen-regent his mother present, that, in the year seven hundred fourscore and nine, Charlemagne reigning in France, and Achaius in Scotland, the alliance and confederacy having been made between the two kingdoms, offensive and defensive, of crown and crown, king and king, people and people, as is set forth by the charter called the Golden Bull, it should have, until this present, continued without any interruption, and been ratified by all the Kings successors of the said Charlemagne, with advantages and prerogatives so peculiar, that not only are the Scots in capacity of acquiring and possessing estates, moveable and immoveable, and benefices in France, and the French in Scotland, without taking out any letters of naturalization; but also it should have been granted to the said Scots, to pay only the fourth part of the duties upon all goods which they transport to the said country of Scotland; a privilege which they have ever enjoyed, and do enjoy at this day: that even whatever rupture there may have been between the crowns of France and England, since the union of the kingdom of

England with that of Scotland, the French have been nevertheless still treated by the Scots as friends and confederates, and particularly in the year one thousand six hundred twenty-six, when the French in Scotland, and the Scots in France, had a reciprocal replevy of their merchandises, while those of the French in England, and those of the English in France were confiscated; and that there never hath been made any difference or distinction in this kingdom, between his Majesty's natural subjects and the said Scots: wherefore the late King of happy memory, having, by his declaration in the month of January, one thousand six hundred thirty-nine, commanded that taxes should be laid upon all foreigners of his said kingdom, his Majesty should have, by an act of his council of the eleventh of May in the said year, exempted and discharged all Scots residing therein, their children, descendants, and heirs, from all taxes laid, or to be laid upon the said foreigners. In consequence of the said declaration, acts and rolls of taxes expedited thereupon, willing that, if any Scot had been there comprehended, whether in the city of Paris, or in others of this kingdom, they should be freed without difficulty in virtue of the said acts; the said letters of declaration, acts, or ought else, to the contrary notwithstanding. In prejudice whereof, those who have raised the taxes ordained to be laid upon all foreigners residing in this said kingdom, in virtue of the letters of declaration of the month of January last, had not forbore to comprehend, in the rolls which they caused to be expedited in execution thereof, some

individuals of the Scottish nation amongst other foreigners, without expressing their country and quality; which being absolutely contrary to the intention of his Majesty, who wills and means to entertain inviolably the said confederacy and alliance with the said Scots, and to maintain them in all the rights, privileges, and prerogatives, unto them granted by the kings his predecessors, and which he hath ratified since his accession to the crown: the king being in council, the queen-regent his mother present, hath discharged, and doth discharge, all the Scottish gentlemen residing in his said kingdom, from the tax laid upon them in quality of foreigners: their majesties give prohibition to all bailiffs and sergeants to constrain them on account thereof, on pain of a thousand livres of fine, and of all costs, damages, and interests. And for the other Scots, his majesty hath superseded payment of the said taxes for three months, during which time his majesty prohibits their being constrained, if there is not some private stipulation made by them to the contrary. Done in the king's council of state, his majesty being there, and the queen-regent his mother present, held at Fontainebleau, the nineteenth of September, one thousand six hundred and forty-six. Signed Le Tellier.

Privileges of the Scottish merchants trading in France, granted by King Francis I. in 1518.

FRANCIS, by the grace of God, King of France.
Be it known to all present and to come, that we mean to treat favourably the subjects of our most

dear and most beloved brother, cousin, and ally, the king of Scotland, in favour of the great and ancient alliance subsisting between us and him, and of the great and commendable services which those of the Scottish nation have done to the crown of France: for these causes, and in order to give them greater occasion to persevere therein, and for other considerations thereunto us moving, in token also of our inclination to the request of our most dear and most beloved cousin the duke of Albany, regent and governor of Scotland, we have all and every the Scottish merchants, who are and shall be hereafter trading, frequenting and conversing in this our kingdom, freed, acquitted, exempted, and do, of our special grace, full power and royal authority, free, acquit, and exempt, by these presents, signed with our hand, in perpetuity and for ever, from the new impost of twelve French deniers per livre, raised in the city of Dieppe upon foreign merchandise, beside the sum of four French deniers per livre, which hath been anciently collected and raised upon the said foreign merchandise. We do therefore give in command, by these same presents, to our beloved and trusty the commissioners of our exchequers and treasurers of France, and to all our other justiciaries and officers, or to their deputies present and to come, and to every one of them, so as it shall concern him, that our present grace, immunity, discharge, and exemption, they cause, suffer, and allow, the said Scottish merchants, and their successors, who are and shall be trading and frequenting in our said kingdom, to enjoy and use, plenary and peaceably, perpetu-

ally and for ever, without giving, or suffering to be given them, any manner of disturbance or impediment; for such is our pleasure; whatsoever enactings, restrictions, commands, or prohibitions to the contrary notwithstanding. And to the end that this be a deed firm and stable for ever, we have caused our seal to be put to these said presents, saving in all else our right, and that of others in all. Given at Amboise in the month of May, and year of grace, one thousand five hundred and eighteen, and of our reign the fourth.

Privileges of the Scottish merchants trading in France, granted by King Henry II. in 1554.

HENRY, by the grace of God, King of France, to our beloved and trusty counsellors the persons holding our court of parliament at Rouen, the commissioners of our exchequer at Paris, the inspectors general of our finances and supplies, port-masters at the said Rouen, and to all our other justiciaries and officers, or their deputies, whom it shall concern greeting. We liberally inclining to the request which hath been made us by our dearest and most beloved daughter the queen of Scotland, for her subjects in the said country, and several other considerations thereunto us moving, in order to remove all the difficulties which you and every one of you might make, of causing the subjects of our said daughter in the said country of Scotland, to enjoy our letters of exemption and ampliation here annexed under our counter-seal, and to put a final end thereunto, we have, by amplifying and

interpreting the same, said, declared and ordained, and do, of our own accord, certain knowledge, special grace, full power, and royal authority, say, declare and ordain, that, by our said letters hereunto annexed, as said is, we have intended, and do intend, that the subjects of the said country of Scotland shall not be bound to pay for the commodities which they shall take and carry out of our country and duchy of Normandy, the cities, towns, and havens thereof, whatsoever they be, if designed for the said country of Scotland, other or greater subsidies and duties than they have heretofore been wont to pay, and did pay in our city of Dieppe, at the time of the edicts by us issued concerning the collection of our foreign duties: and, so long as trade is, or shall be, we have exempted, acquitted, and freed them, and do, of our grace and authority, as above, exempt, acquit, and free them from the surplusage of the said duties, and unto what sum soever they may amount, over and above what they have anciently been wont to pay our city of Dieppe, although they be not above specified by these said presents; whereby we command you, and every one of you respectively, as it shall concern him, we give commission and express injunction to cause these our said letters and presents to be read, published and registered, and the contents thereof, our said daughter's subjects, plenarily and peaceably to enjoy, without, on occasion of our said edicts, causing, or suffering to be caused, made, or given them any molestation, disturbance, or impediment, to the contrary whatsoever; according to what, by our said letters here

annexed, as said is, you are commanded to observe; for such is our pleasure; notwithstanding the said edicts, by us and our predecessors made about the receipt of the said duties, from which, this purpose, and without prejudicing them in other respects, we have derogated, and do derogate, and from thence exempted, and do exempt the said subjects of Scotland, by these said presents, which to this end we have signed with our hand. Given at Paris, the third day of February, in the year of grace one thousand five hundred and fifty-two, and of our reign the eighth.

Ratified and approved wherever it hath been necessary.

Confirmation of the privileges of the Scottish merchants trading in France, granted by King Henry IV. in 1599.

HENRY, by the grace of God, King of France and Navarre, unto all present and to come, greeting. Whereas the late King Francis I. our most honoured sire and grandfather, by his letters-patents, in charter-form, of the month of May one thousand five hundred and eighteen, desiring, for several good considerations, well and favourably to treat the subjects of the kingdom of Scotland, in favour of the great and ancient friendship and alliance which subsisted between the two kingdoms, and of the great and commendable services which those of the Scottish nation had done to the crown of France, should have freed, quitted and exempted all the Scottish merchants, trading, frequent-

ing and dealing in this kingdom, from the foreign impost of twelve French deniers for each livre, then raised in our city of Dieppe upon merchandise, besides four French deniers for each pound of ancient foreign demesne: and since, upon the complaint that the said Scottish merchants had made to the late King Henry II. our most honoured sire and father, (whom God absolve,) that, under pretext of a new edict upon foreign duties, the officers thereof in our city of Rouen had constrained them to pay twenty deniers a livre for the new foreign impost, he should have, by other letters-patents in charter-form, of the month of October, in the year one thousand five hundred fifty-four, by amplifying the said first exemption, ordained that the said Scottish merchants should not be obliged to pay, on account of the commodities which they should bring and carry out of our said country of Normandy, or any towns whatsoever thereof, designed for the said country of Scotland, any other duties and subsidies than they had been of old wont to do, and did at the time of issuing the said new edicts made concerning the receipt of foreign duties and demesnes; as is contained more at large in the said letters verified where need hath been: and also, by other letters-patents, he should have declared to have meant, that the subjects of the said country of Scotland should not be bound to pay for the goods they should bring and carry out of our said country of Normandy, cities, towns, and harbours thereof, designed for the said country of Scotland, other or greater subsidies and duties than they had before

been wont to pay, and did pay in our city of Dieppe, at the time of the edicts by us made relating to the receipt of our duties of foreign impost. But whereas, on occasion of the troubles which have prevailed in this kingdom, especially within these ten or twelve years past, things have been so altered, and the privileges of the Scottish merchants so enervated, that, if we were not pleased to continue and confirm the same to them, they feared therein to find obstacles and difficulties which hath been unto them granted and continued by the said kings our predecessors: be it known, that we desire no less favourably to treat the said Scottish merchants, than the said kings our predecessors have done, as well in consequence of the ancient alliance and confederacy which subsists between this kingdom and that of Scotland, as for the friendship and good correspondence which subsisteth between us and the king of Scotland, James VI. of the name, our most dear and most beloved good brother and cousin, now reigning in the said country; we have, of our special grace, full power and royal authority, said, declared, and ordained, do, by these presents, say, declare, and ordain, it is our will and pleasure, that the said Scottish merchants, trading, frequenting, and conversing, in this our said kingdom, enjoy for the future, in our whole said country and duchy of Normandy, the same franchises, privileges, and immunities, from foreign customs and imposts, and after the same sort and manner that they enjoyed them in the days of the Kings Francis and Henry, our

most honoured grandfather and brother-in-law, until the renewal of the said last troubles, that, by the injury of the times, their enjoyment of them hath been impeded: the which franchises, privileges and immunities, for the considerations above-said, and of our grace, power, and authority, as above, we have confirmed, and do confirm to them, by these said presents, therefore signed, by our hand, for the commodities which they shall bring and carry out of our said country and duchy of Normandy, cities, towns, and harbours thereof whatsoever, designed for the said country of Scotland. We do therefore give in command, to our beloved and trusty the persons holding our court of parliament at Rouen, commissioners of our accounts and supply in the said country, treasurers general of France in the said Rouen, port-masters in the said place, or their deputies, and to all other our justiciaries and officers, or their substitutes, whom it shall concern, that the tenor of these presents they cause, suffer, and allow, the said subjects, Scottish merchants, to enjoy and use, plenarily and peaceably; ceasing, and causing to cease, all molestations and impediments to the contrary whatsoever; and to cause this to be suffered, and to return and restore to them hereafter their effects and commodities, if any on account thereof should be taken or arrested, that they constrain, and cause to be constrained, our officers of foreign trade, by all due and lawful methods, any oppositions or appeals whatsoever notwithstanding; and producing these presents, or a *vidimus* thereof, made under the seal royal for once only, we will,

that our receivers of the said foreign duties be held acquitted and discharged thereof by the commissioners of our said accompts in Normandy, whom we warrant so to do, without difficulty or hesitation. And whereas there may be occasion for these presents in several different places, it is our will, that to the copy thereof, duly collated, credit be given as to the present original, whereunto, in witness hereof, and to the end that it be a deed firm and stable for ever, we have caused our seal to be put and affixed, saving in all else our right, and that of others in all. For such is our pleasure. Given at Fontainebleau in the month of March, of the year of grace one thousand five hundred and ninety-nine, and of our reign the tenth. Signed HENRY; countersigned, by the king at Neufville, and sealed in a silk string with the great seal of green wax.

From a copy collated with the original on parchment, by a clerk of the court of parliament of Rouen, the 27th of April, 1599.