

## CHAP. III.

## JAMES THE FIRST.

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 CONTEMPORARY PRINCES.

*King of England.*  
Henry VI.

| *King of France.*  
Charles VII.

| *Popes.*  
Martin V.  
Eugene IV.

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IN James the First, Scotland was at length destined to receive a sovereign of no common character and endowments. We have seen, that when a boy of fourteen, he was seized by the English, and from that time till his return in 1424, twenty years of his life, embracing the period of all others the most important and decisive in the formation of future character, had been passed in captivity. If unjust in his detention, Henry the Fourth appears to have been anxious to compensate for his infringement of the law of nations by the care which he bestowed upon the education of the youthful monarch. He was instructed in all the warlike exercises, and in the high-bred observances and polished manners of the school of chivalry; he was generously provided with masters in the various arts and sciences, and as it was the era of the revival of learning in England, the age especially of the rise of poetic literature, in Chaucer and Gower, his mind and imagination became deeply

infected with a passion for those elegant pursuits. But James, during his long captivity, enjoyed far higher advantages. He was able to study the arts of government, to make his observations on the mode of administering justice in England, and to extract wisdom and experience from a personal acquaintance with the disputes between the sovereign and his nobility, whilst in the friendship and confidence with which he appears to have been uniformly treated by Henry the Fifth, who made him the partner of his campaigns in France, he became acquainted with the politics of both countries, received his education in the art of war from one of the greatest captains whom it has produced ; and, from his not being personally engaged, had leisure to avail himself to the utmost of the opportunities which his peculiar situation presented. There were other changes also, which were then gradually beginning to manifest themselves in the political condition of the two countries, which, to his acute and discerning mind, must necessarily have presented a subject of thought and speculation—I mean the repeated risings of the commons against the intolerable tyranny of the feudal nobility, and the increased wealth and consequence of the middle classes of the state, events which, in the moral history of those times, are of deep interest and importance, and of which the future monarch of Scotland was a personal observer. The school, therefore, in which James was educated seems to have been eminently qualified to produce a wise and excellent king, and the history of his reign corroborates this observation.

On entering his kingdom, James proceeded to Edinburgh, where he held the festival of Easter; and on the twenty-first of May he and his queen were solemnly crowned in the abbey church of Scone. According to an ancient hereditary right, the king was placed in the royal seat by the late governor, Murdoch Duke of Albany and Earl of Fife, whilst Henry Wardlaw, Bishop of St Andrews, the same faithful prelate to whom the charge of his early education had been committed, anointed his royal master, and placed the crown upon his head, amid a splendid assembly of the nobility and clergy, and the shouts and rejoicings of the people. The king then proceeded to bestow the honour of knighthood upon Alexander Stewart the younger, son of the Duke of Albany; upon the Earls of March, Angus, and Crawford; William Hay of Errol, Constable of Scotland, John Scrymgeour, Constable of Dundee, Alexander Seton of Gordon, and eighteen others of the principal nobility and barons;<sup>1</sup> after which he convoked his parliament on the 26th of May, and proceeded to the arduous task of enquiring into the abuses of the government, and adopting decided measures for their reformation.

Hitherto James had been but imperfectly informed regarding the extent to which the government of Albany and his feeble successor had promoted, or permitted, the grossest injustice and the most unli-

<sup>1</sup> Extracta ex Chronicis Scotiae, MS. fol. 269, 270. Fordun a Goodal, vol. ii. p. 474.

censed speculation. He had probably suspected that the picture had been exaggerated; and with that deep and deliberate policy which constituted a striking part of his character, he resolved to conduct his investigations in person, before he gave the slightest hint of his ultimate intentions. It is said, indeed, that when he first entered the kingdom, the dreadful description given by one of his nobles of the unbridled licentiousness and contempt of the laws which every where prevailed, threw him for a moment off his guard. "Let God but grant me life," cried he, with a loud voice, "and there shall not be a spot in my dominions where the key shall not keep the castle, and the furze-bush the cow, though I myself should lead the life of a dog to accomplish it!"<sup>2</sup> This, however, was probably spoken in confidence, for the object of the king was to inform himself of the exact condition of his dominions without exciting alarm, or raising a suspicion which might foster opposition and induce concealment. The very persons who sat in this parliament, and through whose assistance the investigation must be conducted, were themselves the most atrocious defaulters; an imprudent word escaping him, and much more a sudden imprisonment or a hasty, perhaps an unsuccessful, attempt at impeachment, would have been the signal for the nobles to fly to their estates and shut themselves up in their feudal castles, where they could have defied every effort of the king to apprehend them; and in this way all his

<sup>2</sup> Fordun a Goodal, vol. ii. p. 511.

plans might have been defeated or indefinitely protracted, and the country plunged into something approaching to a civil war.

The three estates of the realm having been assembled, certain persons were elected for the determination of the "Articles" to be proposed to them by the king, leave of returning home being given to the other members of the parliament. Committees of parliament had already been introduced by David the Second, on the ground of general convenience, and the anxiety of the barons and landholders to be present on their estates during the time of harvest, "*causa autumnii.*"<sup>1</sup> From this period to the present time, embracing an interval of more than half a century, the destruction of the records of the parliaments of Robert the Second and Third, and of the government of Albany and his son, renders it impossible to trace the progress of this important change, by which we now find the lords of the articles "*certe persone ad articulos,*" in an acknowledged institution, in the room of the parliamentary committees of David the Second; but it is probable that the king availed himself of this privilege to form a small body of the nobility, clergy, and burgesses, of whose fidelity he was secure, and who lent him their cordial assistance in the difficult and dangerous task upon which he now engaged.

The parliament opened with an enactment, commanding all men to honour the church, declaring that

<sup>1</sup> Acts of the Parliament of Scotland, vol. i. sub anno, History, vol. ii. p. 280.

its ministers should enjoy, in all things, their ancient freedom and established privileges, and that no person should dare to hinder the clergy from granting leases of their lands or tithes, under the spiritual censures commonly incurred by such prevention. A proclamation follows, directed against the prevalence of private war and feuds amongst the nobility, enjoining the king's subjects to maintain thenceforward a firm peace throughout the realm, and discharging all barons, under the highest pains of the law, from "moving or making war against each other; from riding through the country with a more numerous following of horse than properly belongs to their estate, or for which, in their progress, due payment is not made to the king's lieges and hostellers. All such riders or gangars," upon complaint being made, are to be apprehended by the officers of the lands where the trespass has been committed, and kept in sure custody till the king declares his pleasure regarding them; and, in order to the due execution of this and other enactments, it is ordained that officers and ministers of the laws be appointed generally throughout the realm, whose personal estate shall be of wealth and sufficiency enough to be proceeded against, in the event of malversation, and from whose vigour and ability the "commons of the land" should be certain of receiving justice.<sup>1</sup>

The penalty of rebellion or treason against the

<sup>1</sup> Acts of the Parliaments of Scotland, vol. ii. p. 2. Statutes of the Realm, Rich. II., vol. ii. pp. 9, 10. Statutes against Bonds or Confederacies.

king's person is declared to be the forfeiture of life, lands, and goods, whilst all friends or supporters of rebels are to be punished according to the pleasure of the sovereign. The enactments which follow regarding those troops of sturdy mendicants, who traversed the country, 'extorting the charity which was not speedily and readily bestowed, present us with some curious illustrations of the manners of the times. The king commands that no companies of such loose and unlicensed persons shall be permitted to beg or insist on quarters from any husbandman or churchman, sojourning in the abbeys or on the farm granges, and devouring the wealth of the country. An exception was made in favour of "royal beggars," with regard to whom it is declared that the king has agreed, by advice of his parliament, that no beggars or "thiggars" be permitted to beg, either in the burgh or throughout the country, between the ages of fourteen and threescore and ten years, unless it be first ascertained by the council of the burgh that they are incapacitated from supporting themselves in any other way. It is directed that they who are thus permitted to support themselves shall wear a certain token, to be furnished them by the sheriff, or the alderman and bailies, and that proclamation be made, that all beggars having no such tokens, do immediately betake themselves to such trades as may enable them to win their own living, under the penalty of burning on the cheek and banishment from the country.<sup>1</sup> It is curious to

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 2, 8.

discern, in this primitive legislative enactment, the first institution of the king's blue coats or bedesmen, a venerable order of privileged mendicants, whose existence has only expired within these very few years.

During the weak administration of Robert the Second and Third, and still more under the partial and unprincipled government of Albany, the "great customs," or the duties levied throughout the realm upon the exportation or importation of merchandise, had been diminished by various grants to private persons; and, in addition to this, the crown lands had been shamelessly alienated and dilapidated. It was declared by the parliament, that in all time coming the great customs should remain in the hands of the king for the support of his royal estate, and that all persons who make any claim upon such customs, should produce to the sovereign the deed or grant upon which such a demand is maintained.<sup>1</sup> With regard to the lands and rents which were formerly in possession of the ancestors of the king, it is provided, that special directions should be given to the different sheriffs throughout the realm, to make enquiries of the oldest and worthiest officers within their sheriffdom, as to the particular lands or annual rents which belong to the king, or in former times were in the hands of his royal predecessors, David the Second, Robert the Second, and Robert the Third. In these returns by the sheriffs, the names of the

<sup>1</sup> See a statute of Richard the Second on the same subject, pp. 41, 42, vol. ii. Statutes of the Realm.

present possessors of these lands are directed to be included, and an inquest is then to be summoned, who, after having examined the proper evidence, are enjoined to return a verdict under their seals, adjudging the property to belong to the crown. To facilitate such measures, it is declared that the king may summon, according to his free will and pleasure, his various tenants and vassals to exhibit their charters and holdings, in order to discover the exact extent of their lawful property.<sup>1</sup>

The next enactment relates to a very important subject, the payment of the fifty thousand merks which were due to England, and the deliverance of the hostages who were detained in security. Upon this subject it is ordained, that a specific sum should be raised upon the whole lands of the kingdom, including regality lands as well as others, as it would be grievous and heavy upon the commons to raise the whole "finance" at once. For this purpose, an aid or donative, expressed in the statute by the old Saxon word a zelde, and amounting to the sum of twelve pennies in every pound, is directed to be raised upon all rents, lands, and goods, belonging to lords and barons within their domains, including both corn and cattle. From this valuation, however, all riding horses, draught oxen, and household utensils, were excepted. The burghesses in like manner are directed to contribute their share out of their goods and rents. In addition to this

<sup>1</sup> Acts of the Parliaments of Scotland, vol. ii. p. 4.

donative, the parliament determined that certain taxes should also be raised upon the cattle and the corn, the particulars of which are minutely detailed in the record. Upon all grain which was then housed, excepting the purveyance of the lords and barons for their own consumption, it was ordained that the boll of wheat should pay two shillings, the boll of rye, bear, and pease sixteenpence, and the boll of oats sixpence. With regard to the green corn, all the standing crops were to remain untaxed until brought into the barn. As to cattle, it was determined that a cow and her calf, or quey of two year old, should pay six shillings and eight pence ; a draught ox the same ; every wedder and ewe, each at the rate of twelve pennies ; every goat, gymmer, and dynmont the same ; each wild mare, with her colt of three year old, ten shillings ; and lastly, every colt of three year and upwards, a mark.<sup>1</sup>

For the purpose of the true and just collection of this tax throughout the whole country, it was directed that every sheriff should within his own sheriffdom summon the barons and freeholders of the king, and by their advice select certain honest and discreet men, who should be ready to abide upon all occasions the scrutiny of the sovereign as to their faithful discharge of their office in the said taxation ; and to whom the task of making an " Extent," as it was technically called, or, in other words, of drawing up an exact inventory of the property of the country, should be com-

<sup>1</sup> Acts of the Parliaments of Scotland, p. 4.

mitted. These officers, or "extentours," are directed to be sworn as to the faithful execution of their office, before the barons of the sheriffdom; they are commanded, in order to insure a more complete investigation, to take with them the parish priest, who is to be enjoined by his bishop to inform them faithfully of all the goods in the parish; and having done so, they are then to mark down the extent in a book furnished for the purpose, in which the special names of every town in the kingdom, and of every person dwelling therein, with the exact amount of their property, shall be particularly enumerated; all which books are to be delivered into the hands of the king's auditors at Perth, upon the 12th day of July next. It is deeply to be regretted, that none of these records of the property of the kingdom have reached our time.

It was further declared upon this important subject, that all the lands of the kingdom should be taxed according to their present value, and that the tax upon all goods and gear should be paid in money of the like value with the coin then current in the realm. It is specially enjoined, that no one in the kingdom, whether he be of the rank of clerk, baron, or burgess, should be excepted from payment of this tax, and that all should have the money ready to be delivered within fifteen days after the taxation has been struck, the officers employed in its collection being empowered, upon failure, to take payment in kind, a cow being estimated at five shillings; a ewe or wedder, at twelve pence; a goat, gymmer, or dynmont, at eight pence; a three-year old colt at a mark; a wild mare and her

foal at ten shillings ; a boll of wheat at twelve pennies ; of rye, bear, and pease, at eight pence ; and of oats at threepence.<sup>1</sup> If the lord of the land, where such payment in kind has been taken, choose to advance the sum for his tenants, the sheriffs are commanded to deliver the goods to him ; if not, they are to be sold at the next market cross, or sent to the king.

It was next determined by the parliament, that the prelates are to tax their rents and kirks in the same manner, and at the same rate, as the baron's land ; every bishop in each deanery of his diocese being directed to cause his official and dean to summon all his tenants and freeholders before him, and to select tax-gatherers, whose duty is to " extend " the ecclesiastical lands in the same way as the rest of the property of the country ; it being provided, in every instance where a churchman pays the whole value of his benefice, that the fruits of his kirk lands shall next year be free from all imposition or exaction. In the taxation of the rents and goods of the burgesses, the sheriff is directed to send a superintendant to see that the tax-gatherers, who are chosen by the aldermen and bailies, execute their duty faithfully and truly ; and it is directed, that the salary and expenses of the various collectors in baronies, burghs, or church lands, shall be respectively determined by the sheriff, aldermen, and prelates, and deducted from the whole amount of the tax, when it

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 4.

is given into the hands of the "auditors" appointed by the king to receive the gross sum, on the 12th day of July at Perth. These auditors are declared to be the Bishops of Dunkeld and Dumblane, the Abbots of Balmerinoch and St Colm's Inch, Mr John Scheves, the Earl of Athole, Sir Patrick Dunbar, William Borthwick, Patrick Ogilvy, James Douglas of Balveny, and William Erskine of Kinnoul. I have been anxious to give the entire details of this scheme of taxation, as it furnishes us with many interesting and instructive facts illustrative of the state of property in the country at this early period of its history; and as it is not to be found in the ordinary edition of the Statutes of James the First.

After some severe enactments against the slayers of salmon within the forbidden time, which a posterior statute informs us was in the interval between the feast of the Assumption of our Lady and the feast of St Andrew in the winter, it is declared, that all yairs and cruves, (meaning certain mechanical contrivances for the taking of fish by means of wattled traps placed between two walls in the stream of the river,) which have been built in fresh waters where the sea ebbs and flows, shall be put down for three years, on account of the destruction of the spawn, or young fry, which they necessarily occasion. This regulation is commanded to be peremptorily enforced, even by those whose charters include a right of "cruve fishing," under the penalty of a hundred shillings; and the ancient regulation regarding the removal of the cruve on Saturday night, known by

the name of "Saturday's Slop," as well as the rules which determine the statutory width of the "hecks," or wattled interstices, are enjoined to be strictly observed.<sup>1</sup> The extent to which the fisheries had been carried in Scotland, and the object which they formed even to the foreign fish-curers, appears in the statutory provisions regarding the royal custom imposed upon all herring taken within the realm, being one penny upon every thousand fresh herring sold in the market. Upon every last of herring which are taken by Scottish fishermen and barrelled, a duty of four shillings, and on every last taken by strangers, a duty of six shillings is imposed; whilst, from every thousand red herrings made within the kingdom, a duty of four pennies is to be exacted.<sup>2</sup>

With regard to mines of gold or silver, it is provided, that wherever such have been discovered within the lands of any lord or baron, if it can be proved that three half pennies of silver can be produced out of the pound of lead, the mine should, according to the established practice of other realms, belong to the king, a species of property from which there is no evidence that any substantial wealth ever flowed into the royal exchequer. It was enacted, that no gold or silver should be permitted to be carried forth of the realm, except it pay a duty of forty pence upon every pound which is exported; and in the

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 5.

<sup>2</sup> A last, according to Skene, contains twelve great barrels, or fourteen smaller barrels, pp. 139, 140.

event of any attempt to contravene this provision, the defaulter is to forfeit the whole gold or silver, and to pay a fine of forty-one pennies to the king. It was moreover provided, that in every instance where merchant strangers have disposed of their goods for money, they should either expend the same in the purchase of Scottish merchandise, or in the payment of their personal expenses, for proof of which, they must bring the evidence of the host of his inn where they made their abode ; or, if they wish to carry it out of the realm, they must pay the duty upon exportation.<sup>1</sup> It was determined, that the money in present circulation throughout the realm, which had been greatly depreciated from the original standard, should be called in, and a new coinage issued of like weight and fineness with the money of England.

It having been found that a considerable trade had been carried on in the sale and exportation of oxen, sheep, and horses, it was provided, in the same spirit of rude and unenlightened policy which distinguishes the whole body of the statutes relative to the commerce of the country, that upon every pound of the price received in such transactions, a duty of twelve pennies should be levied by the king. Upon the same erroneous principle, so soon as it was discovered that a considerable trade was carried on in the exportation of the skins of harts and hinds, of martins, funarts, rabbits, does, roes, otters, and foxes, it

<sup>1</sup> In England, by a statute of Henry IV. merchant strangers were permitted to export one-half of the money received for their manufactures. Statutes of the Realm, vol. ii. p. 122.

was provided, that a check should be given to this flourishing branch of trade, by imposing a certain tax or custom upon each of such commodities, in the event of their being purchased for exportation.<sup>1</sup> It appears that many grievous abuses had crept into the ecclesiastical state of the country by the frequent purchase of pensions from the Pope, against which malpractices a special statute was directed, declaring, that in all time coming, no person should purchase any pension payable out of any benefice, religious or secular, under the penalty of forfeiting the same to the crown; and that no clerk, without an express license from the king, should either himself pass over the sea, or send procurators for him upon any foreign errand.

A very singular and primitive enactment follows, regarding rookeries; in which, after a preamble stating the mischief to the corn which was occasioned by rooks building in the trees of kirkyards and orchards, it is provided, that the proprietors of such trees shall, by every method in their power, prevent the birds from building; and, if this cannot be accomplished, that they shall at least take special care that the young rooks, or branchers, shall not be suffered to take wing, under the penalty, that all trees upon which the nests are found at Beltane, and from which it can be established by good evidence, that the young birds have escaped, shall be forfeited to the crown, and forthwith cut down, unless redeemed by the pro-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 6.

prietor. No man, under a penalty of forty shillings, was to burn muirs from the month of March till the corn be cut down; and if any such defaulter was unable to raise the sum, he was commanded to be imprisoned for forty days.

The great superiority of the English archers has been frequently pointed out in the course of this history; and the importance of introducing a more frequent practice of the long bow, appears to have impressed itself deeply on the mind of the king, who had an excellent opportunity, under Henry the Fifth, of witnessing its destructive effects during his French campaigns. It was accordingly provided, that all the male subjects of the realm, after reaching the age of twelve years, "busk them to be archers," that is, provide themselves with the usual arms of an archer; and that upon every ten-pound land bow-marks be constructed, especially in the vicinity of parish churches, where the people may practice archery, and, at the least, shoot thrice about, under the penalty of paying a wedder to the lord of the land, in the event of neglecting the injunction. To give further encouragement to archery, the pastime of foot-ball, which appears to have been a favourite national game in Scotland, was forbidden, under a severe penalty, in order that the common people might give the whole of their leisure time to the acquisition of a just eye, and a steady hand, in the use of the long bow.<sup>1</sup>

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 5, 6.

Such is an abstract of the statutory regulations of the first parliament of James ; and it is evident, that, making allowance for the different circumstances in which the two countries were situated, the most useful provisions, as well as those which imply the deepest ignorance of the true principles of commercial policy, are borrowed from England. Those, for instance, which impose a penalty upon the exportation of sheep, horses, and cattle ; which imply so deep a jealousy of the gold and silver being carried out of the realm ; which forbid the riding armed, or with too formidable a band of servants ; which encourage archery ; which relate to mendicants and vagabonds ; to the duties and qualifications of bailies and magistrates ; which extend to the privileges of the church, and forbid the interference of the Pope with the benefices of the realm, are, with a few changes, to be found amongst the statutes of Richard the Second, and the fourth and fifth Henries, and prove, that the king, during his long detention in England, had made himself intimately acquainted with the legislative policy of that kingdom.

It admits of little doubt, that during the sitting of this parliament, James was secretly preparing for those bold and determined measures, by which, eight months afterwards, he effectually crushed the family of Albany, and compelled the fierce nobility, who had so long despised all restraint, to respect the authority of the laws, and tremble before the power of the crown. But in these measures it was necessary to proceed with

extreme caution ; and the institution of the Lords of the Articles seems to have furnished the king with an instrument well suited for the purpose he had in view, which, without creating alarm, enabled him gradually to mature his plans, and conduct them to a successful issue. Who were the persons selected for this committee it is, unfortunately, impossible to discover ; but we may be certain that they enjoyed the confidence of the king, and were prepared to support him to the utmost of their power. With them, after the return of the rest of the most powerful lords and barons to their estates, who, from the warmth and cordiality with which they were received, had little suspicion of the secret measures meditated against them, James prepared and passed into laws many statutes, which, from the proud spirit of his nobles, he knew they would not hesitate to despise and disobey, and thus furnish him with an opportunity to bring the offenders within the power of the laws, which he had determined to enforce to the utmost rigour against them. Amongst the statutes which were evidently designed to be the future means of coercing his nobility, those which regarded the resumption of the lands of the crown, and the exhibition of the charters by which their estates were held, may be at once recognised ; and to these may be added the enactments against the numerous assemblies of armed vassals with which the feudal nobility of the time were accustomed to traverse the country, and bid defiance to the local magistracy.

The loss of many original records, which might have thrown some certain light upon this interesting portion of our history, renders it impossible to trace the various links in the projects of the king. Some broad and prominent facts alone remain; yet from these it is not difficult to discover, at least the outline of his proceedings.

He suffered eight months to expire before he convoked that celebrated parliament at Perth, at which he had secretly resolved to exhibit his own strength, and to inflict a signal vengeance upon the powerful family of Albany. During this interval, he appears to have gained to his party the influence and support of the clergy, and to have cautiously and quietly consolidated his own power amongst a portion of the barons. The Earl of Mar, and his son Sir Thomas Stewart, William Lauder, Bishop of Glasgow, and Chancellor, Sir Walter Ogilvy, the Treasurer, John Cameron, Provost of the Collegiate Church of Lincluden, and private secretary to the king, Sir John Forester of Corstorfine, chamberlain, Sir John Stewart and Sir Robert Lauder of the Bass, Thomas Somervill of Carnwath, and Alexander Levingston of Callendar, members of the king's council, were, in all probability, the only persons whom James admitted to his confidence, and intrusted with the execution of his designs;<sup>1</sup> whilst the utmost

<sup>1</sup> See Hay's MS. Collection of Diplomata, vol. iii. p. , for a deed dated 30th of December, 1424, which gives the members of the king's privy council.

secrecy appears to have been observed with regard to his ultimate purposes.

Meanwhile Duke Murdoch and his sons, with the Earls of Douglas, March, and Angus, and the most powerful of the nobility, had separated without any suspicion of the blow which was meditated against them, and once more settled on their own estates, and, surrounded by their feudal retainers, soon forgot the statutes which had been so lately enacted, and with that spirit of fierce independence which had been nourished under the government of Albany and his son, dreamt little of producing their charters, or giving up the crown lands, or rents, which they had received ; of abridging their feudal state, or dismissing their armed followers, or, indeed, of yielding obedience to any part of the laws which interfered with their individual importance and authority. They considered the statutes in precisely the same light in which there is reason to believe all parliamentary enactments had been regarded in Scotland for a long period before this ; as mandates to be obeyed by the lower orders, under the strictest exactions of penalty and forfeitures ; and to be attended to by the great and the powerful, provided they suited their own convenience, and did not offer any very great violence to their feelings of pride, or their possession of power. The weak and feeble government of Robert the Second and Third, with the indulgence to which the aristocracy were accustomed under Albany, had riveted this idea very firmly in their minds ; and they acted upon it without the suspicion, that a monarch

might one day be found not only with sagacity to procure the enactment of laws which should level their independence, but endowed with a determination of character, and a command of means, which should enable him to carry these laws into execution.

On being summoned, therefore, by the king to attend a parliament, to be held at Perth on the 12th of March, they obeyed without hesitation; and as the first subject which appears to have been brought before the three Estates, was the dissemination of the heretical opinions of the Lollards, which began to revive about this time in the country, no alarm was excited, and the business of the parliament proceeded as usual. It was determined that due inquiry should be made by the ministers of the king, whether the statutes passed in his former parliament had been obeyed; and in the event of its being discovered that they had been disregarded, orders were issued for the punishment of the offenders. All leagues or confederacies amongst the king's lieges, were strictly forbidden, all assistance afforded to rebels, all false reports, or "leasing-makings," which tend to create discord between the sovereign and his people, were prohibited under the penalty of forfeiting life and lands, and in every instance where the property of the church was found to have been illegally occupied, restoration was ordered to be made by due process of law.<sup>1</sup>

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 7.

The parliament had now continued for eight days, and as yet every thing went on without disturbance; but on the ninth an extraordinary scene presented itself. Murdoch, the late governor, with Lord Alexander Stewart, his youngest son, were suddenly arrested, and immediately afterwards twenty-six of the principal nobles and barons shared the same fate. Amongst these were Archibald Earl of Douglas, William Douglas Earl of Angus, George Dunbar Earl of March, William Hay of Errol, constable of Scotland, Scrimgeour, constable of Dundee, Alexander Lindesay, Adam Hepburn of Hailes, Thomas Hay of Yester, Herbert Maxwell of Caerlaverock, Alexander Ramsay of Dalhousie, Alan Otterburn, secretary to the Duke of Albany, Sir John Montgomery, Sir John Stewart of Dundonald, commonly called the Red Stewart, and thirteen others. During the course of the same year, and a short time previous to this energetic measure, the king had imprisoned Walter, the eldest son of Albany, along with the Earl of Lennox, and Sir Robert Graham, a man of a dark, fierce, and vindictive disposition, who from that moment vowed the most determined revenge, which he lived to execute in the murder of his sovereign.<sup>1</sup> The heir of Albany was shut up in the strong castle of the Bass, belonging to Sir Robert Lauder, a firm friend of the king, whilst Graham and Lennox were committed to Dunbar, and the Duke of Albany himself, confined in the first instance in the cas-

<sup>1</sup> Fordun a Hearne, p. 1269, vol. iv.























































































