

NOTES AND ILLUSTRATIONS.

LETTER A, page 6.

DR LINGARD, in his History of England, vol. iii. p. 119, observes, that "the Scottish king consented to an arrangement, by which, although he eluded the express recognition of feudal dependence, he seems to have conceded to Henry the whole substance of his demand." And the same historian has remarked, in the same volume, "that when the Scottish king received a grant of land in Tynedale and at Penrith, and consented to perform a new homage for these possessions, the question as to the homage demanded for Scotland was left undecided." If the reader will take the trouble to turn to the first volume of the *Fœdera*, pages 374, and 428, he will at once perceive the strange inaccuracy of these assertions. The legitimate inference to be drawn from the documents in Rymer, is, that the question as to any homage due by Alexander the Second for his kingdom of Scotland, was decided against Henry in 1237, and that the English king acquiesced in the decision; for it will be observed, the homage then paid was for his new acquisition,¹ and there is no reservation of the claim of homage for Scotland. Again it appears, that this decision was virtually enforced and repeated in the charter granted by Alexander in 1244. Henry's demand was, that Alexander should perform homage to him *for his kingdom of Scotland*. Alexander, who at that time held lands in England, was reported, says Mathew Paris, to have "answered bitterly, that he never did, and never would, hold a particle of land *in Scotland* under Henry,"² but he at the same time was ready to take the oaths to Henry as his liege lord. This surely cannot be called "a concession to Henry of the whole substance

¹ Rymer, *Fœdera*, vol. i. p. 576.

² Math. Paris, p. 432.

of his demand." By the very same process of reasoning, it might be proved that Edward the First held his kingdom of England under the King of France, as his feudal superior. See Rapin's *Acta Regia*, vol. i. p. 78. The charter by Alexander the Second to Henry the Third, alluded to in the text, is as follows :

" Alexander, *Dei gratia, Rex Scotiæ, omnibus Christi fidelibus hoc scriptum visuris, vel audituris, salutem.*

" *Ad vestram volumus pervenire notitiam, nos pro nobis et hæredibus nostris concessisse, et fideliter promississe, charissimo et ligio Domino nostro Henrico Tertio, Dei gratia, Regi Angliæ illustri, Domino Hybernæ, Duci Normanniæ et Aquitaniæ, et Comiti Andegaviæ, et ejus hæredibus, quod in perpetuum bonam fidem ei servabimus pariter et amorem :*

" *Et quod nunquam aliquod fœdus inibimus per nos, vel per aliquos alios, ex parte nostra, cum inimicis Domini Regis Angliæ, vel hæredum suorum, ad bellum procurandum vel faciendum, unde damnum eis, vel Regnis suis Angliæ et Hybernæ, aut cæteris terris suis, eveniat, vel possit aliquatenus evenire, nisi nos injuste gravent :*

" *Stantibus in suo robore conventionibus inter nos et dictum Dominum Regem Angliæ initis ultimo apud Eboracum, in præsentia Domini Ottonis, tituli Sancti Nicholai in Carcere Tulliano, Diaconi Cardinalis, tunc Apostolicæ Sedis Legati in Anglia; et salvis conventionibus factis super matrimonio contrahendo inter filium nostrum et filiam dicti Domini Regis Angliæ :*

" *Et, ut hæc nostra concessio et promissio, pro nobis et hæredibus nostris, perpetuæ firmitatis robur obtineant, fecimus jurare in animam nostram Alanum Ostiarium, Henricum de Bailloil, David de Lindesie, Willielmum Giffard, quod omnia prædicta, bona fide, firmiter, et fideliter observabimus.*

" *Et similiter jurare fecimus venerabiles patres David, Willielmum, Galfridum, et Clementem, Sancti Andreae, Glasconensem, Dunkeldensem, et Dunblanensem, Episcopos.*

" *Et præterea fideles nostros, Patricium Comitem de Dumbar, Malcolmum Comitem de Fife, Malisium Comitem de Stratherne, Walterum Cumin de Meneteth, Willielmum Comitem de Mar, Alexandrum Comitem de Buchan, David de Hastingsia Comitem*

Athorl, Robertum de Bruis, Alanum Ostiarum, Henricum de Bailloil, Rogerum de Mumbri, Laurentium de Abrinthia, Richardum Cumin, David de Lindesie, Richardum Siward, Willielmum de Lindesia, Walterum de Moravia, Willielmum Giffard, Nicolaum de Sully, Willielmum de Veteri Ponte, Willielmum de Bevire, Aleumum de Mesue, David de Graham, et Stephanum de Smingham, quod, si nos, vel hæredes nostri, contra concessionem et promissionem prædictam, quod absit, venerimus, ipsi, et hæredes eorum, nobis, et hæredibus nostris, nullum, contra concessionem et promissionem prædictam, auxilium vel concilium impendent, aut ab aliis pro posse suo impendi permittent.

“ Imo bona fide laborabunt erga nos et hæredes nostros, ipsi et hæredes eorum, quod omnia prædicta a nobis et hæredibus nostris, necnon ab ipsis et eorum hæredibus, firmiter et fideliter observentur in perpetuum.

“ In cujus rei testimonium, tam nos, quam prædicti prælati, Comites et Barones nostri, præsens scriptum sigillorum nostrorum appositione roboravimus.

“ Testibus Prælati, Comitibus, et Baronibus superius nominatis, anno Regni nostri, &c.

“ *Ista signa apposita fuerunt incontinenti, scilicet Regis Scotiæ Alexandri, Willielmi de Bevire, Willielmi de Veteri Ponte, Willielmi de Lindesai, Stephani de Smingham.*

“ *Aliorum sigilla apposita fuerunt postea. Et ipsum scriptum Regi Anglorum transmissum, ad natale Domini proximo sequens, per Dominum Priorem de Thinemua.*”

LETTER B, page 12.

Rymer, Fædera, page 326, new edit.—“ We find that the Earl of Hertford, William de Fortibus, Earl of Albemarle, and R. Walerand, seneschal, accompanied Gloucester and Maunsell. The Scottish Barons, with whom they are directed to co-operate against the party of the Cumings, and who are proscribed as rebels, are Patricius Comes de Dunbar, Males Comes Straern, Nigellus Comes de Karrike, Robertus de Brus, Alexander Seneschallus Scotiæ, Alanus Hostiarius, David de Lindes, Willielmus de Brethun, Walterus de

Murrenya, Robertus de Mesneres, Hugo Giffard, Walterus le Seneschal, Johannes de Crawford, Hugo de Crauford, and Willielmus Kalebraz."

LETTER C, page 18.

Lord Hailes calls this assertion of the Comyns, that the King was in the hands of excommunicated persons, a hypocritical pretence. He forgot, however, that although in the nineteenth century, we can despise the terrors of a sentence of excommunication, the Scottish barons could not treat it as lightly in the thirteenth; and that at this dark period the victims of such a sentence were regarded with universal horror. He adds, that when the same faction accused the queen of having excited her father "to invade Scotland, and extirpate the nation," they were circulating a slander which was basely devised to operate on the two great passions of the vulgar—fear and national pride. The words, "invade Scotland, and extirpate the nation," are marked by Hailes as if they were a quotation from Mathew Paris. If, however, the historian had turned to Mathew Paris, p. 644, he would have seen, that what the Comyns asserted was not that the young queen had advised her father to invade Scotland and extirpate the nation, but that "she had incited her father, the King of England, to come *against them* with an army in a hostile manner, and make a miserable havoc:" a charge which, so far from being absurd or slanderous, was strictly founded on fact.

LETTER D, page 18.

I subjoin the treaty between the party of the Comyns, and Llewellyn, Prince of Wales, taken from Rymer, vol. i. p. 653. The page in the text refers to the new edition of the *Fœdera*, at present in the course of publication.

Littera continens quod Scoti et Wallenses non facient pacem cum Rege Angliæ sine mutuo consensu et assensu.

"Omnibus sanctæ Matris Ecclesiæ filiis, hoc scriptum visuris

